

THE REGIONAL MUNICIPALITY OF YORK

REPORT NO. 3 OF THE REGIONAL SOLICITOR

**For Consideration by
The Council of The Regional Municipality of York
on May 20, 2010**

**1
RETAIL BUSINESS HOLIDAYS ACT
APPLICATION FOR EXEMPTION**

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council consider the application from Galleria Supermarket (the “Applicant”) and determine whether to grant an exemption from the *Retail Business Holidays Act* to allow the Applicant to remain open on all holidays.
2. A by-law be presented to Council to give effect to the exemption, if granted by Council.

2. PURPOSE

The purpose of this report is to advise Council of an application for exemption from the *Retail Business Holidays Act* to allow the Applicant to be open on certain statutory holidays.

3. BACKGROUND

The *Retail Business Holidays Act* requires businesses to be closed on certain statutory holidays

The *Retail Business Holidays Act* (the “Act”) requires businesses to be closed on statutory holidays unless they are exempted. The holidays to which the Act applies are:

- New Year's Day
- Family Day
- Good Friday
- Easter Sunday
- Victoria Day
- Canada Day
- Labour Day
- Thanksgiving Day
- Christmas Day

The Civic Holiday in August is not a statutory holiday and therefore an exemption is not required for that day.

The Act sets out statutory exemptions for certain types of businesses and also provides that Regional Council may permit businesses to remain open for the maintenance or development of tourism. A public meeting must be held to consider the application.

Notice of a public meeting has been advertised in accordance with the Act.

The following application has been received:

Business	Location	Holidays	Hours
Galleria Supermarket	7171 Yonge Street Thornhill (Town of Markham)	All Holidays	7:30 a.m. to 12:00 midnight

A copy of the application is appended to this report as Attachment 1.

4. ANALYSIS AND OPTIONS

Regional Council may permit businesses to be open on holidays if the tourism criteria are met

The Act provides that Regional Council may permit retail business establishments to open on holidays for the maintenance or development of tourism.

A by-law may be passed only if there is compliance with the tourism criteria set out in the Regulation. In addition, even if the tourism criteria are met, Council is not required to pass the by-law but may exercise its discretion to refuse the application.

The Regulation sets out the criteria that must be met before Regional Council may pass an exempting by-law. A copy of the applicable Regulation is appended to this report as Attachment 2.

Section 2 of the Regulation provides that a business can be exempted if:

- it is located within two kilometres of a tourist attraction; and
- it is directly associated with the tourist attraction or relies on tourists visiting the attraction for business on a holiday.

For the purposes of Section 2, a tourist attraction is limited to:

- natural attractions or outdoor recreational attractions;
- historical attractions; and
- cultural, multi-cultural or educational attractions.

The Applicant is not within 2 km from a tourist attraction, however, the Applicant takes the position that it serves as an attraction for tourists and the approximately 150,000 residents of Korean origin in the GTA.

The Pacific Mall and the Market Village, both of which are located in Markham, have been granted exemption for all holidays between 8:00 a.m. and 12 midnight. A chart showing businesses within the Region which have been granted exemptions is appended to this report as Attachment 3.

The Applicant has submitted a portfolio highlighting its cultural activities

In support of its application, the Applicant has submitted a cultural portfolio which highlights media reviews, volunteer work programs, special events, educational programs, its global vision and Korean Immigrant growth statistics.

The Applicant sells Korean foods, appliances and other goods in a 48,000 sq foot supermarket and is the largest Korean supermarket in the GTA. In addition, they provide exposure to the Korean way of life through various events such as traditional Korean music performances and on-the-spot food sampling. The Applicant actively participates in numerous multicultural local events including Grocery Innovations Canada Expo, Taste of Asia in Markham, and the Thornhill Festival on Yonge Street in Vaughan and Markham.

The Applicant wishes to extend some of these special activities to some of the statutory holidays.

Enactment of By-law

Should Council decide to grant the exemption, the by-law will come into force on the thirty-first day after it is enacted, in this case June 20, 2010. This is to allow for the

possibility of an appeal which may be made within thirty days after the passing of the by-law by any person who objects to the exemption. An appeal may only be made if an exemption is granted. There is no provision for an applicant to appeal if an exemption has been denied.

It is open to Council to grant the exemption as requested, or to make amendments with respect to the application.

5. FINANCIAL IMPLICATIONS

There are no direct financial implications to the Region as a result of this application.

6. LOCAL MUNICIPAL IMPACT

Approval of an exemption under the Act is intended to contribute to tourism in a particular location, in this case in the Town of Markham.

7. CONCLUSION

An application has been received from Galleria Supermarket requesting an exemption from the Act to permit the supermarket to remain open on all holidays.

Regional Council is respectfully requested to review this application and determine whether to enact an exempting by-law, with due consideration to the criteria set out in the Regulation.

If Council elects to pass a by-law, the by-law will come into effect on June 20, 2010.

For more information on this report, please contact Ingrid Hebel, Law Clerk at Ext. 1410 or Elizabeth Wilson, Senior Counsel at Ext. 1402.

Respectfully submitted,

**May 20, 2010
Newmarket, Ontario**

**J. Hulton
Regional Clerk**

THE RETAIL BUSINESS HOLIDAY ACT

APPLICATION FOR EXEMPTION

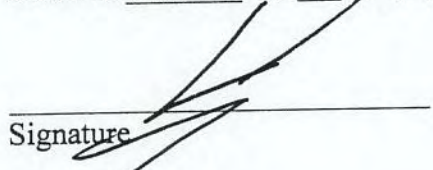
Galleria Supermarket (name of business) hereby applies to the Council of The Regional Municipality of York for an exempting by-law pursuant to Section 4(1) of the Retail Business Holidays Act, as follows:

<u>Business</u>	<u>Location</u>	<u>Holidays</u>	<u>Hours</u>
Galleria Supermarket	7171 Yonge St, Thornhill	All	7:30am to Midnight

Enclosed in support of the application is the following (itemize all of the material submitted in support of the application):

Encl.: 1c of Galleria Supermarket Cultural Portfolio

Dated at Markham this 15th day of March, 2010

	Jeffrey Min, President
Signature	Relationship to business

1. **Name, address and telephone number of the business:**

Galleria Supermarket
7171 Yonge St. Thornhill ON L3T 2A9
905-771-1474

2. **Name, address and telephone number of the contact person:**

Galleria Supermarket
7171 Yonge St. Thornhill ON Tel. 905-771-1474
c/o KFT(Korea Food Trading, Head Office)
113 Viceroy Rd. Vaughan ON. L4K 2L5
Attn: Mr. Jeffrey Min, President, (Tel. 905-907-9474)

3. **The name, or a description, including location, of the tourist attraction, or attractions, relied on:**

Galleria Supermarket is a tourist attraction for the 150,000 GTA residences of Korean extraction. We sell Korean foods, appliances and other goods in 48,000 sq foot supermarket. We are the largest in the GTA.

4. If the retail business establishment to be exempted is located in the Town of Markham, the Town of Richmond Hill, or the City of Vaughan, is the business within 2 km of the tourist attraction?

Galleria Supermarket is not within 2 km of a designated tourist attraction, however, we feel that it, in itself, serves as an attraction for tourists and locals alike in the Greater Toronto Area.

5. Please indicate the category of tourist attraction (natural; outdoor recreational; historical; cultural; multi-cultural or educational).

The categories in which we claim our exemption includes cultural, providing exposure about the Korean way of life through various events such as traditional Korean music performances and on-the-spot food sampling within the store for people who seek the familiar or the new. It also acts as a home away from home for recent immigrants allowing them to settle more easily in their new environment. Galleria Supermarket also promotes multiculturalism by participating in a number of local events where people of all backgrounds congregate to sample each other's national flavours. These events include everything from the Grocery Innovations Canada Expo, to Taste of Asia in Markham in June and the Thornhill Festival on Yonge Street in Vaughan / Markham in September. Galleria Supermarket also claims the Educational exemption because it provides many classes for people with many different interests. These include ESL, golf, music, art, calligraphy, and cooking. The latter is done in conjunction with George Brown College whose students participate in a culinary class at Galleria as part of a multi-cultural food course.

6. Is the retail business establishment directly associated with the tourist attraction? If yes, explain the nature and extent of the association.

Since we consider Galleria Supermarket to be a tourist attraction in itself, yes it is directly associated. Many customers have expressed that they would love to spend holidays at our store with their families because there is much to do, see and eat. Some are willing to come from as far as Nova Scotia. Galleria Supermarket also appears in the Toronto Tourism Guide as an attraction. Many tourists see the supermarket in the guide and come to purchase ethnic Korean products to take back home.

7. Does the retail business establishment provide goods or services on holidays primarily to tourists?

The Galleria Supermarket provides multi-cultural goods for tourists to try and also provides services by fulfilling its duty as a cultural hub for the GTA by holding special events. We would like to extend these special activities to some of the holidays around the calendar such as Boxing Day, Victoria Day, Family Day, Labour Day, Thanksgiving Day, New Year's Day, Canada Day, etc.





제 3회 갤러리아
사랑의 떡국 나누기 행사



미래는
꿈꾸는 자의 몫

Volunteer Work

Galleria Supermarket believes in giving back to the local communities and charities. Galleria focuses on helping our local society. That is to say, giving the share the love for the neighbor, making the clean blue environment, making Kimchi, are the theme of volunteer activity.

- 2010. 01. Annual "Share the Love event"
- 2010. 01. Serving Free Traditional Korean Food
- 2009. 12. Galleria "Share the Love" Concert
- 2009. 11. Second Annual Kimchi Event
- 2009. 08. Donation to Senior Citizen Homes
- 2009. 05. Supporting Korean-Canadian Language School
- 2009. 02. Second Annual "Share The Love" Charity Donation
- 2008. 12. Held The First "Say I Love You" Kimchi Donation
- 2008. 01. Annual "Share the Love event"
- 2007. 08. "Environmental Friendly" Act to not use plastic

- 2006. 05. Galleria Sponsors Scholarship Program
- 2005. 09. Launching Galleria Supermarket's Own Scholarship Program
- 2005. 02. Supporting funds towards natural disasters
- 2004. 12. Annual "Share the Love Event"
- 2004. 08. Initiating "Love Tree" to help local organizations



갤러리아 광장에 모인 응원단

꽃 냄비는 순간 환호하는 응원단



꼬마 붉은악마 응원단들~

편안한 분위기로 식사도 하고, 응원도 하고...

Special Events

Galleria Supermarket thrives to be the cultural hub for local residents, students and general population. Galleria truly believes in importance of cultural presence in our store.

Involvement based events

We encourage people to come and see our event and also to participate. Galleria Supermarket would like to offer opportunity for second generation Koreans to learn more about the culture.

Previous events such as "Starking", "Share the Love" and "Love Tree" events bring people together in the local community.

Korean Culture Ambassador

Galleria Supermarket attends and hosts various events that are related to culture, food and activity. Our goal is to play a major role in Korean culture Ambassador in GTA.

Expanding Horizons

Galleria Supermarket does not just focus on Korean people and market. We are continuous expanding our horizons by attending, participating local Canadian events and expositions such as Grocery Innovations Canada, CFG Master Merchandise Award, CFG Canadian Grocer of the year.



Colour Clay Class

Last Saturday on the 18th, Galleria Supermarket has hosted "Color Clay Class" for children who are on vacation from school. Color Clay is known for its non-toxic material and also ability to help boost all five senses for children who are playing with them. This class: Mrs. Lee education There we interact



3학년 40여명의 어린이들이 한국의 음식문화를 체험하기 위해 갤러리아를 다녀갔습니다.

봄이 시작되는 4월 따뜻한 바람과 함께 갤러리아에 아국 마걸 손님들이 오셨습니다. 활차차한 웃음소리가 갤러리아 오픈시간에 맞춰 많은 어린이들이 대한민국이랑 나라의 음식문화를 알기 위해 아침9시부터 선생님들의 지도하에 조용히 매자앙으로 들어 왔습니다. ^^



▶ 갤러리아 슈퍼마켓은 리처몬드 힐 고교의 성공업체 초청으로 강연



다녀와 함께 배워보고- 한국어로 인사는 이렇게 인사하세요- 감사합니다-



한국의 먹거리의 사진 기록으로 만들어지는 포토카드를 모두 열심히 보고있죠?



모두 기념사진~ 촬영

Helping new immigrants to settle
There are various classes offered from YMCA, Korean Canadian Women's Organization, Korean Canadian language school to help new immigrants settle in Canada.

Cultural, Educational Classes
English language class, golf class, singing and guitar lesson, Color clay class, calligrapher class, Cooking classes, Career info sessions and there are lots of opportunities to learn!

Participating in other educational opportunities

Galleria Supermarket was invited by high school in Richmond Hill to talk in their international business class about importing and exporting to retail. Galleria Supermarket has also partnership with George Brown college culinary class to have a ethnic food tour at our store location.

Educational

Galleria Supermarket's cultural centre is designed to offer various educational services ranging from cooking, language, sports and information for new immigrants to Canada.

Global Vision

글로벌 비전

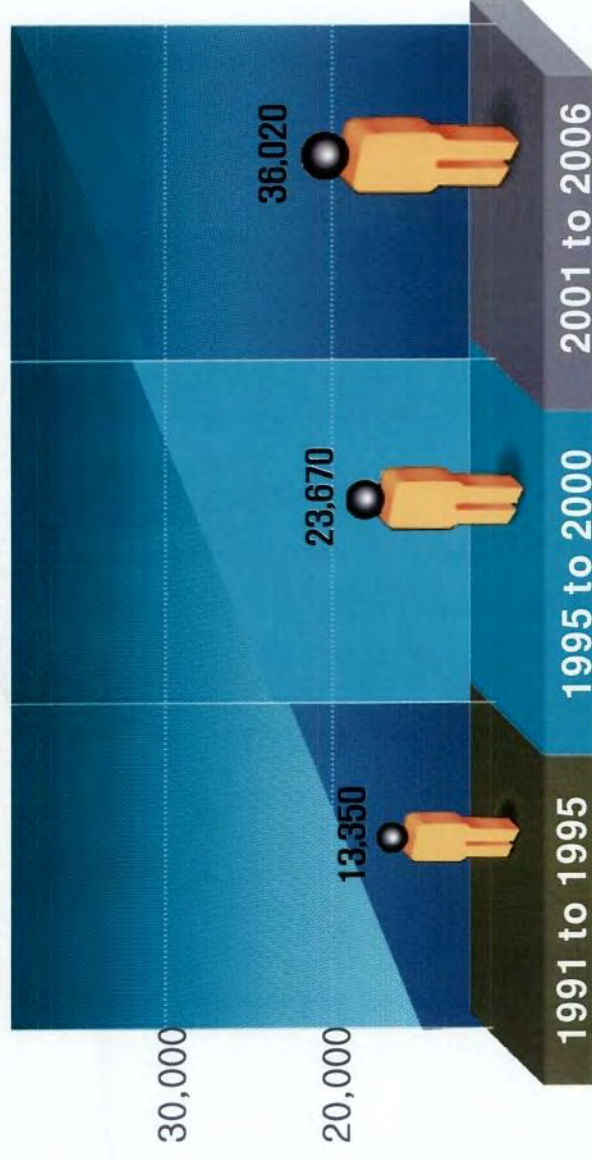
Local Community Recognition

- 2010. 02 Celebrate Lunar new Year with Hon. Jason Kenney, Minister of Citizenship, Immigration and Multiculturalism 2009. 10. CFG Grocer of the Year Award
- 2009. 05. Recognition from Police Chief from York
- 2009. 04. Character Community Awards Celebration Business Leader Award
- 2008. 06. Recognition from Thornhill Lions Club
- 2008. 06. Ontario Newcomers Champion Awards
- 2008. 05. Recognition from Town of Markham
- 2008. 04. Hosted 2008 Canada's food guide event
- 2007. 01. Recognition from Grandview Area Residents Association
- 2007. 07. Letter of recognition from M.P



Galleria Supermarket will focus on educational, cultural and informative destination in local community. Also, We will strive to boost local, provincial economic growth and employment opportunity.

Korean Immigrant Volume Growth



The Korean immigrant population Canada has been rapidly growing since 1991.

Galleria Supermarket in Thronhill stands as the biggest Korean supermarket in the country but also cultural hub to represent Korean culture.

Galleria Supermarket has also made large contribution towards local economic, labor market and society growth over the years.

Canada ⁴									
Immigrant status and period of immigration (9)									
Visible minority groups (15)	Total - Immigrant status and period of immigration	Immigrants ²	Non-Immigrants ¹	Before 1991	1991 to 2000	1991 to 1995	1996 to 2000	2001 to 2006 ³	Non-permanent residents ⁴
Total - Population by visible minority groups	31,241,030	24,788,720	6,186,950	3,408,415	1,668,550	823,925	844,625	1,109,980	265,355
Total visible minority									
Chinese	5,068,095	1,528,345	3,362,150	1,295,475	1,234,010	611,145	622,860	832,665	177,595
South Asian ⁵	1,216,570	310,085	870,955	340,345	348,320	172,325	175,995	182,285	35,525
Black	1,262,865	370,535	867,450	295,180	330,020	147,330	182,690	242,250	24,875
Filipino	783,795	346,950	411,840	195,165	125,800	67,815	57,985	90,875	25,010
Latin	410,695	105,205	289,365	101,185	112,710	62,175	50,535	75,465	16,120
American	304,245	64,070	218,155	91,040	67,600	40,720	26,880	59,515	22,025
Southeast Asian ²	239,935	74,940	159,530	96,160	44,985	30,010	14,970	18,385	5,465
Arab	265,550	71,795	182,550	52,580	70,495	33,595	36,895	59,480	11,205
West Asian ³	156,700	23,240	129,060	27,865	57,225	22,110	35,115	43,970	4,400
Korean	141,895	21,260	99,695	26,655	37,025	13,350	23,670	36,020	20,940
Japanese	81,305	51,355	21,615	9,640	6,470	2,570	3,895	5,505	8,330
Visible minority, n.i.e. ⁴									
	71,420	24,335	45,530	23,530	14,725	8,665	6,060	7,270	1,550

Source: Census Canada



Retail Business Holidays Act
Loi sur les jours fériés dans le commerce de détail

ONTARIO REGULATION 711/91

TOURISM CRITERIA

Consolidation Period: From December 1, 1991 to the e-Laws currency date.

No amendments.

This Regulation is made in English only.

1. This Regulation sets out the tourism criteria that must be met before a municipality may pass an exempting by-law under subsection 4 (1) of the Act. O. Reg. 711/91, s. 1.
2. (1) A retail business establishment may be exempted if,
 - (a) it is located within two kilometres of a tourist attraction; and
 - (b) it is directly associated with the tourist attraction or relies on tourists visiting the attraction for business on a holiday. O. Reg. 711/91, s. 2 (1).(2) An exemption granted on an area basis may only be given if,
 - (a) all of the retail business establishments in the area are within two kilometres of the tourist attraction;
 - (b) the area does not exceed that necessary to encompass all of the retail business establishments for which an exemption is sought; and
 - (c) at least 25 per cent of the retail business establishments in the area are directly associated with the tourist attraction or rely on tourists visiting the attraction for business on a holiday. O. Reg. 711/91, s. 2 (2).(3) For the purposes of this section, a tourist attraction is limited to,
 - (a) natural attractions or outdoor recreational attractions;
 - (b) historical attractions; and
 - (c) cultural, multi-cultural or educational attractions. O. Reg. 711/91, s. 2 (3).
3. Each retail business establishment that on days other than holidays normally uses a total area of 2,400 square feet or more for serving the public or normally has four or more employees serving the public must, in addition to meeting the tourism criteria set out in subsection 2 (1), provide goods or services on holidays primarily to tourists. O. Reg. 711/91,

s. 3.

4. The two kilometre restriction set out in subsections 2 (1) and (2) does not apply to a retail business establishment located in a local municipality, including a local municipality located in a district or regional municipality or the County of Oxford, having a population of less than 50,000. O. Reg. 711/91, s. 4.

5. (1) Despite any other provision of this Regulation, retail business establishments in a municipality may be exempted for up to five holidays a year during which a fair, festival or other special event is being held in that municipality. O. Reg. 711/91, s. 5 (1).

(2) Subsection (1) does not apply to parades. O. Reg. 711/91, s. 5 (2).

6. (1) An application for an exemption under subsection 4 (3) of the Act shall contain the following:

1. A description of the area or the retail business establishment for which the exemption is sought.
2. The justification, in relation to the seasonal nature, if any, of the tourist attraction, for the time period sought in the exemption.
3. Information establishing that the tourism criteria set out in this Regulation are met. O. Reg. 711/91, s. 6 (1).

(2) An application in respect of a retail business establishment described in section 3 shall be made only by that retail business establishment. O. Reg. 711/91, s. 6 (2).

Back to top

RETAIL BUSINESS HOLIDAY ACT EXEMPTIONS

Retail Business Holidays Act provides for the following "holidays": New Year's Day, Good Friday, Easter Sunday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day and any other day proclaimed by the Lieutenant Governor

Table showing Schedule A of By-law LI-8-95-76 being a By-law to permit retail business establishments to be open on holidays. Includes subsequent amendments.

By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
LI-8(a)-95-128 (additions to LI-8-95-76)	Nov. 23, 1995	Aurora	NONE	NONE		
LI-8(a)-95-128 (additions to LI-8-95-76)	Nov. 23, 1995	East Gwillimbury	Brice's Sports Centre Limited	20287 Woodbine Avenue, Queensville	All, except Christmas Day	11:00 a.m. to 5:00 p.m.
LI-8(a)-95-128 (additions to LI-8-95-76)	Nov. 23, 1995	East Gwillimbury	677957 Ontario Inc. c.o.b. as Vince's Country Market	19101 Leslie Street, Sharon	All, except Christmas Day and New Year's Day	9:00 a.m. to 7:00 p.m.
LI-8(c)-1999-133 (substitution)	Mar. 25, 1999	East Gwillimbury	Old McDonald's Furniture and Appliances (SUBSTITUTION)	19937 Woodbine Avenue, Queensville	All, except Christmas Day and New Year's Day	9:00 a.m. to 6:00 p.m.
LI-0008(h)-2004-013	Feb. 19, 2004	East Gwillimbury	Queensville Antique Mall	20091 Woodbine Avenue, Queensville	All, except Christmas Day and New Year's Day	10:00 a.m. to 6:00 p.m.
LI-8(a)-95-128 (additions to LI-8-95-76)	Nov. 23, 1995	Georgina	All	Within the geographic boundaries of the Town of Georgina	All, except Christmas Day and New Year's Day	9:00 a.m. to 6:00 p.m.

By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
		King	NONE	NONE		
LI-8(a)-95-128 (additions to LI-8-95-76)	Nov. 23, 1995	Markham	All	OLD TOWN OF MARKHAM CORE: An area of the Old Town of Markham generally bounded: on the south by the King's Highway No. 7; on the east by Washington Street and George Street to approximately 143 Main Street on the east side and 158 Main Street on the west side; and on the west by Water Street, Robinson Street and the Rouge River	All, except Christmas Day	9:00 a.m. to 6:00 p.m.
LI-8(a)-95-128 (additions to LI-8-95-76)	Nov. 23, 1995	Markham	All	UNIONVILLE CORE: in the former Police Village of Unionville in the Town of Markham on Main Street, Unionville from the CNR tracks to the bridge crossing the Rouge River tributary	All, except Christmas Day	9:00 a.m. to 6:00 p.m.
LI-0008(d)-2000-064 (addition to LI-8-95-76)	Aug. 31, 2000	Markham	Pacific Mall Heritage Town	4300 Steeles Avenue East, south half of the 2 nd floor from Units A1-201, W2, W1, A1-222M to Units V2, F-7, F-8 and V-1, inclusive, Town of Markham	All	11:00 a.m. to 11:00 p.m.
LI-0008(e)-2000-107 (addition to LI-8-95-76)	Oct. 26, 2000	Markham	Market Village Markham Inc.	4350 Steeles Avenue East, Town of Markham	All	8:00 a.m. to 12:00 midnight
LI-0008(f)-2001-003 (addition to LI-8-95-76)	Jan. 18, 2001	Markham	York Region Condominium Corporation 890, c.o.b. Pacific Mall	4300 Steeles Avenue East, Town of Markham	All	8:00 a.m. to 12:00 midnight

By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
LI-8(b)-96-1 (addition to LI-8-95-76)	Jan. 11, 1996	Newmarket	All	NEWMARKET DOWNTOWN, within the following boundaries: North: south limit of Davis Drive; East: east limit of Prospect St. and Bayview Ave; South: south limit of College St. and Cane Parkway; West: west limit of William St., Church St. and Niagara St.	All, except Christmas Day, New Year's Day and Good Friday	8:00 a.m. to 10:00 p.m.
		Richmond Hill	NONE	NONE		
LI-8(a)-95-128 (additions to LI-8-95-76)	Nov. 23, 1995	Vaughan	All	KLEINBURG CORE, within the following boundaries: East side of Islington Ave. from 10365 Islington Ave. to 10565 Islington Ave.; West side of Islington Ave. from 10406 Islington Ave. to 10576 Islington Ave.; South and North sides of Nashville Road from Islington Ave. to Highway 27	All, except Christmas Day	8:00 a.m. to 10:00 p.m.
LI-0008(i)-2004-086 2008-64 2009-57 2010-17	Nov. 18, 2004 Oct. 23, 2008 Dec. 16, 2009 Mar. 25, 2010	Vaughan	Vaughan Mills Mall Campus	VAUGHAN MILLS MALL CAMPUS, including Vaughan Mills Mall and the Outparcels located within the following boundaries: Rutherford Road to the north, Jane Street to the east, Bass Pro Mills Drive to the south and Highway 400 to the west and more particularly shown on the attached Appendix "A"	All, except Christmas Day Good Friday and Easter Sunday	8 a.m. to 10 p.m.
LI-8-95-76	May 30, 1995	Whitchurch-Stouffville	All	Within the geographic boundaries of the Town of Whitchurch-Stouffville	July 1 in each year	8:00 a.m. to 10:00 p.m.

DK/ Last updated March 25, 2010