

THE REGIONAL MUNICIPALITY OF YORK

Committee of the Whole
Planning and Economic Development
September 12, 2013
Report of the
Regional Solicitor
and
Executive Director, Corporate and Strategic Planning

GUAN YE LIMITED OPERATING AS FIRST CHOICE SUPERMARKET LOCATED AT 7866 KENNEDY ROAD RETAIL BUSINESS HOLIDAYS ACT APPLICATION FOR EXEMPTION

1. RECOMMENDATIONS

It is recommended that:

1. Council consider the application for exemption from the *Retail Business Holidays Act* as submitted by Guan Ye Limited (the “Applicant”) for its retail business First Choice Supermarket located at 7866 Kennedy Road, Markham Ontario.
2. Council determine whether to grant an exemption from the *Retail Business Holidays Act* to allow the Applicant to remain open on New Year’s Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, and Thanksgiving Day.
3. A bylaw be presented to Council to give effect to the exemption, if granted by Council.

2. PURPOSE

This report advises Council of an application for exemption from the *Retail Business Holidays Act* to allow the Applicant to be open on certain statutory holidays. This application is the subject of the public meeting to be held on September 12, 2013.

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 public holidays unless they are exempted. The holidays to which the Act applies are:

Guan Ye Limited Operating as First Choice Supermarket located at 7866 Kennedy Road
Retail Business Holidays Act Application for Exemption

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

Boxing Day and the Civic Holiday in August are not public holidays under this Act and therefore an exemption is not required for those days.

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

The following application has been received:

Business	Location	Holidays	Hours
Guan Ye Limited operating as First Choice Supermarket	7866 Kennedy Road Markham	New Year's Day Family Day Good Friday Victoria Day Canada Day Labour Day Thanksgiving Day	9:00 a.m. to 9:00 p.m.

In accordance with the Act, notice of a public meeting was advertised in the Markham Economist and Sun on Saturday August 10, 2013 and was posted on the Region's website.

A copy of this application with supporting documentation is appended to this report as *Attachment 1*.

Exemption under the Act

Businesses are exempt under the Act if the only goods available for sale on the holiday are foodstuffs, tobacco, antiques or handicrafts. These businesses shall not exceed three employees and the total area used for service shall be less than 2,400 square feet. Other businesses which are exempt are businesses selling only gasoline, nursery stock/flowers or fresh fruit and vegetables.

The Act does not apply to pharmacies as they are governed under the *Drug and Pharmacies Regulation Act* and the selling of liquor is governed under the *Liquor License Act*.

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

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

A bylaw may be passed only if there is compliance with the tourism criteria set out in Ontario Regulation 711/91 Tourism Criteria (the “Regulation”) under the Act. A copy of the regulation is appended to this report as *Attachment 2*. In addition, even if the tourism criteria are met, Council is not required to pass the bylaw and may exercise its discretion to refuse the application.

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.

4. ANALYSIS AND OPTIONS

The Applicant has been present in the Region for over seven years and employs 25 persons

The Applicant has been present and active in the Region since 2005. The Applicant is a supermarket totalling 30, 000 square feet and has been in operation for seven and half years employing 25 persons. The operating hours are currently 9:00 a.m. to 9:00 p.m.

The Applicant has submitted an application to open on the following statutory holidays: New Year’s Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day and Thanksgiving Day.

The Applicant lists Unionville Core, Pacific Mall and Market Village as the tourist attractions within its vicinity

The Applicant has listed Unionville Core, Pacific Mall and Market Village as the tourist attractions on this application. The Applicant is within the 2 km distance requirement set out in the Regulation, as shown on maps 1 and 3 included in *Attachment 1*.

The Applicant therefore meets the location criteria for exemption consideration.

The Applicant's submissions states, that the Site is well situated to attract tourism traffic already travelling to and from the Unionville Core, Pacific Mall and Market village either by vehicle, public transit or on foot. As a result of the Applicant's proximity to the Unionville Core, Pacific Mall and Market Village the Applicant would rely on tourists for economic support and stability during holidays.

The Applicant notes that Regional Council has granted exemptions to other supermarket businesses in the area. These businesses are similar to the Applicant in terms of the types of products for sale and the customers served, therefore the Applicant believes that without a similar exemption, the ability to compete within the marketplace will be prejudiced and its business will suffer inequitably.

Currently there are no bylaws applicable to this business, but Unionville Core, Pacific Mall and Market Village, have been granted exemptions and are in proximity to the Applicant's location. A chart showing businesses within the Region which have been granted an exemption is appended to this report as *Attachment 3*.

Enactment of Bylaw

Should Council decide to grant the exemption, the bylaw will come into force on the thirty-first day after it is enacted. Under the Act, there is a period to allow for an appeal of the bylaw which may be made within thirty days, 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. If there is no appeal, the bylaw takes effect on the thirty-first day after it is passed.

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 City of Markham. A copy of the application was sent to the City of Markham, affording an opportunity for comment.

7. CONCLUSION

An application has been received from the Applicant requesting an exemption from the Act to permit the Applicant's retail business located at 7866 Kennedy Road, Markham,

Ontario to remain open on New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day and Thanksgiving Day.

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

If Council elects to pass a bylaw, the bylaw will come into effect on October 29, 2013.

For more information on this report, please contact Anitra Basant Sisavang, Law Clerk at Ext. 1444 or Doug Lindeblom, Director, Economic Strategy and Tourism at Ext. 1503.

Recommended by:

Recommended by:

Joy Hulton
Regional Solicitor

Dino Basso
Executive Director, Corporate and
Strategic Planning

Approved for Submission:

Bruce Macgregor
Chief Administrative Officer

August 16, 2013

Attachment(s) 3

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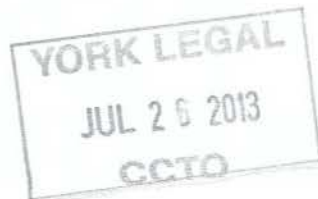


Davies
Howe
Partners
LLP

Lawyers

The Fifth Floor
99 Spadina Ave
Toronto, Ontario
M5V 3P8

T 416.977.7088
F 416.977.8931
davieshowe.com



Please refer to: **Aaron I. Platt**
e-mail: aaronp@davieshowe.com
direct line: 416.263.4500
File No. 702668

July 25, 2013

By Same Day Courier

Dennis Kelly, Regional Clerk
The Regional Municipality of York
17250 Yonge Street, 4th Floor
Newmarket, Ontario
L3Y 6Z1

Dear Mr. Kelly:



**Re: Retail Business Holidays Act Application for Exemption
Guan Ye Limited o/a First Choice Supermarket
7866 Kennedy Road, Markham**

We are counsel to Guan Ye Limited, the owner and operator of First Choice Supermarket ("First Choice") located at 7866 Kennedy Road, in the City of Markham (the "Site"). Our client hereby submits this letter, together with its enclosures, as its application for a tourism exemption from the holiday closing requirements under the *Retail Business Holidays Act*, R.S.O. 1990, c. R.30 (the "RBHA").

First Choice is a supermarket serving Markham's diverse multi-ethnic community and specializing in ethnic Asian items, including kitchen and food wares. The Site is conveniently located near the Highway 407 and Kennedy Road interchange and serves both the local and broader markets. The Site's proximity to Highway 407 and its relative equidistant location between the Unionville Core and Market Village and the Pacific Mall makes it an important location, providing convenient access to the public visiting these nearby tourist attractions.

Criteria for Exemption from the RBHA

The RBHA generally prohibits retail businesses from selling goods or services or admitting the public on holidays, subject to certain exceptions. However, subsection 4(1) of the RBHA allows Regional Council to pass a by-law permitting a retail business to remain open on holidays, provided the business satisfies the Tourism Criteria set out in O. Reg. 711/91 (the "Regulation").

The Regulation identifies the following Tourism Criteria in subsections 2(1) and 2(3):



REGION OF YORK
CLERK'S OFFICE

LE No. -



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2. (1) A retail 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.

...

- (3) For the purpose 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.

In our opinion, First Choice meets the above Tourism Criteria, as it is located within two kilometres of the Unionville Core, the Pacific Mall and Market Village, and we are advised it relies on tourists visiting these attractions for business on holidays.

Unionville Core

The Unionville Core is a popular node for tourists, attracting thousands of visitors each year due to its historical beauty and multi-cultural attractions. The Unionville historic village, originally settled in 1794, is now a hub of social and cultural activity.

The Site is located approximately 2 kilometres from the Unionville Core, as depicted on the enclosed Map 1. The Unionville Core area is considered a tourist attraction pursuant to the Tourism Criteria set out above, and is exempted from the *RBHA* by operation of Region of York By-law No. LI-8(a)-95-128.

The Site is also located on Kennedy Road, the main arterial road leading to the Unionville Core. Tourists visiting the Unionville Core by vehicle, particularly those travelling from the south or via Highway 407, are likely to travel along Kennedy Road to enter or exit this tourist area. For those visiting the Unionville Core by transit, the Kennedy Road VIVA bus stop is approximately 5 minutes walking distance from the Site. The various transit routes from the Site to the Unionville



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Core are depicted on the enclosed Map 2. The Site is also within walking distance of the entrance to the Unionville Core.

Therefore, the Site is well situated to attract tourism traffic already travelling to and from the Unionville Core either by vehicle, public transit or foot. As a result of the Site's proximity to the Unionville Core, we understand the Applicant relies on these tourists for economic support and stability during holidays.

Pacific Mall and Market Village

Pacific Mall and Market Village are considered multi-cultural tourist attractions within the City, which are exempted from the requirements of the *RBHA* by operation of Region of York By-law Nos. LI-0008(f)-2001-003 and LI-0008(e)-2000-107, respectively. The Site is located approximately 2 kilometres from both Pacific Mall and Market Village, as depicted on the enclosed Map 3.

The Pacific Mall and Market Village together encompass over 500 stores and over 500,000 square feet of retail space. Pacific Mall is considered to be the largest indoor Asian mall in North America. The Pacific Heritage Town, considered to be a Chinese cultural attraction, is also located within the Pacific Mall. Pacific Mall first opened its doors in 1997, while Market Village completed its final expansion phase in 1995. Each year, these two destinations attract significant numbers of visitors of all ethnicities from the Greater Toronto Area and beyond.

As stated earlier, the Site is accessed directly from Kennedy Road, which is also a main arterial road leading to the Pacific Mall and Market Village complex. Visitors travelling by vehicle via Highway 407 will pass directly by the Site on their way to and from the Pacific Mall and Market Village complex. For visitors travelling by transit, York Region Transit has a bus route along Kennedy Road which connects the Site and the Pacific Mall and Market Village complex. Additionally, the Site is within walking distance of the Pacific Mall and Market Village complex. The various transit routes from the Site to the Pacific Mall and Market Village complex are depicted on the enclosed Map 2.

The Site is therefore well situated to attract tourism traffic already travelling to and from the Pacific Mall and Market Village complex either by vehicle, public transit or foot. As a result of the Site's proximity to these multi-cultural attractions, we understand the Applicant relies on these visiting tourists for economic support and stability during holidays.



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Approvals for Similar Businesses

We note that Regional Council has granted tourism exemptions under the *RBHA* to other supermarket businesses in the area, namely Foody Mart and two T&T Supermarket locations, as a consequence of their proximity and connection to the tourist attractions described above. For context, the locations of these businesses in relation to the Site are depicted on the enclosed Map 4. These businesses are similar to First Choice in terms of the types of products for sale and the customers served. Our client believes that without a similar exemption, its ability to compete within the marketplace will be prejudiced and its business will suffer inequitably.

As discussed above, it is our opinion that First Choice meets the tourism criteria set out in the *RBHA* and Regulation. It is appropriate for Regional Council to grant our client an exemption from the *RBHA* due to its close proximity to the surrounding attractions and its reliance on business from tourists visiting those sites. Granting First Choice an exemption will provide a convenient service to the visitors of the surrounding attractions, thereby benefitting and strengthening tourism in the area. It will also allow for a "level playing field" in the marketplace.

Enclosed with this letter are First Choice's completed application form and the required supporting documents, as well as our firm cheque in the amount of \$1,000.00 representing the fee associated with this Application.

Please note that a copy of this Application has been sent to the City Clerk and the local Councillor.

I trust this is satisfactory. Should you require any further information, please do not hesitate to contact the undersigned or my associate, Meaghan McDermid.

Yours truly,

DAVIES HOWE PARTNERS LLP

Aaron I. Platt

AIP:mem

Encl(s).

Copy: Martha Pettit, Acting City Clerk, Markham
Client

The Regional Municipality of York

APPLICATION FOR EXEMPTION - THE *RETAIL BUSINESS HOLIDAYS ACT*

The retail business applicant named below, ("Applicant") hereby applies to the Council of The Regional Municipality of York for an exempting bylaw pursuant to Section 4(1) of the *Retail Business Holidays Act, R.S.O. 1990* ("Act") and acknowledges that an Exemption fee of \$1000 per applicant and advertising fees will apply.

SECTION 1: APPLICANT INFORMATION

The information in Section 1, 2, 3 and 4a are required to properly process your application. Any missing information will result in your application being delayed until the next application deadline.

Retail Applicant name:	Guan Ye Limited o/a First Choice Supermarket
Location address:	7866 Kennedy Road, Markham, Ontario
Location telephone number:	905-944-0388
Primary contact for Applicant: (Person to whom all correspondence will be addressed)	Name: Aaron I. Platt Address: The Fifth Floor 99 Spadina Avenue Toronto, Ontario, M5V 3P8 Telephone: 416-263-4500 Fax: 416-977-8931 Email: aaronp@davieshowe.com
The Applicant is located within:	☐ Town of Aurora ☐ Town of East Gwillimbury ☐ Town of Georgina ☐ Township of King ☒ City of Markham ☐ Town of Newmarket ☐ Town of Richmond Hill ☐ City of Vaughan ☐ Town of Whitchurch-Stouffville
Number of years in operation:	7.5 years
Location size (in square feet):	30,000 sq. ft.
Number of employees directly employed at location:	25
Type of retail business:	Supermarket
Current operating hours:	9am – 9pm
Has the local municipality been notified of this application?	☒ YES ☐ NO

Have you enclosed two copies of this completed application and all supporting information?	X YES □ NO
Have you enclosed the application fee of \$1000.00? <i>Please mail fee to: The Regional Municipality of York Attention: RBHA Committee 17250 Yonge Street, 4th Floor Newmarket, ON L3Y 6Z1</i>	X YES □ NO
X I acknowledge that upon acceptance of this application that I will be charged an advertising fee and will make a cheque payable to: The Regional Municipality of York	
SECTION 2: TOURIST ATTRACTION PROFILE	
Name of nearby tourist attraction:	Unionville Core Pacific Mall and Market Village
Attraction location address:	Main Street Unionville, Markham 4300 Steeles Avenue East, Markham 4350 Steeles Avenue East, Markham
Attraction category:	X Cultural □ Natural □ Educational □ Outdoor recreational X Multi-Cultural □ Historical
The Applicant is located within 2km of the tourist attraction:	X YES □ NO If Yes, MUST provide info in Section 4A #5
Is the tourist attraction seasonal?	□ YES X NO If Yes, see Section 4A #9
Is the Applicant directly associated with the tourist attraction?	□ YES X NO If Yes, see Section 4A #7
Does the Applicant provide goods or services primarily to tourists during holidays?	X YES □ NO If Yes, see Section 4A #7
SECTION 3: EXEMPTION REQUEST	
Proposed holiday hours of operation:	9am to 9pm
Requested exemption period (please check box(es) below:	
☐ All ☐ Winter (October – March) ☐ Summer (April – September)	X New Year's Day X Family Day X Good Friday ☐ Easter Sunday
	X Victoria Day X Canada Day X Labour Day X Thanksgiving Day ☐ Christmas Day
Do any of the requested exemption dates occur outside the operating season of the	☐ YES X NO

tourist attraction?	If Yes, see Section 4A #9
SECTION 4: SUPPORTING DOCUMENTS Items 1 to 10 in section 4A are required to properly assess your application. Any missing information will result in your application being delayed until the next deadline. Items listed in section 4B are not required, but will be reviewed if provided. Note: All supporting information must be submitted in hard copy and available in electronic form.	
4A. MANDATORY INFORMATION: Enclosed in support of this application are the following materials as listed in the application instructions:	
x	1. Letter from a lawyer detailing the qualifications for an exemption in accordance with the Act.
x	2. Incorporation documents or most recent Corporate Profile Report.
x	3. Report and supporting data detailing how the exemption will directly benefit the community in which the business is located.
x	4. Map of Applicant location area and parking facilities.
x	5. Map of tourist attraction in proximity to site.
x	6. Tourist attraction's information, including operating season and hours.
x	7. Information detailing association with tourist attraction and goods and services primarily provided to tourists.
n/a	8. If Applicant is not located within 2km of a tourist attraction, please provide detailed justification for this exemption with supporting evidence.
n/a	9. If requesting exemptions outside tourist attraction operating season please provide detailed justification for this exemption with supporting evidence.
X (to be provided)	10. Copy of Notice, to be issued to retail tenants or posted in a highly visible and publicly accessible location, regarding this application.
4B. ADDITIONAL INFORMATION: Below is a suggested listing of information that you may submit with your application if available and applicable.	
	11. If applying as an educational attraction please provide letters of reference from schools within any GTA school board on letterhead from principal.
	12. If available, please provide letters of reference from registered tour companies.
	13. Tourist traffic survey.
	14. Traffic survey or maps.
x	15. Report, maps and photos detailing how the location is ordinarily accessed by visitors (i.e. foot, bike, transit, car).

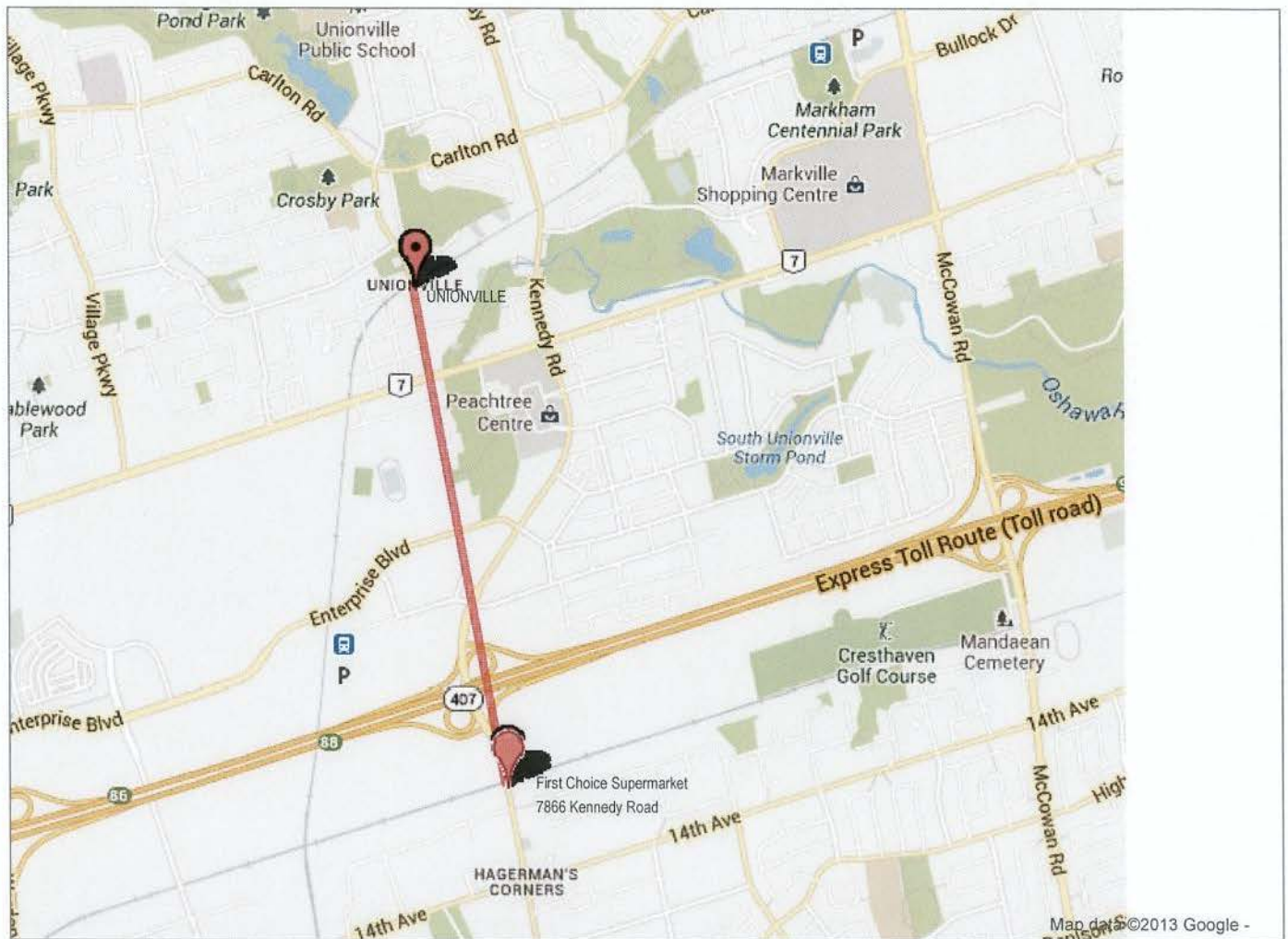
I/we the undersigned have the authority to sign this application for or on behalf of the Applicant and certify that the information contained in this application and all supporting documents supplied are true and complete. If any part of this application is incomplete or lacks sufficient information York Regional Council may reject this application and I/we must reapply. I/we understand and am aware of the conditions for exemption under Provincial Regulations 711/91 and accept that under the *Retail Business Holidays Act*, R.S.O 1990, York Regional Council is not required to pass an exempting bylaw even if the tourism criteria are met.

Date: 24 day of July, 2013

Name of signatory for Applicant: Aaron I. Platt	
Signature: 	
Title: Lawyer, Davies Howe Partners LLP	



To see all the details that are visible on the screen, use the "Print" link next to the map.



Distance Measurement Tool

Click on the map to trace a path you want to measure.

Units:

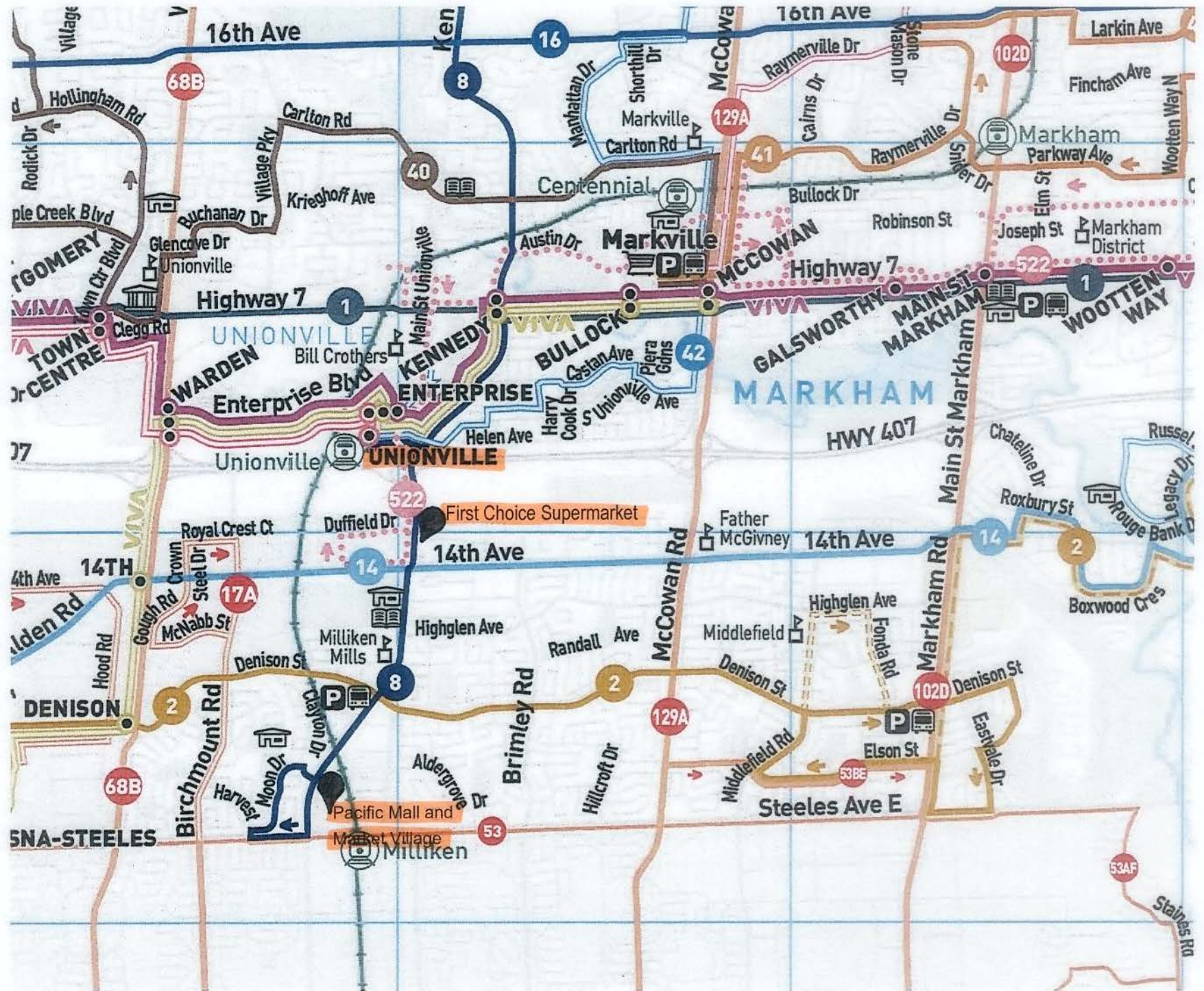
☒ Metric ☐ English ☐ I'm feeling geeky

Total distance:
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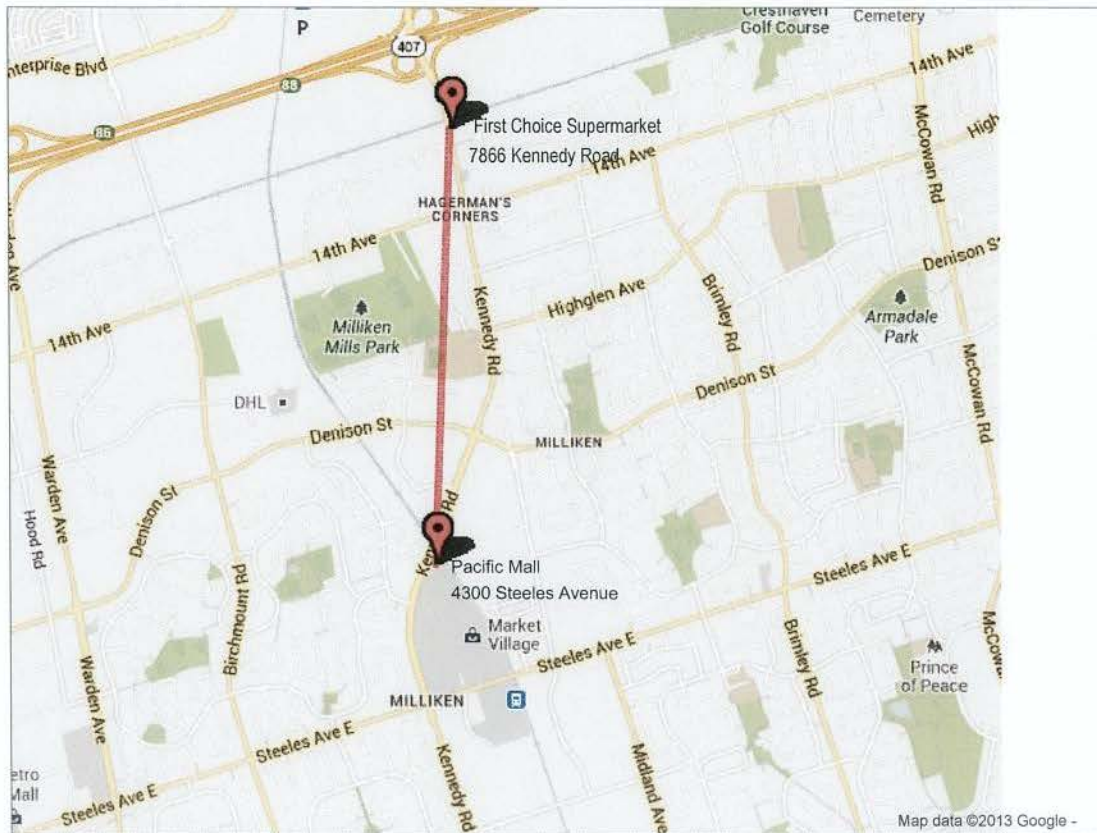
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Map 2





To see all the details that are visible on the screen, use the "Print" link next to the map.



Distance Measurement Tool

Click on the map to trace a path you want to measure.

Units:

☒ Metric ☐ English [I'm feeling geeky](#)

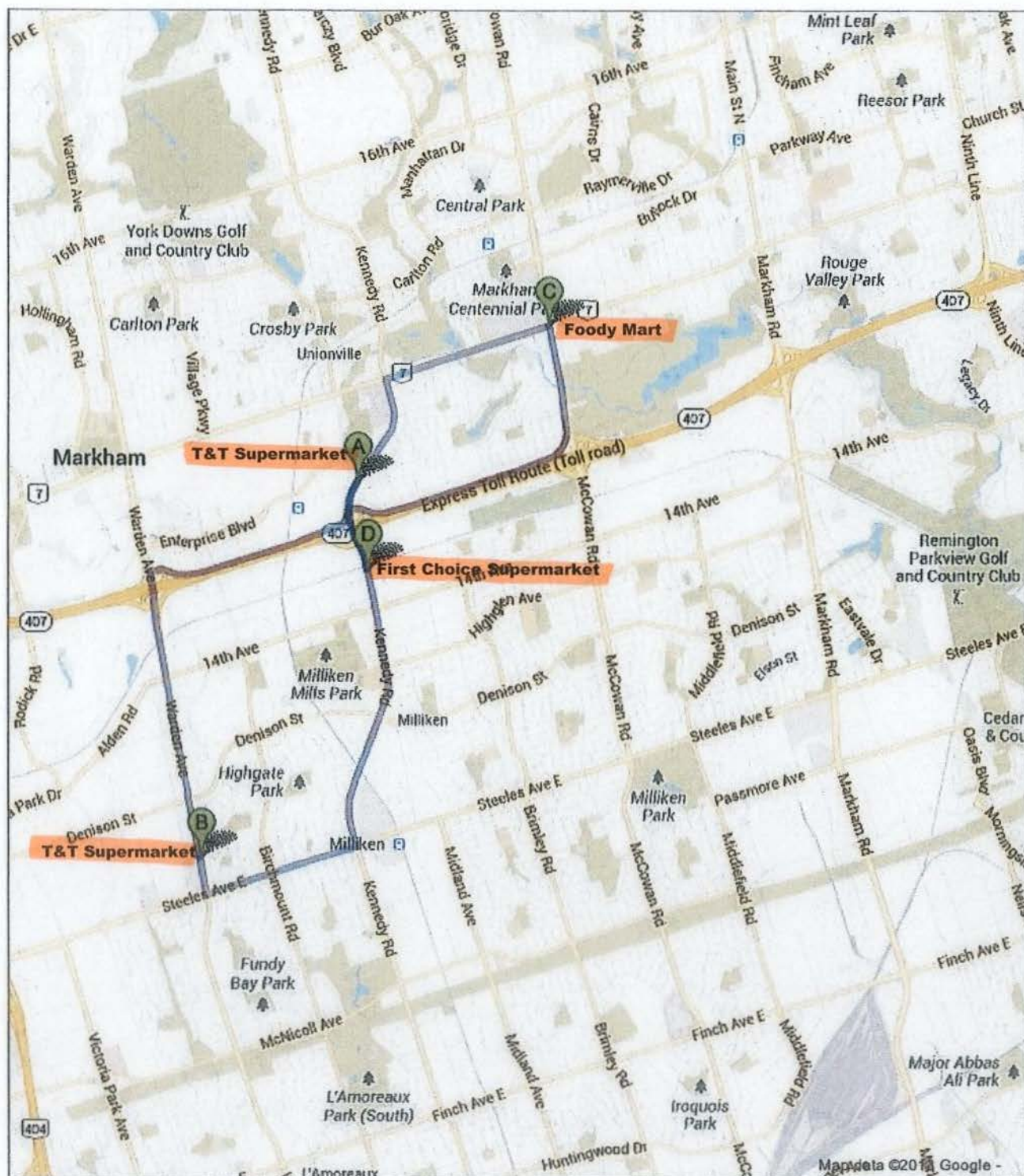
Total distance:
1.94470 km

Delete last point

Reset



To see all the details that are visible on the screen, use the "Print" link next to the map.



All	Maps	Starred	More
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You have no starred places.

Request ID: 015531394
Transaction ID: 51492295
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2013/07/15
Time Report Produced: 10:59:18
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CORPORATION PROFILE REPORT

Ontario Corp Number	Corporation Name	Incorporation Date
1666508	GUAN YE LIMITED	2005/07/13
		Jurisdiction
		ONTARIO
Corporation Type	Corporation Status	Former Jurisdiction
ONTARIO BUSINESS CORP.	ACTIVE	NOT APPLICABLE
Registered Office Address		Date Amalgamated
		NOT APPLICABLE
7866 KENNEDY ROAD		Amalgamation Ind.
		NOT APPLICABLE
MARKHAM		New Amal. Number
ONTARIO		NOT APPLICABLE
CANADA L3R 0L1		Notice Date
		NOT APPLICABLE
		Letter Date
Mailing Address		NOT APPLICABLE
		Revival Date
3100 STEELES AVENUE EAST		Continuation Date
		NOT APPLICABLE
Suite # 800		NOT APPLICABLE
MARKHAM		Transferred Out Date
ONTARIO		Cancel/Inactive Date
CANADA L3R 8T3		NOT APPLICABLE
		NOT APPLICABLE
		EP Licence Eff.Date
		EP Licence Term.Date
		NOT APPLICABLE
		NOT APPLICABLE
	Number of Directors	Date Commenced
	Minimum	in Ontario
	Maximum	
	00001	NOT APPLICABLE
	00010	NOT APPLICABLE
Activity Classification		
NOT AVAILABLE		

Request ID: 015531394
Transaction ID: 51492295
Category ID: UN/E

Province of Ontario
Ministry of Government Services

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CORPORATION PROFILE REPORT

Ontario Corp Number

1666508

Corporation Name

GUAN YE LIMITED

Corporate Name History

GUAN YE LIMITED

Effective Date

2005/07/13

Current Business Name(s) Exist:

YES

Expired Business Name(s) Exist:

YES - SEARCH REQUIRED FOR DETAILS

Administrator:
Name (Individual / Corporation)

ZHONG
JIN
SHI

Address

190 SHEPTON WAY

SCARBOROUGH
ONTARIO
CANADA M1V 5N5

Date Began

2005/07/13

First Director

NOT APPLICABLE

Designation

DIRECTOR

Officer Type

Resident Canadian

Y

Request ID: 015531394
Transaction ID: 51492295
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2013/07/15
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CORPORATION PROFILE REPORT

Ontario Corp Number

1666508

Corporation Name

GUAN YE LIMITED

Administrator:
Name (Individual / Corporation)

ZHONG
JIN
SHI

Address

190 SHEPTON WAY

SCARBOROUGH
ONTARIO
CANADA M1V 5N5

Date Began

2011/07/13

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

PRESIDENT

Resident Canadian

Administrator:
Name (Individual / Corporation)

MING ZHU
WANG

Address

24 PORT ROYAL TRAIL

TORONTO
ONTARIO
CANADA M1V 2K2

Date Began

2011/07/13

First Director

NOT APPLICABLE

Designation

DIRECTOR

Officer Type

Resident Canadian

Y

Request ID: 015531394
Transaction ID: 51492295
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Province of Ontario
Ministry of Government Services

Date Report Produced: 2013/07/15
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CORPORATION PROFILE REPORT

Ontario Corp Number

1666508

Corporation Name

GUAN YE LIMITED

Administrator:
Name (Individual / Corporation)

MING ZHU
WANG

Address

24 PORT ROYAL TRAIL

TORONTO
ONTARIO
CANADA M1V 2K2

Date Began

2011/07/13

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

SECRETARY

Resident Canadian

Request ID: 015531394
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Province of Ontario
Ministry of Government Services

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CORPORATION PROFILE REPORT

Ontario Corp Number

1666508

Corporation Name

GUAN YE LIMITED

Last Document Recorded

Act/Code Description

Form

Date

CIA ANNUAL RETURN 2012

1C

2013/01/19 (ELECTRONIC FILING)

THIS REPORT SETS OUT THE MOST RECENT INFORMATION FILED BY THE CORPORATION ON OR AFTER JUNE 27, 1992, AND RECORDED IN THE ONTARIO BUSINESS INFORMATION SYSTEM AS AT THE DATE AND TIME OF PRINTING. ALL PERSONS WHO ARE RECORDED AS CURRENT DIRECTORS OR OFFICERS ARE INCLUDED IN THE LIST OF ADMINISTRATORS.

ADDITIONAL HISTORICAL INFORMATION MAY EXIST ON MICROFICHE.

The issuance of this report in electronic form is authorized by the Ministry of Government Services.

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).

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RETAIL BUSINESS HOLIDAY ACT EXEMPTIONS

Retail Business Holidays Act provides for the following "holidays": New Year's Day, Family 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 Bylaw LI-8-95-76 being a Bylaw to permit retail business establishments to be open on holidays. Includes subsequent amendments.

By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
		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
2012-34 (addition to LI-8-95-76)	May 17, 2012	Markham	Kennedy and Denison Centre	1661 Denison St., Town of Markham	All, except Christmas Day and Easter Sunday	8:00 a.m. to 12:00 midnight
2013-27 (addition to LI-8-95-76)	Apr. 18, 2013	Markham	2197088 Ontario Inc., operating as Foody Mart	5221 Highway 7 East, Markham	All, except Christmas Day and Easter Sunday	9:00 a.m. to 12:00 midnight

By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
2013-28 (addition to LI-8-95-76)	Apr. 18, 2013	Markham	T & T Supermarkets Inc.	8339 Kennedy Road, Markham	All, except Christmas Day and Easter Sunday	9:00 a.m. to 10:00 p.m.
2013-28 (addition to LI-8-95-76)	Apr. 18, 2013	Markham	T & T Supermarkets Inc.	7070 Warden Avenue, Markham	All, except Christmas Day and Easter Sunday	8:00 a.m. to 10:00 p.m.
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.
2011-20	May 19, 2011	Richmond Hill	Oak Ridges Food Market	13144 Yonge Street, Town of Richmond Hill	Good Friday, Victoria Day, Canada Day, Labour Day	8:30 a. m. to 6:00 p.m.
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.

By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
LI-0008(i)-2004-086	Nov. 18, 2004	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.
2008-64	Oct. 23, 2008					
2009-57	Dec. 16, 2009					
2010-17	Mar. 25, 2010					
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 April 16, 2013