

Clause 1 in Report No. 13 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on September 24, 2015.

**1**

**2394742 Ontario Inc. operating as Seasons Foodmart  
Located at 7181 Yonge Street, Unit 336  
*Retail Business Holidays Act Application for Exemption***

Committee of the Whole held a public meeting on September 10, 2015, pursuant to the Retail Business Holidays Act, to consider a proposed bylaw to permit the following retail business establishment to remain open on the holidays and hours set out in Recommendation 4, and recommends:

1. Receipt of the report dated August 14, 2014 from the Chief Planner and Regional Solicitor.
2. Receipt of the deputation by Lauren Chee-Hing, Aird & Berlis LLP on behalf of Seasons Foodmart.
3. Receipt of the communication from Li Qin, resident of the City of Vaughan, dated August 18, 2015.
4. Permitting 2394742 Ontario Inc. operating as Seasons Foodmart located at 7181 Yonge Street, City of Markham to remain open on New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day and Thanksgiving Day between 9 a.m. and 11 p.m. pursuant to the Retail Business Holidays Act.
5. The Regional Solicitor prepare the necessary bylaw giving effect to the exemption.

**1. Recommendations**

It is recommended that:

1. Council consider the application for exemption from the *Retail Business Holidays Act* as submitted by 2394742 Ontario Inc. operating as Seasons Foodmart (the "Applicant") for its retail business Seasons Foodmart located at 7181 Yonge Street in Markham, Ontario.

**2394742 Ontario Inc. operating as Seasons Foodmart Located at 7181 Yonge Street, Unit 336 *Retail Business Holidays Act* Application for Exemption**

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 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 10, 2015.

## **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:

- 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.

**2394742 Ontario Inc. operating as Seasons Foodmart Located at 7181 Yonge Street, Unit 336 Retail Business Holidays Act Application for Exemption**

The following application has been received:

Business	Location	Holidays	Hours
2394742 Ontario Inc. operating as Seasons Foodmart	7181 Yonge Street, Unit 336, Markham, Ontario	New Year's Day Family Day Good Friday Victoria Day Canada Day Labour Day Thanksgiving Day	9:00 a.m. to 11:00 p.m.

In accordance with the Act, notice of a public meeting was advertised in the Markham Economist and Sun and the Thornhill Liberal on August 6, 2015 and was posted on the Region's website.

A copy of the application with supporting documentation is appended to this report as Attachment 2.

**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 and 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 3. 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.

**2394742 Ontario Inc. operating as Seasons Foodmart Located at 7181 Yonge Street, Unit 336 *Retail Business Holidays Act* Application for Exemption**

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

- It is located within two kilometres of a tourist attraction; and
- 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 active and present in the Region for one year and is located along Yonge Street in proximity to Grandview Park and Winding Lane Park as noted in the Applicant's submission**

The Applicant has been present and active in the Region since 2014. The Applicant is a supermarket totalling 44,015 square feet and has been in operation for one year employing 36 employees. The operating hours are currently 9:00 a.m. to 11:00 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 Grandview Park and Winding Lane Park as the tourist attractions within its vicinity**

The Applicant has listed Grandview Park and Winding Lane Park as the tourist attractions on this application. The Applicant is within 574.45 metres of Grandview Park and 683.45 metres of Winding Lane Park, and as illustrated on the Municipal Location Map - Attachment 1. The Applicant therefore meets the location criteria for exemption consideration.

In addition to submitting an application, the Applicant has provided customer surveys and a petition signed by its employees supporting this application (see Attachment 2).

**2394742 Ontario Inc. operating as Seasons Foodmart Located at 7181 Yonge Street, Unit 336 *Retail Business Holidays Act* Application for Exemption**

The Applicant's submission states, "The Parks are open throughout the entire year and are well-known destinations for families. Both Parks include amenities which would attract tourists to the areas especially during a holiday. The woodlot located in Grandview Park certainly attracts tourists interested in nature watching and the local wildlife. Both Parks have abundant open space for large picnics, walks, soccer games and other community events. The Applicant has advised it is common for visitors to both parks to purchase their picnic, food and refreshment supplies at Seasons Foodmart which is located to attract visitors from the surrounding area due to its geographic proximity to the parks."

Currently there are no bylaws applicable to this business, but there is one business area, in proximity to the Applicant's location in the Thornhill Area in the City of Vaughan, which was granted an exemption for Good Friday and Easter Sunday in September 2014. A chart showing businesses within the Region which have been granted an exemption is appended to this report as Attachment 4.

**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 has been granted. If there is no appeal, the bylaw takes effect on the thirty-first day after it is passed.

**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 Clerk's Office, on July 23, 2015, for comment.

**2394742 Ontario Inc. operating as Seasons Foodmart Located at 7181 Yonge Street, Unit 336 *Retail Business Holidays Act* Application for Exemption**

**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 7181 Yonge Street 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 26, 2015.

For more information on this report, please contact Anitra Basant Sisavang, Law Clerk at ext. 71444 or Doug Lindeblom, Director, Economic Strategy at ext. 71503.

The Senior Management Group has reviewed this report.

August 14, 2015

Attachments (4)

#6304971

Accessible formats or communication supports are available upon request

# Retail Business Holiday Act Municipal Location Map

Attachment 1

Town of Richmond Hill

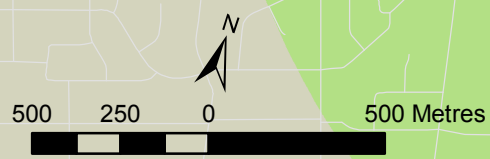
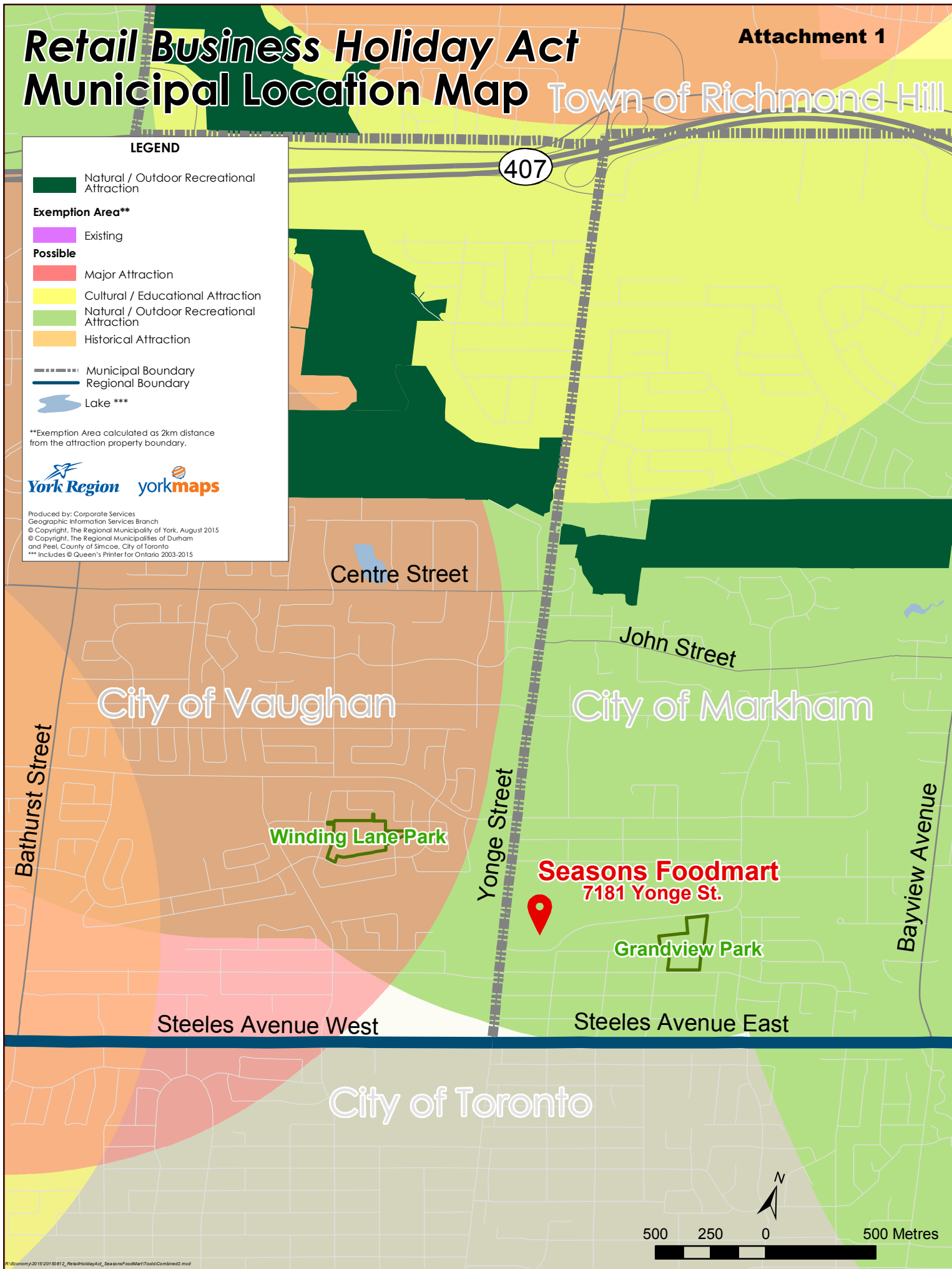
## LEGEND

-  Natural / Outdoor Recreational Attraction
- Exemption Area\*\***
-  Existing
- Possible**
-  Major Attraction
-  Cultural / Educational Attraction
-  Natural / Outdoor Recreational Attraction
-  Historical Attraction
-  Municipal Boundary
-  Regional Boundary
-  Lake \*\*\*

\*\*Exemption Area calculated as 2km distance from the attraction property boundary.



Produced by: Corporate Services  
Geographic Information Services Branch  
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**ATTACHMENT 2**

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.

<b>SECTION 1: APPLICANT INFORMATION</b> 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.	
Applicant name:	2394742 Ontario Inc. (Seasons Foodmart)
Location address:	Unit 336, 7181 Yonge Street, Thornhill, ON L3T 0C7
Location telephone number:	905-597-9399
Primary contact for Applicant: <i>(Person to whom all correspondence will be addressed)</i>	Name: MinFel Zheng Address: 62 Irenemount Cres, Markham, ON L3S 3C4  Telephone: 647-898-6789 Fax: 905-597-3633 Email: minfei@seasonsfoodmart.com
The Applicant is a _____ located within:  <input type="checkbox"/> Business Improvement Association <input type="checkbox"/> Chamber of Commerce <input type="checkbox"/> Retail Business <input type="checkbox"/> Municipality <input type="checkbox"/> Shopping Mall	<input type="checkbox"/> Town of Aurora <input type="checkbox"/> Town of East Gwillimbury <input type="checkbox"/> Town of Georgina <input type="checkbox"/> Township of King <input checked="" type="checkbox"/> City of Markham <input type="checkbox"/> Town of Newmarket <input type="checkbox"/> Town of Richmond Hill <input type="checkbox"/> City of Vaughan <input type="checkbox"/> Town of Whitchurch-Stouffville
Number of years in operation: *Municipality to insert its incorporation date	One year
Location size: *Municipality to list the size(s) of the area(s) to be exempted	44015 _____ <input checked="" type="checkbox"/> Square Feet <input type="checkbox"/> Square Kilometers



Number of employees directly employed at location:	36 employees
Type(s) of retail business:	supermarket
Current operating hours:	9:00am-11:00pm Monday to Sunday
Non-municipal applicant - Has the local municipality been notified of this application?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Municipal Applicant - Have you attached a Resolution of Municipal Council for this application?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Have you enclosed two copies of this completed application and all supporting information?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Have you enclosed the application fee of \$1000.00? Please mail fee to: The Regional Municipality of York RBHA Application - c/o Legal Services 17250 Yonge Street, 4 <sup>th</sup> Floor Newmarket, ON L3Y 6Z1	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> I acknowledge that upon submission and acceptance of this application that I will be charged an advertising fee and will make a cheque payable to; The Regional Municipality of York in the amount required upon receipt of an invoice.	
<b>SECTION 2: TOURIST ATTRACTION PROFILE</b>	
Applicant is a Municipality with a population under 50,000 as of the date this application is signed,	<input type="checkbox"/> YES* <input checked="" type="checkbox"/> NO *If Yes, move to Section 3
Name of nearby tourist attractions:	Grand View Park/Winding Lane Park
Attraction location address:	124 Doncaster Ave, Markham, ON L3T 1H6 Winding Lane Park, Thornhill, ON
Attraction category:	<input type="checkbox"/> Cultural <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Educational <input checked="" type="checkbox"/> Outdoor recreational <input type="checkbox"/> Multi-Cultural <input type="checkbox"/> Historical
The Applicant location is within 2km of the tourist attraction:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If Yes, MUST provide info in Section 4A #5
Is the tourist attraction seasonal?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

	If Yes, see Section 4A #9
Is the Applicant directly associated with the tourist attraction?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If Yes, see Section 4A #7
Does the Applicant provide goods or services primarily to tourists during holidays?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If Yes, see Section 4A #7

**SECTION 3: EXEMPTION REQUEST**

Proposed holiday hours of operation: 9:00am-11:00pm

Requested exemption period (please check box(es) below:

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> All<br><input type="checkbox"/> Winter (October – March)<br><input type="checkbox"/> Summer (April – September) | <input checked="" type="checkbox"/> New Year's Day<br><input checked="" type="checkbox"/> Family Day<br><input checked="" type="checkbox"/> Good Friday<br>Easter Sunday | <input checked="" type="checkbox"/> Victoria Day<br><input checked="" type="checkbox"/> Canada Day<br><input checked="" type="checkbox"/> Labour Day<br><input checked="" type="checkbox"/> Thanksgiving Day<br><input type="checkbox"/> Christmas Day |
|--|--|--|

Do any of the requested exemption dates occur outside the operating season of the tourist attraction?

YES  
 NO  
 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**

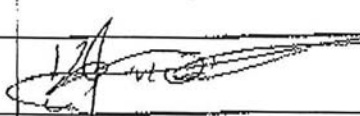
Enclosed in support of this application are the following materials as listed in the application instructions:

- Letter from a lawyer detailing the qualifications for an exemption in accordance with the Act.
- Incorporation documents\* or most recent Corporate Profile Report.  
*\*Municipal applicants exempted from this requirement*
- Report and/or supporting data detailing how the exemption will directly benefit the community in which the business or exempted area is located.
- Map of Applicant location area and parking facilities.
- Map of tourist attraction in proximity to site.
- Tourist attraction's information, including operating season and hours.
- Information detailing association with tourist attraction and goods and services primarily provided to tourists.
- If Applicant is not located within 2km of a tourist attraction, please provide detailed justification

	for this exemption with supporting evidence.
9.	If requesting exemptions outside tourist attraction operating season please provide detailed justification for this exemption with supporting evidence.
10.	Copy of Notice, to be issued to retail tenants or posted in a highly visible and publicly accessible location, regarding this application.
<b>4B. ADDITIONAL INFORMATION:</b> 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.
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: 09 day of 07, 2015

Name of signatory for Applicant:	MinFei Zheng
Signature:	
Title:	General Manager

# AIRD & BERLIS LLP

Barristers and Solicitors

John Mascarin  
Direct: 416.865.7721  
E-mail: [jmascarin@airdberlis.com](mailto:jmascarin@airdberlis.com)

July 16, 2015

Our File No.: 125283

The Regional Municipality of York  
Legal Services Branch  
17250 Yonge Street  
Newmarket, ON L3Y 6Z1

Attention: Anitra Basant Sisavang, Law Clerk

Dear Ms. Sisavang:

**Re: Application by 2394742 Ontario Inc. (Seasons Foodmart)  
Tourism Exemption under *Retail Business Holidays Act*  
7181 Yonge Street, Unit 336, Thornhill, Ontario**

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We are legal counsel to 2394742 Ontario Inc. (Seasons Foodmart) (the "Applicant"), the owner of 7181 Yonge Street, Unit 336 (the "Site"), in its application for exemption under the *Retail Business Holidays Act*, R.S.O. 1990, c. R.30. The Applicant operates a supermarket which provides diversified products and services to meet the needs of its multi-cultural clientele.

It is our submission that the Site properly fulfills the criteria for exemption as set out under subsections 2(1) and 2(3) of O. Reg. 711/91 made pursuant to the *Retail Business Holidays Act*:

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....
- (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. (emphasis added)

In particular, the Site is located a mere 574.45 metres from Grandview Park located on Grandview Avenue, west of Henderson Road. Grandview Park has an area of 3.25 hectares and encompasses two baseball diamonds, two tennis courts, a playground and a woodlot.

In addition, the Site is also located in close proximity to Winding Lane Park which is located on Yorkhill Boulevard and only 683.45 metres from the Site. Winding Lane Park has an area of 4.18 hectares and has a playground and basketball court.

In this regard, please find attached a Google Map image showing the distance between the Site and Grandview Park and Winding Lane Park (collectively the "Parks"). Both Parks are tourist attractions that are "natural attractions or outdoor recreational attractions" (s. 2(3)(a) of O. Reg. 711/91).

The Parks are open throughout the entire year and are well-known destinations for families. Both Parks include amenities which would attract tourists to the areas especially during a holiday. The woodlot located in Grandview Park certainly attracts tourists interested in nature watching and the local wildlife. Both Parks have abundant open space for large picnics, walks, soccer games and other community events.

The Applicant has advised that it is common for visitors to both Parks to purchase their picnic, food and refreshment supplies at Seasons Foodmart which is well located to attract visitors from the surrounding area due to its geographic proximity to the Parks. The Site is directly accessible from Yonge Street which is one of the main arterial roads to reach both Parks. Tourist traffic will undoubtedly access Yonge Street to reach or exit from the Parks.

In 2013, the Region of York enacted By-law 2013-67 and By-law 2013-27, which approved applications for exemption under the *Retail Business Holidays Act* for two supermarkets also located in the City of Markham, Sunny Foodmart and Foody Mart, respectively. Council for York Region approved both applications on the same grounds which are present in this application. The application by Sunny Foodmart listed Milne Dam Conservation Park and Rouge Park National Urban Park as tourist attractions within two kilometres. Similarly, the application by Foody Mart listed Milne Dam Conservation Park as the tourist attraction within two kilometres.

The Applicant has taken great care to ensure that the community is desirous of its application. Attached are surveys indicating support from the community as well as numerous signatures indicating staff support for an exemption from the *Retail Business Holidays Act*.

In view of the foregoing, it is our opinion that the application fulfills the criteria as indicated in the *Retail Business Holidays Act* and O. Reg. 711/91. We trust that York Region will apply the same treatment and provide the same consideration to our client as it has given to other similarly-situated businesses on other applications for exemptions.

Yours very truly,

AIRD & BERLIS LLP



John Mascarin

JM/LCH/dc

Encl.

23140000.2

Request ID: 015871312  
Demande n°:  
Transaction ID: 052568567  
Transaction n°:  
Category ID: CT  
Catégorie:

Province of Ontario  
Province de l'Ontario  
Ministry of Government Services  
Ministère des Services gouvernementaux

Date Report Produced: 2013/11/05  
Document produit le:  
Time Report Produced: 14:49:36  
Imprimé à:

## Certificate of Incorporation Certificat de constitution

This is to certify that

Ceci certifie que

**2394742 ONTARIO INC.**

Ontario Corporation No.

Numéro matricule de la personne morale en  
Ontario

**002394742**

is a corporation incorporated,  
under the laws of the Province of Ontario.

est une société constituée aux termes  
des lois de la province de l'Ontario.

These articles of incorporation  
are effective on

Les présents statuts constitutifs  
entrent en vigueur le

**NOVEMBER 05 NOVEMBRE, 2013**



Director/Directrice

Business Corporations Act/Loi sur les sociétés par actions

Request ID / Demande n°  
15871312

Ontario Corporation Number  
Numéro de la compagnie en Ontario  
2394742

FORM 1

FORMULE NUMÉRO 1

BUSINESS CORPORATIONS ACT

/

LOI SUR LES SOCIÉTÉS PAR ACTIONS

ARTICLES OF INCORPORATION  
STATUTS CONSTITUTIFS

- 1. The name of the corporation is: *Dénomination sociale de la compagnie:*  
2394742 ONTARIO INC.
  
- 2. The address of the registered office is: *Adresse du siège social:*  
  
62 IRENEMOUNT CRESCENT  
  
*(Street & Number, or R.R. Number & if Multi-Office Building give Room No.)  
(Rue et numéro, ou numéro de la R.R. et, s'il s'agit édifice à bureau, numéro du bureau)*  
MARKHAM ONTARIO  
CANADA L3S 3C4  
*(Name of Municipality or Post Office) (Postal Code/Code postal)*  
*(Nom de la municipalité ou du bureau de poste)*
  
- 3. Number (or minimum and maximum number) of directors is: *Nombre (ou nombres minimal et maximal) d'administrateurs:*  
Minimum 1 Maximum 9
  
- 4. The first director(s) is/are: *Premier(s) administrateur(s):*  
  
First name, initials and surname *Resident Canadian State Yes or No*  
*Prénom, initiales et nom de famille Résident Canadien Oui/Non*  
  
Address for service, giving Street & No. *Domicile élu, y compris la rue et le*  
*or R.R. No., Municipality and Postal Code numéro, le numéro de la R.R., ou le nom*  
*de la municipalité et le code postal*
  
- \* MIN FBI *YES*  
ZHENG  
62 IRENEMOUNT CRESCENT  
  
MARKHAM ONTARIO  
CANADA L3S 3C4

Page: 2

Request ID / Demande n°  
15871312

Ontario Corporation Number  
Numéro de la compagnie en Ontario  
2394742

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5. Restrictions, if any, on business the corporation may carry on or on powers the corporation may exercise.  
*Limites, s'il y a lieu, imposées aux activités commerciales ou aux pouvoirs de la compagnie.*

NIL

6. The classes and any maximum number of shares that the corporation is authorized to issue:  
*Catégories et nombre maximal, s'il y a lieu, d'actions que la compagnie est autorisée à émettre:*

The Corporation is authorized to issue an unlimited number of common shares without par value.



Page: 3

Request ID / Demande n°  
15871312

Ontario Corporation Number  
Numéro de la compagnie en Ontario  
2394742

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7. Rights, privileges, restrictions and conditions (if any) attaching to each class of shares and directors authority with respect to any class of shares which may be issued in series:  
*Droits, privilèges, restrictions et conditions, s'il y a lieu, rattachés à chaque catégorie d'actions et pouvoirs des administrateurs relatifs à chaque catégorie d'actions que peut être émise en série:*

NIL

Page: 4

Request ID / Demande n°  
15871312

Ontario Corporation Number  
Numéro de la compagnie en Ontario  
2394742

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8. The issue, transfer or ownership of shares is/is not restricted and the restrictions (if any) are as follows:  
*L'émission, le transfert ou la propriété d'actions est/n'est pas restreinte. Les restrictions, s'il y a lieu, sont les suivantes:*

No shares shall be transferred without the express consent of majority of the directors of the corporation for the time being expressed by a resolution passed at a meeting of the board of directors or by any instrument or instruments in writing signed by majority of the directors.

Page: 5

Request ID / Demande n°  
15871312

Ontario Corporation Number  
Numéro de la compagnie en Ontario  
2394742

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9. Other provisions, (if any, are):

*Autres dispositions, s'il y a lieu:*

- (a) The Corporation may purchase any of its issued common shares.
- (b) The dissolution of the Corporation may be authorized at a general meeting of its shareholders duly called for that purpose by a majority of the votes cast thereat which must be more than fifty per cent (50%) of the votes of all shareholders entitled to vote at such meetings.
- (c) (i) The number of the Corporation's shareholders exclusive of persons who are in its employment and exclusive of persons who, having been formerly in the employment of the Corporation, were, while in that employment, and have continued after the termination of that employment to be shareholders of the Corporation, is limited to not more than fifty, two or more persons who are the joint registered owners of one or more shares being counted as one shareholder;
- (ii) Any invitation to the public to subscribe for the Corporation's securities is prohibited.

Request ID / Demande n°  
15871312

Ontario Corporation Number  
Numéro de la compagnie en Ontario  
2394742

10. The names and addresses of the incorporators are  
*Nom et adresse des fondateurs*

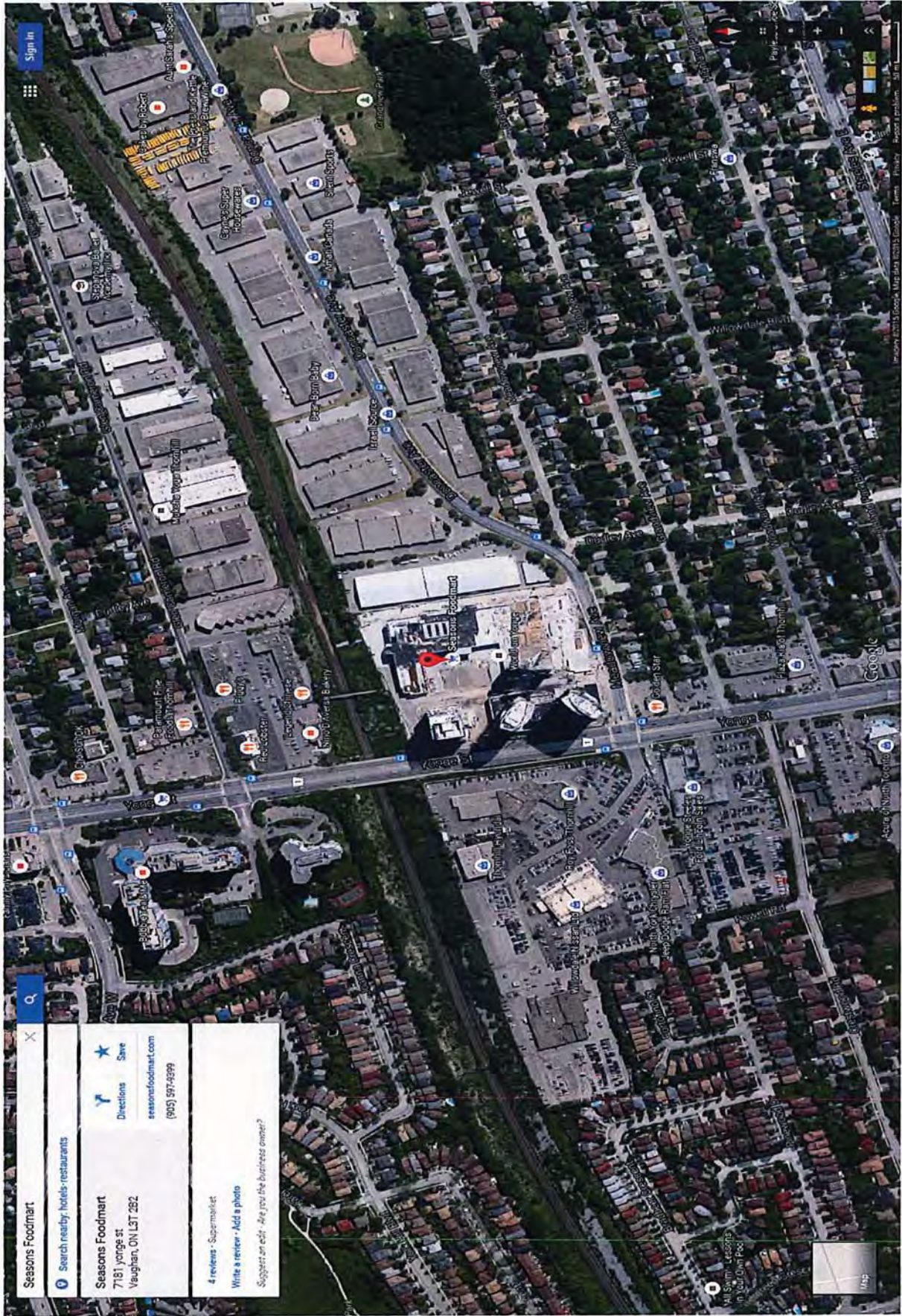
First name, initials and last name  
or corporate name

*Prénom, initiale et nom de  
famille ou dénomination sociale*

Full address for service or address of registered office or of principal place of business  
giving street & No. or R.R. No., municipality and postal code  
*Domicile élu, adresse du siège social au adresse de l'établissement principal, y compris  
la rue et le numéro, le numéro de la R.R., le nom de la municipalité et le code postal*

\* MIN FEI ZHENG  
62 IRENEMOUNT CRESCENT  
  
MARKHAM ONTARIO  
CANADA L3S 3C4

# Map of Seasons Foodmart Location Area and Parking Facilities





## Customer Survey

1. Where do you live?

- a. Marham  
b. York Region  
 c. Toronto  
d. Outside GTA (but within Ontario)  
e. USA  
f. Other \_\_\_\_\_

2. Where do you regularly shop for groceries? (multiple)

- a. Seasons  
 b. No Frills  
 c. T&T  
d. Loblaws  
e. Sobey  
f. Food Basic  
g. Foodymart  
 h. Walmart  
i. Other \_\_\_\_\_

3. Would you like to be able to shop at Seasons Foodmart on Retail Business Holidays (New Year's Day, Easter Sunday, Good Friday, Victoria Day, Christmas Day, Canada Day, Labour Day or Family Day)?

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- g. Foodymart
- h. Walmart
- i. Other \_\_\_\_\_

### 3. Would you like to be able to shop at Seasons Foodmart on Retail Business Holidays (New Year's Day, Easter Sunday, Good Friday, Victoria Day, Christmas Day, Canada Day, Labour Day or Family Day)?

- a. Yes
- b. No

### 4. Have you ever visited (or would you consider visiting) Martin House Store and Museum on a Retail Business Holiday?

- a. Yes
- b. No

### 5. Have you ever visited (or would you consider visiting) J.E.H MacDonald House on a Retail Business Holiday?

- a. Yes
- b. No

Thank you and have a nice day!



## Customer Survey

1. Where do you live?

- a. Marham
- b. York Region
- c. Toronto
- d. Outside GTA (but within Ontario)
- e. USA
- f. Other \_\_\_\_\_

2. Where do you regularly shop for groceries? (multiple)

- a. Seasons
- b. No Frills
- c. T&T
- d. Loblaws
- e. Sobey
- f. Food Basic
- g. Foodymart
- h. Walmart
- i. Other \_\_\_\_\_

3. Would you like to be able to shop at Seasons Foodmart on Retail Business Holidays (New Year's Day, Easter Sunday, Good Friday, Victoria Day, Christmas Day, Canada Day, Labour Day or Family Day)?

- a. Yes
- b. No

4. Have you ever visited (or would you consider visiting) Martin House Store and Museum on a Retail Business Holiday?

- a. Yes
- b. No

5. Have you ever visited (or would you consider visiting) J.E.H MacDonald House on a Retail Business Holiday?

- a. Yes
- b. No

Thank you and have a nice day!



## Customer Survey

1. Where do you live?

- a. Marham  
b. York Region  
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d. Outside GTA (but within Ontario)  
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2. Where do you regularly shop for groceries? (multiple)

- a.  Seasons  
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c.  T&T  
d. Loblaws  
e. Sobey  
f. Food Basic  
g. Foodmart  
h. Walmart  
i. Other \_\_\_\_\_

3. Would you like to be able to shop at Seasons Foodmart on Retail Business Holidays (New Year's Day, Easter Sunday, Good Friday, Victoria Day, Christmas Day, Canada Day, Labour Day or Family Day)?

- a.  Yes  
b. No

4. Have you ever visited (or would you consider visiting) Martin House Store and Museum on a Retail Business Holiday?

- a. Yes  
b.  No

5. Have you ever visited (or would you consider visiting) J.E.H MacDonald House on a Retail Business Holiday?

- a. Yes  
b.  No

Thank you and have a nice day!

We, the employees of Seasons Foodmart, sign below to express our support for Foodmart's application for an exemption under the retail Business Holidays Act to stay open for business on Retail Business Holidays

	Name	Address	Phone	Signature
1	Wen Hui Xiao			
2	DE Ly			
3	Yang Si Xun			
4	XU QIAOYUN			
5	Lizhu Lin			
6	GUO KANG WU			
7	YUN YING JIA			
8	WANG ZHENGLI			
9	WANG WANG JIANG			
10	Guo Rui Yi			
11	Rui Lian Li			
12	Yanbo Dong			
13	Hongna Yan			
14	Wang Tian Gao			
15	Guo Zhi Peng			

We, the employees of Seasons Foodmart, sign below to express our support for Foodmart's application for an exemption under the retail Business Holidays Act to stay open for business on Retail Business Holidays

	Name	Address	Phone	Signature
16	Zhang Qiao			张巧
17	Chen Daxing			陈大兴
18	Lin Zhenyou			林文游
19	Chen Jin			陈锦
20	Zhang Jixiang			张志祥
21	Wang Hao			汪浩
22	LEI HE			雷和
23	Xi Hao Lin			席豪林
24	Jim Rong Su			SU JIN RONG
25	Huangwei Li			黄伟李
26	Mei Ying Wang			梅颖英
27	Lin Min			林敏
28	Chen Yipeng			陈益平
29	Xiao Shu Gao			肖书高
30	Xue Cai Chen			薛彩晨

We, the employees of Seasons Foodmart, sign below to express our support for Foodmart's application for an exemption under the retail Business Holidays Act to stay open for business on Retail Business Holidays

	Name	Address	Phone	Signature
31	Lin Wenyang			林文陽
32	Wei Jianming			魏建明
33	Li Hui Bin			李惠斌
34				
35	ZHAO WEI MIN			趙偉民
35 36	YAN PING WANG			顏平王
36 37	Chen Jin Ling			陳金玲
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**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).

## **RETAIL BUSINESS HOLIDAYS 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.

<b>By-law</b>	<b>Date Enacted</b>	<b>Municipality</b>	<b>Businesses</b>	<b>Location</b>	<b>Holidays</b>	<b>Hours</b>
<b>LI-8(a)-95-128</b> (additions to LI-8-95-76)	<b>Nov. 23, 1995</b>	Aurora	NONE	NONE		
<b>LI-8(a)-95-128</b> (additions to LI-8-95-76)	<b>Nov. 23, 1995</b>	East Gwillimbury	Brice's Sports Centre Limited	20287 Woodbine Avenue, Queensville	All, except Christmas Day	11:00 a.m. to 5:00 p.m.
<b>LI-8(a)-95-128</b> (additions to LI-8-95-76)	<b>Nov. 23, 1995</b>	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.
<b>LI-8(c)-1999-133</b> (substitution)	<b>Mar. 25, 1999</b>	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.
<b>LI-0008(h)-2004-013</b>	<b>Feb. 19, 2004</b>	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.
<b>LI-8(a)-95-128</b> (additions to LI-8-95-76)	<b>Nov. 23, 1995</b>	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
<b>LI-8(a)-95-128</b> (additions to LI-8-95-76)	<b>Nov. 23, 1995</b>	King	NONE	NONE	All, except Christmas Day	9:00 a.m. to 6:00 p.m.
<b>LI-8(a)-95-128</b> (additions to LI-8-95-76)	<b>Nov. 23, 1995</b>	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.
<b>LI-0008(d)-2000-064</b> (addition to LI-8-95-76)	<b>Aug. 31, 2000</b>	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	11:00 a.m. to 11:00 p.m.
<b>LI-0008(e)-2000-107</b> (addition to LI-8-95-76)	<b>Oct. 26, 2000</b>	Markham	Pacific Mall Heritage Town	4300 Steeles Avenue East, south half of the 2 <sup>nd</sup> floor from Units A1-201, W2, W1, A1-222M to Units V2, F-7, F-8 and V-1, inclusive, Town of Markham	All	8:00 a.m. to 12:00 midnight
<b>LI-0008(f)-2001-003</b> (addition to LI-8-95-76)	<b>Jan. 18, 2001</b>	Markham	Market Village Markham Inc.	4350 Steeles Avenue East, Town of Markham	All	8:00 a.m. to 12:00 midnight
<b>2012-34</b> (addition to LI-8-95-76)	<b>May 17, 2012</b>	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
<b>2013-27</b> (addition to LI-8-95-76)	<b>Apr. 18, 2013</b>	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
		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
<b>2013-28</b> (addition to LI-8-95-76)	<b>Apr. 18, 2013</b>	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.
<b>2013-28</b> (addition to LI-8-95-76)	<b>Apr. 18, 2013</b>	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.
<b>2013-66</b> (addition to LI-8-95-76)	<b>Sep. 26, 2013</b>	Markham	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.
<b>2013-67</b> (addition to LI-8-95-76)	<b>Sep. 26, 2013</b>	Markham	2308321 Ontario Inc. operating as Sunny Foodmart	7700 Markham Road, Markham	New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day	9:00 a.m. to 10:00 p.m.
<b>2014-26</b> (addition to LI-8-95-76)	<b>Apr. 17, 2014</b>	Markham	Markville Shopping Centre	5000 Highway 7 East, Markham	New Year's Day Family Day Good Friday Victoria Day Canada Day Labour Day Thanksgiving Day	11:00 a.m. to 6:00 p.m.

By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
<b>LI-8(b)-96-1</b> (addition to LI-8-95-76)	<b>Jan. 11, 1996</b>	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.
<b>2013-64</b> (addition to LI-8-95-76)	<b>Sep. 26, 2013</b>	Newmarket	Upper Canada Mall	17600 Yonge Street, Newmarket	New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day	11:00 a.m. to 6:00 p.m.
<b>2011-20</b> (addition to LI-8-95-76)	<b>May 19, 2011</b>	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.
<b>2013-65</b> (addition to LI-8-95-76)	<b>Sep. 26, 2013</b>	Richmond Hill	Hillcrest Mall	9350 Yonge Street, Town of Richmond Hill	New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day	11:00 a.m. to 6:00 p.m.
<b>LI-8(a)-95-128</b> (additions to LI-8-95-76)	<b>Nov. 23, 1995</b>	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 MILLS MALL CAMPUS, including Vaughan Mills Mall and the Outparcels located within the following boundaries:	All, except Christmas Day Good Friday and Easter Sunday	8 a.m. to 10 p.m.
2008-64	Oct. 23, 2008	Vaughan	Vaughan Mills Mall Campus	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"		
2009-57	Dec. 16, 2009					
2010-17	Mar. 25, 2010					
2014-27 (addition to LI- 8-95-76)	Apr. 17, 2014	Vaughan	Promenade Shopping Centre	1 Promenade Circle, Vaughan	New Year's Day Family Day Good Friday Victoria Day Canada Day Labour Day Thanksgiving Day	11:00 a.m. to 6:00 p.m.
2014-55	Sep. 11, 2014	Vaughan	All	Thornhill Area, Vaughan. All retail businesses within the following boundaries: North: south side of Highway 7 East: west side of Yonge Street South: north side of Steeles Avenue West: east side of Dufferin Street	Good Friday Easter Sunday	8:00 a.m. to 10:00 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.

By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
2014-28 (addition to LI-8-95-76)	April 17, 2014	Whitchurch-Stouffville	All wineries and vineyards	Within the geographic boundaries of the Town of Whitchurch-Stouffville	Family Day Victoria Day Labour Day Thanksgiving Day	8:00 a.m. to 10:00 p.m.

DK/ Last updated October 30, 2014

**Martin, Carrie**

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**From:** Lauren Chee-Hing [mailto:lchee-hing@airdberlis.com]  
**Sent:** Monday, August 17, 2015 11:00 AM  
**To:** Martin, Carrie  
**Subject:** Seasons Foodmart Application for Exemption from the Retail Business Holidays Act - Request to be added to deputant list

Ms. Martin,

I was given your contact information from Ms. Anitra Bassant-Sisavang in the Region's legal services department. I am solicitor to Seasons Foodmart (the "Applicant") who has applied for an exemption from the Retail Business Holidays Act (the "Application").

I have been informed by Ms. Bassant-Sisavang that the Application will be considered by Regional Council on Thursday September 10, 2015 at 9:00 a.m. I am writing to request to be added to the deputant list for the Council Meeting as the Applicant's solicitor.

Can you kindly confirm that I will be added to the deputant list and provide me with any additional details?

Many thanks,

Lauren Chee-Hing

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**Lauren Chee-Hing**

T 416.865.7786  
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**Martin, Carrie**

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**From:** li qin  
**Sent:** Tuesday, August 18, 2015 7:14 PM  
**To:** Martin, Carrie  
**Subject:** my representation for the committee

Dear Carrie,

This is my representation for the committee meeting:

To the Committee of the Whole of The Regional Municipality of York

Dear friends,

Although business is only a part of our life, we need to make this part of life to be perfect, so people in our country will not feel any absurd or uncomfortable in business area or business operations. How to arrange business running in a perfect range will benefit both our enterprisers and consumers, and make our business department become a part of happy element in our society.

I am not going to decide if Seasons Foodmart should be opening in holidays listed directly, I want to list some facts for the committee to decide if the supermarket can be exempted from Retail Business Holidays Act.

1, for society, are there any complaint from our society for too much business opening in holidays? Like are there some disturb to religious communities? Are there any uncomfortable for conservative groups? And etc...

2, for employees, are all the employees are arranged in suitable working schedules? Can they have enough time and chance to deal with their own things they need to do conveniently? How about their salaries? Will their salaries be deducted because of long hours? How's their benefit?

3, for the business owners, are they prepared enough for this exemption? Can they cooperate with every detail they might need to know and to do for the exemption? Like make holiday shopping safe enough for both employees and customers and etc... Did they have satisfied surveys for potential customers in the holidays? I know there's two supermarkets open holidays nearby, one is Galleria supermarket, another one is T&T supermarket, they sale almost similar foods.

4, for customers, although business open in holidays are really convenient for customers, they should be guaranteed for a satisfied service, we should think about if customers can be served well in holidays, we should do some surveys for customers usually shopping in holidays, what do they think about holidays shopping is very important for us to decide if we should give the business exemption.

The main idea for my presentation is I want everybody to be happy and safe in our society, so when we need to make any decision, we need to be cautious, with preparation, with knowledge and experience, with intelligent and care, and with all the details we can think about.

Thank you so very much for your time to read my representation, it's always my utmost pleasure to present you my ideas, and I hope my representation can initiate your wise suggestions and decisions.

Always with all the best blessings and wishes to all the members of the committee.

Sincerely Yours,

Li Qin