

Clause No. 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 11, 2014.

1

**RETAIL BUSINESS HOLIDAYS ACT APPLICATION FOR EXEMPTION
THE CITY OF VAUGHAN FOR ALL RETAIL BUSINESSES
WITHIN A SPECIFIC AREA IN THE MUNICIPALITY**

Committee of the Whole held a public meeting on September 4, 2014, pursuant to the *Retail Business Holidays Act*, to consider a proposed bylaw to permit all retail businesses within the City of Vaughan in the area bounded by Highway 7 to the north, Yonge Street to the east, Steeles Avenue to the south and Dufferin Street to the west to remain open on the holidays and hours set out in Recommendation 3, and recommends:

1. Receipt of the report dated August 18, 2014 from the Regional Solicitor and Executive Director, Corporate and Strategic Planning.
2. Permitting all retail businesses within the City of Vaughan in the area bounded by Highway 7 to the north, Yonge Street to the east, Steeles Avenue to the south and Dufferin Street to the west to remain open on Good Friday and Easter Sunday between 8 a.m. and 10 p.m. pursuant to the *Retail Business Holidays Act*.
3. 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 the City of Vaughan (the “Applicant”) for all retail businesses within the area bounded by Highway 7 to the north, Yonge Street to the east, Steeles Avenue to the south and Dufferin Street to the west (the “Area”).
2. Council determine whether to grant the Applicant an exemption from the *Retail Business Holidays Act* to allow all of the retail businesses within the Area to remain open on Good Friday and Easter Sunday.

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 subject of the public meeting to be held on September 4, 2014.

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 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:

Municipality	Business and Location	Holidays	Hours
The City of Vaughan	All retail businesses within the area bounded by Highway 7 to the north, Yonge Street to the east, Steeles Avenue to the south and Dufferin Street to the west	Good Friday Easter Sunday	8:00 a.m. to 10:00 p.m.

In accordance with the Act, notice of a public meeting was advertised in the Vaughan Citizen and the Thornhill Liberal on July 31, 2014 and was posted on the Region's website. The Applicant took the initiative of circulating its own notice of its intention to apply for an exemption on its own website and in the Vaughan Citizen and the Thornhill Liberal on Thursday July 10, 2014.

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*.

A local municipality may apply to the Region to exempt all or any parts of the municipality

The Act provides that a local municipality may apply to Council to 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 is seeking an exemption for all retail businesses within the Area to be open on Good Friday and Easter Sunday to increase tourism outside of the summer season

On March 18, 2014 the Council of the City of Vaughan adopted a resolution to submit an application for exemption from the Act to allow all retail businesses within the Area to be open on Good Friday and Easter Sunday (see *Attachment 1*).

The Applicant is a municipality within the Region with a population of 314,117 (May 2014), and is 273.52 square kilometres (105.61 square miles) in size.

The Applicant's goal is to increase tourism in the off season by attracting visitors to cultural attractions in the Area during the requested holidays

The Applicant's Economic Development Strategy calls for increasing tourism outside of the traditional summer season by actively promoting the Applicant's cultural attractions and leveraging the opportunity that is presented when tourists come into the Area to visit family over the Easter weekend.

The Regulation requires that the Applicant, as a municipality with a population of more than 50,000 people, must demonstrate that the retail businesses within the Area are within 2km of a tourist attraction and will rely primarily on tourists for business

The retail businesses in the Area, proposed by the Applicant for exemption, are within two kilometres of several small museums, parks, and heritage properties, many of which form an area referred to as Historic Thornhill in the City of Vaughan. The Applicant has further provided that many of the retail businesses operating in the Area offer culturally significant products that cater to tourists from across the GTA and New York state who will often be visiting family during the requested days and therefore it is these visitors that the retailers will rely upon for business.

The Applicant currently has an area wide exemption for all businesses within Kleinburg Core that allows all businesses within that area to be open on all holidays except Christmas Day. The Vaughan Mills Campus and the Promenade Shopping Centre have also been granted exemptions within the City of Vaughan.

A chart showing businesses within the Region which have been granted 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 application 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 the Area and support the Applicant's development of cultural tourism as part of its Economic Development Strategy.

7. CONCLUSION

An application has been received from the City of Vaughan requesting an exemption from the Act to permit all retail businesses within the area bounded by Highway 7 to the north, Yonge Street to the east, Steeles Avenue to the south and Dufferin Street to the west, to remain open on Good Friday and Easter Sunday. The Applicant has demonstrated that its application meets the statutory requirements of the Regulation and the Act for a municipality requesting an exemption.

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 15, 2014.

For more information on this report please contact Anitra Basant Sisavang, Law clerk at Ext. 71444 or Doug Lindeblom, Director, Economic Strategy and Tourism at Ext. 71503.

The Senior Management Group has reviewed this report.

Attachments (3)



Application for Exemption from the Retail Business Holidays Act

Thank you for contacting The Regional Municipality of York regarding applying for an exemption from the *Retail Business Holidays Act* (the "Act").

The Act prohibits certain businesses from opening on statutory holidays. Regional Council has the authority to grant exemptions from the Act for businesses in order to promote tourism if the tourism criteria set out in the Act and Ontario Regulation 711/91 Tourism Criteria (the "Regulation") are complied with.

Your organization's management should review the Act and Regulation with your legal counsel to determine whether the business falls within one of the exemptions set out in Section 3 of the Act.

The Region is unable to advise you specifically as to whether you qualify under this section.

If your business is not exempt either by statute or under an existing bylaw, you may wish to make an application providing further details of the basis on which your business is seeking an exemption to be considered by Regional Council.

For Regional Council to pass an exempting bylaw, the application must comply with the tourism criteria set out in the Regulation. Enclosed is a copy of Regulation 711/91 for your review. We suggest that you review the criteria set out in the Regulation and consider how your business meets these criteria.

Please note that Regional Council does not have to pass an exempting bylaw.

If a bylaw is enacted it will come into force on the 31st day after it is passed by York Regional Council provided there are no appeals to the Ontario Municipal Board of the approved bylaw.

The Process:

Council hears applications in September and April of each year. Please consult the 'News' section of the website for the next hearing and submission deadline.

The legislation sets out a process that usually takes a minimum of 90 days. The timeline include:

- a public meeting to consider the application;
- providing 30 days' notice of the public meeting;
- time to review and ensure the application is complete;
- arranging for advertising;
- the time after the public hearing and a meeting of Regional Council; and
- a 30 day appeal period that follows an exemption.

There is an application fee of \$1,000 and all applicants are responsible for reimbursing the Region for the costs of advertising the public meeting. The Region will notify you of the advertising costs after the notice has been published and the Region has received an invoice from the publisher.

Upon receipt and confirmation of a complete application, the Region will begin the advertising process and confirm the date of the public meeting at which the application will be considered. It is not mandatory that you attend the meeting, but you or your representative may wish to attend to address Council with respect to your application.

Included in this package are the following:

1. Application Form
2. Retail Business Holidays Act RSO c.R.30
http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90r30_e.htm
3. Ontario Regulation 711/91
http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_910711_e.htm
4. Retail Business Holidays Act – York Region exempting bylaws (please click on this link)
<http://www.york.ca/Services/Legal+Services/By-Laws/default+by-laws.htm>

Should you have any further questions please contact legal@york.ca

SUBMISSION CHECKLIST

Application Fee \$1,000. Please make cheque payable to The Regional Municipality of York

Two (2) printed copies of:

- The signed application form**
- All Mandatory Information listed in 4A**
- Any supporting materials noted in 4B**

One (1) electronic copy of the application which may be submitted by:

- Email to: legal@york.ca; or**
- USB drive if the application package is larger than 1MB**

If you are applying for more than 1 location, did you provide an application package and fee for each location?

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 application fee of \$1,000 per applicant and all 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:	The City of Vaughan
Location address:	2141 Major Mackenzie Dr. W, Vaughan, ON L6A1T1
Location telephone number:	905-832-8585
Primary contact for Applicant: <i>(Person to whom all correspondence will be addressed)</i>	Name: Michael Launslager Address: 2141 Major Mackenzie Drive Vaughan, ON L6A 1T1 Telephone: 905-832-8585 x8472 Fax: Email: Michael.launslager@vaughan.ca
The Applicant is located within:	<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 type="checkbox"/> City of Markham <input type="checkbox"/> Town of Newmarket <input type="checkbox"/> Town of Richmond Hill <input checked="" type="checkbox"/> City of Vaughan <input type="checkbox"/> Town of Whitchurch-Stouffville
Number of years in operation:	Established in 1991
Location size (in square feet):	273.52 km ²
Number of employees directly employed at location:	n/a
Type of retail business:	Municipality
Current operating hours:	n/a
Has the local municipality been notified of 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? <i>Please mail fee to: The Regional Municipality of York Attention: RBHA Committee c/o Legal Services 17250 Yonge Street, 4th Floor Newmarket, ON L3Y 6Z1</i>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<input checked="" type="checkbox"/> I acknowledge that upon submission and acceptance of this application that I will be responsible for the <u>payment of all advertising fees</u> associated with this Application and will remit payment to The Regional Municipality of York on receiving the total advertising costs.	
SECTION 2: TOURIST ATTRACTION PROFILE	
Name of nearby tourist attraction:	See attached map
Attraction location address:	
Attraction category:	<input checked="" type="checkbox"/> Cultural <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Educational <input checked="" type="checkbox"/> Outdoor recreational <input checked="" type="checkbox"/> Multi-Cultural <input checked="" type="checkbox"/> Historical
The Applicant is located 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 checked="" type="checkbox"/> YES <input 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:	8:00am – 10:00pm
Requested exemption period (please check box(es) below:	
<input type="checkbox"/> All <input type="checkbox"/> Winter (October – March) <input type="checkbox"/> Summer (April – September)	<input type="checkbox"/> New Year's Day <input type="checkbox"/> Family Day <input checked="" type="checkbox"/> Good Friday <input checked="" type="checkbox"/> Easter Sunday
	<input type="checkbox"/> Victoria Day <input type="checkbox"/> Canada Day <input type="checkbox"/> Labour Day <input type="checkbox"/> Thanksgiving Day <input type="checkbox"/> Christmas Day

Do any of the requested exemption dates occur outside the operating season of the tourist attraction?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> 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:	
	1. Letter from a lawyer detailing the qualifications for an exemption in accordance with the Act and Ontario Regulation 711/91
	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.
	4. Map of Applicant location area and parking facilities.
x	5. Map of tourist attraction in proximity to site.
	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.
	8. 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.
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.
	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: 21 day of July, 2014

Name of signatory for Applicant:	
Signature:	
Title:	 Jeffrey A. Abrams City Clerk

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 18, 2014

Item 16, Report No. 10, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on March 18, 2014.

16

RETAIL BUSINESS HOLIDAY ACT EXEMPTION

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following resolution submitted by Regional Councillor Di Biase, dated February 25, 2014, be approved subject to adding the following after the word "Sunday":

"providing that the benefiting businesses in this area be requested to pay any applicable fees; and

That Regional Council be requested to consider this application as soon as possible."

- 2) That Communication C16, from Mr. Martin Wray, Cadillac Fairview, Queen Street West, Toronto, dated February 24, 2014, be received.

Member's Resolution

Submitted by Regional Councillor Michael Di Biase

Whereas, The Retail Business Holidays Act prohibits certain businesses from opening on statutory holidays, and

Whereas, Regional Council has the authority to grant exemptions from the Act for businesses in order to promote tourism, and allows business or business area to be open on any of the nine statutory holidays as outlined in an exemption application, and

Whereas, there is a significant population of residents of Orthodox Jewish faith in Thornhill and from other areas within Ontario and Upper New York State who are patrons of retail businesses in Thornhill because of the unique availability kosher food and other required items, and

Whereas, Jewish residents in the community have requested that local businesses that address their particular needs be exempt from being closed on statutory holidays that often coincide with Passover.

It is therefore recommended that the Council of the City of Vaughan approve the submission of an municipal application from the City of Vaughan, to The Regional Municipality of York, for exemption from the *Retail Business Holidays Act*, for all retail businesses within the following boundaries: Steeles Avenue to the south, Yonge Street to the east, Highway 7 to the north and Dufferin Street to the west, to remain open on Good Friday and Easter Sunday.



C16 Communication CW: Feb 25/14 Item: 16

February 24, 2014

Anitra Basant Sisavang, Law Clerk
Legal Services Branch
The Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Dear Ms. Sisavang:

**Re: Application for an Area-Basis Tourist Exemption under the Retail Business Holidays Act by
Vaughan Promenade Shopping Centre Inc.**

Pursuant to our recent discussions with the City of Vaughan's Economic Development Department, we understand that Councillor Michael Di Biase in Vaughan is preparing a Member's Resolution supporting Vaughan Promenade Shopping Centre Inc.'s recent application for an exemption under the Retail Business Holidays Act (RBHA). We also understand that the City of Vaughan is exploring the possibility of submitting their own separate exemption application to the Regional Municipality of York later this year, which would exempt all retailers located within the broader area extending between Steeles Avenue to the south, Yonge Street to the east, Highway 7 to the north, and Dufferin Street to the west. We note that the Promenade Shopping Centre is located within this area, on the property known municipally as 1 Promenade Circle.

Please accept this letter as confirmation of our support for the City of Vaughan in seeking an exemption under the Retail Business Holidays Act for this area.

Sincerely,
Vaughan Promenade Shopping Centre Inc.
By CFCL

A handwritten signature in black ink, appearing to read 'Martin Wray', written over a horizontal line.

Martin Wray
VP Operations, Ontario Portfolio



MEMBER'S RESOLUTION

Date:	FEBRUARY 25, 2014 – COMMITTEE OF THE WHOLE
Title:	RETAIL BUSINESS HOLIDAY ACT EXEMPTION
Submitted by:	Regional Councillor Michael Di Biase

Whereas, The Retail Business Holidays Act prohibits certain businesses from opening on statutory holidays, and

Whereas, Regional Council has the authority to grant exemptions from the Act for businesses in order to promote tourism, and allows business or business area to be open on any of the nine statutory holidays as outlined in an exemption application, and

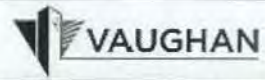
Whereas, there is a significant population of residents of Orthodox Jewish faith in Thornhill and from other areas within Ontario and Upper New York State who are patrons of retail businesses in Thornhill because of the unique availability kosher food and other required items, and

Whereas, Jewish residents in the community have requested that local businesses that address their particular needs be exempt from being closed on statutory holidays that often coincide with Passover.

It is therefore recommended that the Council of the City of Vaughan approve the submission of an municipal application from the City of Vaughan, to The Regional Municipality of York, for exemption from the *Retail Business Holidays Act*, for all retail businesses within the following boundaries: Steeles Avenue to the south, Yonge Street to the east, Highway 7 to the north and Dufferin Street to the west, to remain open on Good Friday and Easter Sunday.

Respectfully submitted,

Michael Di Biase,
Regional Councillor



CITY OF VAUGHAN

**NOTICE OF APPLICATION FOR EXEMPTION
RETAIL BUSINESS HOLIDAYS ACT**

TAKE NOTICE that in accordance with Item 16, Report No. 10 of the Committee of the Whole, which was adopted by the Council of the City of Vaughan at its meeting held on March 18, 2014, the City of Vaughan intends to submit an application to the Regional Municipality of York for an exempting by-law pursuant to Section 4(1) of the *Retail Business Holiday Act*, R.S.O. 1990.

AND FURTHER TAKE NOTICE that the application for exemption includes all retail businesses within the boundaries of Steeles Avenue to the south, Yonge Street to the east, Highway 7 to the north and Dufferin Street to the west, to allow the aforementioned businesses to remain open on Good Friday and Easter Sunday.

For further information, please contact Michael Launslager, Economic Development Officer at 905-832-8585, ext. 8472.

Jeffrey A. Abrams
City Clerk

City of Vaughan

Retail Business Holiday Act exemption application background report

Introduction

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

The Act provides that a local municipality may apply to Regional Council to permit retail business establishments to open on holidays for the maintenance or development of tourism, provided that a business meets the following criteria:

- it is located within two kilometers 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.

As per the Council member’s resolution submitted by Vaughan City and Regional Councillor Michael Di Biase at March 18, 2014 Committee of the Whole, the City of Vaughan is seeking an exemption to the Act for all retail businesses located within the Vaughan-Thornhill community in the area bounded by: Steeles Avenue to the south, Yonge Street to the east, Highway 7 to the north and Dufferin Street to the west. The application for exemption requests that businesses be permitted to remain open on Good Friday and Easter Sunday. A variety of tourist attractions exist within two kilometers of this area, and many of the retail businesses operating in this part of Vaughan offer culturally significant products that cater to tourists visiting from throughout the GTA and New York State.

In accordance with the Act, public notice was advertised in the Vaughan Citizen and Thornhill Liberal in July, 2014 and was posted on the City of Vaughan’s website.

Geographic Context

The City of Vaughan’s application for exemption from the RBHA includes all retail businesses within the boundaries of: Steeles Avenue to the south, Yonge Street to the east, Highway 7 to the north and Dufferin Street to the west. This geographic area is located within the community of Thornhill, one of Vaughan’s most densely populated areas, accounting for almost 23% of the City’s inhabitants (2011 population of the Thornhill Ward was 66,200). As of 2011, 54% of the population was over the age of 40 and residents in the Thornhill Ward generally have high levels of income and are highly educated. The

area is also one of the most ethnically diverse communities in Vaughan, largely represented by Israeli, Chinese, South Asian, and Filipino descent. The City's 2031 growth forecast estimates a population of 84,700. Potential mid- and high-rise residential intensification could adjust this target significantly upward.

Land uses

The exemption application area in the community of Thornhill, as defined on page 1, is largely residential, complimented by a variety of retail and service commercial, institutional and parkland uses. Most of Thornhill is defined by low density residential communities; however, a number of new high rise condominiums have recently been developed in the area near Bathurst and Centre Streets. Adjacent to Thornhill to the west is Concord, Vaughan's original industrial and commercial business area.

Clusters of retail and service commercial land uses are located at major intersections of arterial roads such as Bathurst St., Centre St., Clark Ave., Yonge St. and Steeles Ave. Promenade Mall, a major regional shopping centre, is the largest retail development in Thornhill and attracts 8.5 million visitors annually. Located at the intersection of Centre St. and Bathurst St., Promenade Mall is home to major retail tenants such as Sears, SportCheck, T&T Supermarket, Old Navy and H&M. In the spring of 2014, Promenade Mall successfully applied for exemption to the Retail Holiday Business Act.

Alignment with City of Vaughan's Vision and Strategies

Vaughan's strategic plan, Vision 2020, embraces culture as a key component of building a vibrant community. Flowing from Vaughan 2020, the City's Economic Development Strategy and Cultural Plan, Creative Together, also support culture, arts and tourism as key economic drivers in our community. Through an application for exemption from the Act for the geographic area defined on page 1, the City of Vaughan is seeking to advance its corporate, economic and cultural development goals. Below is a summary of specific strategic goals that will be addressed through a successful application for exemption to the Act.

Vaughan Vision 20|20

- Service Excellence: preserve our heritage and support diversity, arts and culture: A welcoming city that supports a vibrant arts community, with diverse heritage and cultural initiatives.
 - By creating opportunity for local businesses in Thornhill to attract tourists during the Easter weekend, The City of Vaughan is supporting many arts and culture attractions in the geographic area by encouraging visitors to explore the area and learn about the important cultural assets in our community.

Economic Development Strategy

- Goal 4: Grow Vaughan's dynamic quality of place and creative economy
 - Objective 4.1: Pursue place-building and creative economy development as a means of enhancing efforts to attract creative class and knowledge workers to

Vaughan as a tool for supporting the broader incubation and development agenda.

- Enabling businesses to remain open during the Easter weekend will contribute to a vibrant tourism sector in Vaughan, attracting visitors to our community beyond the traditional summer tourist season. An increased number of visitors to Vaughan during the Easter weekend will also contribute to growth in arts and culture attractions across Vaughan and spin off benefits including increased demand for hotels and restaurants.
- Objective 4.3: leverage Vaughan's image as a welcoming community
 - By allowing businesses to remain open on Easter weekend, the City of Vaughan is building on cultural and business assets to make culture more accessible to visitors; by opening on holidays, Vaughan is sending a welcoming message to tourists that we want them to explore the unique businesses and attractions in our community.

Creative Together Cultural Plan

- Strategy 1: Strengthen and diversify Vaughan's economy by leveraging its creative and cultural assets.
 - Enabling retail businesses to remain open on the Easter weekend will create greater economic opportunity for businesses operating in cultural/tourism industries in Thornhill and allow them to capitalize on new business generated during an important religious holiday weekend.
- Action 1.2: Promote and market the City of Vaughan as a cultural tourism destination with unique experiences and amenities.
 - Unique cultural assets in Thornhill can be leveraged and promoted to attract tourists looking to purchase specific goods only available in this geographic location; by allowing retail businesses to remain open on Easter weekend, the City of Vaughan is creating a niche tourism product that is different from any other area in Ontario.
- Strengthen neighborhood level cultural hubs
 - Anecdotal feedback from the Thornhill community suggests that the majority of tourists to Vaughan during the Easter long weekend are extended family members visiting local relatives. By allowing retail businesses to remain open during the Easter weekend, the City of Vaughan is creating a cultural destination for local residents to show visiting family members the community in which they live. The City of Vaughan's goal is to strengthen neighbourhood level cultural hubs in Thornhill by encouraging local residents to explore their community.

Tourist Attractions within 2km

Canadian Museum of Hindu Civilization

8640 Yonge Richmond Hill, ON

Sugarbush Heritage Park

91 Thornhill Woods Dr Vaughan, ON

Rudolf Steiner Centre

9100 Bathurst, Vaughan, ON

North Thornhill Community Centre

300 Pleasant Ridge Ave, Vaughan, ON

Heintzman House

135 Bay Thorn Dr, Markham, ON

Uplands Golf and Ski club

46 Uplands Avenue, Vaughan, ON

Jewish Russian Community Centre

18 Rockford Rd Toronto, ON

Promenade Mall

1 Promenade Circle, Vaughan, ON

Dadashi Art Gallery

6050 Yonge St Toronto, ON

Vaughan City Playhouse Theatre

1000 New Westminister Drive, Vaughan, ON

Thornhill Golf and Country Club

7994 Yonge Street, Vaughan, ON

Martin House Store and Museum

46 Centre Street, Vaughan, ON

Oakbank Pond

250 Centre Street, Vaughan, ON

Garnet Williams Community Centre

501 Clark Ave. West, Vaughan, ON

The Mill Cottage

15 Mill Street, Vaughan, ON

Sutton Frizell's House

18 John Street, Markham, ON

Holy Ann House

32 John Street, Markham, ON

Thoreau MacDonald House

121 Centre Street, Vaughan, ON

Cricklewood

54 Cricklewood Crescent, Markham, ON

Homewood Hall

19 Centre Street, Vaughan, ON

Thornhill Pool

28 Centre Street, Vaughan, ON

Ladies Golf Club of Toronto

7859 Yonge Street, Richmond Hill, ON

Marita Payne Park

1443 Clark Ave. West, Vaughan, ON

Beth Avraham Yoseph of Toronto Congregation

613 Clark Ave. West, Vaughan, ON

Dufferin Clark Community Centre

1441 Clark Ave. West, Vaughan, ON

Thornhill Pioneer Methodist Cemetery

41 Normark Drive, Markham, ON

Arnold House

21 Spring Gate Blvd., Vaughan, ON

Edey House

4 Leahill Drive, Markham, ON

Village Library

10 Colborne St., Vaughan, ON

St. Volodymyr's Ukrainian Catholic Church

15 Church Lane, Markham, ON

Concord-Thornhill Regional Park

299 Racco Way, Vaughan, ON

Bathurst-Clark Resource Library

900 Clark Ave. West, Vaughan, ON

Relationship to tourist attractions

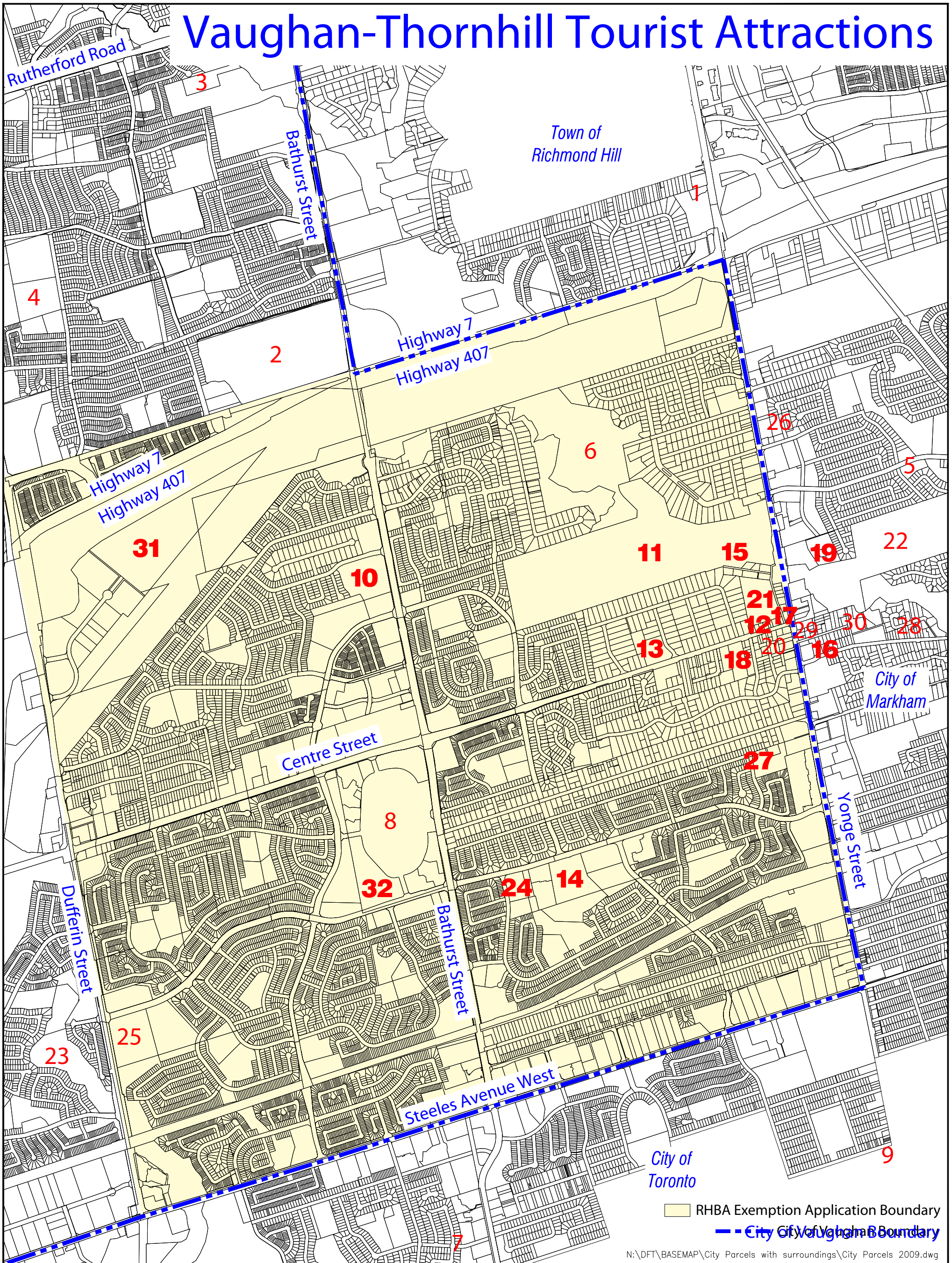
Attracting tourism investment is part of Vaughan's Economic Development Department's mandate, and is achieved through working with partners such as with Central Counties Tourism, the Province of Ontario, York Region and organizations like York Region Arts Council. For the City of Vaughan, tourism is an important economic sector and impacts the local tax base, creates jobs, has spillover effects on related businesses, and improves quality of place by embracing our local cultural identity.

Currently, nearly 1,000 businesses in Vaughan operate in the tourism sector, employing over 18,000 people. Between 2011 and 2012, direct employment in this sector has achieved growth of 7.4%. Some examples of recent tourism infrastructure investments include:

- Canada's wonderland \$28 million infrastructure investment (2012)
- Legoland Discovery Centre - \$12 million investment, 34,000 square feet (2013)
- Vaughan Mills -\$87 million investment, 200,000 square foot expansion (2014)

The area of Thornhill is adjacent to many significant cultural and tourist attractions which contribute to the sustainability and growth of the tourism sector in Vaughan. As a whole, the tourism sector in Vaughan benefits from increased capacity, and is greatly impacted by the ability of local tourism stakeholders to pool resources and act cooperatively to draw visitors into our community.

Vaughan-Thornhill Tourist Attractions



City of Vaughan Boundary

— RHBA Exemption Application Boundary

Tourist Attractions in the vicinity of Thornhill-Vaughan

Map Legend

- | | | | |
|----|---|----|---|
| 1 | Canadian Museum of Hindu Civilization
8640 Yonge Richmond Hill, ON | 17 | Holy Ann House
34 John Street |
| 2 | Sugarbush Heritage Park
91 Thornhill Woods Dr Vaughan, ON | 18 | Thoreau MacDonald House
121 Centre Street |
| 3 | Rudolf Steiner Centre
9100 Bathurst Thornhill, ON | 19 | Cricklewood
54 Cricklewood Crescent |
| 4 | North Thornhill Community Centre
300 Pleasant Ridge Ave Thornhill, ON | 20 | Homewood Hall
19 Centre Street |
| 5 | Heintzman House
135 Bay Thorn Dr, Thornhill, ON | 21 | Thornhill Pool
28 Centre Street |
| 6 | Uplands Golf and Ski club
46 Uplands Avenue, Thornhill, ON | 22 | Ladies Golf Club of Toronto
7859 Yonge Street |
| 7 | Jewish Russian Community Centre
18 Rockford Rd Toronto, ON | 23 | Marita Payne Park
2 Glen Shields Avenue |
| 8 | Promenade Mall
1 Promenade Circle, Vaughan, ON | 24 | Beth Avraham Yoseph of Toronto
Congregation
613 Clark Ave. West |
| 9 | Dadashi Art Gallery
6050 Yonge St Toronto, ON | 25 | Dufferin Clark Community Centre
1441 Clark Ave. West |
| 10 | Vaughan City Playhouse Theatre
1000 New Westminister Drive | 26 | Thornhill Pioneer Methodist Cemetery
Normark Drive |
| 11 | Thornhill Golf and Country Club
7994 Yonge Street | 27 | Arnold House
21 Spring Gate Blvd. |
| 12 | Martin House Store and Museum
46 Centre Street | 28 | Edey House
4 Leahill Drive |
| 13 | Oakbank Pond
250 Centre Street | 29 | Village Library
10 Colborne St. |
| 14 | Garnet Williams Community Centre
501 Clark Ave. West | 30 | St. Volodymyr's Ukranian Catholic
Church
15 Church Lane |
| 15 | The Mill Cottage
15 Mill Street | 31 | Concord-Thornhill Regional Park
299 Racco Way |
| 16 | Sutton Frizell's House
18 John Street | 32 | Bathurst-Clark Resource Library
900 Clark Ave. West |



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.
2013-66 (addition to LI-8-95-76)	Sep. 26, 2013	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.
2013-67 (addition to LI-8-95-76)	Sep. 26, 2013	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.
2014-26 (addition to LI-8-95-76)	Apr. 17, 2014	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
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.
2013-64 (addition to LI-8-95-76)	Sep. 26, 2013	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.
2011-20 (addition to LI-8-95-76)	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.
2013-65 (addition to LI-8-95-76)	Sep. 26, 2013	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.
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					
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.
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.
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 May 22, 2014