

Clause No. 1 in Report No. 7 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on April 17, 2014.

**1**

**CADILLAC FAIRVIEW CORPORATION LIMITED FOR  
MARKVILLE SHOPPING CENTRE  
LOCATED AT 5000 HIGHWAY 7 EAST  
RETAIL BUSINESS HOLIDAYS ACT APPLICATION FOR EXEMPTION**

Committee of the Whole held a public meeting on April 3, 2014, pursuant to the *Retail Business Holidays Act*, to consider a proposed bylaw to permit the Markville Shopping Centre located at 5000 Highway 7 East, City of Markham, to remain open on the holidays and during the hours set out in Recommendation 3, and recommends:

1. Receipt of the following deputations:
  1. Liem Vu, General Manager, Promenade Shopping Centre, on behalf of Cadillac Fairview Corporation Limited for Markville Shopping Centre, who during the deputation withdrew the request for Markville Shopping Centre to remain open on Easter Sunday
  2. Peter Thoma, Partner, urbanMetrics.
2. Receipt of the report dated March 19, 2014 from the Regional Solicitor and Executive Director, Corporate and Strategic Planning.
3. Permitting Cadillac Fairview Corporation Limited for its retail business Markville Shopping Centre located at 5000 Highway 7 East, 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 11 a.m. and 6 p.m. pursuant to the *Retail Business Holidays Act*.
4. 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 Cadillac Fairview Corporation Limited (the “Applicant”) for its retail business Markville Shopping Centre located at 5000 Highway 7 East, Markham, Ontario.
2. Council determine whether to grant an exemption from the *Retail Business Holidays Act* to allow the Applicant to remain open on New Year’s Day, Family Day, Good Friday, Easter Sunday, Victoria Day, Canada Day, Labour Day, and Thanksgiving Day.
3. A bylaw be presented to Council to give effect to the exemption, if granted by Council.

## 2. PURPOSE

This report advises Council of an application for exemption from the *Retail Business Holidays Act* to allow the Applicant to be open on certain statutory holidays. This application is the subject of the public meeting to be held on April 3, 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 the Civic Holiday in August are not public holidays under this Act and therefore an exemption is not required for those days.

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

The following application has been received:

Business	Location	Holidays	Hours
Markville Shopping Centre	5000 Highway 7 East Markham, Ontario	New Year's Day Family Day Good Friday Easter Sunday Victoria Day Canada Day Labour Day Thanksgiving Day	11:00 a.m. to 6:00 p.m.

In accordance with the Act, notice of a public meeting was advertised in the Markham Economist and Sun on Thursday February 27, 2014 and was posted on the Region's website.

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

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 a retail shopping centre that has been operating in the Region for 32 years.**

The Applicant has been present and active in the Region since 1982. The Applicant is a regional shopping centre totalling 980,000 square feet and provides employment for approximately 3,000 persons. The operating hours are currently Monday to Friday 10:00 a.m. to 9:00 p.m., Saturday 9:30 a.m. to 6:00 p.m. and Sunday 11:00 a.m. to 6:00 p.m.

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

##### **The Applicant submits its own site as the tourist attraction and also lists Main Street Unionville among the tourist attractions within 2km of the site**

The Applicant has listed its own site, the Markville Shopping Centre as the tourist attraction on this application. The site is also within 2km of a variety of galleries, recreation areas, and museums as listed by the Applicant in Section 4.4 of *Attachment 2*.

The Applicant sets out in Section 5, of *Attachment 2*, that the site is a tourist attraction as it attracts customers from a regional market area beyond the City of Markham and is a popular destination for social and cultural gatherings, entertainment and leisure activities serving a community function in the City.

The Applicant is also involved in off-site community activities and events, citing its involvement as the host of the 2012 Markham Jazz Festival, which annually holds performances in Unionville. Additionally the site promotes other local tourist attractions and community organizations by displaying brochures, programs and other communication materials to visitors.

**The Applicant has based its application on the criteria outlined in the OMB's Bramalea City Centre decision**

The Applicant has based its application on the criteria considered in the Ontario Municipal Board's (the "OMB") decision to uphold Peel Region's exemption bylaw for Bramalea City Centre on the basis that a mall could be considered a tourist attraction.

The Act and the Regulation do not specifically qualify a mall or shopping centre as a Tourist Attraction. The OMB decision allowed that a broader interpretation of the term "tourist attraction" may be considered, in reviewing, (1) what constitutes a tourist attraction and why people go there, (2) evidence that was not contradicted and, (3) the definitions of tourism and attraction which reinforced the evidence presented by the Bramalea City Centre.

**The Applicant refers to a map created by regional staff using the criteria established in the Regulation to identify sites which may be considered natural or outdoor recreational attractions, historical, cultural, multi-cultural or educational attractions**

The Applicant notes that an exemption is appropriate as the site is regularly featured in local print advertisements, websites and social media conversations as a community amenity. The Applicant references a map created by regional staff and presented to Council in February 2013. The map identifies sites that could be considered to meet the criteria set out in the Regulation. Using this map, the Applicant states that its site is near the centre of an area identified as a possible exemption area, providing further justification for an exemption.

The Applicant identified and compiled, in Section 4.4 of *Attachment 2*, a listing of tourist attractions, which may qualify the Applicant to meet the location criteria for exemption consideration.

The Applicant's submissions states that the Applicant's site plays an important non-shopping role in Markham and therefore only a portion of its visitors are actual retail customers. The Site serves as an important gathering place in the local community and hosts a variety of social, entertainment and leisure-based activities. These are listed in Section 5.3 of *Attachment 2*.

**The Applicant has given notice to its tenants of this application to ensure adequate notice and that there will be compliance with the Act and other legislation affecting businesses which would open on a statutory holiday if an exemption is enacted**

In addition to submitting an application, the Applicant has provided notice to its tenants of this application - see *Attachment 2(Appendix F)*. As noted in Section 4.5 of *Attachment 2*, the Regulation under the Act requires that at least 25% of the retail businesses in an exemption area be directly associated with a tourist attraction or rely on tourists visiting the attraction for business on a holiday. As the Applicant has yet to operate during holiday hours the Applicant cannot make the determination that it relies on tourists for business during a holiday. The Applicant is of the opinion that if the site were to open on a holiday it would exceed the criteria set out in the Regulation and would lead to opportunities for increased tourism at nearby tourist attractions.

Currently there are no bylaws applicable to this business, and eleven other exemptions have been granted within the City of Markham. 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 to the OMB within thirty days, by any person who objects to the exemption. An appeal may only be made if an exemption is granted. There is no provision for an applicant to appeal if an exemption has been denied. If there is no appeal, the bylaw takes effect on the thirty-first day after it is passed.

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

**5. FINANCIAL IMPLICATIONS**

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

**6. LOCAL MUNICIPAL IMPACT**

Approval of an exemption under the Act is intended to contribute to tourism in a particular location, in this case in the City of Markham. A copy of the application was sent to the City of Markham, affording an opportunity for comment.

## **7. CONCLUSION**

An application has been received from the Cadillac Fairview Corporation Limited requesting an exemption from the Act to permit the Applicant's retail business located at 5000 Highway 7 East, Markham, Ontario to remain open on New Year's Day, Family Day, Easter Sunday, Good Friday, Victoria Day, Canada Day, Labour Day and Thanksgiving Day. The Applicant appears to meet the criteria established by the OMB for an exemption as a tourist attraction. The City of Markham has yet to provide comments on this application.

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 May 23, 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.

*Attachments (4)*



ALISON TORTORICE  
 Direct : (416) 598-8558  
 Fax : (416) 598-8528  
 Email : alison.tortorice@cadillacfairview.com

February 12, 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 The Cadillac Fairview Corporation Limited (Markville Shopping Centre – 5000 Highway #7 East, Markham, Ontario)**

I am legal counsel to The Cadillac Fairview Corporation Limited (the “Applicant”), the owners and operators of Markville Shopping Centre, in their application for an exemption under the *Retail Business Holidays Act*, R.S.O. 1990, Chapter R.30 (the “Act”). Markville Shopping Centre is located in the central portion of the City of Markham, on the property known municipally as 5000 Highway 7 East.

Based on the information contained in the corresponding Market Justification Study prepared by urbanMetrics inc., it is our opinion that Markville Shopping Centre appropriately addresses the criteria for an exemption under the Retail Business Holidays Act, as per the criteria set out under subsections 2(1), 2(2) and 2(3) of Ontario Regulation 711/91, as follows:

- 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.*
  
- 2(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 a 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.*
  
- 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, multicultural or educational attractions.*

...2/





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In light of the precedent that has been set across the Greater Toronto Area with respect to other high-profile, high-traffic retail destinations of regional significance, it is our opinion that Markville Shopping Centre is entirely justified in its request to York Region for an exempting by-law. In particular, we note that several other enclosed regional shopping centres have already been granted exemptions to the Act, including Vaughan Mills (Vaughan); Pacific Mall (Markham); Hillcrest Mall (Richmond Hill); Upper Canada Mall (Newmarket); Square One (Mississauga); Bramalea City Centre (Brampton); and the Toronto Eaton Centre (Toronto), among others. It is also important to note that, in the case of Bramalea City Centre, the Ontario Municipal Board in 2013 upheld Peel Regional Council's decision to exempt the shopping centre from the Act on the basis that it was a tourist attraction, in and of itself. This was the first Ontario Municipal Board decision to address whether a traditional shopping centre can be considered a tourist attraction and set an important precedent for similar applications likely to be submitted to Greater Toronto Area municipalities in the coming years, including that of Markville Shopping Centre in York Region.

In preparing an application, the owners have given notice to the tenants of Markville Shopping Centre as to their intention of applying for an exemption under the Retail Business Holidays Act. It is evident that many of the owners and managers of the retail businesses located in Markville Shopping Centre approve of this application and are indeed looking forward to the prospect of opening their stores on selected statutory holidays.

On the basis of the foregoing, it is our opinion that the application satisfies all of the criteria set out in the Retail Business Holidays Act, as well as its accompanying Regulations.

Sincerely,

**THE CADILLAC FAIRVIEW CORPORATION LIMITED**

*A. Tortorice*

Alison Tortorice, LL.B.  
Senior Director, Legal

AT/sr



# Application and Market Justification for Exemption under the Retail Business Holidays Act Markville Shopping Centre – Markham, Ontario Regional Municipality of York



Prepared for:

The Cadillac Fairview Corporation Limited



February 18, 2014



## The Regional Municipality of York

### APPLICATION FOR EXEMPTION - THE RETAIL BUSINESS HOLIDAYS ACT

The business 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")

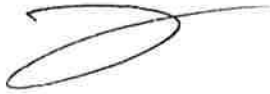
<b>SECTION 1: APPLICANT INFORMATION</b>	
<i>The information in Section 1, 2, 3 and 4a are required to properly process your application. Any missing information will result in your application being delayed until the next application deadline</i>	
<b>Retail Applicant name</b>	<b>The Cadillac Fairview Corporation Limited</b>
<b>Location address</b>	5000 Highway 7 East, Markham, Ontario
<b>Location telephone number</b>	905-477-6600
<b>Primary contact for Applicant</b> <i>(Person to whom all correspondence will be addressed)</i>	Name: Daryl Clemance, General Manager Address: The Cadillac Fairview Corporation Limited 5000 Highway 7 East Markham, ON L3R 4M9 Telephone: 905-477-6600 ext.225 Fax: 905-940-2239 Email: <a href="mailto:daryl.clemance@cadillacfairview.com">daryl.clemance@cadillacfairview.com</a>
<b>The Applicant is located within:</b>	<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
<b>Number of years in operation</b>	32 years (opened in 1982)
<b>Location size</b>	980,000 square feet (gross leasable area)
<b>Number of employees directly employed at location</b>	3,000 employees
<b>Type of retail business</b>	Super-Regional Shopping Centre
<b>Current operating hours</b>	Monday – Friday (10:00 am – 9:00 pm); Saturday (9:30 am – 6:00 pm); Sunday (11:00 am – 6:00 pm)
<b>Has the local municipality been notified of this application?</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<b>Have you enclosed 2 copies of this completed application and all supporting information?</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<b>Have you enclosed the application fee of \$1000.00?</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<b>Have you enclosed a cheque for the advertising costs?</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

<b>SECTION 2: TOURIST ATTRACTION PROFILE</b>		
<b>Name of nearby tourist attraction</b>	Markville Shopping Centre (i.e., the shopping centre itself).	
<b>Attraction location address</b>	5000 Highway 7 East, Markham, Ontario	
<b>Attraction category</b>	<input checked="" type="checkbox"/> Cultural <input type="checkbox"/> Educational <input type="checkbox"/> Multi-cultural <input type="checkbox"/> Natural <input type="checkbox"/> Outdoor recreational	
<b>The Applicant is located within 2km of the tourist attraction</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Must provide info in Section 4A #5	
<b>Is the tourist attraction seasonal?</b>	<input type="checkbox"/> YES* <input checked="" type="checkbox"/> NO If Yes, If Yes, see Section 4A #9	
<b>Is the Applicant directly associated with the tourist attraction?</b>	<input checked="" type="checkbox"/> YES* <input type="checkbox"/> NO* If Yes, If Yes, see Section 4A #7.	
<b>Does the Applicant provide goods or services primarily to tourists during Holidays?</b>	<input checked="" type="checkbox"/> YES* <input type="checkbox"/> NO If Yes, see Section 4A #7	
<b>SECTION 3: EXEMPTION REQUEST</b>		
<b>Proposed holiday hours of operation</b>	11:00 am – 6:00 pm (i.e., equivalent to current Sunday hours of operation)	
<b>Requested exemption period (please check box(es)):</b>		
<input checked="" type="checkbox"/> All <input type="checkbox"/> Winter (October – March) <input type="checkbox"/> Summer (April - September)	<input checked="" type="checkbox"/> New Year's Day <input checked="" type="checkbox"/> Family Day <input checked="" type="checkbox"/> Good Friday <input checked="" type="checkbox"/> Easter Sunday	<input checked="" type="checkbox"/> Victoria Day <input checked="" type="checkbox"/> Canada Day <input checked="" type="checkbox"/> Labour Day <input checked="" type="checkbox"/> Thanksgiving Day <input type="checkbox"/> Christmas Day
<b>Do any of the requested exemption dates occur outside the operating season of the tourist attraction?</b>	<input type="checkbox"/> YES* <input checked="" type="checkbox"/> NO* If Yes, see Section 4A #9	
<b>SECTION 4: SUPPORTING DOCUMENTS</b>		
<p><i>Items 1-10 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.</i></p> <p><b>Note: all supporting information must be submitted in hard copy and available in electronic form.</b></p>		
<b>4A. MANDATORY INFORMATION:</b>		
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.	
✓	2. Incorporation documents or most recent Corporate Profile Report. *See Appendix F of accompanying Market Justification Study	

✓	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 <i>*See Section 4.3 of accompanying Market Justification Study</i>
✓	5. Map of tourist attraction in proximity to site <i>*See Section 4.4 of accompanying Market Justification Study</i>
n/a	6. Tourist attraction's information, including operating season and hours
✓	7. Information detailing association with tourist attraction and goods and services primarily provided to tourists. <i>*See Section 4.5 of accompanying Market Justification Study</i>
n/a	8. If Applicant is not located within 2km of tourist attraction please provide detailed justification for this exemption with supporting evidence.
n/a	9. If requesting exemptions outside tourist attraction operating season please provide detailed justification for this exemption with supporting evidence.
✓	10. Copy of Notice, to be issued to retail tenants or posted in a highly visible and publicly accessible location, regarding this application. <i>*See Appendix G of accompanying Market Justification Study</i>
<b>4B. ADDITIONAL INFORMATION:</b> <i>Below is a suggested listing of information that you may submit with your application if available and applicable.</i>	
	11. If applying as an educational attraction please provide letters of reference from schools within any GTA school board on letter head 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 site is ordinarily accessed by visitors (i.e. foot, bike, transit, car) <i>*See Section 4.3 of accompanying Market Justification Study</i>

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: 16<sup>th</sup> day of February, 2014.

<b>Name of signatory for Applicant</b>	
Signature:	 A. Tortorice
Title:	VP OPERATIONS, ONTARIO . Senior Director, Legal



February 18, 2013

Mr. Daryl Clemance, CSM, MBA  
General Manager, Markville Shopping Centre  
The Cadillac Fairview Corporation Limited  
5000 Highway #7 East  
Markham, ON L3R 4M9

Dear Mr. Clemance:

**Re: Application and Market Justification for Exemption under the Retail Business Holidays Act (Markville Shopping Centre – Markham, Ontario)**

urbanMetrics inc. is pleased to provide The Cadillac Fairview Corporation Limited with this Market Justification Study. This study has been commissioned by the owners and operators of Markville Shopping Centre (“Markville”) in Markham, Ontario and is intended to support an accompanying application to the Regional Municipality of York for an “area basis” Tourist Exemption to the Ontario *Retail Business Holidays Act* (“RBHA”). This exemption, if granted, would permit retail and food service type businesses located at Markville to open on the following eight (8) statutory holidays: New Years Day, Family Day, Good Friday, Easter Sunday, Victoria Day, Canada Day, Labour Day and Thanksgiving Day. The proposed hours of operation on these days would be predicated on the centre’s standard/existing Sunday hours of opening, which are now 11:00 am to 6:00 pm.

Based on the data gathered in preparation of this study, urbanMetrics is of the opinion that Markville is an excellent candidate for an exemption to the RBHA, especially in light of the precedent that has already been set across the Greater Toronto Area with respect to other high-profile, high-traffic retail destinations of regional significance; and in comparison to other existing commercial areas/centres in York Region that have already been granted an exemption to the RBHA.

Pursuant to Section 4(1) of the RBHA, York Region’s council has the authority to grant an “area basis” Tourist Exemption (i.e., to establish a new municipal By-law), if it has been demonstrated that the exemption criteria in the RBHA (as per Ontario Regulation No. 711/91) have been satisfactorily addressed by the applicant and it is determined that such an initiative would assist in the “maintenance or development of tourism activity”.



In preparing this study, it is clear that Markville is already among the most prominent high-profile regional destinations in York Region. Provincial tourism research shows that shopping is a primary motivational driver of tourism in Ontario, and that the Toronto market in particular is considered to be one of the best shopping destinations in North America. As one of the largest shopping centres in York Region, Markville is a high-profile retail destination.

In light of recent and on-going moves by York Region – and other neighbouring jurisdictions in the GTA – we believe that the granting of an exemption to the RBHA for Markville would be an important step toward the continued creation of a level playing field for local retail businesses. An exemption to the RBHA will not only allow Markville to remain competitive with other neighbouring retail attractions within York Region, it will also help to minimize the amount of consumer outflow currently leaving York Region by virtue of other centres in Peel Region and Toronto now open on statutory holidays.

It has been a pleasure undertaking this work on your behalf. We welcome any questions or comments that you, your tenants or the public may have in this matter. Questions by any party regarding the content of this report can be directed to the undersigned at 416-351-8585 (x226) or to [pthoma@urbanMetrics.ca](mailto:pthoma@urbanMetrics.ca).

Yours truly,  
urbanMetrics inc.



Peter Thoma, MCIP, RPP, PLE  
Partner

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## 1 INTRODUCTION

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This report has been prepared by urbanMetrics inc. (“urbanMetrics”) on behalf of The Cadillac Fairview Corporation Limited (“Cadillac Fairview”), the owners and operators of Markville Shopping Centre (“Markville”) in Markham, Ontario. This report provides the supporting documentation and the market justification for a “Tourist Exemption” to the Ontario *Retail Business Holidays Act* (“RBHA”). The RBHA requires virtually all stores and services to close on statutory holidays, unless they are specifically exempted from doing so. The Tourist Exemption, in effect, permits specific retail establishments and/or concentrations of retail establishments (e.g., commercial areas and shopping centres) to remain open for business on selected/specified Statutory Holidays such as New Years Day (January); Family Day (February); Good Friday (March/April); Easter Sunday (March/April); Victoria Day (May); Canada Day (July); Labour Day (September); Thanksgiving Day (October); and Christmas Day (December).

### **The Request:**

*Markville is seeking an “Area Basis Tourist Exemption” on behalf of all its retailer and service commercial occupants to remain open, voluntarily, on the following eight (8) statutory holidays: New Years Day, Family Day, Good Friday, Easter Sunday, Victoria Day, Canada Day, Labour Day and Thanksgiving Day. The proposed hours of operation on these days would be predicated on the centre’s standard/existing Sunday hours of opening, which are now 11:00 am to 6:00 pm. The extent of the area being proposed includes all of the retail, restaurant and other service operators located within Markville Shopping Centre.*

In order to secure a Tourist Exemption, the proponent/applicant – in this case The Cadillac Fairview Corporation Limited – needs to clearly demonstrate that it will meet the specified criteria laid out in the RBHA legislation. In addition, the applicant must also satisfy that any other specific conditions and/or criteria imposed by the upper-tier municipality in which it is located; in this case York Region. Ultimately, as per Section 4(1) of the RBHA, a Tourist Exemption is granted by Regional Council.

### 1.1 BACKGROUND

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Originally opened in 1982, Markville is a super-regional shopping centre located in the central portion of Markham, Ontario. With approximately 980,000 square feet of leasable retail and service commercial space and more than 150 individual retail establishments, the centre is among the most prominent shopping destinations in York Region and indeed the GTA. In fact, Markville is the largest enclosed centre in Markham and the second largest centre in York Region, after Vaughan Mills. The centre is currently anchored by a number of well-known, national retail tenants, including Walmart; The Bay; and a Winners/HomeSense.

Originally owned and operated by Cambridge Shopping Centres Limited, the centre has recently undergone extensive renovations as part of a continued investment program to improve the quality of the centre and to meet increased market demand in the area. Most notably, due in large part to the recent renovation of the shopping centre, a number of high-end retailers such as J. Crew, Michael Kors, Swarovski, Sephora, Apple and Victoria's Secret have recently opened. Other notable tenants at the centre include Joey's Markville, which includes a seasonal patio, and a new Sporting Life store that is expected to open in the fall of 2014. The centre was acquired by Cadillac Fairview in 1997, who now serve as the owners and managers of the centre.

While Markville is clearly a popular destination among residents of Markham, it also attracts visitation from across York Region and from other parts of the Greater Toronto Area. In fact, the centre boasts a total market population of more than 730,000 residents and generates visitor traffic of approximately 9,500,000 persons each year.

The centre is comprised of a unique roster of relatively high-end fashion and lifestyle-oriented retail tenants, many of which are commonly found in major tourist areas. Retailers such as Coach, BCBGMaxAzria, Marciano, Victoria's Secret, Michael Kors, Express, Sephora, Pandora, Apple, and Swarovski to name a few, are commonly found in some of the most important shopping districts in North America, Europe and Asia, and they reflect the global consumption patterns of tourists and local shoppers alike.

As the second largest regional shopping centre in York Region – Markville has firmly established itself as an essential component of Markham and York Region's economic landscape. The centre plays an important role in serving the higher order commercial needs of local residents and also attracts visitors from a much larger catchment area. Similar to many of the other prominent commercial destinations, Markville also offers visitors with a safe and comfortable user experience.

It is clear too that, the centre serves as an important location for social and community-based activities; offering complimentary common area space to non-profit groups to accommodate and showcase fundraising, awareness and information displays. The centre regularly hosts a variety of entertainment, recreational, cultural and community events, including but not limited to those listed below. A complete list of the shopping and non-shopping events that have been held at Markville since 2012 has been provided in Appendix D at the end of this document.

- **Chinese New Year** – the centre hosts a Chinese New Year event every year with artistic performances by ethnic community groups and contests and giveaways from the centre's retail tenants.
- **Sochi Olympic Viewing Lounge** – the shopping centre has partnered with the Canadian Olympic Foundation, Bay Markville and BMW to showcase the 2014 Sochi Winter Olympic events and games between February 7<sup>th</sup> and the 23<sup>rd</sup> in a designated seating lounge. This event will also feature an athlete appearance with two-time women's hockey Olympic gold medal winner Cheryl Pounder on February 21<sup>st</sup>.

- **Santa Claus and Christmas events** – Markville regularly hosts events during the holiday seasons featuring Santa Claus, such as *Breakfast with Santa*, *Santa Photos & Pet Photos* and *Story Time with Santa*.
- **Holiday Gift Wrapping** – the shopping centre also offers gift wrapping services over the holidays, with all proceeds donated to the Markham Stouffville Hospital Foundation. Over \$25,000 was raised from gift wrapping in the holiday seasons of 2012 and 2013.
- **Earth Hour**– the centre held an event in 2012 to raise awareness for climate change that featured performances, face-painting, contests, giveaways, and more.
- **Markham Jazz Festival** – the centre hosted the Markham Jazz Festival in 2012, featuring young musicians and giveaways to see musical performances in the Flato Markham Theatre.

Further demonstrating the centre’s involvement and support of the surrounding community and other nearby tourist attractions in Markham, it is interesting to note that Markville is also involved with off-site community activities and events as well. For example, the centre hosted the Markham Jazz Festival in 2012, which is an annual event that holds performances in Unionville. Similarly, the centre’s own Guest Services kiosk directly supports and promotes other local tourist attractions and community organizations by displaying brochures, programs and other communications materials, which are available to all visitors.

## 1.2 WHY A TOURIST EXEMPTION IS NEEDED

Tourism is an important part of the provincial economy. As the economy has slowed since 2009, it is anticipated that travel patterns and motivations will also begin to change. It is expected, for example, that a greater number of Ontarians will opt to remain closer to home, discover new parts of the province or engage in activities that are more familiar to them. As the retail industry will invariably depend on new sources of revenue, merchants will need to reach a deeper audience, and in doing so will look to expand their focus on tourist and other non-local markets. For many retailers, large and small, this strategy will likely be fundamental to their competitive health going forward.

The City of Toronto has recently embraced the importance of maintaining an open-for-business attitude for retailers throughout much of Downtown Toronto. The City has granted its approval for all retail businesses and restaurants within selected parts of the downtown area to remain open on specific statutory holidays as a means of promoting the City’s profile as a tourist-friendly destination. Elsewhere in the GTA, other jurisdictions including Peel Region and York Region have also decided to grant tourist exemptions to some of their business areas (e.g., Vaughan Mills Shopping Centre in Vaughan, Pacific Mall in Markham, Hillcrest Mall in Richmond Hill, and Upper Canada Mall in Newmarket). The opening of these centres on statutory holidays now creates an un-level playing field across the suburban 905 region and limits Markville’s (and



other local retail establishments’) capacity to compete for a meaningful share of holiday expenditures now being made in the marketplace on selected holidays.

### 1.3 RETAIL BUSINESS HOLIDAYS ACT CRITERIA

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The delivery of merchandise and services to the general public in Ontario on statutory holidays is governed by the Retail Business Holidays Act, R.S.O. 1990, Chapter R.30, which has been referred to in this study as the “RBHA”, or “the Act”.

Section 4(1) of the Act enables the council of a municipality to enact a by-law allowing businesses to be open on holidays for the maintenance or development of tourism. Tourism maintenance or development can be defined to include activities undertaken to preserve existing tourist traffic, or alternatively to increase tourist visitations to an area in general. Such efforts would include preserving, creating or supporting attractions and other infrastructure to drive tourist visitation.

Section 4(3) of the Act requires that any exemptions granted must be done so in accordance with the specific tourism criteria set out in Ontario Regulation 711/91 – Tourism Criteria; which has been referred to in this study as “the Regulations”.

Section 2(2) of the Regulations stipulates:

*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 a 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.*

Section (3) of the Regulations states:

*A tourist attraction is limited to,*

- a) Natural attractions or outdoor recreational attractions;*
- b) Historical attractions; and,*
- c) Cultural, multicultural or educational attractions.*

This report has been prepared by urbanMetrics on behalf of The Cadillac Fairview Corporation Limited in support of an accompanying application being made for an “area basis” exemption to

the RBHA, pursuant to Section 2(2) of the Regulations. This application applies to all retail and service commercial businesses located in Markville Shopping Centre in Markham, Ontario. The extent of the exemption, if approved, will apply to all commercial units, regardless of size or store type, situated within Markville.

## 1.4 METHODOLOGY

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This study seeks to demonstrate that Markville meets the Tourism Criteria set out in the Act under which an “area basis” tourism exemption may be granted. To determine the suitability of Markville for a Tourist Exemption, urbanMetrics has employed the following methodological approach:

- **Policy Analysis** – To better understand the scope of the requirements, all relevant legislation has been analyzed, including:
  - Retail Business Holidays Act, R.S.O. Chapter 30;
  - Ontario Regulation 711/91; and,
  - Schedule A of York Region Bylaw LI-8-95-76.

This policy framework provides the foundation for additional research to assist in building and supporting the case that Markville should be exempt from the RBHA.

- **Case Studies, Comparative Analysis and Secondary Research** – Existing “area basis” Tourist Exemptions in York Region, Toronto and Peel Region have been examined and analyzed for comparative purposes. Historic “Tourist Exemption” applications have been obtained and reviewed.

Comparative data has been obtained from the Canadian Directory of Shopping Centres (2014).

Secondary data research has been obtained from the Ministry of Tourism, Cadillac Fairview, and various websites.

- **Current Tourism Positioning** – We have evaluated the way in which Markville is currently being positioned as a tourist destination, both by its own management team, and by major tourism industry players, including York Region Tourism, among others.
- **Content Analysis** – Upon completion of the data search, urbanMetrics reviewed, sorted, analyzed, mapped and produced this Market Justification Study, with the results of our findings to follow.

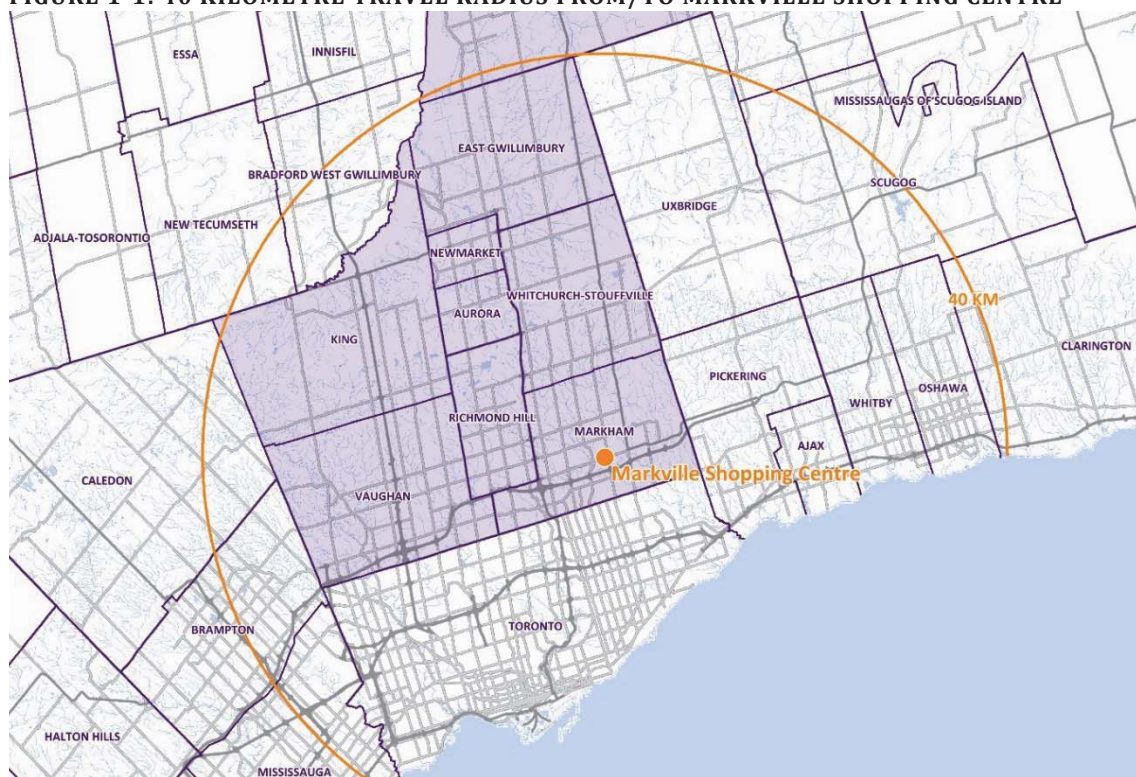
## 1.5 DEFINITIONS

For the purposes of this report, urbanMetrics has relied on the following definitions that are provided by the Ministry of Tourism (1998):

- **Tourism** – Activities of a person(s) travelling to and staying in places outside their usual environment for not more than one consecutive year for leisure, business, and other purposes;
- **Tourism Related Sectors** – Sectors that supply goods and services consumed by tourists...which include transportation; accommodation services; food and beverage services; amusement and creation services; and retail and other services (car rental, travel agents);
- **Tourists** – One who travelled more than 40 kilometres (one way) away from home either as a day trip or overnight and stayed in commercial accommodation;

For reference, Figure 1-1 on the following page illustrates the geographic extent of the 40 kilometre travel radius from/to Markville. As shown, this radius contains the majority of the central GTA, including the entire City of Toronto, most of York Region, as well as large portions of both Durham and Peel Regions.

**FIGURE 1-1: 40 KILOMETRE TRAVEL RADIUS FROM/TO MARKVILLE SHOPPING CENTRE**



SOURCE: urbanMetrics inc.

## 2 THE CONNECTION BETWEEN SHOPPING & TOURISM

Shopping is widely considered to be one of the most common activities for people to engage in while visiting someplace else. In many ways, the quality and composition of commercial districts act as an important defining feature of what makes a place special in the first place. According to the Ministry of Tourism, the capacity for a travel destination to demonstrate that it truly has great shopping opportunities highly influences the choice of destination for a pleasure or vacation trip<sup>1</sup>. In other words, a travelers' decision to visit a particular destination is largely based upon the destination's marketed shopping allure.

For both domestic and international travel audiences, the Toronto brand (as promoted by Tourism Toronto<sup>2</sup>) is very closely aligned with urbane and sophisticated experiences that focus largely around three core activities: shopping, dining and entertainment. These activities in many ways define the motivations for people coming into the Toronto area, and in turn influences the type of destinations/attractions that are sought out once they arrive. Regardless of whether a traveler is coming to the Toronto area for a day trip, or whether they are staying for a week or more in a private home with family or friends, or staying in a hotel, most visitors are likely to allocate a portion of their leisure time to shopping.

Markville understands the importance of tourism as a major market opportunity for both growth and expansion of its customer base. This understanding is also supported by research undertaken by the Ministry of Tourism. Figure 2-1 below illustrates the primary motivations for planning a trip in/to Ontario, broken down by key domestic, U.S. and Overseas travel markets. Quite clearly, the primary purpose for choosing to visit Ontario was either for pleasure or to visit family/friends that are already living here.

**FIGURE 2-1: PURPOSE OF TRAVEL TO ONTARIO**

<b>Purpose of Travel to Ontario, overnight and same-day visits combined (000's)</b>				
	<b>Ontario</b>	<b>Canada</b>	<b>USA</b>	<b>Overseas</b>
Pleasure	34,323	1,693	<b>8,912</b>	<b>842</b>
Visiting Friends/Relatives	<b>35,976</b>	<b>2,149</b>	2,730	825
Business	4,301	605	1,473	399
Personal	4,399	221	4,389	132

SOURCE: Ministry of Tourism: Ontario's Travel Markets, 2006

<sup>1</sup> Ministry of Toronto (2007).

<sup>2</sup> Tourism Toronto is the lead public agency responsible for partnering with, and co-marketing, the entire Toronto Region as a single tourist destination. York Region and its comprising municipalities are members of, partners with, and beneficiaries of the efforts of Tourism Toronto.

Figure 2-2 and Figure 2-3 reveal a similar trend to Figure 2-1, with international visitors to Ontario engaging in shopping as their *number one activity*. Canadian travelers rank shopping as their third most frequented activity. While Ontarians ranked shopping fourth during travel, it should be noted that visiting relatives and friends ranked first, and shopping is a common activity associated with this type of visitation.

**FIGURE 2-2: TOP ACTIVITIES OF USA AND OVERSEAS TOURISTS WHILE VISITING ONTARIO**

**Top Five Most Frequent Activities of USA and Overseas Tourists while Visiting Ontario, overnight visits (000's)**

Rank	Activity	Total USA	Total Overseas
1	<b>Go Shopping</b>	<b>3,787</b>	<b>Go Shopping</b> 1,736
2	Go Sightseeing	3,112	GO Sightseeing 1,450
3	Visit Friends or Relatives	2,380	Visit Friends or Relatives 1,287
4	Participate in Sports/Outdoor Activities	2,075	Visit a National/Provincial Nature Park 872
5	Visit a Historic Site	1,537	Visit a Historic Site 830

SOURCE: Ministry of Tourism: Ontario’s Travel Markets, 2006

**FIGURE 2-3: TOP ACTIVITIES OF ONTARIAN AND CANADIAN TOURISTS WHILE VISITING ONTARIO**

**Top Five Most Frequent Activities of Ontarian and Canadian Tourists while Visiting Ontario, overnight visits (000's)**

Rank	Activity	Total Ontario	Total Canada
1	Visit Friends or Relatives	11,861	Visit Friends or Relatives 1,742
2	Participate in Sports/Outdoor Activities	11,647	Participate in Sports/Outdoor Activities 1,267
3	Go Sightseeing	2,962	<b>Go Shopping</b> 750
4	<b>Go Shopping</b>	<b>2,731</b>	Go Sightseeing 596
5	Fishing	2,284	Visit a Museum or Art Gallery 302

SOURCE: Ministry of Tourism: Ontario’s Travel Markets, 2006

The tourism research conducted by the Province also provides greater insight into the specific types of shopping experiences that visitors expect, and the types of goods and services that are in greatest demand.

The provincial Travel Activities and Motivation Survey (TAMS), released in May 2007, shows that “Clothing, Shoes and Jewellery” are the most highly sought after products for both US and domestic travelers in Ontario (NOTE: international travellers were not included in the sample). Overwhelmingly, the most important expectations that out-of-town shoppers have when choosing a location to participate in shopping activities are ranked as follows:

- #1 - *feeling safe at the destination* (76% of respondents);
- #2 - *lots of things for adults to do* (52%); and,
- #3 - *convenient access by car* (51%).

Similar to most of the enclosed shopping centres located in York Region, Markville clearly delivers on all of these primary expectations. The notion of safety – both real and perceived - is particularly important. Negative reports in the press about escalating violence in the GTA

provides additional challenges to the hospitality sector in that many potential visitors think that certain parts of the Toronto area are unsafe. Large shopping centres, such as Markville, provide an alternative shopping destination for many travelers coming to the GTA, and, at the same time, provide precisely the type of shopping experiences (i.e. safety, variety and easy car access) that the research indicates tourists actually want.

### 3 BUSINESSES EXEMPT FROM THE ACT

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The *Retail Business Holidays Act* restricts most retail establishments from opening on nine specified days each year, unless they are exempted by the legal authority of an upper-tier municipality. The statutory holidays to which the Act applies include: New Year's Day; Family Day; Good Friday; Easter Sunday; Victoria Day; Canada Day; Labour Day; Thanksgiving Day; and Christmas Day.

At present, there are a number of businesses that are exempt from the RBHA under an “area-basis” within York Region, Peel Region and the City of Toronto. The following sections of this report identify and describe a number of these business areas, namely: Vaughan Mills, Pacific Mall, Hillcrest Mall and Upper Canada Mall in York Region; Square One Shopping Centre, Bramalea City Centre, Port Credit Business Improvement Area and the Mississauga Chinese Centre in Peel Region; and Queen’s Quay Terminal and the Toronto Eaton Centre. Commonalities between these locations and Markville have also been articulated and examined from a market perspective, as well as an overall economic development and competitiveness perspective.

#### 3.1 EXISTING YORK REGION EXEMPTIONS

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There are currently 23 individual retail establishments and retail areas in York Region that have already been granted exemptions under the RBHA, including a diverse range of regional shopping centres, historic retail districts, stand-alone retail establishments, and – in some cases – entire municipalities. This represents the greatest number of exemptions of any regional municipality in the GTA; setting a strong precedent in York Region’s ongoing commitment to equalizing the playing field for its local retail establishments. Moreover, we note that the City of Markham contains the greatest number of exemptions relative to other municipalities, representing approximately half of the total number of exemptions granted in York Region to date.

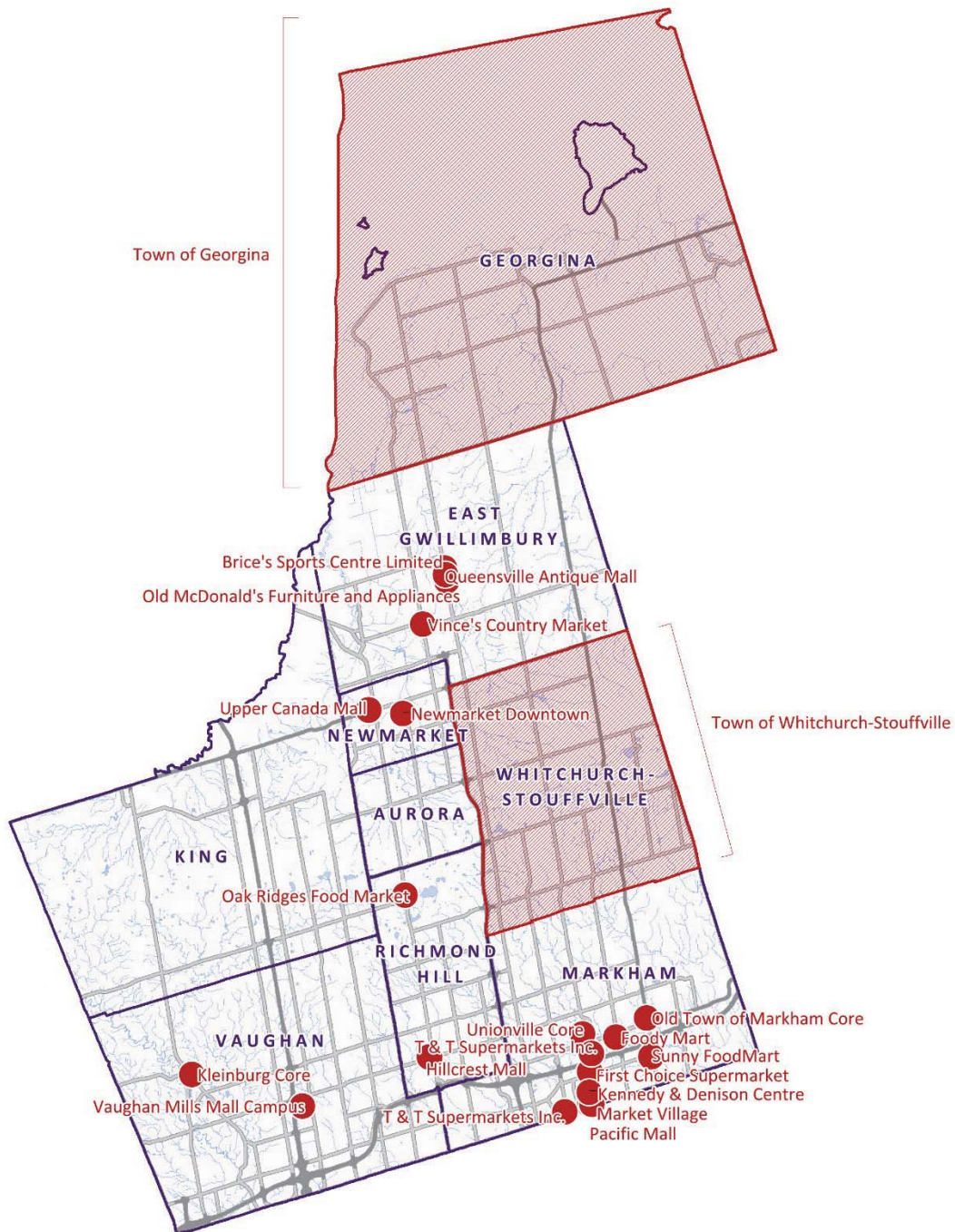
The following lists all the retail establishments/areas in York Region that are currently exempt from the RBHA, based on information contained in Schedule A of York Region Bylaw LI-8-95-76. Similarly, Figure 3-1 provides an accompanying illustration of the relative location of each of these retail areas throughout the various communities in the Region.

- **Brice's Sports Centre Limited** - 20287 Woodbine Avenue (East Gwillimbury);
- **Vince's Country Market** - 19101 Leslie Street (East Gwillimbury);
- **Old McDonald's Furniture and Appliances** - 19937 Woodbine Avenue (East Gwillimbury);
- **Queensville Antique Mall** - 20091 Woodbine Avenue (East Gwillimbury);

- **Town of Georgina** – entire community (Georgina);
- **Old Town of Markham Core** (Markham);
- **Unionville Core** (Markham);
- **Pacific Mall Heritage Town / Pacific Mall** – 4300 Steeles Avenue East (Markham);
- **Market Village Markham Inc.** - 4350 Steeles Avenue (Markham);
- **Kennedy & Denison Centre** - 1661 Denison Street (Markham);
- **Foody Mart** - 5221 Highway 7 East (Markham);
- **T & T Supermarkets Inc.** - 8339 Kennedy Road (Markham);
- **T & T Supermarkets Inc.** - 7070 Warden Avenue (Markham);
- **First Choice Supermarket** – 7866 Kennedy Road (Markham);
- **Sunny Foodmart** – 7700 Markham Road (Markham);
- **Newmarket Downtown** (Newmarket);
- **Upper Canada Mall** – 17600 Yonge Street (Newmarket);
- **Oak Ridges Food Market** - 13144 Yonge Street (Richmond Hill);
- **Hillcrest Mall** – 9350 Yonge Street (Richmond Hill);
- **Kleinburg Core** (Vaughan);
- **Vaughan Mills Mall Campus** (Vaughan); and,
- **Town of Whitchurch-Stouffville** – entire community (Whitchurch-Stouffville).



**FIGURE 3-1: MAP OF EXISTING YORK REGION EXEMPTIONS (2014)**



SOURCE: urbanMetrics inc., based on information contained in Schedule A of York Region Bylaw LI-8-95-76 (2013).

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### 3.1.1 VAUGHAN MILLS

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Vaughan Mills is considered to be a super-regional shopping centre. Opened in 2003, the mall, which was built as a joint venture between Toronto-based Ivanhoe Cambridge and US-based Mills Properties, was the first “new” enclosed shopping centre in Canada in over two decades. The mall is located at Hwy. 400 at Rutherford Rd. and is directly adjacent to Canada’s Wonderland amusement park.

The mall is comprised of approximately 1.2 million-square feet retail space with over 200 retail tenants, including: Bass Pro Shops Outdoor World, Nascar Speedpark, Burlington Coat Factory, Town Shoes Outlet, as well as a Tommy Hilfiger Outlet (said to be the largest in the world). Other major stores include H&M, Old Navy, Holt Renfrew Last Call, LaSensa/LaSensa Girl, Linens ‘N Things, Urban Behavior, The Children’s Place Outlet, and Winners/Home Sense.



Vaughan Mills is divided into six neighbourhoods to help shoppers orient themselves and is based on the design theme “Discover Ontario”, which celebrates the geographic diversity of the Province. While the Mall serves the regional needs of shoppers from across the GTA, it also actively promotes itself as a tourist destination. The mall maintains a tourism marketing co-ordinator that helps position Vaughan Mills as “top-of-mind” tourist attraction in the Toronto market through advertisements, special events and promotional travel packages. The mall works closely with bus tour operators, providing special incentives and discounts to group visitors. Vaughan Mills received a tourist exemption from York Region in 2004, and subsequent permission in 2008 to remain open for more days than originally requested. It was also granted extended hours of operation, enabling it to stay open into the evening on selected statutory holidays to take advantage of fireworks and special events at nearby Canada’s Wonderland.

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### 3.1.2 PACIFIC MALL

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Pacific Mall in Markham opened its doors in 1997. It is the largest indoor Asian Mall in North America. The mall is located just south of Hwy. 407, at the corner of Kennedy Road and Steeles Avenue. The mall is operated as a condominium project, whereby a collection of vendors and investors actually own the individual retail units. Styled after a traditional Asian market with kiosks and small units (mostly under 500 square feet), Pacific Mall has become one of the top destinations for products geared toward the tastes of the local Asian

community, including specialty foods, herbal medicines, beauty products, apparel, entertainment/electronics and housewares.

While Toronto's rapidly growing Chinese community is the main customer segment drawn to the mall, the centre does provide a unique shopping experience for visitors and tourists to Markham. Pacific Mall has significantly impacted shopping patterns in the GTA, and has, in many respects now eclipsed downtown Toronto's Chinatown as a premier destination for Asian-based products and services.

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### 3.1.3 HILLCREST MALL

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Originally opened in 1974, Hillcrest Mall is a regional enclosed shopping centre located in the central portion of Richmond Hill. The centre contains approximately 590,000 square feet of gross leasable area, comprising more than 135 individual retail/service establishments. Hillcrest Mall also enjoys the distinction of being the only fully enclosed shopping centre located in the entire Town of Richmond Hill.



The centre is currently anchored by a number of major retail tenants, including The Bay, The Bay Home & Kids Store, GoodLife Fitness, and SportChek. Annual visitation to the centre is currently estimated at approximately 5.7 million persons.

Along with Upper Canada Mall in Newmarket, Hillcrest Mall is among the most recent retail areas to be granted an exemption to the Retail Business Holidays Act in York Region. Regional Council approved an exemption application for Hillcrest Mall on September 26, 2013 by a margin of 17:1, setting a strong precedent for future applications relating to comparable enclosed shopping centres in the coming years.

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### 3.1.4 UPPER CANADA MALL

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With nearly one million square feet of gross leasable area and annual traffic of some 8.5 million visitors each year, Upper Canada Mall is among the largest shopping centres in Newmarket, and indeed York Region. The centre is located on Yonge Street in the north-western portion of the Town of Newmarket and is currently anchored by a number of major department stores, including The Bay, Sears and Sears Home, Target, as well as a number of other national retail chains such as Toys 'R' Us and SportChek. In total, the centre contains approximately 200 individual retail/service commercial units.

As noted above, Upper Canada Mall is among the most recent major enclosed shopping centres to be granted an exemption to the Retail Business Holidays Act in York Region. The centre received approval from Regional Council to open on select statutory holidays in September of 2013. The application for exemption was approved by a margin of 17:1.

## 3.2 EXISTING PEEL REGION EXEMPTIONS

### 3.2.1 SQUARE ONE SHOPPING CENTRE

Square One Shopping Centre is widely considered to be one of the most successful and important shopping centres in the country. The centre contains some 1.8 million square feet of retail space and over 350 stores and services.

Built in 1973, Square One has evolved into a signature shopping destination that is renowned as a leading location of both fashion and fun. The shopping centre has been, and continues to be, the commercial heart of Mississauga, and is widely considered to be a “top-of-mind” landmark feature in the City by both residents and visitors alike. It is located at Mississauga’s city centre, near the intersection of Hurontario Street and Burnhamthorpe Road; immediately south of Highway 403.



### 3.2.2 BRAMALEA CITY CENTRE

Opened in the 1973, Bramalea City Centre is an enclosed super-regional shopping centre with over 1.4 million square feet of retail space, and 342 individual retail establishments. It is the largest enclosed shopping centre in the City of Brampton, and is situated at the south-east corner of Queen Street East and Dixie Road.



With over 590,000 and 300,000 residents within its primary and secondary market areas, respectively, the centre attracts approximately 11.8 million visitors annually. The mall’s major anchor tenants include a trio of department stores (i.e., The Bay, Sears, and Target); Metro and FreshCo supermarkets; as well as a number of other national retail chains, such as Best Buy, Old Navy and SportChek.

Bramalea City Centre is among the most recent regional shopping centres to be granted an exemption under the RBHA, with Peel Regional Council enacting a bylaw in September 2011. As it relates specifically to the exemption application for Markville, it is interesting to note that the Ontario Municipal Board (OMB) recently upheld this

bylaw for Bramalea City Centre on the basis that the mall is a tourist attraction, in and of itself. In particular, the OMB decision confirmed that the mall is a cultural attraction, given that visitors from various cultural and multi-cultural groups use the mall for non-shopping purposes. This decision is the first to address whether a traditional shopping mall can be considered a tourist attraction, and sets a strong precedent for similar applications in the coming years.

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### 3.2.3 MISSISSAUGA CHINESE CENTRE

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The Mississauga Chinese Centre is located on Dundas Street East near Cawthra Road; approximately four to five kilometres east of Square One Shopping Centre. It is comprised of over 100,000 square feet of specialty shops, restaurants, replicas, architecture, and gardens consistent with Chinese culture and traditions. In 1998 the owners of the Centre made the case that the centre is a tourist attraction, describing the facility as the China Town of Mississauga. A number of festivals and events occur throughout the year, such as the Chinese New Year Lion Dance, Hong Kong Festival, and demonstrations of Chinese folk dances, Chinese Music, Chinese Opera, Calligraphy and Martial Arts.



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## 3.3 EXISTING TORONTO EXEMPTIONS

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### 3.3.1 TORONTO EATON CENTRE

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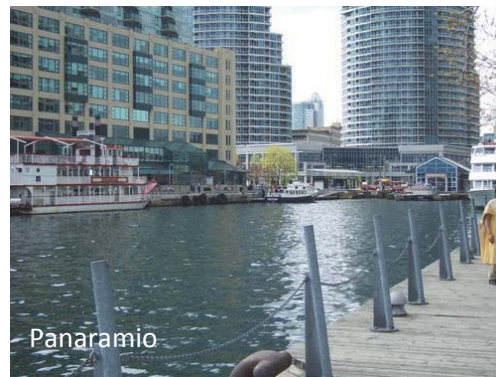


The Toronto Eaton Centre was built in 1977 and is located adjacent to City Hall in the heart of downtown Toronto. In total, it encompasses approximately 1.7 million square feet of retail space. The facility is located approximately one kilometre north of the Gardiner Expressway at Yonge St. and Dundas St. It is directly accessible from both Queen and Dundas subway stations. It is home to over 290 retailers, restaurants and services. The Eaton Centre has a tenant roster that is typical of most fashion-oriented regional shopping centres in the GTA, and in particular is very similar to that of Markville Shopping Centre. In fact, both centres include several of the exact same signature tenants, such as Aldo, American Eagle Outfitters, the Apple Store, BCBG Maxazria, Footlocker, The Gap, Old Navy, Joey's, J Crew, Browns, H&M, Hallmark, Le Chateau, Peoples Jewellers, Shoppers Drug Mart; among many others.

### 3.3.2 QUEEN'S QUAY TERMINAL

Queen's Quay Terminal ("QQT") is a heritage property built in the 1920's located at Harbourfront Centre on Lake Ontario, and a short walk to the heart of downtown Toronto. The building was retrofitted into a mixed use condominium/office/shopping centre in the late 1980s. It is accessible by GO Transit and TTC subway from Union Station. The commercial component of QQT is actually quite small comprising a specialty retail centre with just over 30 shops, restaurants and cafes. There is 400,000 square feet of office space on nine levels and four condominium levels.

Adjacent to the QQT, there is the Museum of Inuit Art, the Power Plant Contemporary Art Gallery, the Harbourfront Centre and International Marketplace. QQT was one of the first retail properties in Ontario to receive an exemption to the RBHA. While the Centre has been operating with the tourist exemption since 1994, the orientation of commercial tenancies has changed over the years as the area becomes a thriving residential neighbourhood. Today, the QQT building provides tourist shops and services, as well as local serving merchants such as a new Sobey's supermarket, which are intended to meet the daily needs of local area residents.



### 3.4 COMMONALITIES – MARKET PERSPECTIVE

A number of core similarities can be drawn from the various regions that support exemptions to the RBHA, all of which are informative to Markville's application. First and foremost, Markville serves a very similar function to that of the various other traditional enclosed shopping centres identified above. Figures 3-2 and 3-3 provide a detailed comparison of Markville to a number of these centres, including Bramalea City Centre (Brampton), Hillcrest Mall (Richmond Hill), Upper Canada Mall (Newmarket), Vaughan Mills (Vaughan), the Toronto Eaton Centre (Toronto), and Square One (Mississauga). For the purposes of this comparison, we have considered such attributes as the format, type, size, and location of the centres; the eras in which they were originally constructed and more recently renovated; their parking and food court seating capacities; annual visitation levels; and the their tenant composition. We have also considered the various community, or non-retail, functions that these centres serve in terms of hosting events and serving as a gathering place for non-profit organizations and other community groups.

**FIGURE 3-2: COMPARISON OF MARKVILLE SHOPPING CENTRE TO EXISTING EXEMPTIONS AREAS**

ATTRIBUTE	EXISTING EXEMPTION AREA						Markville
	Bramalea City Centre	Hillcrest Mall	Upper Canada	Vaughan Mills	Eaton Centre	Square One	
Format	Enclosed Mall	Enclosed Mall	Enclosed Mall	Enclosed Mall	Enclosed Mall	Enclosed Mall	Enclosed Mall
Type	Super-Regional	Regional	Super-Regional	Super-Regional	Super-Regional	Super-Regional	Super-Regional
Year Opened	1973	1974	1974	2004	1977	1973	1982
Latest Expansion/Renovation	2011	2000	2008	-	2011	2007	2012-2013
Tourist Exemption Granted <sup>1</sup>	2011	2013	2013	2004	1995	2010	-
Annual Traffic	16.0 million	5.7 million	8.5 million	13.1 million	52 million	22 million	9.5 million
Gross Leasable Area (sq ft)	1,487,425	587,839	947,638	1,115,038	1,617,086	1,617,283	987,957
Levels	2	1	2	1	4	2	2
Number of Units	347	108	202	190	234	350	167
Food Court Seating	1,047	360	931	1,000	950	704	780
Parking Spaces	6,109	2,768	5,069	6,213	1,400	8,704	5,138
Location	Queen St. and Dixie Rd.	Yonge St. and Carrville Rd.	Yonge St. and Davis Dr.	Jane St. and Rutherford Rd.	Yonge St. and Dundas Ave.	Burnhamthorpe Rd. and Hurontario St.	Highway 7 E. and McCowan Rd.
Anchor Tenants	Best Buy, FreshCo, GoodLife, Home Outfitters, Old Navy, Sears, Sport Chek, The Bay, (Target)	The Bay/The Bay Home & Kids, Target, GoodLife, SportChek	The Bay, Sears, Sears Home, Target, Toys 'R' Us, SportChek	Bass Pro, Pro Hockey Life, Designer Depot, Holt Renfrew, La Senza, Old Navy, Winners	Sears, Best Buy, Canadian Tire	Sears, The Bay, Walmart, Target, Empire Theatres, GoodLife, Old Navy, Home Outfitters	The Bay, Sears, Walmart, GoodLife, Best Buy, Sporting Life (opening soon), Toys 'R' Us, Winners, HomeSense, Old Navy, H&M
Community (Non-Retail) Functions	Presentation Space for Non-Profit Groups; Community Events; Entertainment & Performances; Conferences & Conventions.	Presentation Space for Non-Profit Groups; Community Events; Entertainment & Performances; Farmer's Market.	Newmarket Library Drop Box; Family Services (e.g., stroller rental, play park); Community Clubs (e.g., Sole Mates, Stroller Mates).	Entertainment Activities; Tourism Connections (e.g., Tours, Shuttle Bus Services, etc.)	Entertainment Activities & Events; Performances & Celebrity Appearances.	Farmer's Market; Entertainment Activities & Events; Performances.	Community Involvement Program; Guest Services (e.g. strollers, wheelchairs, first aid); Events & Entertainment; Holiday Celebrations; Children's Events; Mall Walking Program.

SOURCE: urbanMetrics inc., based on information in the 2013 and 2014 editions of the Canadian Directory of Shopping Centres (Volume 1: Ontario, Quebec & Atlantic), as well as additional research undertaken by urbanMetrics.

<sup>1</sup> Family Day exemptions were granted to Vaughan Mills and the Toronto Eaton Centre in 2008, Square One in 2012 and Bramalea City Centre in 2013.

**FIGURE 3-3: COMPARISON OF MARKVILLE SHOPPING CENTRE TO EXISTING EXEMPTION AREAS (TENANTS)**

RETAIL CHAIN	EXISTING EXEMPTION AREA						Markville
	Bramalea City Centre	Hillcrest Mall	Upper Canada	Vaughan Mills	Eaton Centre	Square One	
Aeropostale	•		•	•	•	•	•
Aldo	•		•	•	•	•	•
American Eagle Outfitters	•	•	•	•	•	•	•
Apple Store			•		•	•	•
Ardene	•	•	•	•	•	•	•
Aritzia			•	•	•	•	•
Banana Republic			•	•	•	•	•
The Bay	•	•	•			•	•
BCBG Maxazria	•	•		•	•	•	•
Black's	•	•	•		•	•	•
Browns Shoes	•		•	•	•	•	•
The Children's Place		•	•	•	•	•	•
Coach			•		•	•	•
EB Games	•	•		•	•	•	•
Eddie Bauer			•		•	•	•
Fido	•	•		•	•	•	•
Flight Centre	•	•	•			•	•
Foot Locker	•	•		•	•	•	•
Forever 21	•		•		•	•	•
The Gap	•	•	•	•	•	•	•
GoodLife Fitness	•	•				•	•
Guess	•	•	•	•	•	•	•
H&M	•		•	•	•	•	•
Hallmark	•	•	•	•	•	•	•
Jacob	•	•	•	•	•	•	•
Jean Machine	•	•	•	•	•	•	•
La Senza	•	•	•	•	•	•	•
Laura/Laura petites/Laura Plus	•	•	•	•	•	•	•
Le Chatuea	•	•	•	•	•	•	•
Melanie Lyne	•	•		•	•	•	•
Mexx		•		•	•	•	•
Michael Kors			•	•	•	•	•
Old Navy	•		•	•	•	•	•
Peoples Jewellers	•	•	•	•	•	•	•
RW & Co.	•	•	•		•	•	•
Sears	•		•		•	•	•
Shoppers Drug Mart	•	•	•		•	•	•
SoftMoc	•	•	•		•	•	•
Telus Mobility	•		•	•	•	•	•
Victoria's Secret			•		•	•	•

SOURCE: urbanMetrics inc., based on a review of floor plan and store directory information obtained from the shopping centres' websites, as well the websites of the owners and managers of the identified shopping centres (2013-2014).



The following provides a more detailed evaluation of the specific similarities between Markville and the various other enclosed shopping centres that are currently permitted to operate on statutory holidays, based on the commonalities identified in Figure 3-2.

- **Type/Format of Shopping Centres**

Similar to Markville, all of the other exemption areas identified are traditional enclosed shopping centres, which were generally developed over the same time period (i.e., the 1970's). With the exception of Vaughan Mills, which is among the few new enclosed shopping centres that have been constructed in the last several decades, these centres are nearly identical in terms of their form and function as a regionally-significant shopping destination. Moreover, it is interesting to note that most of these centres have recently undergone major renovations and/or expansions, which demonstrates their commitment to maintaining a safe and pleasurable visitor experience to their customers.

- **Size of Shopping Centres**

Given that all of these centres serve a similar commercial function as a regionally-significant shopping destination, they are comparable in terms of their physical size and the scope of their retail offerings. In particular, we note that all of the centres are comparably large in terms of their land area, total floor area (i.e., gross leasable area), food court seating capacity, and the number of parking spaces available at their respective sites. We do note, however, that the size of these centres generally reflects the nature of the markets in which they are located and the existing retail competition located nearby. That is, some centres are located in major urban centres with a significantly higher concentration of residents living nearby, whereas others are located in relatively less densely populated suburban communities (e.g., Downtown Toronto and other major city centres versus the surrounding communities of York Region).

- **Annual Visitation**

Each of the shopping centres identified experience a high level of visitation, attracting millions – if not tens of millions – of visitors each year. In many cases, including for Markville, this level of visitation is well above the amount of traffic experienced at traditional tourist destinations, including cultural, natural and outdoor recreational attractions (e.g., zoos, museums, parks and conservation areas, etc.).

While the Eaton Centre is clearly the largest tourist attraction in Toronto, attracting nearly 52 million visits per year, it is important to recognize that the Eaton Centre is exceptionally well-located in terms of its proximity to a high concentration of residents, employees, tourists, and other visitors to the downtown core of Toronto. Similarly, Square One and Bramalea City Centre benefit from their optimal locations within the central portions of major urban centres in Mississauga and Brampton, respectively.

- **Tenant Mix**

As is the case with most regional shopping centres located across the Greater Toronto Area, and beyond, the centres identified in Figure 3-2 are all very similar in terms of their tenant composition. Specifically, we note that these centres are generally anchored by major department store tenants (e.g., Sears, The Bay, Target), which are complemented by a range of national retail chains with similar merchandise offerings (e.g., fashion and accessories, electronics, cosmetics, sporting goods, etc.). In fact, as summarized in Figure 3-3, all of these shopping centres have very similar tenant rosters, including several of the exact same signature tenants.

- **Location**

All of the centres identified in Figure 3-2 are situated directly within, or near the edges of, the respective City Centres or Downtowns of the communities in which they are located. Generally speaking, they are also close to major highways and local transit networks. These strategic locations offer visitors convenient access to and from the sites, and facilitate cross-visitation between shopping centres and other nearby cultural attractions, which are typically concentrated in city centres.

- **Non-Retail Functions**

In addition to serving an important regional commercial function, each of the centres identified are thoroughly involved and engaged with non-retail activities, including hosting special events, cultural performances and other forms of entertainment; as well as offering gathering spaces for local non-profit groups and community organizations. As noted in Figure 3-2, Markville also offers a mall walking program for local residents. As such, it is evident that Markville serves a similar community function to that of many of the other retail areas that are already exempt from the RBHA.

### 3.5 COMMONALITIES – ECONOMIC PERSPECTIVE

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In recent years, York Region has expanded the number of retail establishments exempt from the RBHA and, in doing so, has capitalized on the distinct advantages that tourism and extended days/hours of operation bring to their respective retail facilities. Additional store openings on statutory holidays – if granted – would provide the opportunity for many workers and business owners to supplement and boost their annual income and sales levels.

An area-basis tourist exemption under the RBHA for Markville presents a meaningful opportunity for a large number of workers in Markham to have the potential to earn supplementary wages commensurate with employees working in the same sector (and working for the same companies) located in neighbouring municipalities of York Region, as well as in other parts of the GTA (e.g., Peel Region and Toronto).

Compared to other regional centres with similar tourist exemptions already in place, Markville is entirely justified in its request to York Region for an exempting by-law.

As one of the largest centres in the Region, Markville plays a critical role in the hierarchy of local attractions. In fact, as described in greater detail in Section 6 of this report, Markville is commonly featured in the travel and promotional literature as one of the top attractions in Markham and all of York Region.

Based on the information presented in Figure 3-2 earlier, Markville attracts some 9.5 million visitors each year. While we recognize that the vast majority of these visitors are comprised of regular, year-round customers, assuming for a moment that just 5% of the visitors to the centre had travelled more than 40 kilometres from their home to shop – thus fulfilling the Ministry of Tourism’s definition of a tourist – Markville would be drawing about 475,000 tourist visits each year. This is comparable to, if not higher than, the amount of visitation experienced by most of the traditional tourist attractions throughout the Region.

Moreover, based on the results of a recent customer intercept survey undertaken at Markville in 2013, approximately 15% of the 500 visitors surveyed were classified as “Tourists/Out of Town Visitors”. By extension, therefore, the actual number of tourists attracted to the centre each year may be substantially greater than estimated above. As such, we note that these are particularly conservative estimates.

Similarly, the centre’s customer intercept survey data for 2013 indicates that nearly half (46%) of visitors to Markville travel with companions. A significant portion of these companions are likely represented by out-of-town visitors and other tourists, including family and friends of local residents. We also note that the portion of visitors that travel to Markville with one or more companions is much higher at Markville than other commercial centres in the Greater Toronto Area.

## 4 SITE CONTEXT

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In order to assess the suitability of Markville for an exemption under the Retail Business Holidays Act, we have examined the property in terms of its location, size, configuration, and accessibility characteristics. In addition, we have identified and described a number of the cultural, educational, multi-cultural, natural and/or outdoor recreational tourist attractions located within two kilometres of Markville, based on the criteria set out in the Retail Business Holidays Act and as detailed in Section 1.2 of this report. The following provides an overview of our findings.

### 4.1 SITE CHARACTERISTICS

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Markville is located on the north-west corner of Highway 7 and McCowan Road in the central portion of the City of Markham. Known municipally as 5000 Highway 7 East, the site is approximately 62 acres (25.1 hectares) in size. The 2 storey shopping centre has a total floor area (i.e., gross leasable area) of approximately 980,000 square feet and is anchored by the Bay, Walmart, Sears and a Winners/HomeSense. It is important to note that the Sears store will be vacating their unit in the winter of 2015. Other major retail tenants at Markville include GoodLife Fitness, the Gap, Best Buy, Toys “R” Us, Old Navy, Shoppers Drug Mart and H&M. Furthermore, due to the renovation of Markville, a number of exclusive retailers such as J. Crew, Michael Kors, Swarovski, Sephora, Apple and Victoria’s Secret have recently opened. The centre also features a number of full-service restaurant tenants, including Joey’s Markville, Pickle Barrel, Swiss Chalet and East Side Mario’s; several of which include seasonal patios.

### 4.2 SURROUNDING USES

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Markville is surrounded by a variety of residential; retail and service commercial; institutional; industrial; and parkland uses. Figure 4-1 illustrates the location of Markville and the surrounding area.

Located to the west, north, south and east of the centre are residential communities that are predominantly low density in nature. Abutting the site to the north is the Markham Centennial Park and Community Centre. Further north are several low density residential neighbourhoods, with recently completed and ongoing residential communities north of 16<sup>th</sup> Avenue. Similarly, a number of recent and ongoing residential and commercial projects are located south and southwest of the subject site, within and adjacent to Downtown Markham. It is important to note that Markham’s Downtown has been experiencing substantial development activity in recent years, with several ongoing and planned residential, commercial, institutional, recreational, transit and public space projects underway. Furthermore, approximately two kilometres west of the Markville is Unionville, a designated heritage conservation district and a

popular neighbourhood visited by people from across the region. The commercial core of Unionville is currently exempt under the Retail Business Holiday Act.

In addition to Markville itself, retail and service commercial uses near the site are primarily located at key intersections and along major arterial routes such as Highway 7, McCowan Road, Kennedy Road and Main Street (Markham Road). Major retail uses in the immediate vicinity of the site include a Foody Mart supermarket, a Rona home improvement centre and a Loblaws supermarket. It is important to note that the Foody Mart, an Asian-oriented supermarket is currently exempt under the Retail Business Holiday Act. Additional commercial uses are located along Highway 7 to the south, east and west of the subject site. Peachtree Centre, an Asian-oriented community shopping centre is located at the southwest corner of Highway 7 and Kennedy Road. Immediately south of the Peachtree Centre is the South Unionville Square, a new mixed use development consisting of retail, service and office commercial space and residential condominium and townhome units. The South Unionville Square is anchored by a T&T Supermarket, an Asian-themed retail establishment that is also exempt under the Retail Business Holiday Act. Furthermore, Main Street Markham (also known as Markham Village), the historic core of the City is located approximately two kilometres east of Markville and is also currently exempt under the Retail Business Holiday Act.

Industrial uses include the Bullock Employment Park, which is located immediately to the east of Markville and is comprised predominantly of auto parts and tire dealers, auto repair shops and home furnishings wholesalers.

**FIGURE 4-1: LOCATION OF MARKVILLE SHOPPING CENTRE AND SURROUNDING AREA**



SOURCE: urbanMetrics inc., based on Satellite Image from Google Maps, 2014

Based on our review of the existing and proposed new land uses located in the immediate vicinity of Markville, it is evident that the area is well established and is comprised by a wide range of uses. Furthermore, we note that several new residential and commercial developments have recently been completed nearby, and that several more are either under construction or are proposed in the area. These development trends suggest that the community is perceived to be an attractive location for investment, as well as for living, working, and recreation. Additionally, there are already several existing exemptions under the Retail Business Holiday Act in the immediate surrounding area.

Moreover, we note that the centre is located close to a number of major hotels, including the Homewood Suites by Hilton, which is located to the immediate west of the site at Woodbine Avenue and Highway 7 East. This hotel, among several others located along Highway 7, facilitate tourism in the area and likely drive visitor traffic at Markville.

### 4.3 SITE ACCESSIBILITY

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Markville is located at the northwest corner of Highway 7 and McCowan Road in the City of Markham. The centre has frontage along both of these streets and has two access points along Highway 7, one access point from McCowan Road and three additional access points via Bullock Drive from the residential communities to the west and north, respectively. Figures 4-2 provides a satellite image of Markville, which illustrates its parking facilities and its various vehicle access points. Similarly, Figure 4-3 provides an illustration of the site plan for the centre, including the site's official property line (i.e., the exemption area under consideration for this application). The centre's parking facilities contain a total of 5,138 spaces.

In addition to its exceptional location at the intersection of two arterial routes in central Markham, Markville also benefits from its proximity to two major 400 series highways. Highway 407, a major east-west expressway corridor that connects the Regions of York, Peel and Halton is located approximately one kilometre south of the shopping centre. In addition, the centre is located approximately seven kilometres east of Highway 404; an important regional north-south expressway that provides access to Downtown Toronto.

In terms of transit accessibility, Markville benefits from GO Train service and Viva, York Region (YRT) and Toronto Transit Commission (TTC) bus service. Major transit amenities in the vicinity of the site include the Centennial GO Train Station, which abuts the Shopping Centre immediately to the north. Additional GO Train Stations include the Unionville GO Station within Downtown Markham and the Markham GO Station within Main Street Markham. GO Trains passing through the Centennial, Unionville and Markham GO Stations travel between Union Station in downtown Toronto and the Town of Whitchurch-Stouffville. Moreover, the Unionville and Markham GO Stations are both located within approximately two to three kilometres of the subject site.

It is also important to note that a number of major transit investments are being made by York Region Transit/Viva along Highway 7 in Markham in the form of separated bus rapid transit

lanes and new bus stations. Viva completed its new bus rapid transit service west of Highway 404 in 2013 and is anticipated to finish a second phase of construction on the portion between Highway 404 and Warden Avenue in 2014.

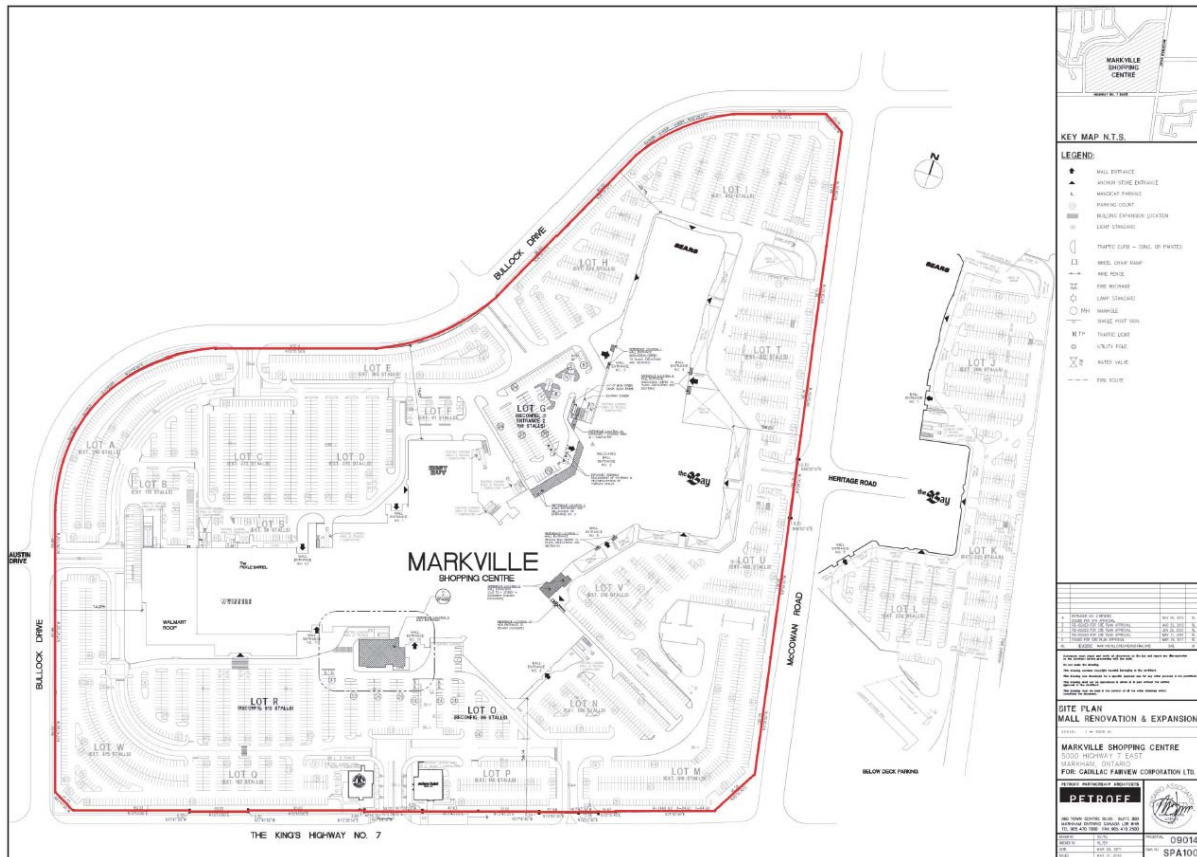
Overall, it is evident that Markville benefits from exceptional locational attributes. The centre has frontage along two arterial routes, is immediately adjacent to a GO Train Station and has proximity to two major 400 series Highways.

**FIGURE 4-2: MARKVILLE SHOPPING CENTRE ACCESS POINTS**



SOURCE: urbanMetrics inc., based on satellite images obtained from Google Earth (2014).

**FIGURE 4-3: MARKVILLE SHOPPING CENTRE SITE PLAN**



SOURCE: Markville Shopping Centre and The Cadillac Fairview Corporation Limited.

#### 4.4 TOURIST ATTRACTIONS WITHIN 2 KILOMETRES OF SITE

Pursuant to Section 2(2)(a) of the Regulations, it is our contention that Markville– as one of the largest and most prominent visitor destinations in York Region – is already a major tourist attraction in and of itself. The qualification of Markville as a cultural attraction will be discussed in detail in the following section of this report (i.e., Section 5).

In addition to being an attraction in itself, Markville is also centrally located between Markham’s provincially designated Urban Growth Centre, its historic Main Street (Markham Village) downtown area and the historic Unionville district, which are all concentrated along Highway 7, east of Warden Avenue. The majority of the municipality’s traditional tourist attractions – including natural, outdoor recreational, historical, cultural, multi-cultural and educational attractions – are centrally located within the Main Street (Markham Village) historic core and the Unionville Heritage Conservation District. Businesses in both areas are represented by local Business Improvement Areas (BIAs).



While it is our opinion that Markville already serves an important role in generating visitation to York Region, there are at least eight other attractions located within two kilometres of the centre, which together form the nucleus of a strong regional tourism cluster. Within approximately four kilometres of the site – just beyond the periphery ring – there are an additional eleven attractions that provide a mutually supportive relationship for customers and visitation.

Among these attractions are a variety of heritage designated properties located in Unionville’s historic core that are used as art galleries, libraries, community and recreation spaces and museums. The most noteworthy attractions in Unionville include the Varley Art Gallery, the Unionville Train Station Community Centre and the McKay Art Centre. Additionally, there are two natural/outdoor recreation attractions within two kilometres of the site, including the Centennial Community Centre and Park and the Milne Dam Conservation Park. As indicated above, there are also several tourist attractions situated in the Town’s historic core, along Main Street Markham, which is located immediately outside of the two-kilometre buffer area for the shopping centre.

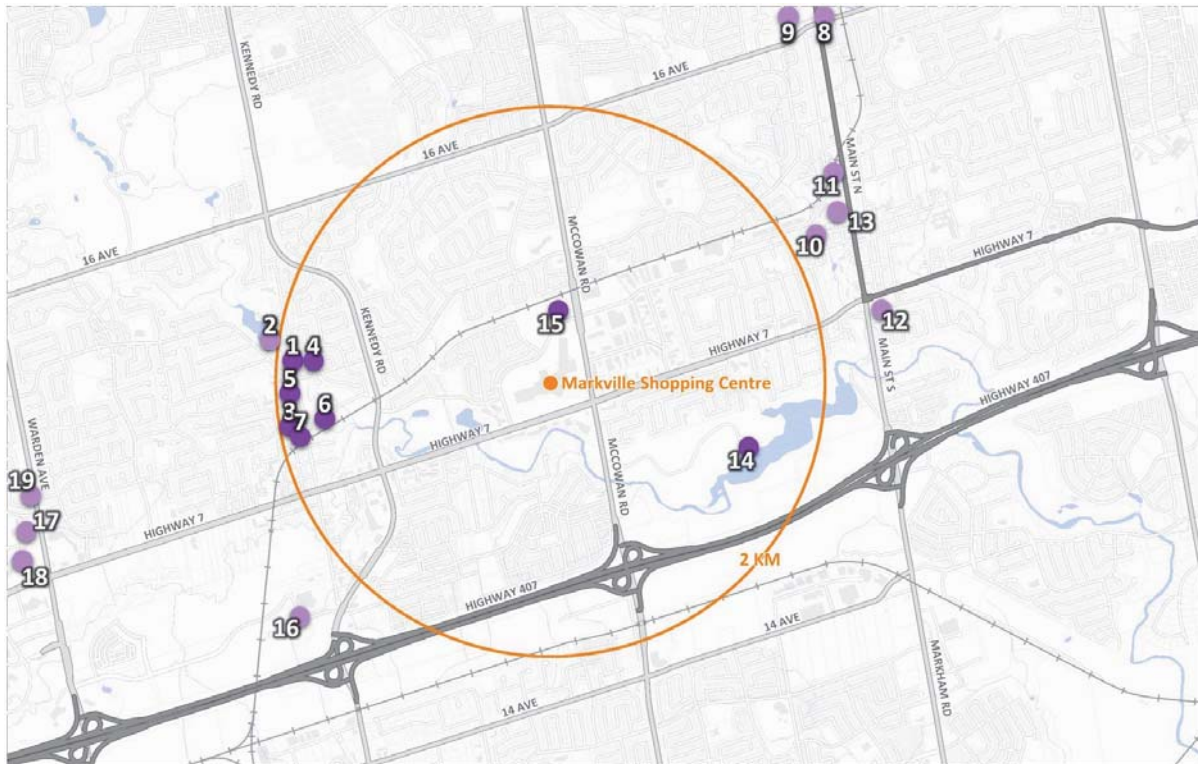
Figures 4-4 and 4-5 identify and illustrate the geographic location of the various tourist attractions located in the immediate vicinity of Markville, respectively.

**FIGURE 4-4: TOURIST ATTRACTIONS IN THE VICINITY OF MARKVILLE SHOPPING CENTRE (LIST)**

MAP ID	TOURIST ATTRACTION	ADDRESS
1	Varley Art Gallery	216 Main Street Unionville
2	Toogood Pond/Park	210 Main Street Unionville
3	Unionville Heritage Conservation District/BIA	197 Main Street Unionville
4	Unionville Library and Community Centre	15 Library Lane, Unionville
5	Crosby Memorial Community Centre	210 Main Street Unionville
6	Unionville Train Station Community Centre	7 Station Lane, Unionville
7	McKay Art Centre	197 Main Street Unionville
8	Mount Joy Community Centre	6140 16th Avenue
9	Markham Museum	9350 Markham Road
10	Markham Village (Main St Markham) BIA	132 Robinson Street
11	Markham Village Train Station	214 Main Street North
12	Markham Village Community Centre and Library	6031 Highway 7
13	Tangerine Gecko Art Gallery	107 Main Street North
14	Milne Dam Conservation Park	115 Drakefield Road
15	Markham Centennial Community Centre and Park	8600 McCowan Road
16	Markham YMCA Rudy Bratty Centre	101 YMCA Boulevard
17	Flato Markham Theatre	171 Town Centre Boulevard
18	Markham Civic Centre	101 Town Centre Boulevard
19	Warden House Community Centre	8840 Warden Avenue

SOURCE: urbanMetrics inc.

**FIGURE 4-5: TOURIST ATTRACTIONS IN THE VICINITY OF MARKVILLE SHOPPING CENTRE (MAP)**



SOURCE: urbanMetrics inc.

Section 2(3) of the *Retail Business Holiday Act* (RBHA) specifies that, for the purposes of the Regulations, a tourist attraction is limited to:

- **Natural attractions or outdoor recreational attractions**

The following facilities/attractions in the vicinity of Markville have been identified:

- *Markham Centennial Community Centre and Park, Milne Dam Conservation Park;*
- *Toogood Pond/Park; (located less than 2.5 kilometres from Markville)*
- *Unionville Library and Community Centre, Crosby Memorial Community Centre, Unionville Train Station Community Centre; and,*
- *Mount Joy Community Centre, Markham Village Community Centre and Library, Markham YMCA Rudy Bratty Centre, Warden House Community Centre; (located within 4 kilometers of Markville).*

- **Historical attractions**

The following facilities/attractions in the vicinity of Markville have been identified:

- *Unionville Heritage Conservation District/BIA*;
- *Markham Museum* (located less than 3 kilometers from Markville);
- *Markham Village (Main Street Markham) BIA* (located less than 2.5 kilometers from Markville); and,
- *Markham Village Train Station* (located less than 2.5 kilometers from Markville).

- **Cultural, multicultural or education attractions**

The following facilities/attractions in the vicinity of Markville have been identified:

- *Varley Art Gallery, McKay Art Centre*;
- *Tangerine Gecko Art Gallery*; (located less than 2.5 kilometers from Markville);
- *Flato Markham Theatre* (located less than 4 kilometres from Markville); and,
- *Markham Civic Centre* (located less than 4 kilometres from Markville).

#### 4.5 RELATIONSHIP WITH TOURIST ATTRACTIONS

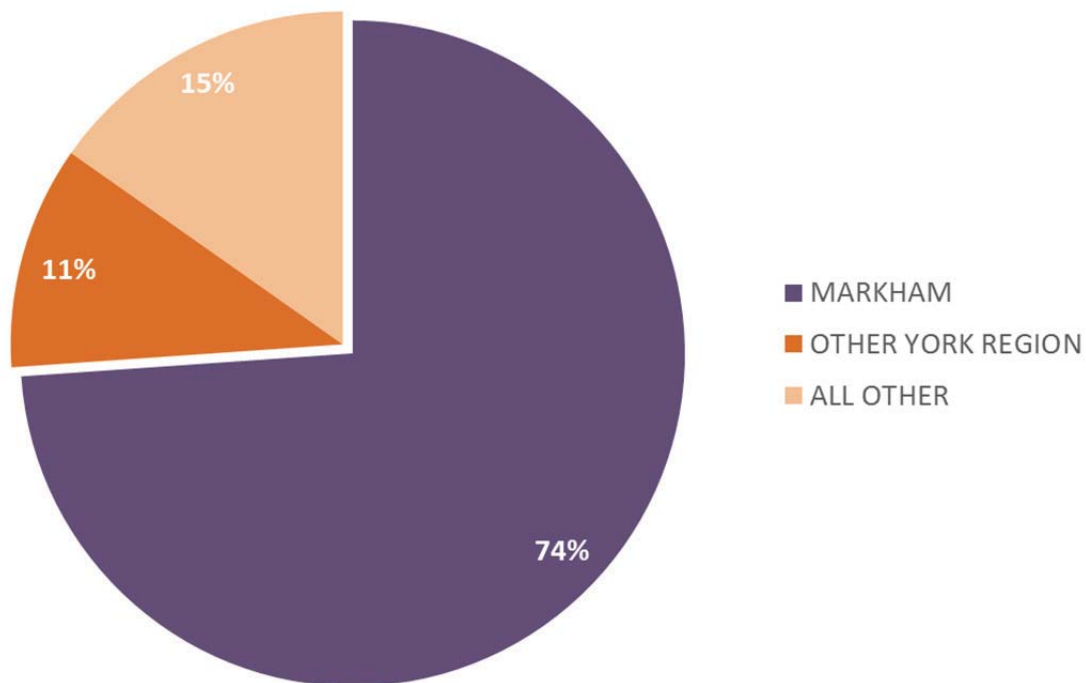
Section 2(2)(c) of the Regulations requires at least 25% of the retail business establishments in the exemption area to be directly associated with a tourist attraction or rely on tourists visiting the attraction for business on a holiday. If we are to accept that Markville is a tourist attraction (as will be further defined), then the retail businesses that are contained therein are “directly associated with it”. The case that Markville directly relies on tourist visitations for business on a holiday cannot be made, for the simple reason that the centre has never actually been opened on a statutory holiday. As such, a clear and definitive determination is simply not possible.

However, based on our professional experience with the market draw of comparable regional shopping centres, as well as actual sales and customer intercept survey data obtained from Markville’s management, a sizeable share of the centre’s existing visitors are already drawn from a wide geographic region.

Based on in-house market research conducted by Cadillac Fairview and Markville in 2013—and as illustrated in Figure 4-6—more than one quarter (26%) of existing visitors reside outside the centre’s primary market area of Markham, including a significant portion from outside of York Region (15 %). As such, it is evident that a significant portion of the centre’s existing sales are directly supported by visitors that have travelled outside their normal sphere of market influence in order to take advantage of the various commercial and non-commercial opportunities available at Markville.

Moreover, it is important to note that the customer origins distribution shown in Figure 4-6 is based on the results of vehicle licence plate surveys undertaken at the centre, which generally do not account for the various types of visitors that travelled to Markville as passengers in vehicles registered to local residents (e.g., visiting family/friends from out of town). As such, it is possible that an even greater share of the centre’s visitors originate from areas beyond York Region. In our opinion, this is likely the case for Markville, given the ethnic characteristics of the surrounding market area, and the prevalence of family/friends visiting from outside of Canada.

**FIGURE 4-6: MARKVILLE CUSTOMER ORIGINS (2013)**



SOURCE: urbanMetrics inc., based on customer origins licence plate survey data obtained from Cadillac Fairview and Markville Shopping Centre (2013).

Even though the centre has not yet been able to fully capitalize on the true potential of tourism, it still manages to attract a significant number of customers from outside its normal market catchment area. This, in our opinion, provides a reasonable basis to suggest that future openings on statutory holidays, if permitted, could provide the necessary lift to boost this percentage to the stated 25% provided for in the Regulation. It can also be assumed that during the holidays, when people have more time on their hands, they are willing and able to travel greater distances, and thus visitation from outside the centre’s primary catchment area would likely increase.

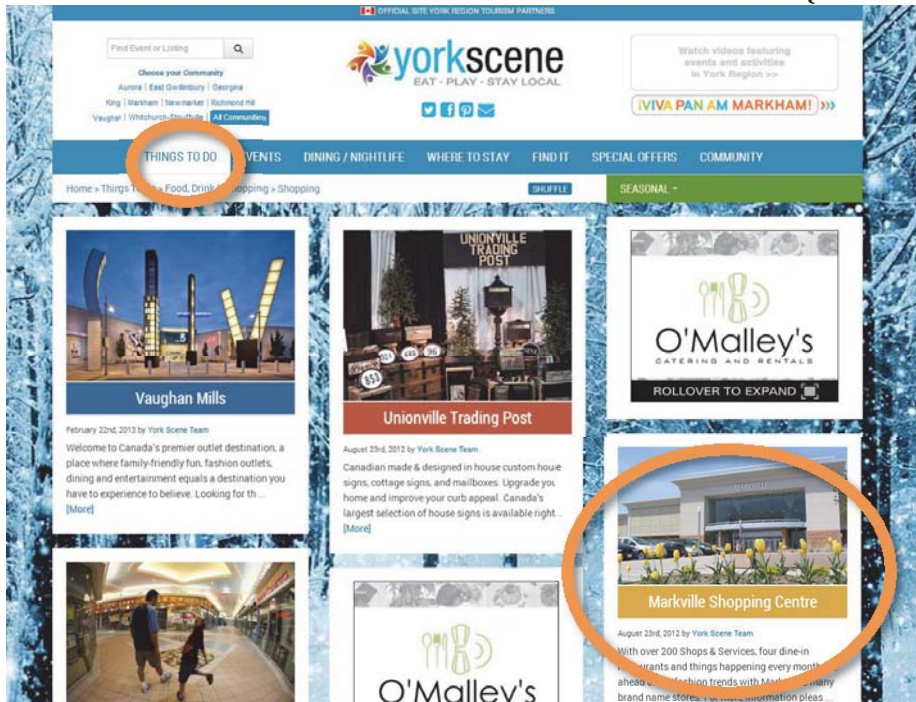
urbanMetrics is of the opinion that, if Markville were to open on a holiday, the 25% would not only be achievable it would also likely be surpassed. Moreover, the exemption would lead to further opportunities for increased tourism not only at the centre itself, but it would also provide additional lift and exposure to the various neighbouring and nearby tourist attractions identified in the previous section.

## 5 MARKVILLE AS A TOURIST ATTRACTION

As indicated in the previous section of this report, it is our professional opinion that Markville is clearly a major tourist attraction, in and of itself. In particular, we note that it is already among the largest and most prominent shopping destinations in York Region; attracting customers from a regional market area that extends well beyond the City of Markham and across the Greater Toronto Area. Moreover, the centre is also known as a popular destination for social and cultural gathering, entertainment and other leisure activities; serving an important community (i.e., non-commercial) function for the City.

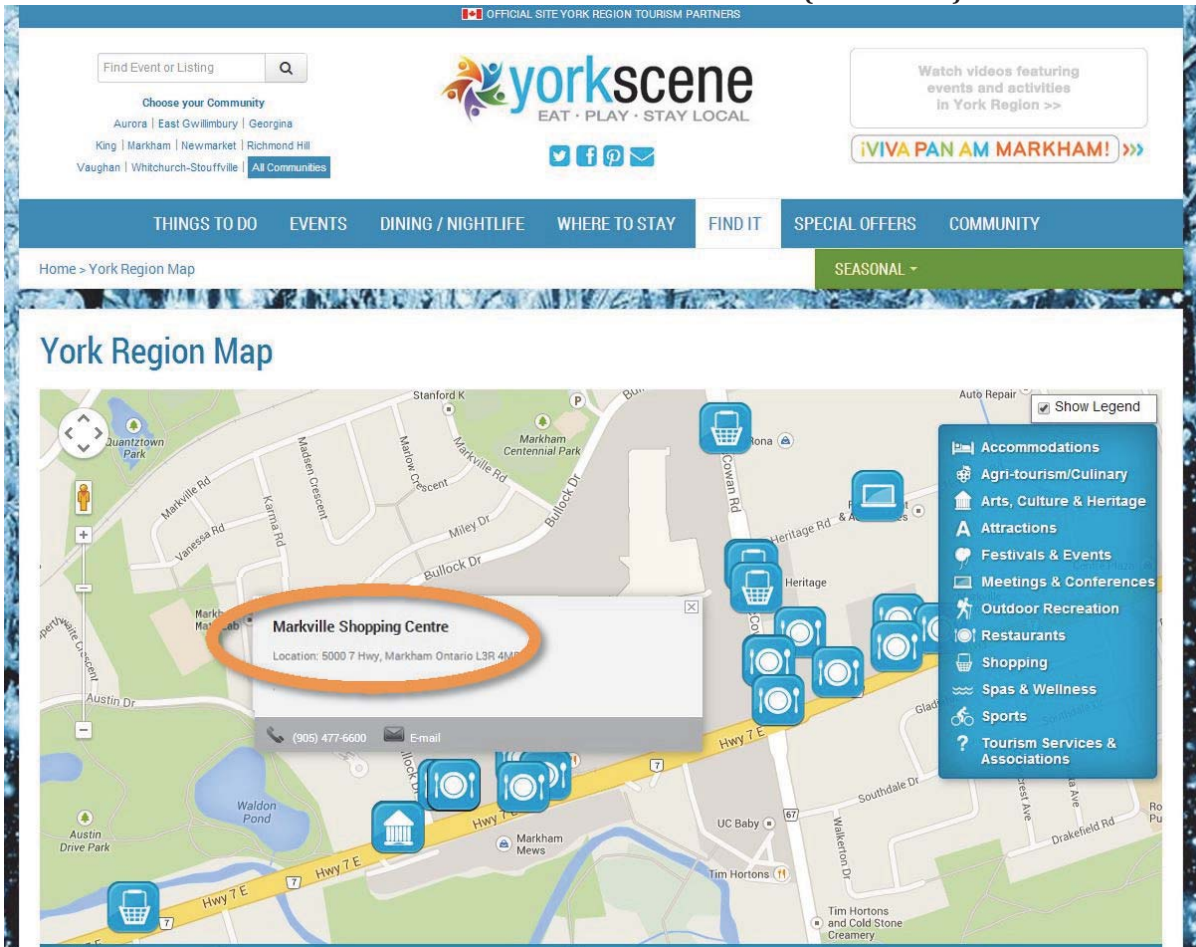
As illustrated in the figures below and on the following pages, the centre appears in a number of media channels geared specifically to tourists and other visitors (e.g., business visitors and conventioners) coming to the Region. For example, York Region’s official tourism website (“York Scene”), which provides visitors with information relating to local attractions, events and other notable destinations, includes Markville within its directory of places to see and things to do. In fact, as illustrated in Figure 5-1, the Shopping Centre is one of the first attractions advertised on the “Shopping Page” of the York Scene website. Although not specifically targeted at Markville, it is also important to note that the York Scene Team identifies “Go Shopping” as one of the *Top 10 Things to Do in York Region* in an article published in August 2012. In particular, the article boasts that York Region is “home to unique shops, restaurants, and *malls*”.

**FIGURE 5-1: MARKVILLE FEATURED ON YORK TOURISM WEBSITE (EXAMPLE 1)**



SOURCE: urbanMetrics inc., based on screenshot from York Region’s official tourism website (obtained January 2014).

**FIGURE 5-2: MARKVILLE FEATURED ON YORK TOURISM WEBSITE (EXAMPLE 2)**

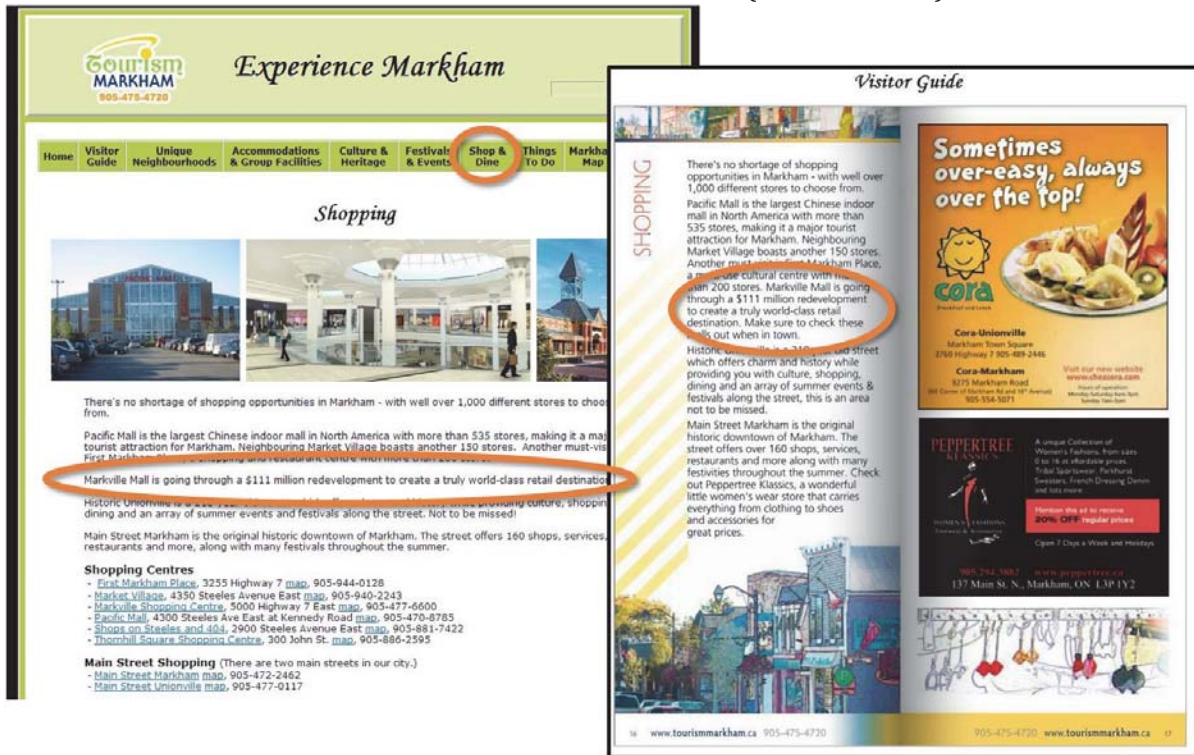


SOURCE: urbanMetrics inc., based on screenshot from York Region’s official tourism website (obtained January 2014).

As illustrated in Figure 5-3, the City of Markham also features Markville prominently in its own online official tourism website, “Tourism Markham”. In addition to describing the “incredible shopping and dining” opportunities available to visitors, for example, the *Shop & Dine* section of the City’s tourism website specifically identifies Markville on the list of notable shopping destinations.

Similarly, Tourism Markham’s online Visitors Guide identifies Markville as one of the major shopping destinations in Markham.

FIGURE 5-3: MARKVILLE FEATURED ON TOURISM MARKHAM (EXAMPLES 1-2)



SOURCE: urbanMetrics inc., based on screenshot from Tourism Markham’s official website (obtained January 2014).

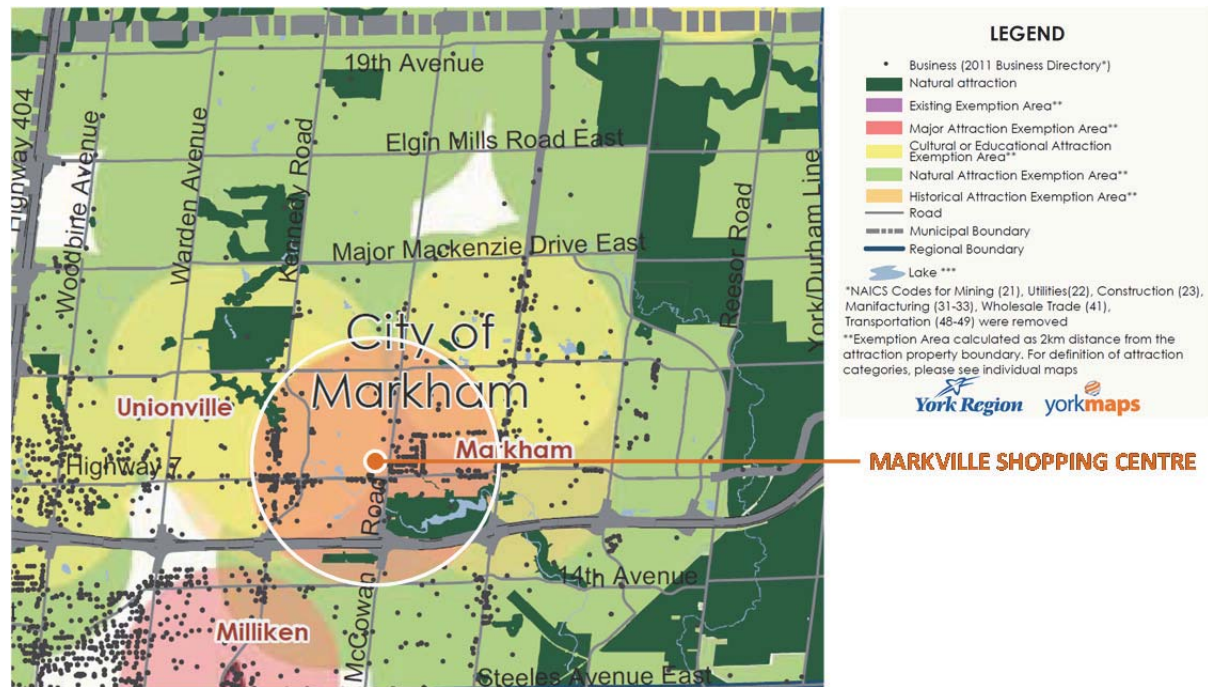
## 5.1 YORK REGION INTERPRETATION

In addition to the publicly funded tourism agencies endorsing and promoting the importance of Markville as a tourist attraction, it would appear that York Region planning and economic development staff consider the centre to be a major attraction as well. In particular, we note that—as per the map included as Attachment 2 of Report No. 2 of the Planning and Economic Development Committee Regional Council Meeting of February 21, 2013, and the maps provided as Attachments 3 and 8 at the Planning and Economic Development Committee of the Whole meeting of November 7, 2013—the Region has identified a possible “Major Attraction Exemption Area” that is centered near the intersection of McCowan Road and Highway 7. Although these maps do not explicitly identify Markville as the corresponding major tourist attraction, it is our opinion that this was likely the intent.

Based on this assumption, Figure 5-4 illustrates the City of Markham portion of these maps and identifies the location of Markville near the centre of its corresponding “possible exemption area”. The original full-sized versions of these maps (i.e., the Region-wide versions) are provided in Appendix E at the end of this document.



**FIGURE 5-4: MARKVILLE SHOPPING CENTRE IDENTIFIED AS POSSIBLE EXEMPTION AREA (YORK REGION)**



SOURCE: urbanMetrics inc., based on Attachment 3 of the Joint Report of the Regional Solicitor and Executive Director, Corporate and Strategic Planning, which was presented at the Planning and Economic Development Committee of the Whole meeting of November 7, 2013.

Although we acknowledge that the primary purpose of this map was to provide only a general guideline for Region Council and Staff in considering new exemption areas as part of future RBHA applications, it is our opinion that this exercise sets an important precedent in terms of the Region’s acceptance of super-regional shopping centres – and Markville in particular – as major tourist attractions. Moreover, given that the various exemption areas identified on the map were based on the tourist attraction criteria set out in the Act, it is our opinion that this further confirms that an exemption for Markville is both appropriate and justified.

## 5.2 ONTARIO MUNICIPAL BOARD INTERPRETATION

As noted earlier in Section 3 of this report, one of the most recent retail facilities to be granted an exemption under the RBHA was Bramalea City Centre in Brampton. While Peel Regional Council officially enacted a bylaw in September 2011 relating to this exemption, it is most interesting to note that the Ontario Municipal Board (OMB) recently upheld this decision, following an appeal from one of the retail employees employed at the shopping centre. In particular, this OMB decision was made on the basis that the shopping centre was indeed a tourist attraction, in and of itself. The decision confirmed that a shopping centre meets the test

of being a cultural attraction, given that visitors from various cultural and multi-cultural groups use the facility for non-shopping purposes.

The Bramalea City Centre OMB decision is the first to address whether a traditional shopping centre can be considered a tourist attraction and therefore sets a strong precedent for similar applications throughout the GTA in the coming years.

Based on the criteria considered in this decision, the following section provides a brief overview of Markville's role as a centre for community activity and the various non-retail functions that it serves.

### 5.3 NON-COMMERCIAL FUNCTIONS OF MARKVILLE

As originally presented in Section 1 of this report, Markville also plays an important non-shopping role in Markham and only a portion of its visitors are actual retail customers. In particular, the centre serves as an important gathering place in the local community and hosts a variety of important social, entertainment, and leisure-based activities that bind the community together.

As described on the centre's own website, for example, the centre offers complimentary common area space to non-profit groups to accommodate and showcase local fundraising, awareness and information displays. Similarly, the centre regularly hosts a variety of other entertainment, recreational and community events (i.e., above and beyond the centre's regular retail operations and promotional activities).

The following briefly illustrates the types of community and cultural events that are hosted by Markville:

- **Chinese New Year** –the centre hosts a Chinese New Year event every year with artistic performances by ethnic community groups and contests and giveaways from the centre and retail tenants.
- **Sochi Olympic Viewing Lounge**- the shopping centre has partnered with the Canadian Olympic Foundation, Bay Markville and BMW to showcase the 2014 Sochi Winter Olympic events and games between February 7<sup>th</sup> and the 23<sup>rd</sup> in a designated seating lounge. This event will also feature an athlete appearance with two-time women's hockey Olympic gold medal winner Cheryl Pounder on February 21<sup>st</sup>.
- **Santa Claus and Christmas events** – Markville regularly hosts events featuring Santa Claus, such as *Breakfast with Santa*, *Santa Photos & Pet Photos* and *Story Time with Santa*.
- **Holiday Gift Wrapping** – the shopping centre also offers gift wrapping services over the holidays, with all proceeds donated to the Markham Stouffville Hospital Foundation. Over \$25,000 was raised from gift wrapping in the holiday seasons of 2012 and 2013.

- **Earth Hour**– the centre held an event in 2012 to raise awareness for climate change that featured performances, face-painting, contests, giveaways, and more.
- **Markham Jazz Festival** – the centre hosted the Markham Jazz Festival in 2012, featuring young musicians and giveaways to see musical performances in the Flato Markham Theatre.

Furthermore, the results of visitor intercept survey research undertaken at Markville between 2007 and 2013 confirms that a substantial portion of the centre’s visitors are attracted to this location for reasons other than shopping. In fact, 27% of all visitors surveyed during this period indicated that the primary purpose of their visit to Markville related to various “other” non-shopping activities (e.g., to socialize/meet friends, to attend a special event or promotion, among other reasons).

Based on this market research, as well as the extensive program of community activities noted above, it is evident that a significant portion of the centre’s visitors are involved with non-shopping activities. This observation further bolsters the argument that Markville already functions as a major attraction for both local residents and out-of-town visitors alike. We anticipate that additional operating days will enable new and innovative programming to be developed to further expand the reach of the centre both geographically and culturally.

#### 5.4 MARKVILLE: A CULTURAL & MULTI-CULTURAL ATTRACTION

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In addition to regular and on-going special events and community programming, the centre is, in and of itself, an important reflection of the cultural and multi-cultural character of (1) the City of Markham; (2) York Region and (3) the Greater Toronto Area in general.

Markville is very much a central gathering place, and an important hub that binds various local cultural traditions together. The experience of visiting Markville transcends shopping. Visitors come for a myriad of reasons, including restaurants, exercise, getting out with family, meeting friends, and connecting with the larger community.

It is our professional opinion that Markville enables Markham to not only achieve but actually advance its multicultural identity. The centre is one of the municipality’s most visited attractions. The attraction of Markville for a broad cross-section of people demonstrates its cultural significance to the community and out-side visitors alike.

## 6 SUMMARY & CONCLUSIONS

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Based on the results of this Market Justification Study, urbanMetrics is of the opinion that Markville should be granted a Tourist Exemption to the Ontario *Retail Business Holidays Act*. The Tourist Exemption would permit tenants of Markville to voluntarily remain open on selected statutory holidays, including but not necessarily limited to: New Years Day, Family Day, Good Friday, Easter Sunday, Victoria Day, Canada Day, Labour Day and Thanksgiving Day.

The following points provide a brief summary of our research findings:

- Markville is classified as a super-regional shopping centre and contains approximately 980,000 square feet of gross floor area (i.e., gross leasable area) and more than 150 individual retail business establishments. As such, it is the largest shopping centre in the City of Markham, and among the most prominent regional destinations in York Region and the broader 905-area.
- From a market perspective, the centre already provides a regional commercial drawing function. An exemption to the RBHA would further advance this position, increasing the market profile of York Region as a top-tier shopping destination in the Greater Toronto Area.
- In addition to being a regionally-significant commercial destination, Markville plays an important non-shopping role within Markham; serving as a key location for social and community-based activities and attracting a variety of visitors from outside of its typical retail customer base.
- In terms of visitor/customer accessibility, Markville benefits from its strategic location at the intersection of two arterial roads (i.e., Highway 7 and McCowan Road); its proximity to Highways 407 and 404, its proximity to local transit service (e.g., GO Train, Viva buses, York Region Transit and Toronto Transit Commission).
- Markville is, in and of itself, a tourist destination within Markham and the broader York Region. The Shopping Centre is clearly showcased as one of the municipality's core attractions in both York Region's official tourism website and the City of Markham official tourism website;
- Based on the "possible exemption areas" identified in Report No. 2 of the Planning and Economic Development Committee meetings of February 21<sup>st</sup> and November 7<sup>th</sup>, 2013, it appears that York Region planning and economic development staff already consider Markville to be within a major attraction area. This further confirms that an exemption for Markville under the RBHA is both appropriate and justified.
- The Ontario Municipal Board (OMB) recently upheld a decision by Peel Regional Council to grant Bramalea City Centre – a highly comparable enclosed super-regional shopping

centre in Brampton – an exemption under the RBHA. This decision was the first to address whether a traditional shopping centre can indeed be considered a tourist attraction, in and of itself; setting an important precedent as it relates to similar applications, such as Markville, and other regional commercial centres.

- Markville attracts approximately 9.5 million visitors per year. As a regional shopping centre, a substantial portion of these trips are made by shoppers that reside outside the primary and secondary trade areas of the centre. These customers are commonly referred to as “inflow”.
- Shopping is an integral component of the overall tourist visitor experience in Ontario. High quality shopping is one of the core themes that public agencies such as Tourism Toronto and York Region Tourism use to lure visitors to the Toronto-area market. Shopping is also a very highly rated participatory activity among tourists to/in Ontario. When travelling, most tourists engage in shopping as part of the overall visitor experience.
- Existing Tourist Exemptions that are firmly in place in the balance of York Region, and in other neighbouring jurisdictions such as the City of Toronto and Peel Region, put Markville and its tenant community at a competitive disadvantage relative to other retail business establishments.

On the basis of the foregoing, urbanMetrics concludes that:

- 1) Markville is a fundamental component of Markham and York Region’s tourism infrastructure. It plays an essential role in the maintenance – and more importantly – the development of the Region’s tourism industry going forward.
- 2) The provision of an “area basis” Tourist Exemption for Markville pursuant to Section 4(1) of the Retail Business Holidays Act would help to attract higher volumes of tourism activity within both Markham and York Region, respectively. It would also help to bolster the capacity for cross visitation between and among a number of other tourist-related attractions and points of interest in the vicinity of Markville Shopping Centre.

## APPENDIX A – RETAIL BUSINESS HOLIDAYS ACT

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The following appendix includes background documents relating to the Retail Business Holidays Act, including:

- Retail Business Holidays Act, RSO 1990, Chapter R.30; and,
- Ontario Regulation 711/91.

## Retail Business Holidays Act

R.S.O. 1990, CHAPTER R.30

**Consolidation Period:** From December 15, 2009 to the [e-Laws currency date](#).

Last amendment: 2009, c. 33, Sched. 24, s. 5.

### Definitions

1. (1) In this Act,

“holiday” means,

- (a) New Year’s Day,
- (b) Good Friday,
- (c) Victoria Day,
- (d) Canada Day,
- (e) Labour Day,
- (f) Thanksgiving Day,
- (g) Christmas Day,
- (h) Easter Sunday, and

(i) any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of this Act; (“jour férié”)

“municipality” means a regional municipality and a local municipality, other than a local municipality within a regional municipality, but does not include the City of Toronto; (“municipalité”)

“retail business” means the selling or offering for sale of goods or services by retail; (“commerce de détail”)

“retail business establishment” means the premises where a retail business is carried on. (“établissement de commerce de détail”) R.S.O. 1990, c. R.30, s. 1 (1); 1993, c. 14, s. 1; 1993, c. 27, Sched.; 1996, c. 34, s. 1 (1); 2002, c. 17, Sched. F, Table; 2006, c. 11, Sched. B, s. 12 (1).

### Holidays designated for closing

(2) The Lieutenant Governor may by proclamation declare any day that is a public holiday other than a day named in clauses (a) to (h) of the definition of “holiday” in subsection (1) to be a holiday for the purposes of this Act. R.S.O. 1990, c. R.30, s. 1 (2); 1996, c. 34, s. 1 (2); 2006, c. 11, Sched. B, s. 12 (1).

### Non-application, City of Toronto

1.1 (1) This Act does not apply to the City of Toronto and it does not apply in respect of any by-law of the City or any retail business establishment located in the City. 2006, c. 11, Sched. B, s. 12 (2).

### Exception

(2) Despite subsection (1), Part XVII of the *Employment Standards Act, 2000* shall be applied as if this Act applies to the City and to retail business establishments located in the City. 2006, c. 11, Sched. B, s. 12 (2).

**Note:** On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by the Statutes of Ontario, 2006, chapter 32, Schedule D, subsection 15 (1) by adding the following section:

### Non-application, municipalities

1.2 (1) This Act does not apply to a municipality and does not apply in respect of any by-law of the municipality or any retail business establishment located in the municipality if there is in effect a by-law passed by the municipality providing that this Act does not apply to it. 2006, c. 32, Sched. D, s. 15 (1).

**Condition for by-law to take effect**

(2) A by-law under subsection (1) does not take effect until the municipality passes a by-law under section 148 of the *Municipal Act, 2001* requiring that one or more classes of retail business establishments be closed on a holiday. 2006, c. 32, Sched. D, s. 15 (1).

**By-law valid**

(3) Nothing in section 7 invalidates a by-law passed by a municipality under section 148 of the *Municipal Act, 2001* if the municipality has passed a by-law under subsection (1) providing that this Act does not apply. 2006, c. 32, Sched. D, s. 15 (1).

**Exception**

(4) Despite subsection (1), Part XVII of the *Employment Standards Act, 2000* shall be applied as if this Act applies to the municipality and to retail business establishments located in the municipality. 2006, c. 32, Sched. D, s. 15 (1).

See: 2006, c. 32, Sched. D, ss. 15 (1), 18 (2).

**Prohibition**

2. (1) No person carrying on a retail business in a retail business establishment shall,

- (a) sell or offer for sale any goods or services therein by retail; or
- (b) admit members of the public thereto,

on a holiday.

**Onus on employees, etc.**

(2) No person employed by or acting on behalf of a person carrying on a retail business in a retail business establishment shall,

- (a) sell or offer for sale any goods or services therein by retail; or
- (b) admit members of the public thereto,

on a holiday. R.S.O. 1990, c. R.30, s. 2.

**Exemptions: small stores**

3. (1) Section 2 does not apply in respect of the carrying on of a retail business on a holiday where, on that day,

- (a) the only goods available for sale by retail in the retail business establishment are,
  - (i) foodstuffs,
  - (ii) tobacco or articles required for the use of tobacco,
  - (iii) antiques, or
  - (iv) handicrafts,

or any combination of them, or where the principal business is the sale of goods referred to in subclauses (i) to (iv), or any of them, by retail and no other goods are available for sale except as sundries; and

- (b) the number of persons engaged in the service of the public in the establishment does not at any time exceed three; and
- (c) the total area used for serving the public or for selling or displaying to the public in the establishment is less than 2,400 square feet. R.S.O. 1990, c. R.30, s. 3 (1).

**Idem, pharmacies**

(2) Section 2 does not apply in respect of the carrying on of a retail business on a holiday in a pharmacy accredited under the *Drug and Pharmacies Regulation Act*, where, on that day,

- (a) the dispensing of drugs upon prescription is available to the public during business hours; and
- (b) the principal business of the pharmacy is the sale of goods of a pharmaceutical or therapeutic nature or for hygienic or cosmetic purposes and no other goods are available for sale except as sundries; and
- (c) the total area used for serving the public or for selling or displaying to the public in the establishment is less than 7,500 square feet. R.S.O. 1990, c. R.30, s. 3 (2); 1998, c. 18, Sched. G, s. 72.

**Idem, special services**



(3) Section 2 does not apply in respect of the carrying on of a retail business in a retail business establishment on a holiday where, on that day, the only goods available for sale by retail in the establishment are,

- (a) gasoline and motor oil and, in conjunction therewith, other goods for consumption in the operation of a motor vehicle; or
- (b) nursery stock or flowers, and in conjunction therewith, accessory gardening supplies; or
- (c) fresh fruit or vegetables in respect of holidays falling between the 1st day of April and the 30th day of November of the same year; or
- (d) books, newspapers or periodicals provided that no other goods are available for sale except as sundries, the number of persons engaged in the service of the public in the establishment does not at any time exceed three and the total area used for serving the public or for selling or displaying to the public in the establishment is less than 2,400 square feet. R.S.O. 1990, c. R.30, s. 3 (3).

**Idem, art galleries**

(4) Section 2 does not apply in respect of the carrying on of the retail business of an art gallery on a holiday, where on that day the number of persons engaged in the service of the public in the art gallery does not at any time exceed three and the total area used for serving the public or for selling or displaying to the public in the art gallery is less than 2,400 square feet. R.S.O. 1990, c. R.30, s. 3 (4).

**Exemptions, liquor**

(5) Section 2 does not apply in respect of the sale or offering for sale by retail of liquor under the authority of a licence or permit issued under the *Liquor Licence Act*. 2009, c. 33, Sched. 24, s. 5.

**Exemption, tourist establishments**

(5.1) Section 2 does not apply in respect of the sale or offering for sale of retail goods or services from tourist establishments. 2009, c. 33, Sched. 24, s. 5.

**Definition**

(5.2) In subsection (5.1),

“tourist establishment” means any premise operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided, but does not include,

- (a) a camp operated by a charitable corporation approved under the *Charitable Institutions Act*, or
- (b) a summer camp within the meaning of the regulations made under the *Health Protection and Promotion Act*, or
- (c) a club owned by its members and operated without profit or gain. 2009, c. 33, Sched. 24, s. 5.

**Exemptions, education, recreation, amusement**

(6) Section 2 does not apply in respect of the admission of the public to premises for educational, recreational or amusement purposes or in respect of the sale or offering for sale of goods or services incidental thereto. R.S.O. 1990, c. R.30, s. 3 (6).

**Idem, necessary services**

(7) Section 2 does not apply in respect of services sold in connection with the sale or offering for sale by retail of any goods permitted by this Act to be sold, and does not apply in respect of goods or services sold or offered for sale by retail in the form of or in connection with,

- (a) prepared meals;
- (b) living accommodation;
- (c) laundromats and other coin-operated services;
- (d) rentals of vehicles or boats;
- (e) servicing and repair of vehicles or boats. R.S.O. 1990, c. R.30, s. 3 (7).

**Tourism exemption**

4. (1) Despite section 2, the council of a municipality may by by-law permit retail business establishments in the municipality to be open on holidays for the maintenance or development of tourism. 1991, c. 43, s. 1 (1).

#### **Common pause day principle**

(2) The council in passing a by-law under subsection (1) shall take into account the principle that holidays should be maintained as common pause days. 1991, c. 43, s. 1 (1).

#### **Tourism criteria**

(3) A by-law may be passed under subsection (1) only if there is compliance with the tourism criteria set out in the regulations made under this section. 1991, c. 43, s. 1 (1).

#### **Application for by-law**

(4) Subject to the regulations made under this section, the council shall consider a by-law under subsection (1) only on the application of one or more persons carrying on retail business in the municipality or on the application of an association, whether or not incorporated, representing persons carrying on retail business in the municipality. 1991, c. 43, s. 1 (1).

#### **Local municipality**

(5) In a regional municipality, the council of a local municipality may also apply for a by-law under subsection (1). 2002, c. 17, Sched. F, Table.

#### **Public meeting**

(6) Before passing a by-law under subsection (1), the council,

(a) shall hold a public meeting in respect of the proposed by-law;

(b) shall publish notice of the public meeting in a newspaper having general circulation in the municipality at least thirty days before the meeting is to be held; and

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause (b) is repealed by the Statutes of Ontario, 2006, chapter 32, Schedule D, subsection 15 (2) and the following substituted:**

(b) shall publish notice of the public meeting in a manner determined by the council;

**See: 2006, c. 32, Sched. D, ss. 15 (2), 18 (2).**

(c) shall permit any person who attends the public meeting the opportunity to make representations in respect of the proposed by-law. 1991, c. 43, s. 1 (1).

#### **Council not obligated**

(7) The council is not required to pass the by-law even if the tourism criteria are met. 1991, c. 43, s. 1 (1).

#### **Commencement of by-law**

(8) Subject to section 4.3, a by-law under this section comes into force on the thirty-first day after it is passed by the council. 1991, c. 43, s. 1 (1).

#### **Procedures**

(9) Subject to the regulations made under this section, the council may,

(a) establish procedures and fees for the processing of applications;

(b) combine two or more applications;

(c) hold one public meeting with respect to two or more applications;

(d) limit the number of applications that will be considered in any year. 1991, c. 43, s. 1 (1).

#### **Regulations**

(10) The Lieutenant Governor in Council may make regulations,

(a) prescribing tourism criteria for the purposes of this section;

(b) governing the procedures and fees for processing applications, the combining of applications and public meetings and limitations on the number of public meetings held by a council;

(c) setting out the contents of the application;

(d) requiring that a by-law that applies to a retail business establishment within such class of retail business establishments as may be set out in the regulation may be considered only on the application of the person carrying on the business. 1991, c. 43, s. 1 (1).

**Idem**

(11) A regulation under clause (10) (a) or (d) may classify retail business establishments and may prescribe different tourism criteria for the different classes of retail business establishments. 1991, c. 43, s. 1 (1).

**Unorganized territory**

**4.1** The Lieutenant Governor in Council may by regulation permit retail business establishments in territory without municipal organization to be open on holidays. 1991, c. 43, s. 1 (1).

**Contents of by-laws and regulations**

**4.2** A by-law under section 4 or a regulation under section 4.1,

- (a) may apply to one or more retail business establishments or to one or more classes of retail business establishments;
- (b) may apply to all or any part or parts of the municipality in case of a by-law or to all or any part of a territory without municipal organization in the case of a regulation;
- (c) may limit the opening of retail business establishments on holidays to specific times or to a certain number of hours;
- (d) may permit the opening of retail business establishments on some holidays and not on others;
- (e) may restrict the opening of retail business establishments on holidays to specific periods of the year;
- (f) may classify retail business establishments. 1991, c. 43, s. 1 (1).

**Appeal to O.M.B.**

**4.3** (1) Any person who objects to a by-law made by the council of a municipality under section 4 may appeal to the Ontario Municipal Board by filing a notice of appeal with the Board setting out the objection to the by-law and the reasons in support of the objection. 1991, c. 43, s. 1 (1).

**Time for appeal**

(2) The notice of appeal must be filed with the Board not later than thirty days after the day the by-law is passed by the council. 1991, c. 43, s. 1 (1).

**Dismissal without hearing**

(3) The Board may, if it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing, but before doing so shall notify the appellant and afford the appellant an opportunity to make representations as to the merits of the appeal. 1991, c. 43, s. 1 (1).

**Powers of O.M.B.**

- (4) The Board may,
  - (a) dismiss the appeal;
  - (b) dismiss the appeal on the condition that the council amend the by-law in a manner specified by the Board; or
  - (c) quash the by-law. 1991, c. 43, s. 1 (1).

**Commencement of by-law**

- (5) If one or more appeals are taken under this section, the by-law shall not come into force until,
  - (a) the day all appeals have been dismissed under subsection (3) or clause (4) (a); or
  - (b) the day the by-law is amended in the manner specified by the Board under clause (4) (b). 1991, c. 43, s. 1 (1).

**Correction of errors**

(6) The Board may, without a hearing, correct an error in an order or decision under this section if the error arises from an accidental slip or omission. 1991, c. 43, s. 1 (1).

**Ontario Municipal Board Act, s. 43**

(7) Section 43 of the *Ontario Municipal Board Act* does not apply to an appeal under this section. 1991, c. 43, s. 1 (1); 2009, c. 33, Sched. 2, s. 66.

**Time for decision**

(8) The Board shall use its best efforts to decide appeals under this section within the period of time prescribed under subsection (9). 1991, c. 43, s. 1 (1).

## **Regulations**

(9) The Lieutenant Governor in Council may make regulations prescribing a period of time for the purpose of subsection (8). 1991, c. 43, s. 1 (1).

**4.4 REPEALED:** 1993, c. 14, s. 2.

## **Sunday exception**

**5.** (1) Despite any other provision of this or any other Act or the by-laws or regulations under this or any other Act, a retail business may be carried on in a retail business establishment on a Sunday if the retail business establishment is always closed to the public throughout another day of the week by reason of the religion of the owner of the retail business.

## **Definition**

(2) For the purpose of subsection (1),

“religion of the owner” means,

- (a) in the case of a sole proprietorship, the religion of the sole proprietor,
- (b) in the case of a partnership, the religion named in a written agreement between the partners which is the religion of one of the partners,
- (c) in the case of a corporation, the religion named in the by-laws of the corporation.

## **Affiliated corporation**

(3) The exception set out in subsection (1) does not apply to a corporation that is the affiliate of another corporation unless all the retail business establishments in Ontario of the corporation and its affiliates close on the same day.

## **Deemed affiliation**

(4) For the purposes of this section,

- (a) a corporation shall be deemed to be affiliated with another corporation if one of them is the subsidiary of the other or both are subsidiaries of the same corporation or each of them is controlled by the same person; and
- (b) the affiliates of every corporation shall be deemed to be affiliated with all other corporations with which the corporation is affiliated.

## **Deemed control**

(5) For the purposes of this section, a corporation shall be deemed to be controlled by a person if,

- (a) securities of the corporation to which are attached more than 50 per cent of the votes that may be cast to elect directors of the corporation are held other than by way of security only by or for the benefit of that person; and
- (b) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the corporation.

## **Deemed subsidiaries**

(6) For the purposes of this section, a corporation shall be deemed to be a subsidiary of another corporation if,

- (a) it is controlled by,
  - (i) that other,
  - (ii) that other and one or more corporations each of which is controlled by that other, or
  - (iii) two or more corporations each of which is controlled by that other; or
- (b) it is a subsidiary within the meaning of clause (a) of a corporation that is that other’s subsidiary. R.S.O. 1990, c. R.30, s. 5.

## **Commercial tenants**

**6.** A provision in a lease or other agreement that has the effect of requiring a retail business establishment to remain open on a holiday or on a Sunday or on December 26 is of no effect even if the lease or agreement was made before section 2 of the *Boxing Day Shopping Act, 1996* comes into force. 1996, c. 34, s. 2.

## **Invalidity of certain municipal by-laws**

**7.** (1) Subject to subsection (2), a by-law of a municipality passed under any other Act is invalid to the extent that it requires the closing of a retail business establishment on a holiday. R.S.O. 1990, c. R.30, s. 7 (1).

### **Transitional**

(2) The following transitional rules apply to the by-laws of municipalities that were in force under this or any other Act at the end of the 30th day of November, 1991 and that relate to the opening or closing of a retail business establishment on holidays:

1. By-laws in force on the 3rd day of June, 1991 continue in force until the 1st day of December, 1992 or until the by-law is repealed, whichever is first.
2. By-laws that come into force on or after the 4th day of June, 1991 are repealed on the 1st day of December, 1991. 1991, c. 43, s. 1 (3).

### **Interpretation**

(3) The definition of "municipality" in subsection 1 (1) does not apply for the purposes of this section. 2006, c. 11, Sched. B, s. 12 (3).

### **Penalty**

**8.** (1) Every person who contravenes section 2 or a regulation under section 4 is guilty of an offence and on conviction is liable to a fine of not more than the greater of,

- (a) \$50,000; or
- (b) the gross sales in the retail business establishment on the holiday on which the contravention occurred.

### **Idem, municipal laws**

(2) A by-law under subsection 4 (1) requiring a retail business establishment to be closed on a holiday shall provide that any person who contravenes the by-law is guilty of an offence and on conviction is liable to a fine of not more than the greater of,

- (a) \$50,000; or
- (b) the gross sales in the retail business establishment on the holiday on which the contravention occurred.

### **Idem, coercion or counselling**

(3) Every person who coerces, requires or counsels another person to contravene section 2, a regulation under section 4 or a by-law under subsection 4 (1) is guilty of an offence and on conviction is liable to a fine of not more than the greater of,

- (a) \$50,000; or
- (b) the gross sales in the retail business establishment on the holiday in respect of which the offence under this subsection occurred. R.S.O. 1990, c. R.30, s. 8 (1-3).

### **Minimum penalty**

(3.1) The minimum fine for an offence under this Act, other than for a contravention of subsection 2 (2), is \$500 for a first offence, \$2,000 for a second offence and \$5,000 for a third or subsequent offence. 1991, c. 43, s. 1 (4).

### **Gross sales to be considered in determining fines**

(4) In determining the amount of the fine, the court shall take into consideration any evidence respecting the gross sales in the retail business establishment on the holiday on which the contravention occurred.

### **Advertisements admissible as evidence**

(5) A sign or advertisement giving the hours of a retail business establishment is admissible as evidence that the retail business establishment was open during those hours.

### **Determination of total area of a retail business establishment**

(6) For the purpose of enforcing this Act or a by-law or regulation under this Act, the total area of a retail business establishment used for serving the public or for selling or displaying to the public on a holiday shall be deemed to be the greater of,

- (a) the total area actually used on a holiday for serving the public or for selling or displaying to the public; and
- (b) the total area normally used for serving the public or for selling or displaying to the public on days other than a holiday. R.S.O. 1990, c. R.30, s. 8 (4-6).

### **Court orders**

9. (1) Upon the application of counsel for the Attorney General or of a municipality to the Superior Court of Justice, the court may order that a retail business establishment close on a holiday to ensure compliance with this Act or a by-law or regulation under this Act. R.S.O. 1990, c. R.30, s. 9 (1); 2001, c. 9, Sched. D, s. 14.

**Idem**

(1.1) In addition to its powers under subsection (1), the Superior Court of Justice, on the application of any interested person, may order that a retail business establishment close on a holiday to ensure compliance with this Act or a by-law or regulation under this Act. 1991, c. 43, s. 1 (5); 2001, c. 9, Sched. D, s. 14.

**Idem**

(2) An order under subsection (1) or (1.1) is in addition to any penalty that may be imposed and may be made whether or not a proceeding is commenced under the *Provincial Offences Act* for a contravention of section 2 or of a by-law or regulation under this Act. 1991, c. 43, s. 1 (6).



Français

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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).

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## **APPENDIX B – EXISTING EXEMPTIONS (YORK REGION)**

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The following appendix provides additional details as to the existing retail establishments and retail areas in York Region that already have exemptions in place under the RBHA. The information in this appendix is based on Schedule A of York Region Bylaw LI-8-95-76 (2013).



## **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.

<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	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	Brice's Sports Centre Limited 677957 Ontario Inc. c.o.b. as Vince's Country Market	20287 Woodbine Avenue, Queensville  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		
<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>Nov. 23, 1995</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, except Christmas Day	9:00 a.m. to 6:00 p.m.
<b>LI-0008(e)-2000-107</b> (addition to LI-8-95-76)	<b>Aug. 31, 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	11:00 a.m. to 11:00 p.m.
<b>LI-0008(f)-2001-003</b> (addition to LI-8-95-76)	<b>Oct. 26, 2000</b>	Markham	Market Village Markham Inc.	4350 Steeles Avenue East, 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	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>2012-34</b> (addition to LI-8-95-76)	<b>May 17, 2012</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
<b>2013-27</b> (addition to LI-8-95-76)	<b>Apr. 18, 2013</b>	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>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.

By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
<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					
LI-8-95-76	May 30, 1995	Whitchurch- Stouffville	All	Within the geographic boundaries of the Town of Whitchurch-Stouffville	July 1 in each year	8:00 a.m. to 10:00 p.m.

DK/ Last updated November 29, 2013

## **APPENDIX C – MARKVILLE SHOPPING CENTRE TENANT LIST**

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The following appendix contains a full tenant listing for Markville, based on tenant lists and floor plan statistics obtained from Cadillac Fairview, as well as directory information contained on the shopping centre's website. The following tenant information is accurate as of January 2014 and therefore some changes in the tenant roster of Markville may have occurred since this time.

**FIGURE C-1: MARKVILLE SHOPPING CENTRE TENANT LIST**

NO.	STORE NAME	STORE CATEGORY
1	A & W	Fast Food
2	Aeropostale	Unisex Apparel
3	Aldo	Footwear
4	Altima Markville Dental Centre	Personal Care & Health Service
5	Amaya Express	Fast Food
6	American Eagle Outfitters	Unisex Apparel
7	Apple	Electronics, Computers and Telephones
8	Ardene, ext. 113	Fashion Accessories
9	Aritzia	Ladies Apparel
10	Banana Republic	Unisex Apparel
11	Bath & Body Works	Health and Beauty
12	Bay, The	Dept. Stores and Supermarkets
13	BCBGMAXAZRIA	Ladies Apparel
14	Bell	Electronics, Computers and Telephones
15	Bentley	Leather & Luggage
16	Best Buy	Electronics, Computers and Telephones
17	Best Buy Mobile	Electronics, Computers and Telephones
18	Black's	Photography & Photo Equipment
19	Bluenotes	Unisex Apparel
20	Body Shop, The	Health and Beauty
21	Bombay	Housewares, Home Furnishings & Decor
22	Bourbon Street Grill	Fast Food
23	Browns	Footwear
24	Bubble Tease	Specialty Food
25	Caldi Leather	Leather & Luggage
26	Capezio	Footwear
27	Children's Place, The	Children's Apparel
28	Churchill's Cigar Store	General, Variety & Lottery
29	Cinnabon	Specialty Food
30	Claire's Boutique	Fashion Accessories
31	Coach	Fashion Accessories
32	Continental Currency Exchange	Services
33	Dynamite	Ladies Apparel
34	East Side Mario's	Restaurants
35	EB Games	Electronics, Computers and Telephones

NO.	STORE NAME	STORE CATEGORY
36	Ecco Shoes	Footwear
37	Eddie Bauer	Unisex Apparel
38	Express	Unisex Apparel
39	Extreme Pita	Fast Food
40	Eyestar Optical	Personal Care & Health Service
41	Fairweather/Stockhomme	Unisex Apparel
42	Fashion Fits Alterations	Services
43	Fido	Electronics, Computers and Telephones
44	Flight Centre	Services
45	Foot Locker	Sporting Goods & Athleticwear
46	Forever 21, Forever XXI	Ladies Apparel
47	Fossil	Jewellery
48	Freshly Squeezed/Yogurt Delight	Specialty Food
49	Gap, The / Gap Kids	Unisex Apparel
50	Gateway Newstands	Books and News
51	GNC - General Nutrition Centre	Health and Beauty
52	Good Life Fitness	Health and Beauty
53	Guess	Unisex Apparel
54	Gymboree	Children's Apparel
55	H & M	Unisex Apparel
56	Hair Craze	Health and Beauty
57	Hallmark Cards	Cards, Stationery and Gifts
58	Harvey's/Swiss Chalet	Fast Food
59	Indigo Spirit	Books and News
60	J. Crew	Unisex Apparel
61	Jack & Jones	Men's Apparel
62	JACOB	Ladies Apparel
63	Jean Machine	Unisex Apparel
64	Jewellery Forever	Jewellery
65	Jimmy the Greek	Fast Food
66	Joey Markville	Restaurants
67	Kamdorbo	Unisex Apparel
68	Kentucky Fried Chicken	Fast Food
69	Kiddie Kobbler	Footwear
70	King's Watch Co.	Jewellery
71	Koodo Mobile	Electronics, Computers and Telephones
72	Kool Kovers	Electronics, Computers and Telephones



NO.	STORE NAME	STORE CATEGORY
73	La Senza	Specialty Apparel
74	La Vie En Rose / Aqua	Specialty Apparel
75	L'Attitudes	Health and Beauty
76	Laura/Laura Petites/Plus	Ladies Apparel
77	Le Chateau	Unisex Apparel
78	Lenscrafters	Personal Care & Health Service
79	Lids	Fashion Accessories
80	Little Burgundy	Footwear
81	Loft	Ladies Apparel
82	L'Oro Jewellery	Jewellery
83	Lush Fresh Handmade Cosmetics	Health and Beauty
84	Manchu Wok	Fast Food
85	Mappins	Jewellery
86	Marciano	Ladies Apparel
87	Marlin Travel	Services
88	Melanie Lyne	Ladies Apparel
89	Melonhead	Health and Beauty
90	Michael Hill	Jewellery
91	Michael Kors	Ladies Apparel
92	Mr. Sub	Fast Food
93	Natural Solutions	Health and Beauty
94	Naturalizer	Footwear
95	New York Fries	Fast Food
96	Nutrition House	Health and Beauty
97	Odeon Shoe Repair	Services
98	Old Navy	Unisex Apparel
99	Pandora	Jewellery
100	PAPYRUS	Cards, Stationery and Gifts
101	Peoples Jewellers	Jewellery
102	Pickle Barrel, The	Restaurants
103	Purdy's Chocolates	Specialty Food
104	Quilts Etc.	Housewares, Home Furnishings & Decor
105	Reitmans	Ladies Apparel
106	Ricki's	Ladies Apparel
107	Rogers Plus	Electronics, Computers and Telephones
108	Roots	Unisex Apparel
109	RW & Co.	Unisex Apparel

NO.	STORE NAME	STORE CATEGORY
110	Scotiabank	Services
111	Sears	Dept. Stores and Supermarkets
112	Second Cup	Specialty Food
113	Sephora	Health and Beauty
114	Shoe Company, The	Footwear
115	Shoppers Drug Mart	Pharmacies & Drug Stores
116	Showcase	General, Variety & Lottery
117	Smart Set	Ladies Apparel
118	Soft Moc	Footwear
119	SONY	Electronics, Computers and Telephones
120	Sporting Life (opening Fall 2014)	Sporting Goods & Athleticwear
121	Starbucks Coffee	Specialty Food
122	Stars Men's Shops	Men's Apparel
123	Stitch It	Services
124	Strada	Men's Apparel
125	Sunglass Hut	Fashion Accessories
126	Sushi-Q	Fast Food
127	Swarovski	Jewellery
128	Swiss Chalet	Restaurants
129	Taco Bell	Fast Food
130	Tbooth Wireless	Electronics, Computers and Telephones
131	Teavana	Specialty Food
132	Telus	Electronics, Computers and Telephones
133	Thai Express	Fast Food
134	The Face Shop	Health and Beauty
135	Things Engraved	Services
136	Thyme Maternity	Ladies Apparel
137	Tim Hortons Donuts	Fast Food
138	Tip Top	Men's Apparel
139	Town Shoes	Footwear
140	Toys 'R' Us	Toys, Hobbies and Pets
141	Trade Secrets	Health and Beauty
142	Victoria's Secret	Specialty Apparel
143	Villa Madina	Fast Food
144	Virgin Mobile	Electronics, Computers and Telephones
145	Walmart	Dept. Stores and Supermarkets

NO.	STORE NAME	STORE CATEGORY
146	Watch It!	Jewellery
147	WIND	Electronics, Computers and Telephones
148	Winners-HomeSense	Dept. Stores and Supermarkets
149	WirelessWave	Electronics, Computers and Telephones
150	Yogen Fruz	Specialty Food
151	Zara	Unisex Apparel

SOURCE: urbanMetrics inc., based on floor plan statistics and directory information obtained from Cadillac Fairview. The tenant information in this figure is accurate as of January 2014 and therefore some changes in the tenant roster of Markville may have occurred since this time. Store categories are based on Cadillac Fairview's own classification system and do not reflect the North American Industry Classification System (NAICS).

## APPENDIX D – MARKVILLE SHOPPING CENTRE LIST OF EVENTS

The following appendix contains a more complete list of the various shopping and non-shopping related events that have been hosted at Markville since 2012, based on information obtained from Cadillac Fairview.

**FIGURE D-1: MARKVILLE SHOPPING CENTRE LIST OF EVENTS**

MARKVILLE SHOPPING CENTRE - LIST OF EVENTS (2012-2014)			
Event Date	Event Title	Sponsors/Community Involvement/ Companies	Details/Description
<b>2012 Events</b>			
<b>Jan 31 2012</b>	<b>Chinese New Year</b>	*Event in mall *Location: Bay Court Event for CNY	*God of Fortune Performance *1000 lucky red Lai Si packets handed out *Entertainment: Lion dance, & Chinese Folk dance performances
<b>March 23 2012</b>	<b>Markville's 30th Anniversary</b>	*Non Profit: \$30,000 donation made to Markham Stouffville Hospital Foundation from Markville to celebrate Markville's 30th Anniversary and support the Hospital's expansion project *Retail Partners: Goodlife Fitness, Hair Craze *Markham Stouffville Hospital President & CEO Janet Beed and Foudation Council, City of Markham, Ward 3: Don Hamilton in attendance as well	* Cup cakes donated, speed painting show, Goodlife fitness performances, swag bags from retailers, kids arts and crafts, etc. * Cheque presentation *Raffled prizes with proceeds donated to Hospital Foundation *YOU TUBE VIDEO: <a href="http://www.youtube.com/watch?v=yNMa_aiiw2g">http://www.youtube.com/watch?v=yNMa_aiiw2g</a>
<b>March 31 2012</b>	<b>Earth Hour</b>	*Foundation/Partner: Promote WWF's Earth Hour Campaign	Markville turned off there lights between 8:30-9:30pm to support WWF'S Earth Hour with digital campaign to promote saving energy.
<b>May12 2012</b>	<b>Mothers Day - Fun with Mom &amp; Me Event in mall</b>	*Retail Partners: Blacks, Clinique, Hair Craze, MAC, Pickle Barrel, Plants for Clean Air, *Non Profit: Markham Stouffville Hospital Foundation received all donations from the \$5 for each photo from the green screen	Fun for Mom and Me event: Airbrush Tattoo's, Balloon Clowns, Green Screen photos (donations to Hospital) *mini makeovers were provided by some retailers
<b>Aug 10-11 2012</b>	<b>Markham Jazz Festival</b>	* In mall mini concert * Retail Partners: Second Cup, Purdys Chocolates, Melanie Lyne, Fruits & Passions, Thai Express	*Markville hosted a pre-festival jazz concert bringing young talented musicians to entertain shoppers and draw people into the mall. * This was held at 1:00 pm each day for 2 hours, along with treats from Second Cup, Purdy's and Thai Express. * Prizes: *A Jazz Festival Exclusive Giveaway- 5 Pairs of Tickets to Blues Bash @ Flato Markham Theatre (\$55.00/ticket value) Also 10% OFF coupons for esubscribers @ Guest Services. 5-10 Friends of the Festival Cards (Good for one year) \$25.00 value/card.
<b>Oct 20-21 2012</b>	<b>BMW Raffle of Hope</b>	*Location: Food Court (car display) *Non Profit: Markham Stouffville Hospital Foundation *Partnership with: Town and Country BMW	Shoppers could purchase a Raffle ticket for \$20 or 3 tickets for \$50 at our Express Eatery. In support to raise money for the breast health clinic and cancer clinic at Markham Stouffville hospital. Raffle prizes were a brand new BMW, a Women's Diamond ring, Groceries at the village grocery or a 43" Plasma TV
<b>Nov 23 2012</b>	<b>Black Friday</b>	*Ontario Cadillac Fairview malls	*Markville opened at 7am on Black Friday * Many Markville retailers participated in the Event by offering BF discounts to help drive sales *A media release along with mall signage was done to help drive awareness
<b>Nov 16 2013</b>	<b>Children's Place Santa Launch</b>	Retail Partner: Children's Place	*Santa visited the store from 8-9am on Saturday November 16 to kick off Santa Photos in mall
<b>Nov 17 2012</b>	<b>Santa Photos &amp; Pet Photos</b>	*Location: Bay Court	Purdy's handed out chocolates and Santa Photos took place until Dec. 24

Continued...

Event Date	Event Title	Sponsors/Community Involvement/ Companies	Details/Description
<b>Nov 17 2012</b>	<b>Breakfast with Santa</b>	*Non Profits: CHATS & Children's Aid Youth Foundation of York Region * Retail Partners: Kiddie Kobbler, The Body Shop, The Bay, Good Life, Purdy's Chocolates and Bombay *Location: Food Court (Express Eatery)	* Pancake & Fruit breakfast was served in our new Express Eatery with Santa roaming around *310 tickets were sold at \$10 a ticket *Entertainment: Santa, elves and friends parade, live band, and clowns, swag bags for each attendee *A Silent auction and raffle was also held, with all items donated by mall retailers
<b>Dec-13</b>	<b>Story Time with Santa</b>	At Santa Set - Free	* Santa reads stories to children and at the end hands out two books, on 5 Monday mornings in December
<b>Dec 1-24 2012</b>	<b>Holiday Gift Wrapping</b>	Location: Centre Court Lower Level	* All proceeds donated to Markham Stouffville Hospital Foundation * \$10,000 was raised from gift wrapping to support MSHospital Foundation
<b>2013 Events</b>			
<b>Feb 16 2013</b>	<b>Chinese New Year Event</b>	Location: Bay Court Retail Partner: Purdy's Chocolates	*Entertainment: Children's Folk Dance Performance, Lion Dance, God of Fortune *Chocolate sampling and Lai See packages handed out for free to customers
<b>April 12 2013</b>	<b>Lou Lou Event- Shop till you Drop</b>	<b>Participating Retailers:</b> Aeropostale , Extreme Pita, Mappings Aldo Shoes, Eyestar Optical, Michael Hill Amaya, Fashion Fits Alterations, Naturalizer Ardene, Flight Centre, Natural Solutions Bath and Body, Fruits and Passion, New York Fries, Bay The, Gap The, Odeon Shoe Repair, BCBG, GNC, Proactive Solutions, Bentley, H&M, Purdy's Chocolates, Bluenotes Hair Craze, Roots, Body Shop, Jean Machine, RW&Co, Bombay, Jewellery Forever, Second Cup, Bourbon Street Grill, Jimmy the Greek, Shoppers Drug Mart, Caldi Leather, Kamdorbo, Smart Set, Children's Place, Kiddie Kobbler, Spring, Cinnabon, La Senza, Teavana, Claire's Boutique, L'Attitudes, Thyme Maternity, Continental Currency Exchange, L'oro Jewellery, Town Shoes, Eddie Bauer, Lush Cosmetics ,WIND Mobile <b>LOU LOU PASSPORT PARTNERS:</b> Forever 21, Guess ,Jacob, Soft Moc Winners/Homesense	*Bay Court- Main event with shop 'til you drop Fashion Closet and Trend Talk with LouLou Magazine, Fashion team editor * Markville shop cards given away *Raffle Prizes from retailers and sponsors * Bombay lounge/display set up for photo ops *Customers got passports stamped (Purchases were necessary) *The first 200 Shoppers to bring their completed stamped passport book to the Bay Court would receive a code to try and unlock the LouLou closet to see if they won a prize) * First 200 customers to show a receipt over \$200 received an exclusive LOULOU Swag bag valued at over \$200 *In store events
<b>June 8 2013</b>	<b>Meet the Minions</b>	Universal Studio's	* The Minion's (costumes) launched the release of Despicable Me 2 in theater. * They spent the day taking pictures with customers *They also gave away two tickets to see the movie
<b>July 28 2013</b>	<b>The Minions are Back</b>	Universal Studio's	* The Minion's (costumes) launched the release of Despicable Me 2 in theater. * They spent the day taking pictures with customers

Continued...

Event Date	Event Title	Sponsors/Community Involvement/ Companies	Details/Description
<b>Sept 25 &amp; 28 2013</b>	<b>Markville Relaunch</b>	<p>*Markville's Grand Opening- Flare Magazine and the Flare World Runway Tour partnership</p> <p>*Markville along with Flare Magazine partnered to start the launch of the Flare Campaign along side the Celebration of Markville's Grand opening of the redevelopment.</p>	<p>*VIP Shopping Spree Contest: online contest had 3 winners.</p> <p>*Grand Prize winner had 2 VIP guest passes to Markville's Fashion Show launch event Sept. 25</p> <p>* Secondary prize winners attended VIP seats at Flare World Runway Tour at the Design Exchange.</p> <p>* 500 guests were invited to Markville's Grand Opening Fashion show and Cocktail party</p> <p>* Guest Swag Bag: Many retailers donated items to create swag bags that would be part of gift bags for our VIP guests.</p> <p>*Deluxe Swag Bag: Items were also donated for our Deluxe surprise swag bags - all proceeds donated to the Markham stouffville hospital Foundation * Many retailers offered special in store discounts for one week or from Wed Sept 25th-Sat Sept 28th.</p> <p>*The celebration continued on Sat Sept 28th -Flare stylist Wendy Natale gave style advice</p> <p>*Mannequins dressed by BGBGMAXAZRIA, Michael Kors and Hudson Bay</p> <p>*Mini Make overs were provided by Hair Craze, L'Attitudes, Body shop, Mac, Clinque, Estee Lauder, Bath &amp; Body works, Face Shop &amp; Town Shows.</p> <p>*There was also food sampling my Thai Express, Teavana, New York Fries &amp; Bourbon Street Grill</p>
<b>Oct 25 2013</b>	<b>Flare Run Way World Tour</b>	Location: Design Exchange	<p>*Markville sponsored the Flare World Runway Tour and gave away \$20 gift cards to attendees</p> <p>*Showcased launch video highlighting the Sept. 25 in mall launch event to open the show</p> <p>*Mannequins dressed by BCBG</p>
<b>Nov 16 2013</b>	<b>Children's place Santa Launch</b>	Children's place	Visit Santa at the children's place from 8-9am on Saturday November 16 to kick start Santa photos the next day
<b>Nov 17 2013</b>	<b>Annual Santa Breakfast</b>	<p>Location: Pickle Barrel banquet hall</p> <p>Special Guests &amp; Entertainment: Balloon Clowns, Santa and his elves/City of Markham Officials in attendance (Mayor, MPP etc.)</p>	<p>* 180 tickets sold</p> <p>* pancake and fruit breakfast was served by members of the Mayors Council (Mayor Frank Scarpitti etc.)</p> <p>*entertainment: balloon clowns and elfs</p> <p>*Raffle -Over \$1000 of prizes were donated by stores and the Markham Stouffville Hospital.</p> <p>* (Bombay- Traditional Santa &amp; 200 ornaments, Kidde Kobbler- Pillow Boot and a pair of hugs, Best Buy Mobile- Blue tooth and \$50 Gift Card, The Body Shop- Gingerbread Body Pamper set, Purdy's- Gift Basket, Markham stouffville- Two x Certificate for a Cineplex Night Out + Pandora heart earrings, Pickle Barrel- Gift Card Dinner for 4</p>
<b>November 17 2013</b>	<b>Santa Photos &amp; Pet Photos</b>	*Location: Bay Court	Purdy's handed out chocolates and Santa Photos took place until Dec. 24
<b>Nov 29 2013</b>	<b>Black Friday Event</b>	Cadillac Fairview Properties	<p>*Majority of stores participated at Markville offering discounts</p> <p>* In-mall posters</p> <p>* Door decals at each mall entrance</p> <p>* Retailer window clings supplied to each participating store</p> <p>* Black Friday event tab on property web site (Nov. 4) and mobile site</p> <p>* Web site home page take over (Nov. 25)</p> <p>* Facebook: 6 Facebook posts (Nov. 4, 12, 25, 28 &amp; 29)</p>
<b>Dec-13</b>	<b>Monday - Story Time with Santa</b>	At Santa Set -5 separate dates - Free	* Santa reads stories to children and at the end hands draws the two books he read
<b>Dec 1-24 2013</b>	<b>Holiday Gift Wrapping</b>	<p>*Location: Centre Court Lower Level</p> <p>*All proceeds donated to MSHospital Foundation</p>	*\$15,000 raised this year from gift wrapping

Continued...

Event Date	Event Title	Sponsors/Community Involvement/ Companies	Details/Description
<b>2014 Events</b>			
<b>Jan 31 2014</b>	<b>Red Champaign-Chinese New Year</b>	*Retail Partners: Loft, Express, BCBG Maxazria, Purdy's, Blue Band Digital, Athena	*On Jan. 31, photo booth kiosk where people take photos to celebrate CNY, mannequins dressed in red fashions from (BCBG, Express, Loft) ~Kicks off 15 day Contest celebrating CNYear, Valentine's Day and Sochi Olympics *15 days of giveaways: winners who enter on Facebook and write a creative caption to the photos shown, could win a \$75 mall gift card
<b>Feb 7-23 2014</b>	<b>Sochi Olympic Viewing Lounge</b>	*Retail Partners: The Bay Markville, Town & Country BMW *Organization: Canadian Olympic Foundation	*Seating Lounge playing the Olympic Winter Games *The Bay providing fashion for mannequins and guest service staff *BMW adding signs and decals to centre court BMW lounge to promote Winter Games *Olympian - Cheryl Pounder will visit Markville Feb. 21 for autographs *Purdy's chocolates handing out chocolates and coupons to shoppers in viewing lounge

SOURCE: Cadillac Fairview and Markville Shopping Centre (2014).

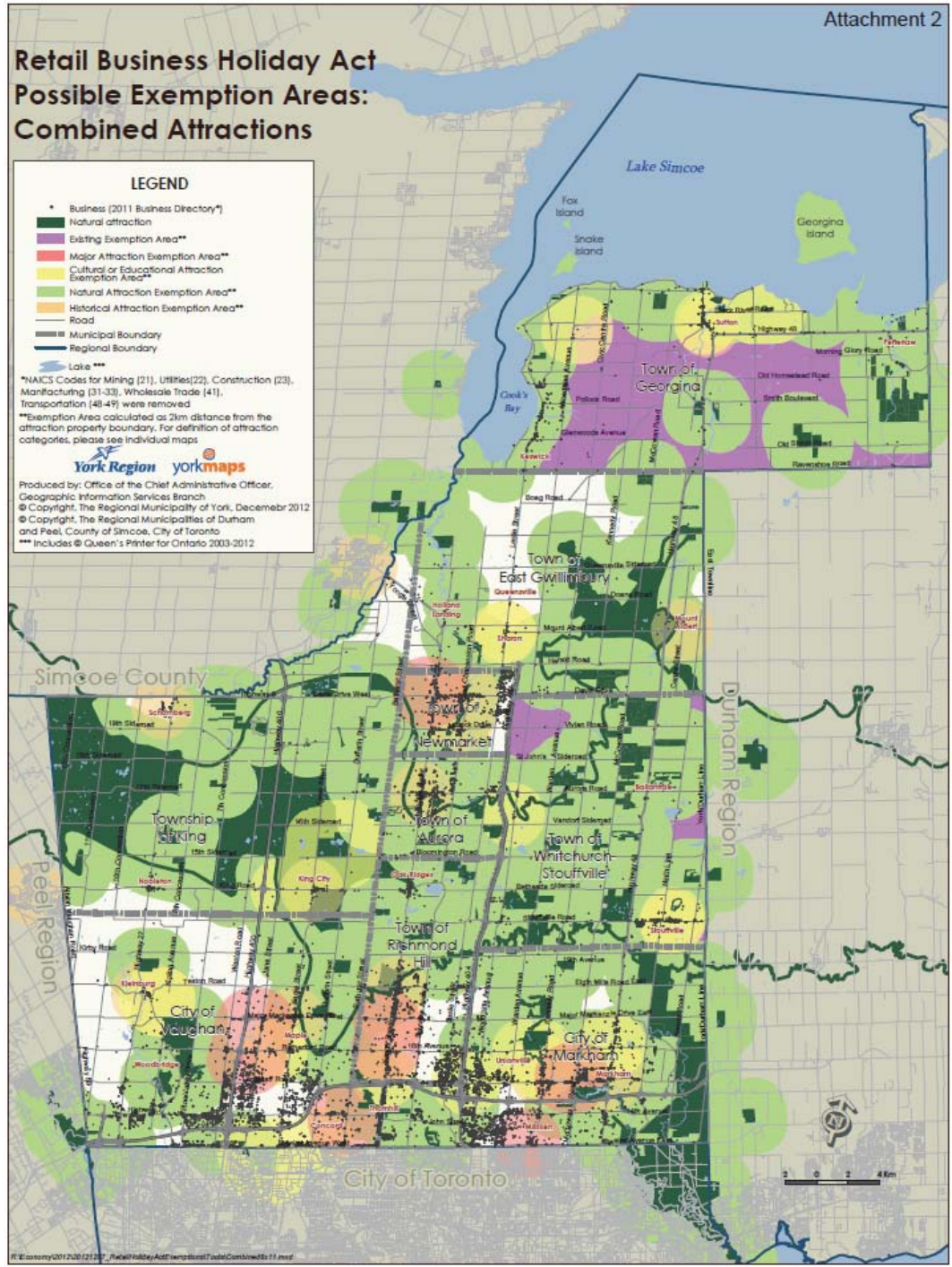
## APPENDIX E – YORK REGION, MAP OF POSSIBLE EXEMPTION AREAS

The following appendix contains the map included as Attachment 2 of Report No. 2 of the Planning and Economic Development Committee Regional Council Meeting of February 21, 2013. It also includes a number of similar – if not identical – maps included as Attachments 3 and 8 of the Joint Report of the Regional Solicitor and Executive Director, Corporate and Strategic Planning, which was presented at the Planning and Economic Development Committee of the Whole meeting of November 7, 2013. These maps illustrate the location and corresponding 2 kilometre buffer areas of various legislatively defined tourist attractions across the Region, based on the criteria set out in the Act. The purpose of these maps were to provide a general guideline to Council and Staff in considering any future applications from retailer’s and/or local municipalities seeking exemption from the Act.

As noted in Section 6 of this report, it appears that Markville has been identified on these maps as a major attraction that would be eligible – or at least a suitable candidate – for an RBHA exemption.

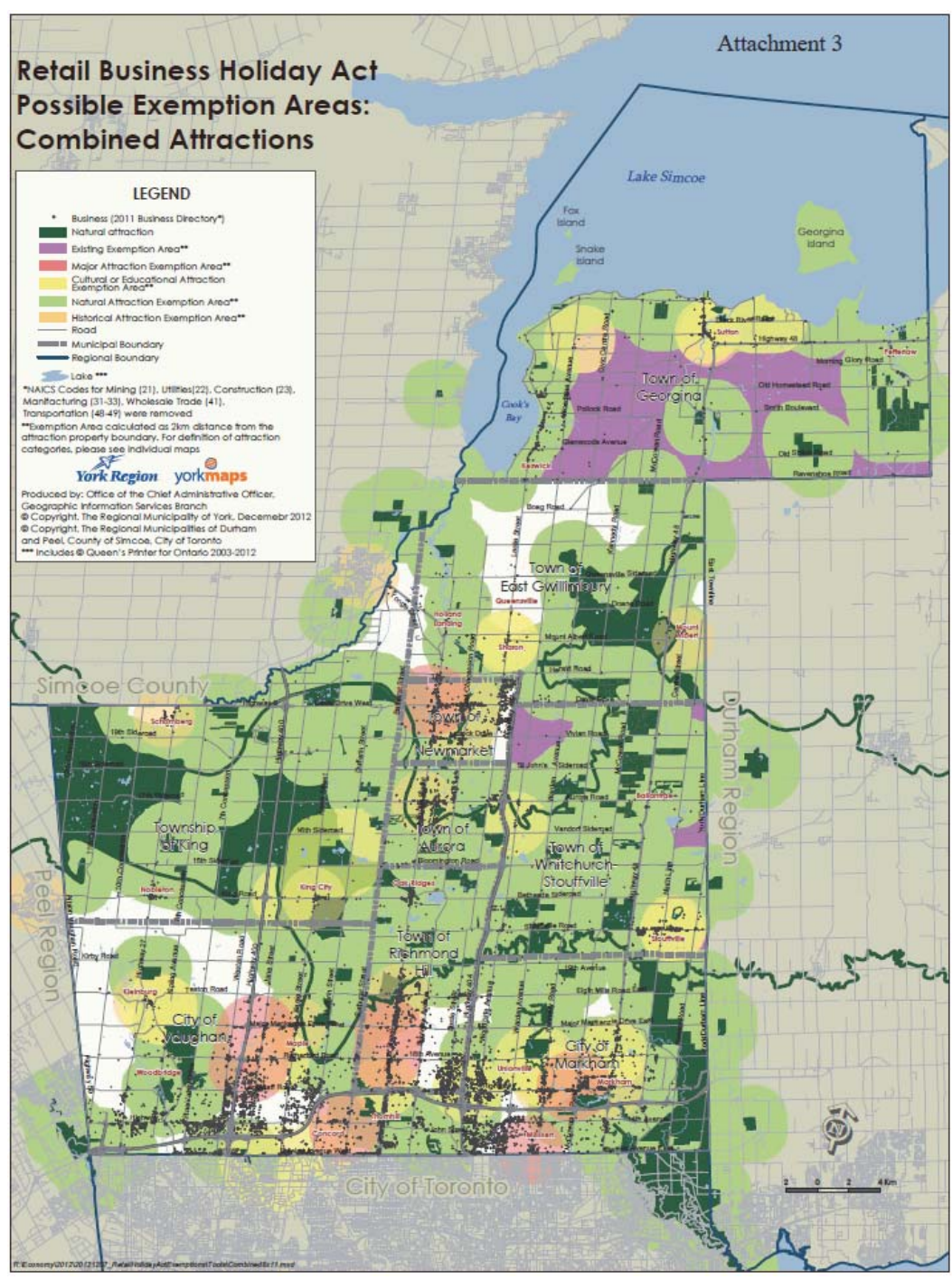


FIGURE E-1: YORK REGION, POSSIBLE EXEMPTION AREAS MAP (1)



SOURCE: York Region. This map was originally included as Attachment 2 of Report No. 2 of the Planning and Economic Development Committee Regional Council Meeting of February 21, 2013.

**FIGURE E-2: YORK REGION, POSSIBLE EXEMPTION AREAS MAP (2)**



SOURCE: York Region. This map was originally included as Attachment 3 of the Joint Report of the Regional Solicitor and Executive Director, Corporate and Strategic Planning, which was presented at the Planning and Economic Development Committee of the Whole meeting of November 7, 2013.



## **APPENDIX F – ARTICLES OF INCORPORATION**

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The following appendix contains Articles of Incorporation for The Cadillac Fairview Corporation Limited (i.e., the applicant).

1878308

**Ontario  
 CERTIFICATE**

This is to certify that these articles  
 are effective on

**CERTIFICAT**

Ceci certifie que les présents statuts  
 entrent en vigueur le

**AUGUST 01 AOÛT, 2012**

*K. [Signature]*  
 Director / Directrice

**Business Corporations Act / Loi sur les sociétés par actions**

Form 4  
 Business  
 Corporations  
 Act

Formule 4  
 Loi sur les  
 sociétés par  
 actions

**ARTICLES OF AMALGAMATION  
 STATUTS DE FUSION**

1. The name of the amalgamated corporation is: (Set out in BLOCK CAPITAL LETTERS)  
 Dénomination sociale de la société issue de la fusion: (Écrire en LETTRES MAJUSCULES SEULEMENT):

T	H	E	C	A	D	I	L	L	A	C	F	A	I	R	V	I	E	W	C	O	R	P	O	R	A	T
I	O	N	L	I	M	I	T	E	D	/	L	A	C	O	R	P	O	R	A	T	I	O	N	C	A	D
I	L	L	A	C	F	A	I	R	V	I	E	W	L	I	M	I	T	É	E							

2. The address of the registered office is:  
 Adresse du siège social:

20 Queen Street West, Suite 500

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 d'un édifice à bureaux, numéro du bureau

Toronto

ONTARIO

M 5 H 3 R 4

Name of Municipality or Post Office /  
 Nom de la municipalité ou du bureau de poste

Postal Code/Code postal

3. Number of directors is: Fixed number  OR minimum and maximum  1  15  
 Nombre d'administrateurs: Nombre fixe  OU minimum et maximum  1  15

4. The director(s) is/are: / Administrateur(s):

First name, middle names and surname Prénom, autres prénoms et nom de famille	Address for service, giving Street & No. or R.R. No., Municipality, Province, Country and Postal Code Domicile élu, y compris la rue et le numéro ou le numéro de la R.R., le nom de la municipalité, la province, le pays et le code postal	Resident Canadian State 'Yes' or 'No' Résident canadien Oui/Non
Jalynn H. Bennett	24 Thornwood Road Toronto, Ontario M4W 2S1	Yes
Robert G. Bertram	6 Little Erika Way Aurora, Ontario L4G 6L4	Yes
John P. Curtin, Jr.	19 Highland Avenue Toronto, Ontario M4W 2A2	Yes

4. The director(s) is/are:  
Administrateur(s) :

First name, middle names and surname <i>Prénom, autres prénoms et nom de famille</i>	Address for services, giving street & No. or R.R. No., Municipality, Province, Country and Postal code. <i>Domicile élu, y compris la rue et le numéro ou le numéro de la R.R., le nom de la municipalité, la province, le pays et le code postal</i>	Resident Canadian State 'Yes' or 'No' <i>Résident canadien Oui/Non</i>
William R. Fatt	129 Rochester Avenue Toronto, Ontario M4N 1N9	Yes
Thomas Knowlton	21 Burkebrook Place Ste. 504 Toronto, Ontario M4G 0A2	Yes
Craig Macnab	1860 Summerland Avenue Winter Park, Florida U.S.A. 32789	No
Robert A. Michaels	250 E. Pearson St. Apt. 101 Chicago, Illinois U.S.A. 60611	No
Peter W. Mills	390 Glencairn Avenue Toronto, Ontario M5N 1V1	Yes
Ronald Mock	25 Broadway Avenue Suite 2301 Toronto, Ontario M4P 1T7	Yes
Kathleen O'Neill	21 Wilgar Road Toronto, Ontario M8X 1J3	Yes
Neil J. Petroff	268 Lytton Blvd. Toronto, Ontario M5N 1R6	Yes
Allan J. Reesor	95 The Kingsway Toronto, Ontario M8X 2T6	Yes

5. Method of amalgamation, check A or B  
*Méthode choisie pour la fusion – Cocher A ou B :*

**A - Amalgamation Agreement / Convention de fusion :**



The amalgamation agreement has been duly adopted by the shareholders of each of the amalgamating corporations as required by subsection 176 (4) of the *Business Corporations Act* on the date set out below.  
*Les actionnaires de chaque société qui fusionne ont dûment adopté la convention de fusion conformément au paragraphe 176(4) de la Loi sur les sociétés par actions à la date mentionnée ci-dessous.*

or  
ou

**B - Amalgamation of a holding corporation and one or more of its subsidiaries or amalgamation of subsidiaries / Fusion d'une société mère avec une ou plusieurs de ses filiales ou fusion de filiales :**



The amalgamation has been approved by the directors of each amalgamating corporation by a resolution as required by section 177 of the *Business Corporations Act* on the date set out below.  
*Les administrateurs de chaque société qui fusionne ont approuvé la fusion par voie de résolution conformément à l'article 177 de la Loi sur les sociétés par actions à la date mentionnée ci-dessous.*

The articles of amalgamation in substance contain the provisions of the articles of incorporation of  
*Les statuts de fusion reprennent essentiellement les dispositions des statuts constitutifs de*

and are more particularly set out in these articles.  
*et sont énoncés textuellement aux présents statuts.*

Names of amalgamating corporations <i>Dénomination sociale des sociétés qui fusionnent</i>	Ontario Corporation Number <i>Numéro de la société en Ontario</i>	Date of Adoption/Approval <i>Date d'adoption ou d'approbation</i>		
		Year <i>année</i>	Month <i>mois</i>	Day <i>jour</i>
THE CADILLAC FAIRVIEW CORPORATION LIMITED/LA CORPORATION CADILLAC FAIRVIEW LIMITÉE	1406030	2012	07	31
CFM CORPORATION	1683927	2012	07	31

6. 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 société.*

None.

7. 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 société est autorisée à émettre :*

The Corporation is authorized to issue an unlimited number of Class A common shares; an unlimited number of Class B common shares; and an unlimited number of non-voting redeemable preference shares.



8. 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 qui peut être émise en série :*

**A. NON-VOTING REDEEMABLE PREFERENCE SHARES**

**1. Defined Terms**

1.1 Where used in these share provisions, the following terms shall have the following respective meanings:

- (a) "**Act**" means the *Business Corporations Act* (Ontario), as now enacted or as it may from time to time be amended, re-enacted or replaced (and in the case of such amendment, re-enactment or replacement, any references herein to specific provisions thereof shall be read as referring to such amended, re-enacted or replaced provisions); and
- (b) "**Redemption Amount**", in respect of a non-voting redeemable preference share, shall mean \$0.01 per share. For greater certainty, the Redemption Amount is an amount specified in respect of the Redeemable Preference Shares for the purposes of subsection 191(4) of the *Income Tax Act* (Canada), as amended.

The non-voting redeemable preference shares shall have attached thereto the following rights, privileges, restrictions and conditions:

**2. Dividends**

2.1 The holders of the non-voting redeemable preference shares shall not be entitled as such to receive any dividends and the Corporation shall not pay dividends to the holders of the non-voting redeemable preference shares.

**3. Dissolution**

3.1 In the event of the dissolution, liquidation or winding-up of the Corporation or other distribution of assets of the Corporation among shareholders for the purpose of winding up its affairs, the holders of the non-voting redeemable preference shares shall be entitled to receive the Redemption Amount from the assets and property of the Corporation for each non-voting redeemable preference share held by them respectively before any amount shall be paid or any property or assets of the Corporation distributed to the holders of any common shares or shares of any other class ranking junior to the non-voting redeemable shares. After payment to the holders of the non-voting redeemable preference shares of the amount so payable to them as above provided, they shall not be entitled to share in any further distribution of the property or assets of the Corporation.

**4. Redemption by the Corporation**

4.1 Subject to the provisions of subsection 32(2) of the Act, as now enacted or as the same may from time to time be amended, re-enacted or replaced (and in the case of such amendment, re-enactment or replacement, any references herein shall be read as referring to

8. Continued

such amended, re-enacted or replaced provisions), the Corporation may, upon giving notice as hereinafter provided, redeem at any time the whole or from time to time any part of the then outstanding non-voting redeemable preference shares on payment for each share to be redeemed of the Redemption Amount.

4.2 In the case of redemption of non-voting redeemable preference shares, under the provisions of clause 4.1 hereof, the Corporation shall give written notice on or before the date specified for redemption to each person who at the date of such notice is a registered holder of non-voting redeemable preference shares to be redeemed of the intention of the Corporation to redeem such non-voting redeemable preference shares. Such notice shall set out the redemption price and the date on which redemption is to take place and, if part only of the shares held by the person to whom it is addressed is to be redeemed, the number thereof to be so redeemed. On or after the date so specified for redemption, the Corporation shall pay or cause to be paid to or to the order of the registered holders of the non-voting redeemable preference shares to be redeemed the Redemption Amount on presentation and surrender of the certificates representing the non-voting redeemable preference shares called for redemption at the registered office of the Corporation, or any other place or places designated in the notice of redemption. If a part only of the shares represented by any certificate is to be redeemed a new certificate for the balance shall be issued at the expense of the Corporation. Subject to the provisions of clause 4.3 below, on and after the date specified for redemption in any such notice, the holders of the non-voting redeemable preference shares called for redemption shall not be entitled to exercise any of the rights of shareholders in respect thereof unless payment of the Redemption Amount shall not be made upon presentation of certificates in accordance with the foregoing provisions, in which case the rights of the shareholders shall remain unaffected.

4.3 The Corporation shall have the right at any time after the delivery of notice of its intention to redeem any non-voting redeemable preference shares as aforesaid to deposit the Redemption Amount for the shares so called for redemption or for such of the said shares represented by certificates as have not at the date of such deposit been surrendered by the holders thereof in connection with such redemption to a special account in a specified chartered bank or a specified trust company in Canada, named in such notice of redemption, to be paid without interest to or to the order of the respective holders of such non-voting redeemable preference shares called for redemption upon presentation and surrender to such bank or trust company of the certificates representing the same and upon such deposit being made or upon the date specified for redemption in such notice, whichever is the later, the non-voting redeemable preference shares, in respect whereof such deposit shall have been made shall be deemed to be redeemed and the rights of the holders thereof after such deposit or such redemption date, as the case may be, shall be limited to receiving without interest their proportionate part of the total redemption price so deposited against presentation and surrender of the said certificates held by them respectively. Any interest allowed on any such deposit shall belong to the Corporation. Redemption moneys that are represented by a cheque which has not been presented to the Corporation's bankers for payment or that otherwise remain unclaimed (including moneys held on deposit to a special account as provided for above) for a period of six years from the date specified for redemption shall be forfeited to the Corporation.

4.4 In the event that part only of the non-voting redeemable preference shares are at any time to be redeemed, the shares to be so redeemed shall be selected *pro rata* (disregarding fractions) from among the holders of record thereof as at the date of the notice of redemption or in such other manner as the Board in its sole discretion may deem equitable .

8. *Continued*

5. **Voting Rights**

5.1 The holders of the non-voting redeemable preference shares shall not be entitled as such (excepts as hereinafter specifically provided and except as otherwise provided by the Act) to receive notice of or to attend any meeting of the shareholders of the Corporation and shall not be entitled to vote at any such meeting; the holders of the non-voting redeemable preference shares shall, however, be entitled to notice of meetings of shareholders called for the purpose of authorizing the dissolution of the Corporation under section 237 of the Act or a sale, lease or exchange of all or substantially all of the property of the Corporation other than in the ordinary course of business under subsection 184(3) of the Act.

B. **CLASS A COMMON SHARES AND CLASS B COMMON SHARES**

1. **Dividends**

1.1 Subject to the prior rights of the holders of any shares ranking senior to the Class A common shares and the Class B common shares with respect to the priority in the payment of dividends, the holders of the Class A common shares and Class B common shares shall be entitled to participate equally with each other as to dividends and the Corporation shall pay dividends thereon, as and when declared by the board of directors of the Corporation out of moneys properly applicable to the payment of dividends, in amounts per share and at the same time on all such Class A common shares and Class B common shares at the time outstanding, as the board of directors may from time to time determine.

1.2 The Board may not declare or pay a dividend on the Class A common shares unless it simultaneously declares and pays a dividend on the Class B common shares.

2. **Dissolution**

2.1 In the event of the dissolution, liquidation or winding-up of the Corporation, whether voluntary or involuntary, or any other distribution of assets of the Corporation among its shareholders for the purpose of winding up its affairs and subject to the prior rights of the holders of any shares ranking senior to the Class A common shares and the Class B common shares with respect to the priority in the distribution of property upon the dissolution, liquidation, winding-up or distribution for the purpose of winding-up, the holders of the Class A common shares and the Class B common shares at the time outstanding shall be equally entitled to receive the remaining property and assets of the Corporation on an equal basis per share.

3. **Subdivision and Consolidation**

3.1 Neither the Class A common shares nor the Class B common shares shall be subdivided, consolidated, reclassified or otherwise changed unless contemporaneously therewith the other class is subdivided, consolidated, reclassified or otherwise changed in the same proportion and in the same manner.

4. **Voting Rights**

4.1 The holders of the Class A common shares and the Class B common shares shall be entitled to receive notice of and to attend all meetings of the shareholders of the Corporation

8. *Continued*

and shall have one vote for each Class A common share or each Class B common share held at all meetings of the shareholders of the Corporation, except for meetings at which or for matters with respect to which only holders of another specified class or series of shares of the Corporation are entitled to vote separately as a class or series.

9. 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 restreint. Les restrictions, s'il y a lieu, sont les suivantes :*

The right to transfer securities of the Corporation (other than debt securities that are not convertible into shares of the Corporation) shall be restricted in that no holder of such securities shall be entitled to transfer any such securities without either:

- (a) if the transfer of such securities is restricted by any security holders' agreement, complying with such restrictions in such agreement; or
- (b) if there are no such restrictions, either:
  - (i) the express sanction of the holders of more than 50% of the voting shares of the Corporation for the time being outstanding expressed by a resolution passed at a meeting of the shareholders or by an instrument or instruments in writing signed by the holders of more than 50% of such shares; or
  - (ii) the express sanction of the directors of the Corporation expressed by a resolution passed by the votes of a majority of the directors of the Corporation at a meeting of the board of directors or signed by all of the directors entitled to vote on that resolution at a meeting of directors.

10. Other provisions, (if any):  
*Autres dispositions, s'il y a lieu :*

*None.*

11. The statements required by subsection 178(2) of the *Business Corporations Act* are attached as Schedule "A".  
*Les déclarations exigées aux termes du paragraphe 178(2) de la Loi sur les sociétés par actions constituent l'annexe A.*
12. A copy of the amalgamation agreement or directors' resolutions (as the case may be) is/are attached as Schedule "B".  
*Une copie de la convention de fusion ou les résolutions des administrateurs (selon le cas) constitue(nt) l'annexe B.*

These articles are signed in duplicate.  
Les présents statuts sont signés en double exemplaire.

Name and original signature of a director or authorized signing officer of each of the amalgamating corporations. Include the name of each corporation, the signatories name and description of office (e.g. president, secretary). Only a director or authorized signing officer can sign on behalf of the corporation. / Nom et signature originale d'un administrateur ou d'un signataire autorisé de chaque société qui fusionne. Indiquer la dénomination sociale de chaque société, le nom du signataire et sa fonction (p. ex. : président, secrétaire). Seul un administrateur ou un dirigeant habilité peut signer au nom de la société.

THE CADILLAC FAIRVIEW CORPORATION LIMITED/  
LA CORPORATION CADILLAC FAIRVIEW LIMITÉE

Names of Corporations / Dénomination sociale des sociétés

By / Par



Signature / Signature

SANDRA J. HARDY

Print name of signatory /  
Nom du signataire en lettres moulées

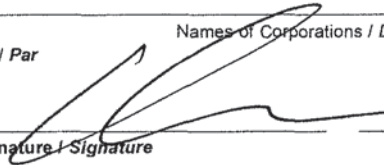
Executive Vice-President,  
Gen. Counsel & Secretary

Description of Office / Fonction

CFM CORPORATION

Names of Corporations / Dénomination sociale des sociétés

By / Par



Signature / Signature

LEE SIENNA

Print name of signatory /  
Nom du signataire en lettres moulées

Director

Description of Office / Fonction

Names of Corporations / Dénomination sociale des sociétés

By / Par

Signature / Signature

Print name of signatory /  
Nom du signataire en lettres moulées

Description of Office / Fonction

Names of Corporations / Dénomination sociale des sociétés

By / Par

Signature / Signature

Print name of signatory /  
Nom du signataire en lettres moulées

Description of Office / Fonction

Names of Corporations / Dénomination sociale des sociétés

By / Par

Signature / Signature

Print name of signatory /  
Nom du signataire en lettres moulées

Description of Office / Fonction

**STATEMENT OF DIRECTOR OR OFFICER  
PURSUANT TO SUBSECTION 178(2) OF  
THE *BUSINESS CORPORATIONS ACT* (ONTARIO)**

I, Cathal O'Connor, of the City of Toronto, in the Province of Ontario, hereby state as follows:

1. This Statement is made pursuant to subsection 178(2) of the *Business Corporations Act* (Ontario) (the "**Act**").

2. I am an officer of The Cadillac Fairview Corporation Limited<sup>↑</sup> (the "**Corporation**") and as such have knowledge of its affairs.

*La Corporation  
Cadillac  
Fairview  
Limitée*

3. I have conducted such examinations of the books and records of the Corporation as are necessary to enable me to make the statements set forth below.

4. There are reasonable grounds for believing that:

(a) the Corporation is and the corporation to be formed by the amalgamation (the "**Amalgamation**") of the Corporation and CFM Corporation will be able to pay its liabilities as they become due; and

(b) the realizable value of such amalgamated corporation's assets will not be less than the aggregate of its liabilities and stated capital of all classes.

5. There are reasonable grounds for believing that no creditor of the Corporation will be prejudiced by the Amalgamation, or that adequate notice has been given to all known creditors of the Corporation.

6. The Corporation has not been notified by any creditor that it objects to the Amalgamation.

***[The remainder of this page is intentionally left blank.]***

This Statement is made this 31st day of July, 2012.

A handwritten signature in black ink, appearing to read 'Cathal O'Connor', written over a horizontal line.

Cathal O'Connor  
Executive Vice-President and Chief  
Financial Officer



# Schedule A

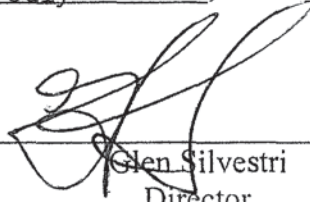
## STATEMENT OF DIRECTOR OR OFFICER PURSUANT TO SUBSECTION 178(2) OF THE *BUSINESS CORPORATIONS ACT* (ONTARIO)

I, Glen Silvestri, of the Municipality of Toronto, in the Province of Ontario, hereby state as follows:

1. This Statement is made pursuant to subsection 178(2) of the *Business Corporations Act* (Ontario) (the "Act").
2. I am a director of CFM Corporation (the "**Corporation**") and as such have knowledge of its affairs.
3. I have conducted such examinations of the books and records of the Corporation as are necessary to enable me to make the statements set forth below.
4. There are reasonable grounds for believing that:
  - (a) the Corporation is and the corporation to be formed by the amalgamation (the "**Amalgamation**") of the Corporation and The Cadillac Fairview Corporation Limited will be able to pay its liabilities as they become due; and
  - (b) the realizable value of such amalgamated corporation's assets will not be less than the aggregate of its liabilities and stated capital of all classes.
5. There are reasonable grounds for believing that no creditor of the Corporation will be prejudiced by the Amalgamation, or that adequate notice has been given to all known creditors of the Corporation.
6. The Corporation has not been notified by any creditor that it objects to the Amalgamation.

*[The remainder of this page is intentionally left blank.]*

This Statement is made this 31st day of July, 2012.



\_\_\_\_\_  
Glen Silvestri  
Director

Schedule B

AMALGAMATION AGREEMENT

THIS AGREEMENT is made as of the 1<sup>st</sup> day of August, 2012,

BETWEEN:

**THE CADILLAC FAIRVIEW CORPORATION LIMITED/  
LA CORPORATION CADILLAC FAIRVIEW LIMITEE,**  
a corporation existing under the  
laws of the Province of Ontario,

(hereinafter referred to as "CFCL"),

- and -

**CFM CORPORATION,**  
a corporation existing under the  
laws of the Province of Ontario,

(hereinafter referred to as "CFM").

WHEREAS CFCL is incorporated under the laws of the Province of Ontario pursuant to articles of amalgamation which became effective on March 17, 2000;

AND WHEREAS CFM is incorporated under the laws of the Province of Ontario pursuant to articles of amalgamation which became effective on January 1, 2006;

AND WHEREAS CFCL is authorized to issue an unlimited number of common shares, an unlimited number of Class A preference shares and an unlimited number of Class B preference shares, of which 711,937,622 common shares (the "**CFCL Common Shares**") are issued and outstanding as fully paid and non-assessable shares;

AND WHEREAS the Ontario Teachers' Pension Plan Board ("**OTPPB**") is the owner of all 711,937,622 outstanding CFCL Common Shares;

AND WHEREAS CFM is authorized to issue an unlimited number of Class A shares, an unlimited number of Class B shares and an unlimited number of redeemable preference shares, of which 10 Class A shares (the "**CFM Class A Shares**") and 25,153,462

Class B shares (the "CFM Class B Shares") are issued and outstanding as fully paid and non-assessable shares;

AND WHEREAS: (i) OTPPB is the registered holder of three CFM Class A Shares and 24,023,154 CFM Class B Shares; (ii) Larry Robinette is the registered holder of seven CFM Class A Shares and 93,077 CFM Class B Shares; and (iii) Darrell Olson is the registered holder of 37,231 CFM Class B Shares;

AND WHEREAS each of CFCL and CFM has made full and complete disclosure to the other of its known assets and liabilities;

AND WHEREAS, under the authority conferred by the *Business Corporations Act* (Ontario) (the "Act"), CFCL and CFM have agreed to amalgamate and continue as one corporation on the terms hereinafter set out;

NOW THEREFORE THIS AGREEMENT WITNESSES as follows:

1. **Additional Definitions**

In this Agreement:

- (a) "Amalco" means the corporation continuing from the Amalgamation;
- (b) "Amalgamating Corporations" means, collectively, CFCL and CFM;
- (c) "Amalgamation" means the amalgamation of the Amalgamating Corporations herein provided for; and
- (d) "Effective Date" means the date set out on the certificate endorsed by the Director appointed under the Act on the articles of amalgamation giving effect to the Amalgamation.

Unless the context otherwise requires, all terms used in this Agreement which are defined in the Act have the respective meanings given to them in the Act.

2. **Amalgamation**

Subject to the provisions of this Agreement, the Amalgamating Corporations agree to amalgamate and continue as one corporation under the provisions of the Act as of and from the Effective Date.

3. **Name of Corporation**

The name of Amalco shall be THE CADILLAC FAIRVIEW CORPORATION LIMITED/LA CORPORATION CADILLAC FAIRVIEW LIMITEE.

4. **Registered Office**

The address of the registered office of Amalco shall be 20 Queen Street West, 5th Floor, Toronto, ON M5H 3R4.

5. **Business and Powers**

There shall be no restrictions on the business Amalco may carry on or on the powers it may exercise.

6. **Authorized Share Capital**

Amalco shall be authorized to issue:

- (a) an unlimited number of Class A common shares (the "Amalco Class A Common Shares");
- (b) an unlimited number of Class B common shares (the "Amalco Class B Common Shares"); and
- (c) an unlimited number of non-voting redeemable preference shares (the "Amalco Redeemable Preference Shares").

7. **Share Provisions**

The authorized share capital of Amalco shall have attached thereto the rights, privileges, restrictions and conditions set out in Schedule A annexed hereto.

8. **Share Transfer Restrictions**

The right to transfer securities of Amalco (other than debt securities that are not convertible into shares of Amalco) shall be restricted in that no holder of such securities shall be entitled to transfer any such securities without either:

- (a) if the transfer of such securities is restricted by any security holders' agreement, complying with such restrictions in such agreement; or
- (b) if there are no such restrictions, either:
  - (i) the express sanction of the holders of more than 50% of the voting shares of Amalco for the time being outstanding expressed by a resolution passed at a meeting of the shareholders or by an instrument or instruments in writing signed by the holders of more than 50% of such shares; or

- (ii) the express sanction of the directors of Amalco expressed by a resolution passed by the votes of a majority of the directors of Amalco at a meeting of the board of directors or signed by all of the directors entitled to vote on that resolution at a meeting of directors.

9. **Number of Directors**

Amalco shall have not less than one and not more than 15 directors.

10. **Directors**

The directors of Amalco shall be as follows:

<u>Name</u>	<u>Address for Service</u>	<u>Resident Canadian</u>
Jalynn H. Bennett	24 Thornwood Road Toronto, Ontario M4W 2S1	Yes
Robert G. Bertram	6 Little Erika Way Aurora, Ontario L4G 6L4	Yes
John P. Curtin, Jr.	19 Highland Avenue Toronto, Ontario M4W 2A2	Yes
William R. Fatt	129 Rochester Avenue Toronto, Ontario M4N 1N9	Yes
Thomas Knowlton	Ste. 504, 21 Burkebrook Place Toronto, Ontario M4G 0A2	Yes
Craig Macnab	1860 Summerland Avenue Winter Park, Florida U.S.A. 32789	No
Robert A. Michaels	Apt. 101, 250 E. Pearson St. Chicago, Illinois U.S.A. 60611	No
Peter W. Mills	390 Glencairn Avenue Toronto, Ontario M5N 1V1	Yes
Ronald Mock	25 Broadway Avenue, Suite 2301 Toronto, Ontario M4P 1T7	Yes
Kathleen O'Neill	21 Wilgar Road Toronto, Ontario M8X 1J3	Yes
Neil J. Petroff	268 Lytton Blvd., Toronto, Ontario, M5N 1R6	Yes
Allan J. Reesor	95 The Kingsway Toronto, Ontario M8X 2T6	Yes

The first directors named above shall hold office until the first meeting of shareholders of Amalco or until their successors are elected or appointed.

**11. Exchange and Cancellation of Shares of Amalgamating Corporations**

On the Effective Date:

- (a) OTPPB shall exchange 711,937,622 CFCL Common Shares, three CFM Class A Shares and 24,023,154 CFM Class B Shares for 346,254,500 Amalco Class A Common Shares (being all of the Amalco Class A Common Shares to be issued pursuant to the Amalgamation);
- (b) Larry Robinette shall exchange seven CFM Class A Shares and 93,077 CFM Class B Shares for 93,084 Amalco Redeemable Preference Shares;
- (c) Darrell Olson shall exchange 37,231 CFM Class B Shares for 37,231 Amalco Redeemable Preference Shares; and
- (d) all of the outstanding shares of each of CFCL and CFM exchanged as described above shall be cancelled without any repayment of capital in respect thereof.

**12. Stated Capital**

- (a) The stated capital attributable to the 346,254,500 Amalco Class A Common Shares shall be the aggregate of the stated capital attributable to the issued shares of the Amalgamating Corporations exchanged therefor pursuant to Section 11(a) of this agreement.
- (b) The stated capital attributable to the 130,315 Amalco Redeemable Preference Shares shall be equal to the lesser of (i) the aggregate stated capital attributable to the CFM Class A Shares and the CFM Class B Shares exchanged therefore; and (ii) the aggregate Redemption Amount of such Amalco Redeemable Preference Shares.

**13. Replacement Share Certificates**

On or after the Effective Date, each shareholder of the Amalgamating Corporations may (and, if requested by Amalco, shall) surrender to Amalco for cancellation the certificates representing the shares of the Amalgamating Corporations held by such shareholder immediately prior to the Effective Date in exchange for certificates representing the shares of Amalco held by such shareholder.

**14. By-laws**

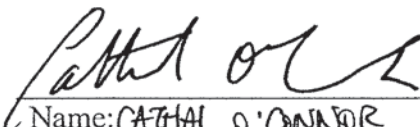
The by-laws of Amalco shall be the by-laws of CFCL, copies of which have been provided to the directors and shareholders of each Amalgamating Corporation in connection with their approval of this agreement and the Amalgamation. Copies of the proposed by-laws of Amalco may be examined at the registered office of Amalco or at the offices of Davies Ward Phillips & Vineberg LLP, 1 First Canadian Place, 44th Floor, Toronto, Canada, M5X 1B1.

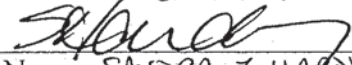
15. Compliance with the Act

Upon the approval of this agreement in accordance with the provisions of the Act, the Amalgamating Corporations shall comply with the provisions of the Act for the purpose of bringing the Amalgamation into effect.


IN WITNESS WHEREOF this Agreement has been executed by the parties on the date first written above.

THE CADILLAC FAIRVIEW  
CORPORATION LIMITED/LA  
CORPORATION CADILLAC  
FAIRVIEW LIMITEE

by   
Name: CATHAL O'CONNOR  
Title: EXECUTIVE VICE-PRESIDENT AND  
CHIEF FINANCIAL OFFICER

  
Name: SANDRA J. HARDY  
Title: EXECUTIVE VICE-PRESIDENT  
GENERAL COUNSEL AND SECRETARY

CFM CORPORATION

by   
Name:  
Title:



## SCHEDULE A

### A. NON-VOTING REDEEMABLE PREFERENCE SHARES

#### 1. Defined Terms

1.1 Where used in these share provisions, the following terms shall have the following respective meanings:

- (a) "**Act**" means the *Business Corporations Act* (Ontario), as now enacted or as it may from time to time be amended, re-enacted or replaced (and in the case of such amendment, re-enactment or replacement, any references herein to specific provisions thereof shall be read as referring to such amended, re-enacted or replaced provisions); and
- (b) "**Redemption Amount**", in respect of a non-voting redeemable preference share, shall mean \$0.01 per share. For greater certainty, the Redemption Amount is an amount specified in respect of the Redeemable Preference Shares for the purposes of subsection 191(4) of the *Income Tax Act* (Canada), as amended.

The non-voting redeemable preference shares shall have attached thereto the following rights, privileges, restrictions and conditions:

#### 2. Dividends

2.1 The holders of the non-voting redeemable preference shares shall not be entitled as such to receive any dividends and the Corporation shall not pay dividends to the holders of the non-voting redeemable preference shares.

#### 3. Dissolution

3.1 In the event of the dissolution, liquidation or winding-up of the Corporation or other distribution of assets of the Corporation among shareholders for the purpose of winding up its affairs, the holders of the non-voting redeemable preference shares shall be entitled to receive the Redemption Amount from the assets and property of the Corporation for each non-voting redeemable preference share held by them respectively before any amount shall be paid or any property or assets of the Corporation distributed to the holders of any common shares or shares of any other class ranking junior to the non-voting redeemable shares. After payment to the holders of the non-voting redeemable preference shares of the amount so payable to them as above provided, they shall not be entitled to share in any further distribution of the property or assets of the Corporation.

#### 4. Redemption by the Corporation

4.1 Subject to the provisions of subsection 32(2) of the Act, as now enacted or as the same may from time to time be amended, re-enacted or replaced (and in the case of such amendment, re-enactment or replacement, any references herein shall be read as referring to such amended, re-enacted or replaced provisions), the Corporation may, upon giving notice as hereinafter

provided, redeem at any time the whole or from time to time any part of the then outstanding non-voting redeemable preference shares on payment for each share to be redeemed of the Redemption Amount.

4.2 In the case of redemption of non-voting redeemable preference shares, under the provisions of clause 4.1 hereof, the Corporation shall give written notice on or before the date specified for redemption to each person who at the date of such notice is a registered holder of non-voting redeemable preference shares to be redeemed of the intention of the Corporation to redeem such non-voting redeemable preference shares. Such notice shall set out the redemption price and the date on which redemption is to take place and, if part only of the shares held by the person to whom it is addressed is to be redeemed, the number thereof to be so redeemed. On or after the date so specified for redemption, the Corporation shall pay or cause to be paid to or to the order of the registered holders of the non-voting redeemable preference shares to be redeemed the Redemption Amount on presentation and surrender of the certificates representing the non-voting redeemable preference shares called for redemption at the registered office of the Corporation, or any other place or places designated in the notice of redemption. If a part only of the shares represented by any certificate is to be redeemed a new certificate for the balance shall be issued at the expense of the Corporation. Subject to the provisions of clause 4.3 below, on and after the date specified for redemption in any such notice, the holders of the non-voting redeemable preference shares called for redemption shall not be entitled to exercise any of the rights of shareholders in respect thereof unless payment of the Redemption Amount shall not be made upon presentation of certificates in accordance with the foregoing provisions, in which case the rights of the shareholders shall remain unaffected.

4.3 - The Corporation shall have the right at any time after the delivery of notice of its intention to redeem any non-voting redeemable preference shares as aforesaid to deposit the Redemption Amount for the shares so called for redemption or for such of the said shares represented by certificates as have not at the date of such deposit been surrendered by the holders thereof in connection with such redemption to a special account in a specified chartered bank or a specified trust company in Canada, named in such notice of redemption, to be paid without interest to or to the order of the respective holders of such non-voting redeemable preference shares called for redemption upon presentation and surrender to such bank or trust company of the certificates representing the same and upon such deposit being made or upon the date specified for redemption in such notice, whichever is the later, the non-voting redeemable preference shares, in respect whereof such deposit shall have been made shall be deemed to be redeemed and the rights of the holders thereof after such deposit or such redemption date, as the case may be, shall be limited to receiving without interest their proportionate part of the total redemption price so deposited against presentation and surrender of the said certificates held by them respectively. Any interest allowed on any such deposit shall belong to the Corporation. Redemption moneys that are represented by a cheque which has not been presented to the Corporation's bankers for payment or that otherwise remain unclaimed (including moneys held on deposit to a special account as provided for above) for a period of six years from the date specified for redemption shall be forfeited to the Corporation.

4.4 In the event that part only of the non-voting redeemable preference shares are at any time to be redeemed, the shares to be so redeemed shall be selected *pro rata* (disregarding fractions)

from among the holders of record thereof as at the date of the notice of redemption or in such other manner as the Board in its sole discretion may deem equitable .

**5. Voting Rights**

5.1 The holders of the non-voting redeemable preference shares shall not be entitled as such (excepts as hereinafter specifically provided and except as otherwise provided by the Act) to receive notice of or to attend any meeting of the shareholders of the Corporation and shall not be entitled to vote at any such meeting; the holders of the non-voting redeemable preference shares shall, however, be entitled to notice of meetings of shareholders called for the purpose of authorizing the dissolution of the Corporation under section 237 of the Act or a sale, lease or exchange of all or substantially all of the property of the Corporation other than in the ordinary course of business under subsection 184(3) of the Act.

**B. CLASS A COMMON SHARES AND CLASS B COMMON SHARES**

**1. Dividends**

1.1 Subject to the prior rights of the holders of any shares ranking senior to the Class A common shares and the Class B common shares with respect to the priority in the payment of dividends, the holders of the Class A common shares and Class B common shares shall be entitled to participate equally with each other as to dividends and the Corporation shall pay dividends thereon, as and when declared by the board of directors of the Corporation out of moneys properly applicable to the payment of dividends, in amounts per share and at the same time on all such Class A common shares and Class B common shares at the time outstanding, as the board of directors may from time to time determine.

1.2 The Board may not declare or pay a dividend on the Class A common shares unless it simultaneously declares and pays a dividend on the Class B common shares.

**2. Dissolution**

2.1 In the event of the dissolution, liquidation or winding-up of the Corporation, whether voluntary or involuntary, or any other distribution of assets of the Corporation among its shareholders for the purpose of winding up its affairs and subject to the prior rights of the holders of any shares ranking senior to the Class A common shares and the Class B common shares with respect to the priority in the distribution of property upon the dissolution, liquidation, winding-up or distribution for the purpose of winding-up, the holders of the Class A common shares and the Class B common shares at the time outstanding shall be equally entitled to receive the remaining property and assets of the Corporation on an equal basis per share.

**3. Subdivision and Consolidation**

3.1 Neither the Class A common shares nor the Class B common shares shall be subdivided, consolidated, reclassified or otherwise changed unless contemporaneously therewith the other class is subdivided, consolidated, reclassified or otherwise changed in the same proportion and in the same manner.

4. Voting Rights

4.1 The holders of the Class A common shares and the Class B common shares shall be entitled to receive notice of and to attend all meetings of the shareholders of the Corporation and shall have one vote for each Class A common share or each Class B common share held at all meetings of the shareholders of the Corporation, except for meetings at which or for matters with respect to which only holders of another specified class or series of shares of the Corporation are entitled to vote separately as a class or series.

## **APPENDIX G – TENANT NOTIFICATION FORMS**

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In preparing this application, Markville and The Cadillac Fairview Corporation Limited have provided notification in writing to several tenants of the centre. In doing so, they have also these tenants to provide expressions of support to undertake this application.

The following appendix includes a copy of the notice provided to tenants during the week of February 10, 2014.



**Friday February 14, 2014**

Insert Name  
Insert Address

Dear <name>,

The *Retail Business Holidays Act*, enacted in 1990 by the Province of Ontario, restricts most retail establishments from opening on nine specified days each year. The statutory holidays identified in this Act include: New Year's Day; Family Day; Good Friday; Easter Sunday; Victoria Day; Canada Day; Labour Day; Thanksgiving Day; and Christmas Day. As provided by Section 4 of the *Retail Business Holidays Act*, however, municipalities may grant exemptions to individual business establishments or retail areas for the "maintenance or development of tourism". To be granted such an exemption, retail businesses must demonstrate that they are located within two kilometres of a tourist attraction and are either directly associated with the attraction or rely on tourists for business on a holiday.

As you may already be aware, the Regional Municipality of York has recently re-instated its application process for business establishments seeking exemptions under the *Retail Business Holidays Act*. The next opportunity to submit applications for exemption is currently underway, and urbanMetrics inc. has been retained by The Cadillac Fairview Corporation Limited to advance an application for Markville Shopping Centre.

As a first step in this process, urbanMetrics inc. and The Cadillac Fairview Corporation Limited are seeking expressions of support from tenants of Markville Shopping Centre for their application to the Regional Municipality of York for a tourism exemption under the *Retail Business Holidays Act*. Please indicate your support by signing the attached authorization form and returning a copy to my attention no later than **Friday March 14, 2014**.

Yours truly,

Martin Wray  
VP, Operations, Ontario Portfolio  
The Cadillac Fairview Corporation Limited  
E: [martin.wray@cadillacfairview.com](mailto:martin.wray@cadillacfairview.com)  
T: 416-598-8274

## AUTHORIZATION

The following retail business establishment: \_\_\_\_\_, located within Markville Shopping Centre and/or The Promenade, hereby support The Cadillac Fairview Corporation Limited and its agents urbanMetrics inc. in making an application to the Regional Municipality of York for a tourism exemption under the *Retail Business Holidays Act*. In the event that Markville Shopping Centre and/or The Promenade are granted such an exemption, the undersigned also hereby acknowledge that:

- i) the aforementioned retail establishment would **rely directly on tourists** for business during holidays;
- ii) all employees of the aforementioned retail business establishment would continue to be **fully protected under the *Employment Standards Act***.

---

Signature of Owner(s) / Signing Officer(s)

---

Title

Please return signed Authorization to:

**Martin Wray**  
**VP, Operations, Ontario Portfolio**  
The Cadillac Fairview Corporation Limited  
20 Queen St. W., Suite 2800  
Toronto, ON M5H 3R3  
E: [martin.wray@cadillacfairview.com](mailto:martin.wray@cadillacfairview.com)  
T: 416-598.8274  
F: 416-598.8411

**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.

<b>By-law</b>	<b>Date Enacted</b>	<b>Municipality</b>	<b>Businesses</b>	<b>Location</b>	<b>Holidays</b>	<b>Hours</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
		King	NONE	NONE		
<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-8(a)-95-128</b> (additions to LI-8-95-76)	<b>Nov. 23, 1995</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, 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	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	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	Market Village Markham Inc.	4350 Steeles Avenue East, 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	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>2012-34</b> (addition to LI-8-95-76)	<b>May 17, 2012</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
<b>2013-27</b> (addition to LI-8-95-76)	<b>Apr. 18, 2013</b>	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>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.

By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
<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	Vaughan Mills Mall Campus	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			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					
LI-8-95-76	May 30, 1995	Whitchurch-Stouffville	All	Within the geographic boundaries of the Town of Whitchurch-Stouffville	July 1 in each year	8:00 a.m. to 10:00 p.m.

DK/ Last updated November 29, 2013