

Clause No. 2 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.

**2**

**VAUGHAN PROMENADE SHOPPING CENTRE INC. FOR  
PROMENADE SHOPPING CENTRE  
LOCATED AT 1 PROMENADE CIRCLE  
*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 Promenade Shopping Centre located at 1 Promenade Circle, City of Vaughan, to remain open on the holidays and during the hours set out in Recommendation 4, and recommends:

1. Receipt of the following deputations:
  1. Liem Vu, General Manager, Promenade Shopping Centre, who during the deputation withdrew the request for Promenade Shopping Centre to remain open on Easter Sunday
  2. Peter Thoma, Partner, urbanMetrics.
2. Receipt of the communication from J. Abrams, City Clerk, City of Vaughan, dated March 24, 2014 containing a resolution from the City of Vaughan Council dated March 18, 2014.
3. Receipt of the report dated March 19, 2014 from the Regional Solicitor and Executive Director, Corporate and Strategic Planning.
4. Permitting Vaughan Promenade Shopping Centre Inc. for its retail business Promenade Shopping Centre located at 1 Promenade Circle, City of Vaughan, 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*.
5. The Regional Solicitor prepare the necessary bylaw giving effect to the exemption.

## 1. RECOMMENDATIONS

It is recommended that:

1. Council consider the application for exemption from the *Retail Business Holidays Act* as submitted by Vaughan Promenade Shopping Centre Inc. (the “Applicant”) for its retail business Promenade Shopping Centre located at 1 Promenade Circle, Vaughan, 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
Promenade Shopping Centre	1 Promenade Circle Vaughan, 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 Vaughan Citizen and the Thornhill Liberal 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 28 years.**

The Applicant has been present and active in the Region since 1986. The Applicant is a regional shopping centre totalling 700, 000 square feet and provides employment for approximately 2,300 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 the historic Village of Thornhill and Oakbank Pond among the attractions within 2km of the site**

The Applicant has listed its own site, the Promenade Shopping Centre as the tourist attraction on this application. The Applicant sets out in Section 5, of *Attachment 2*, that the site, as one of the largest and most prominent visitor destinations in York Region, is already a major tourist attraction.

The Applicant emphasizes that the site is an important gathering place for the surrounding community as it serves as a location for social and community based activities and houses a number of religious and community organizations including the

Kol Torah Sephardic Synagogue and Jewish Child and Family Services. The site attracts customers from a regional market area beyond the City of Vaughan and is a popular destination for entertainment, recreational, cultural and social activities for the surrounding community.

**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 Vaughan and 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 provided notice to its tenants to ensure that the tenants have been made aware of this application 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 notified its tenants of this application - see *Attachment 2(Appendix F)*. As noted in Section 4.5 of *Attachment*, 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 only two exemptions have been granted within the City of Vaughan. A chart showing businesses within the Region, which have been granted an exemption, is appended to this report as *Attachment 4*.

**Enactment of Bylaw**

Should Council decide to grant the exemption, the bylaw will come into force on the thirty-first day after it is enacted. Under the Act, there is a period to allow for an appeal of the bylaw which may be made within thirty days, by any person who objects to the exemption. An appeal may only be made if an exemption 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 Vaughan. A copy of the application was sent to the City of Vaughan, affording an opportunity for comment.

## **7. CONCLUSION**

An application has been received from the Vaughan Promenade Shopping Centre Inc. requesting an exemption from the Act to permit the Applicant's retail business located at 1 Promenade Circle, Vaughan, 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 Vaughan has yet to comment 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 Vaughan Promenade Shopping Centre Inc. (Promenade Shopping Centre – 1 Promenade Circle, Vaughan, Ontario).**

I am legal counsel to Vaughan Promenade Shopping Centre Inc. (the "Applicant"), the owners and operators of Promenade Shopping Centre, in their application for an exemption under the *Retail Business Holidays Act*, R.S.O. 1990, Chapter R.30 (the "Act"). The Promenade is located in the south-eastern portion of the City of Vaughan, on the property known municipally as 1 Promenade Circle.

Based on the information contained in the corresponding Market Justification Study prepared by urbanMetrics inc., it is our opinion that Promenade 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.*

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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 Promenade 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 Promenade Shopping Centre in York Region.

In preparing an application, the owners have given notice to the tenants of Promenade 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 Promenade 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**

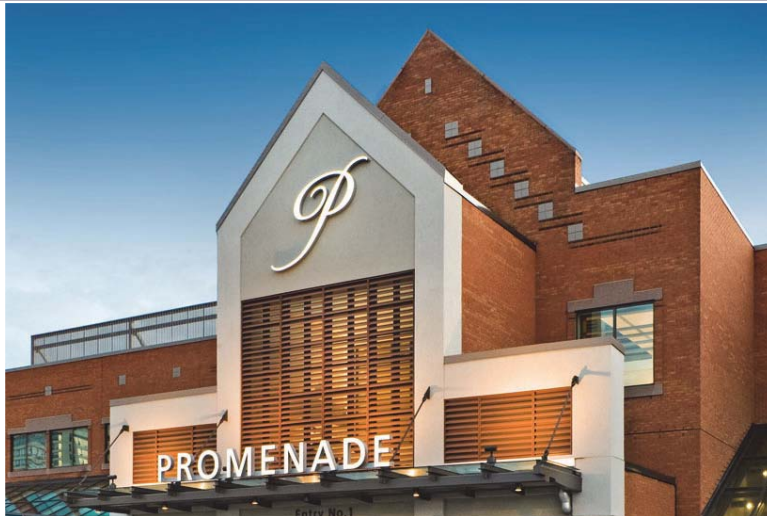
*A. Tortorice*

Alison Tortorice, LL.B.  
Senior Director, Legal

AT/sr



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



Prepared for:

Vaughan Promenade Shopping Centre Inc.



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>Vaughan Promenade Shopping Centre Inc.</b>
<b>Location address</b>	1 Promenade Circle, Vaughan, Ontario
<b>Location telephone number</b>	905-764-0020
<b>Primary contact for Applicant</b> <i>(Person to whom all correspondence will be addressed)</i>	Name: Liem Vu, General Manager Address: The Cadillac Fairview Corporation Limited 1 Promenade Circle, Suite 316 Vaughan, ON L4J 4P8 Telephone: 905-764-0022 ext. 239 Fax: 905-764-1733 Email: <a href="mailto:liem.vu@cadillacfairview.com">liem.vu@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 type="checkbox"/> City of Markham <input type="checkbox"/> Town of Newmarket <input type="checkbox"/> Town of Richmond Hill <input checked="" type="checkbox"/> City of Vaughan <input type="checkbox"/> Town of Whitchurch-Stouffville
<b>Number of years in operation</b>	28 years (opened in 1986)
<b>Location size</b>	700,000 square feet (gross leasable area)
<b>Number of employees directly employed at location</b>	2,300 employees
<b>Type of retail business</b>	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>	Promenade Shopping Centre (i.e., the shopping centre itself).	
<b>Attraction location address</b>	1 Promenade Circle, Vaughan, 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>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.</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>	
	
<b>Signature:</b>	A. Tavtorice
<b>Title:</b> VP OPERATIONS, ONTARIO	Senior Director, Legal



February 18, 2013

Mr. Liem Vu  
General Manager, Promenade Shopping Centre  
The Cadillac Fairview Corporation Limited  
1 Promenade Circle  
Vaughan, ON L4J 4P8

Dear Mr. Clemance:

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

urbanMetrics inc. is pleased to provide Vaughan Promenade Shopping Centre Inc. with this Market Justification Study. This study has been commissioned by the owners and operators of Promenade Shopping Centre (“the Promenade”) in the City of Vaughan, 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 the Promenade 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 the Promenade 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 the Promenade 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, the Promenade 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 the Promenade 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 Promenade 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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**APPENDIX B – EXISTING EXEMPTIONS (YORK REGION)**

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**APPENDIX D – THE PROMENADE SHOPPING CENTRE LIST OF EVENTS**

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## 1 INTRODUCTION

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This report has been prepared by urbanMetrics inc. (“urbanMetrics”) on behalf of Vaughan Promenade Shopping Centre Inc., the owners and operators of Promenade Shopping Centre (“the Promenade”) in Vaughan, 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:**

*The Promenade 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 the Promenade.*

In order to secure a Tourist Exemption, the proponent/applicant – in this case Vaughan Promenade Shopping Centre Inc. – 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 1986, the Promenade is a regional shopping centre located in the eastern portion of the City of Vaughan, Ontario. With approximately 700,000 square feet of leasable retail and service commercial space and more than 140 individual retail establishments, the centre is among the most prominent shopping destinations in York Region and indeed the GTA. In fact, the Promenade is the fourth largest enclosed mall in York Region, after Vaughan Mills, Upper Canada Mall and Markville Shopping Centre. The centre is currently anchored by a number of well-known, national retail tenants, including Sears; T&T Supermarket; Old Navy; SportChek; and Rainbow Cinemas.

Originally owned and operated by the Glen Group, the centre has undergone extensive renovations in 2008 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 to the renovation of the shopping centre, a number of exclusive retailers such as Coach, Aritzia and BCBG Maxazaria have recently opened. The centre was acquired by Cadillac Fairview in 1997, which now serve as the owners and managers of the mall.

While the Promenade is clearly a popular destination among residents of Vaughan, 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 910,000 residents and generates visitor traffic of approximately 8,450,000 persons each year.

The centre is comprised of a unique roster of fashion and lifestyle-oriented retail tenants, many of which are commonly found in major tourist areas. Retailers such as Lululemon, BCBGMaxAzria, Melanie Lyne, Danier, Coach, Aritzia, American Apparel, and Swarovski to name a few, are commonly found in some of the most prominent shopping districts in North America, Europe and Asia, and they reflect the global consumption patterns of tourists and local shoppers alike.

As the fourth largest regional shopping centre in York Region, the Promenade has firmly established itself as an essential component of Vaughan 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, the Promenade also offers visitors a safe and comfortable user experience.

It is clear too that, the centre also 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. Similarly, a number of the units in the centre are currently occupied by local religious and community groups, including the Kol Tarah Sephardic Synagogue, as well as a family resource centre for the Jewish Family and Child Services organization. As such, it is evident that the Promenade serves as an important gathering place for the surrounding community.

In addition, 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 The Promenade since 2012 has been provided in Appendix D at the end of this document.

- **Chinese New Year** – the Promenade hosts one of the largest Chinese New Year celebrations in Vaughan every year with artistic performances by ethnic community groups and contests and giveaways from the centre's retail tenants.

- **Santa Claus and Christmas events** – the Shopping Centre regularly hosts events during the holiday seasons featuring Santa Claus, such as the *Santa Launch, Santa Photos & Pet Photos, Breakfast & Movie with Santa* and *Gingerbread Decorating with Santa*
- **Cheer on Canada**- the shopping centre will showcase the 2014 Sochi Winter Olympic events and games between February 7<sup>th</sup> and the 23<sup>rd</sup> in the CBC Olympic Viewing Lounge.
- **Holiday Gift Wrapping** – the Promenade also offers gift wrapping services over the holidays, with all proceeds donated to Epilepsy Toronto.
- **Seasonal Events**– the centre hosted two arts and crafts events in 2013: *Spooktacular Halloween Fun* and *Winter Wonderland Crafts*.
- **Vaughan Film Festival Media Launch** –the media launch to promote the 2014 Vaughan Film Festival was held at the Promenade and was hosted by TV personality Rick Campanelli.

Further demonstrating the centre’s involvement and support of the surrounding community and other nearby tourist attractions in Vaughan, it is interesting to note that the Promenade is also involved with off-site community activities and events as well. For example, the centre hosted the media launch to promote the 2014 Vaughan Film Festival. 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

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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 unlevel playing field across the suburban 905 region and limits the Promenade'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 Vaughan Promenade Shopping Centre Inc. 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 the Promenade Shopping Centre in Vaughan, Ontario. The extent of the exemption, if approved, will apply to all commercial units, regardless of size or store type, situated within the Promenade.

## 1.4 METHODOLOGY

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This study seeks to demonstrate that the Promenade meets the Tourism Criteria set out in the Act under which an “area basis” tourism exemption may be granted. To determine the suitability of the Promenade 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 the Promenade 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 the Promenade 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

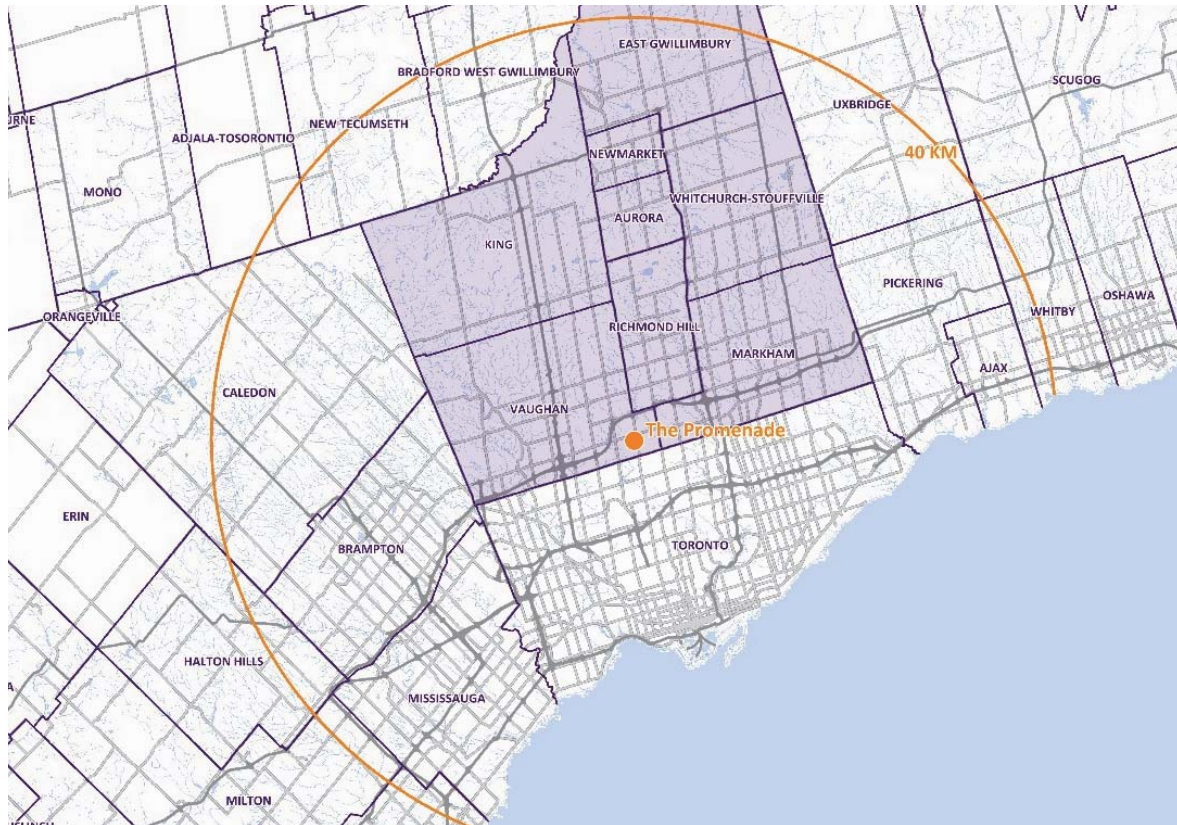
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For the purposes of this report, urbanMetrics has relied on the following definitions that are provided by the Ministry of Tourism (1998):

- **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 the Promenade. 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 THE PROMENADE**



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.

The Promenade 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, the Promenade 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 the Promenade, 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 the Promenade 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.

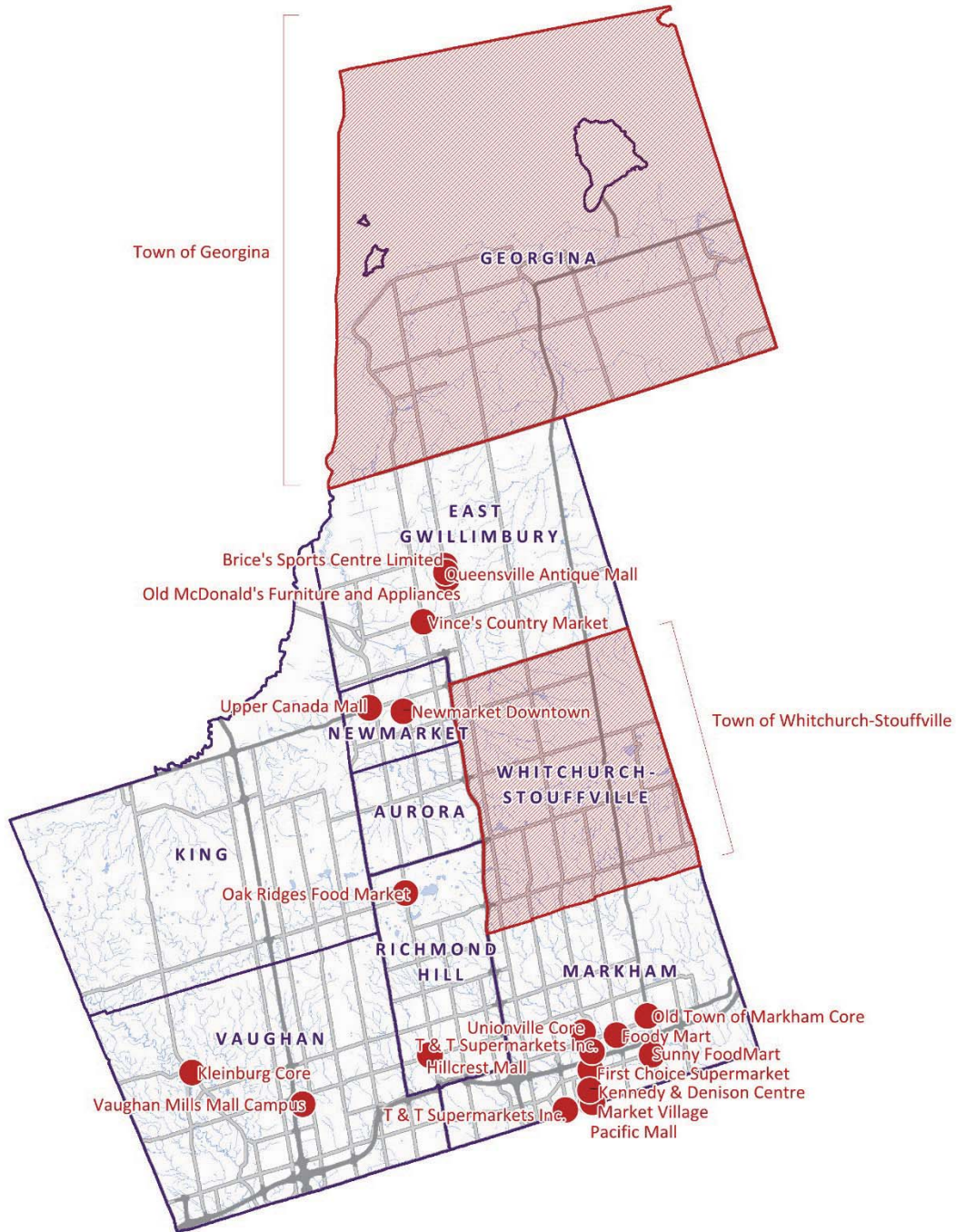
The following lists all the retail establishments/areas in York Region that are currently exempt from the RBHA, based on information contained in Schedule A of York Region Bylaw LI-8-95-76. Similarly, Figure 3-1 provides an accompanying illustration of the relative location of each of these retail areas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

### 3.1.1 VAUGHAN MILLS

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.

### 3.1.2 PACIFIC MALL



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 the Promenade, 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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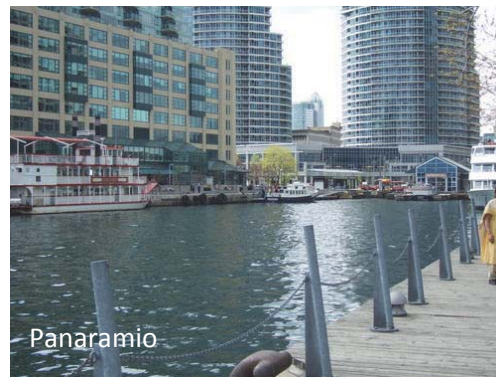


The Toronto Eaton Centre was built in 1977 and is located adjacent to City Hall in the heart of downtown Toronto. In total, it encompasses approximately 1.7 million square feet of retail space. The facility is located approximately one kilometre north of the Gardiner Expressway at Yonge St. and Dundas 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 the Promenade. In fact, both centres include several of the exact same signature tenants, such as Aldo, American Eagle Outfitters, BCBG Maxazria, Footlocker, the Gap, H&M, Jacob, Le Chateau, Peoples Jewellers, Roots, Lululemon, Browns, Pandora, Old Navy, 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 the Promenade's application. First and foremost, the Promenade 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 the Promenade 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 THE PROMENADE TO EXISTING EXEMPTIONS AREAS**

ATTRIBUTE	EXISTING EXEMPTION AREA						The Promenade
	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	Regional
Year Opened	1973	1974	1974	2004	1977	1973	1986
Latest Expansion/Renovation	2011	2000	2008	-	2011	2007	2008-2009
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	8.5 million
Gross Leasable Area (sq ft)	1,487,425	587,839	947,638	1,115,038	1,617,086	1,617,283	705,169
Levels	2	1	2	1	4	2	2
Number of Units	347	108	202	190	234	350	142
Food Court Seating	1,047	360	931	1,000	950	704	490
Parking Spaces	6,109	2,768	5,069	6,213	1,400	8,704	3,595
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.	Centre St. and Bathurst St.
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	Sears, Sport Chek, T&T Supermarket, Rainbow Cinemas, Old Navy, H&M, Urban Planet, Sport Chek
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); Performances & Entertainment; Community Programs & Activities; Holiday Celebrations; Children's Events; Jewish Family and Child Services; Kol Tarah Sephardic Synagogue; Gymboree Play & Music.

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 THE PROMENADE TO EXISTING EXEMPTIONS AREAS (TENANT MIX)**

RETAIL CHAIN	EXISTING EXEMPTION AREA						The Promenade
	Bramalea City Centre	Hillcrest Mall	Upper Canada	Vaughan Mills	Eaton Centre	Square One	
Aeropostale	•		•	•	•	•	•
Aldo	•		•	•	•	•	•
American Eagle Outfitters	•	•	•	•	•	•	•
Ardene	•	•	•	•	•	•	•
Aritzia			•	•	•	•	•
BCBG Maxazria	•	•		•	•	•	•
Black's	•	•	•		•	•	•
Browns Shoes	•		•	•	•	•	•
The Children's Place		•	•	•	•	•	•
Coach			•		•	•	•
Costa Blanca	•	•	•	•	•	•	•
EB Games	•	•		•	•	•	•
Fido	•	•	•	•	•	•	•
Flight Centre	•	•	•			•	•
Foot Locker	•	•	•	•	•	•	•
The Gap	•	•	•	•	•	•	•
Guess	•	•	•	•	•	•	•
H&M	•		•	•	•	•	•
Jacob	•	•	•	•	•	•	•
Laura/Laura petites/Laura Plus	•	•	•	•	•	•	•
Le Chatuea	•	•	•	•	•	•	•
lululemon			•	•	•	•	•
Melanie Lyne	•	•		•	•	•	•
Nine West	•	•		•	•	•	•
Peoples Jewellers	•	•	•	•	•	•	•
Sears	•		•		•	•	•
SoftMoc	•	•	•		•	•	•
SportChek	•	•	•		•	•	•
Telus Mobility	•		•	•	•	•	•

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 the Promenade 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 the Promenade, 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). For example, we note that the Promenade actually contains more parking spaces than the Toronto Eaton Centre, and is larger than Hillcrest Mall in terms of gross floor area.

- **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 the Promenade, 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.

In particular, we note that the Promenade is located approximately two kilometers west of the historic Village of Thornhill, and is even closer to Highway 407, which provides important regional access to/from the site.

- **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 such, it is evident that the Promenade 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 the Promenade presents a meaningful opportunity for a large number of workers in Vaughan 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, the Promenade is entirely justified in its request to York Region for an exempting by-law.

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

Based on the information presented in Figure 3-2 earlier, the Promenade attracts some 8.5 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 – the Promenade would be drawing about 423,000 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 customer intercept survey undertaken at the Promenade in 2013, approximately 10% of the more than 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 (44%) of visitors to the Promenade arrive with companions. A significant portion of these companions are likely represented by-of-town visitors and other tourists, including family and friends of local residents. We also note that the portion of visitors that travel to the Promenade with one or more companions is much higher than other commercial centres in the Greater Toronto Area.

## 4 SITE CONTEXT

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In order to assess the suitability of the Promenade 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 the Promenade, 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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The Promenade is located on the south-west corner of Bathurst Street and Centre Street in the eastern portion of the City of Vaughan. Known municipally as 1 Promenade Circle, the site is approximately 45 acres (18.4 hectares) in size. The two-storey shopping centre has a total floor area (i.e., gross leasable area) of approximately 700,000 square feet and is anchored by a Sears, T&T Supermarket, Old Navy, SportChek, and Rainbow Cinemas. Other major retail tenants at the Promenade include the Gap, Lululemon, H&M, LCBO, Rexall Pharma Plus, Urban Planet and Nortown Foods; a specialty food store that attracts visitors from well beyond the centre's primary market area of Thornhill. Furthermore, due to the renovation of the Shopping Centre in 2008, a number of exclusive retailers such as Coach, Aritzia, BCBG Maxaziria, and Aroma Espresso Bar have recently opened. It is important to note that the T&T Supermarket is an ethnic-oriented retail establishment, of which two in Markham are already exempt under the Retail Business Holiday Act.

### 4.2 SURROUNDING USES

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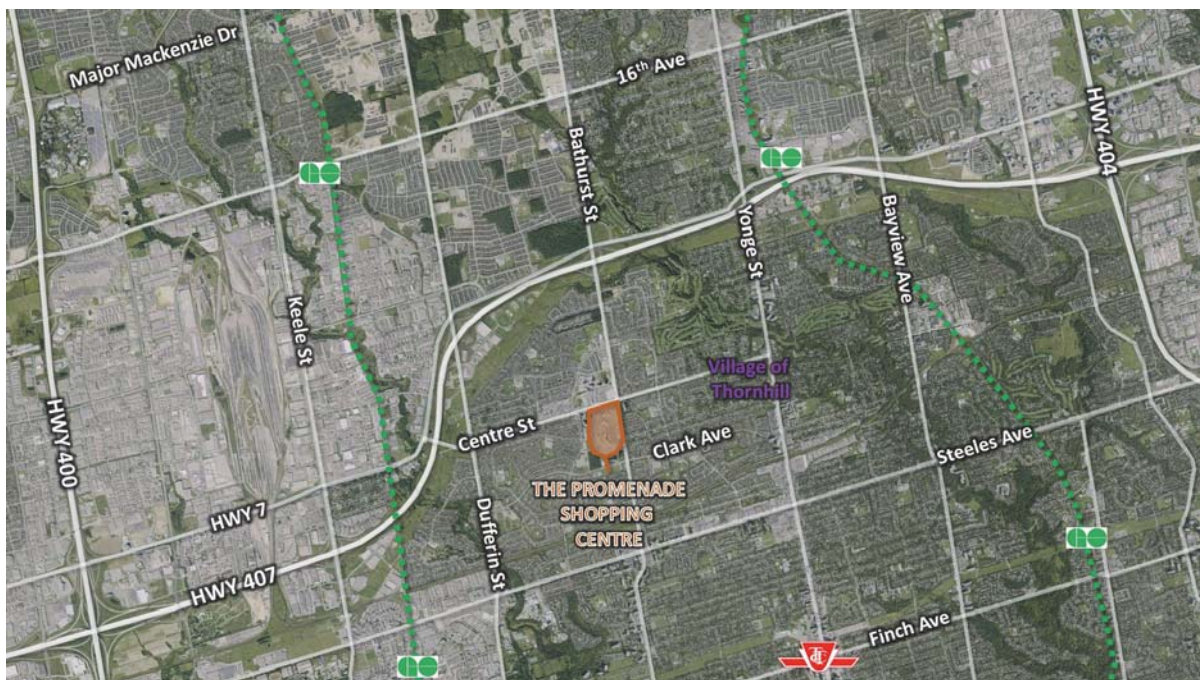
The Promenade is surrounded by a variety of residential; retail and service commercial; institutional; industrial; and parkland uses. Figure 4-1 illustrates the location of the Promenade and the surrounding area.

Located to the west, north, south and east of the centre are established residential communities that are predominantly low density in nature. Abutting the site to the immediate south and west are several high rise apartment buildings. As well, a number of new condominiums have recently been developed to the north of the shopping centre. East of the site, along Centre Street are established and affluent neighbourhoods, accompanied by institutional, recreational and park uses. Further east, at the intersection of Yonge Street and Centre Street, is the historic Village of Thornhill. Further north of the centre, between Bathurst Street and Keele Street are a number of new low density residential communities accompanied by institutional, recreational and parkland uses.

In addition to the Promenade itself, retail and service commercial uses near the site are primarily located at key intersections and along major arterial routes such as Bathurst Street, Centre Street, Clark Avenue, Yonge Street and Steeles Avenue. Major retail uses immediately to the north of the site include a Walmart Supercenter, a Winners/Homesense, a No Frills supermarket and a Shoppers Drug Mart. It is important to note that the Walmart is the anchor of a relatively new SmartCentres development. The local area also includes several neighbourhood shopping plazas that are generally anchored by supermarkets. Additional commercial uses are located along Steeles Avenue and Yonge Street. Centre Point Mall, a 640,000 square foot enclosed shopping centre anchored by a Canadian Tire, No Frills, the Bay and a recently opened Target, which is located at the southwest corner of Yonge Street and Steeles Avenue. In addition, RioCan Marketplace, a 400,000 square foot power centre that opened in 2004, is located at the southwest corner of Steeles Avenue and Dufferin Street. RioCan Marketplace is anchored by a Loblaws Superstore, a Home Depot and a Winners.

New commercial developments in the surrounding area include the World on Yonge, a large mixed use project consisting of several condominium towers, an office building and approximately 120,000 square feet of retail and service commercial uses. The World on Yonge is located at Yonge Street and Doncaster Avenue and is anticipated to be completed and fully occupied by the end of 2014.

**FIGURE 4-1: LOCATION OF THE PROMENADE 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 the Promenade, 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.

### 4.3 SITE ACCESSIBILITY

The Promenade is located at the southwest corner of Bathurst Street and Centre Street in the City of Vaughan. The centre has frontage along both of these streets and has two access points along Bathurst Street, one access point from Centre Street, two access points from Clarke Avenue and an additional access point via New Westminster Drive from the residential communities to the west. Figure 4-2 provides a satellite image of The Promenade, which illustrates the centre's 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 3,595 spaces.

**FIGURE 4-2: THE PROMENADE ACCESS POINTS**

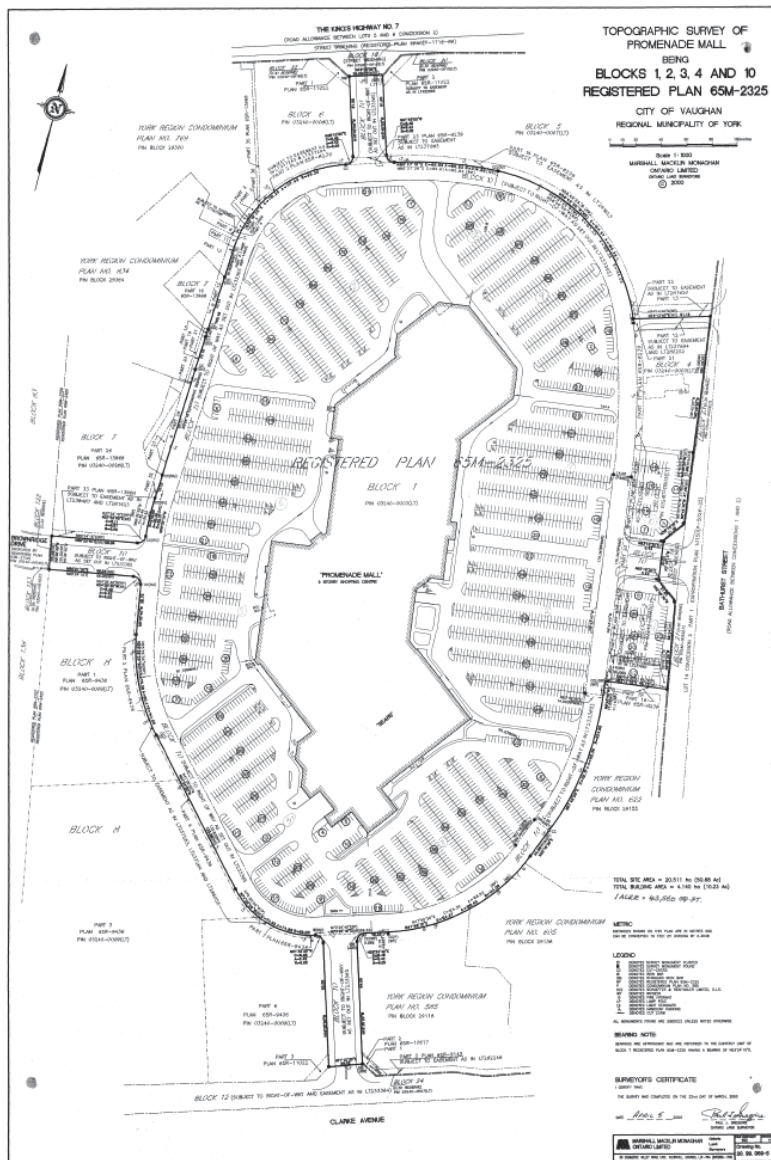


SOURCE: urbanMetrics inc., based on satellite images from Google Earth (2014).

It is also important to note the major transit investments being made by Viva along Highway 7 in Vaughan include separated bus rapid transit lanes and new bus stations. It is anticipated that construction on the bus rapidway between the planned Vaughan Metropolitan Centre TTC Subway and Langstaff GO Train Station will be completed by 2018.

Overall, it is evident that the Promenade benefits from exceptional locational attributes. The centre has frontage along two arterial routes, is immediately adjacent to the Promenade Bus Terminal and has proximity to three major 400 series Highways.

**FIGURE 4-3: PROMENADE SITE PLAN**



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



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

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Pursuant to Section 2(2)(a) of the Regulations, it is our contention that the Promenade – 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 the Promenade 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, the Promenade is also located two kilometers west of the historic Village of Thornhill and four kilometres southwest of Richmond Hill’s provincially designated Urban Growth Centre, which are both concentrated along Yonge Street. 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 historic Village of Thornhill. The Village of Thornhill is represented by “the Society for the Preservation of Historic Thornhill”.

While it is our opinion that the Promenade already serves an important role in generating visitation to York Region, there are ten (10) other attractions located within two kilometres of the centre. Within approximately four kilometres of the site – just beyond this two-kilometre radius – there are an additional nineteen (19) attractions that provide a mutually supportive relationship for customers and visitation.

Among these attractions are a variety of heritage designated properties located in Thornhill’s historic core, which currently serve as museums, libraries, art galleries and community and recreation spaces. The most noteworthy historical attractions in Thornhill Village include the Heintzman House, Thoreau MacDonald House, Arnold House, and Thornhill Public School. Additionally, there are three natural/outdoor recreation attractions within two kilometres of the site, including the Oakbank Pond, Concord-Thornhill Regional Park and Marita Payne Park.

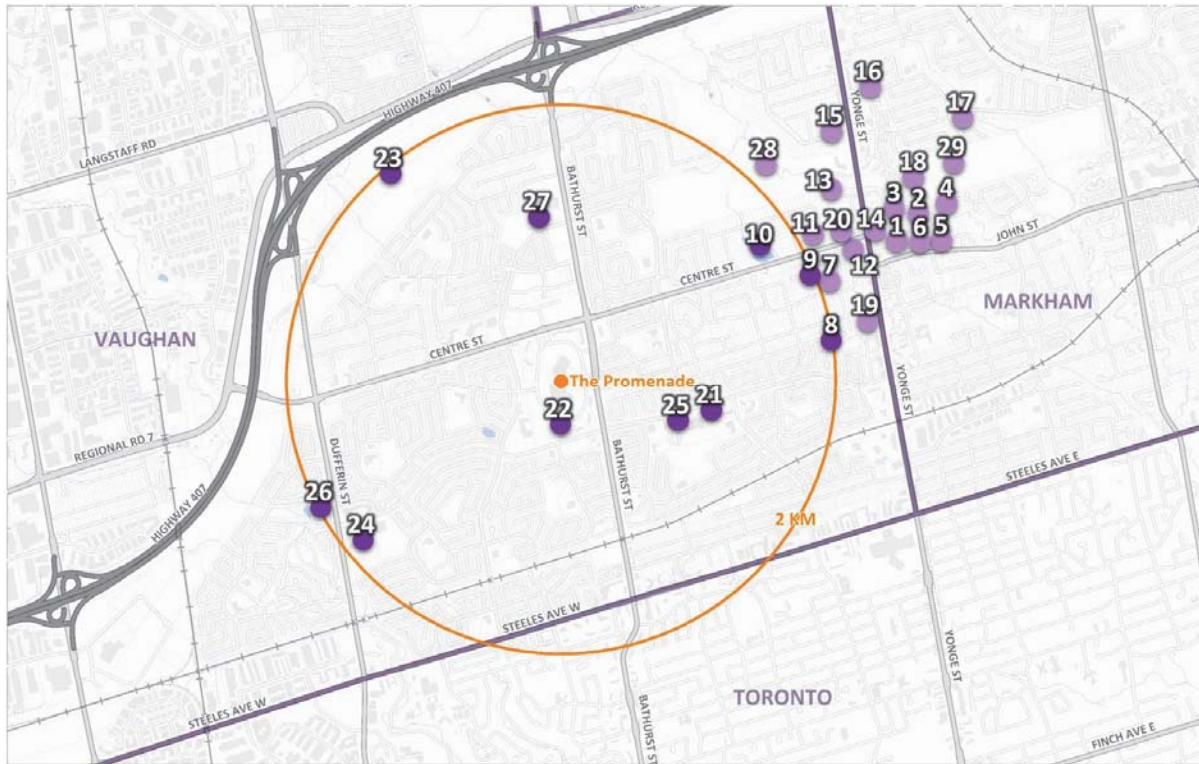
Figures 4-4 and 4-5 identify and illustrate the geographic location of the various tourist attractions located in the immediate vicinity of the Promenade, respectively.

**FIGURE 4-4: TOURIST ATTRACTIONS IN THE VICINITY OF THE PROMENADE (LIST)**

MAP ID	TOURIST ATTRACTION	ADDRESS
1	Village Library	10 Colborne Street
2	St Volodymyr's Ukrainian Catholic Church	15 Church Lane
3	St Luke Roman Catholic Church Cemetery	15 Church Lane
4	Edey House	4 Leahill Drive
5	Holy Ann House	32 John Street
6	Sutton Frizzell's House	18 John Street
7	Holy Trinity Church	Brooke Street
8	Arnold House	21 Spring Gate Boulevard
9	Thoreau MacDonland House	121 Centre Street
10	Oakbank Pond	250 Centre Street
11	Martin House Store and Museum	46 Centre Street
12	Homewood Hall	19 Centre Street
13	The Mill Cottage	15 Mill Street
14	Thornhill Paint Supplies	7707 Yonge Street
15	Holy Trinity Cemetery	8000 Yonge Street
16	Thornhill Pioneer Methodist Cemetery	41 Normark Drive
17	Heintzman House	135 Bay Thorn Drive
18	Cricklewood	54 Cricklewood Crescent
19	Thornhill Public School	7554 Yonge Street
20	Thornhill Pool	28 Centre Street
21	Garnet Williams Community Centre	501 Clark Avenue West
22	Bathurst-Clark Resource Library	900 Clark Avenue West
23	Concord-Thornhill Regional Park	299 Racco Way
24	Dufferin Clark Community Centre	1441 Clark Avenue West
25	Beth Avraham Yoseph of Toronto Congregation	613 Clark Avenue West
26	Marita Payne Park	1443 Clark Avenue West
27	Vaughan City Playhouse Theatre	1000 New Westminister Drive
28	Thornhill Golf and Country Club	7994 Yonge Street
29	Ladies Golf Club of Toronto	7859 Yonge Street

SOURCE: urbanMetrics inc.

**FIGURE 4-5: TOURIST ATTRACTIONS IN THE VICINITY OF THE PROMENADE (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 the Promenade have been identified:

- *Garnet Williams Community Centre and Dufferin Clark Community Centre;*
- *Oakbank Pond, Concord-Thornhill Regional Park and Marita Payne Park;*
- *Thornhill Pool* (located less than 2.5 kilometres of the Promenade); and,
- *Thornhill Golf and Country Club and Ladies Golf Club of Toronto* (located less than 3 kilometres of the Promenade).

- **Historical attractions**

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

- *Arnold House and Thoreau MacDonald House;*
- *Holy Trinity Church, Martin House Store and Museum, Homewood Hall and the Mill Cottage* (located less than 2.5 kilometres of the Promenade); and
- *Village Library, St. Volodymyr's Ukrainian Catholic Church, St. Luke's Roman Catholic Cemetery, Edey House, Holy Ann House, Sutton Frizzell's House, Thornhill Paint Supplies, Holy Trinity Cemetery, Thornhill Pioneer Methodist Cemetery, Heintzman House and Cricklewood* (located less than 4 kilometres of the Promenade).

- **Cultural, multicultural or education attractions**

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

- *Bathurst-Clark Resource Library, Vaughan City Playhouse Theatre and the Beth Avraham Yoseph of Toronto Congregation;* and
- *Thornhill Public School;* (located less than 2.5 kilometers from the Promenade);

#### 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 the Promenade is a tourist attraction (as will be further defined), then the retail businesses contained therein are “directly associated with it”. The case that the Promenade 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.

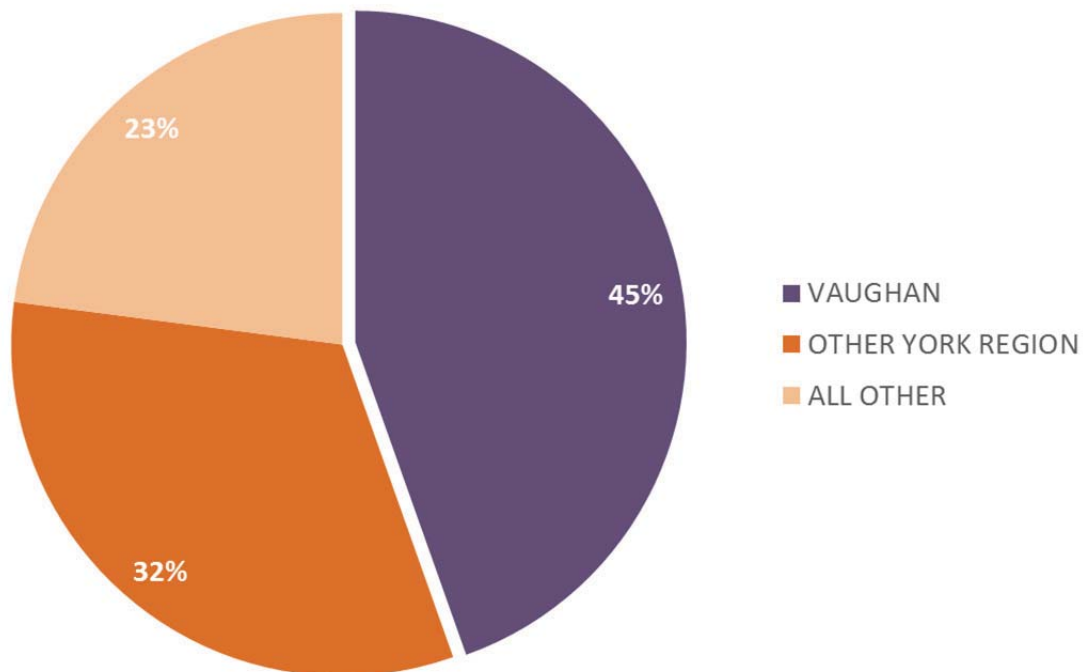
However, based on our professional experience and the actual market draw of comparable regional shopping centres, as well as actual sales and customer intercept survey data obtained from the Promenade's management, a sizeable share of the centre's existing visitors are already drawn from a wide geographic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

Based on in-house market research conducted by Cadillac Fairview and the Promenade in 2013—and as illustrated in Figure 4-6—more than one half (55%) of existing customers reside outside the centre's primary market area of Vaughan, including a significant portion from outside of York Region (23%). 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 the Promenade.

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 the Promenade 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 the Promenade, given the diverse ethnic characteristics of the surrounding market area, and the prevalence of family/friends visiting from outside of Canada.

**FIGURE 4-6: THE PROMENADE CUSTOMER ORIGINS (2013)**



SOURCE: urbanMetrics inc., based on customer origins licence plate survey data obtained from Cadillac Fairview and the Promenade 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.

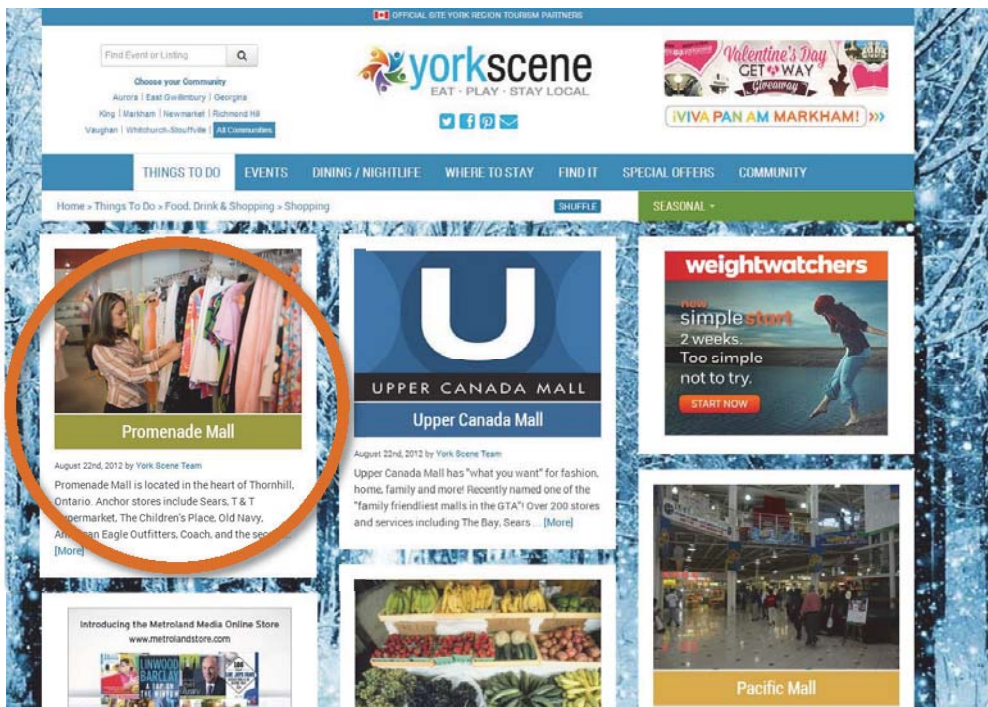
urbanMetrics is of the opinion that, if the Promenade were to open on a holiday, the 25% would not only be achievable it would also likely be surpassed. Moreover, the exemption would lead to further opportunities for increased tourism not only at the centre itself, but it would also provide additional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

## 5 THE PROMENADE AS A TOURIST ATTRACTION

As indicated in the previous section of this report, it is our professional opinion that the Promenade is clearly a major tourist attraction, in and of itself. In particular, we note that it is already among the largest and most prominent regional destinations in York Region; attracting customers from a regional market area that extends well beyond the City of Vaughan 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.

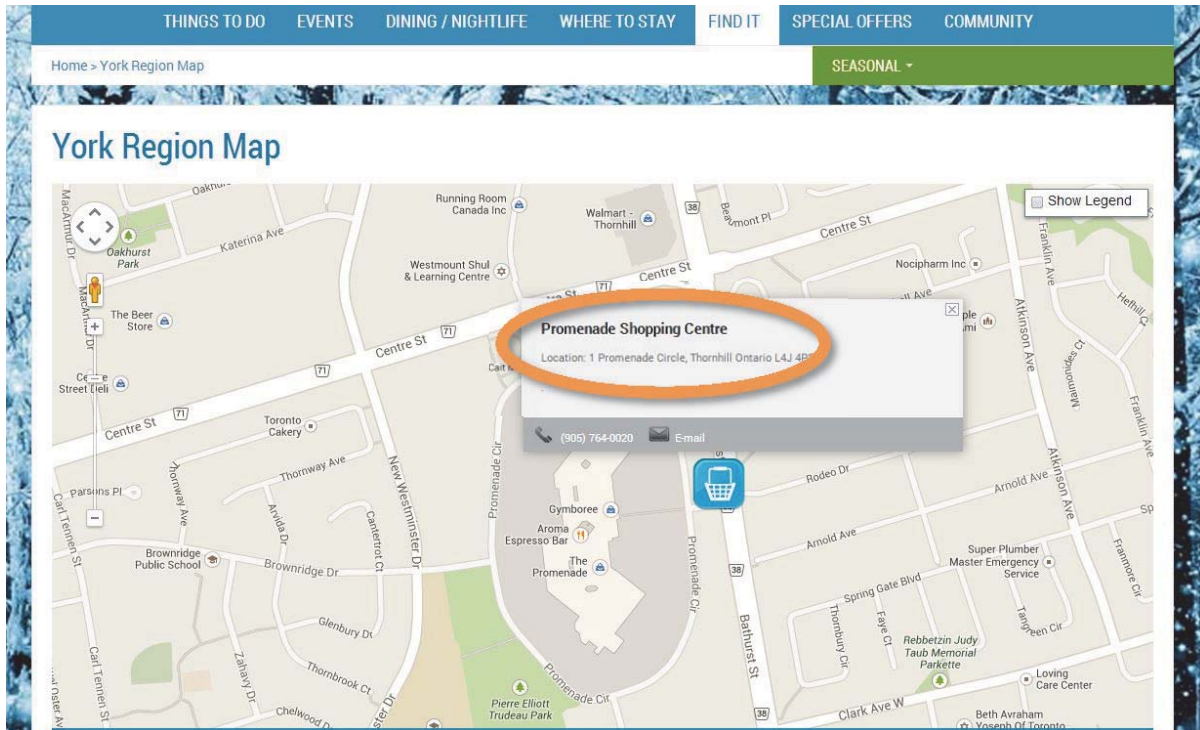
As illustrated in the figures below and on the following pages, the centre appears in a number of media channels geared specifically to tourists and other visitors (e.g., business visitors and conventioners) coming to the Region. For example, York Region’s official tourism website (“York Scene”), which provides visitors with information relating to local attractions, events and other notable destinations, includes the Promenade within its directory of places to see and things to do. Although not specifically targeted at the Promenade, 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: THE PROMENADE 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: THE PROMENADE FEATURED ON YORK TOURISM WEBSITE (EXAMPLE 2)**

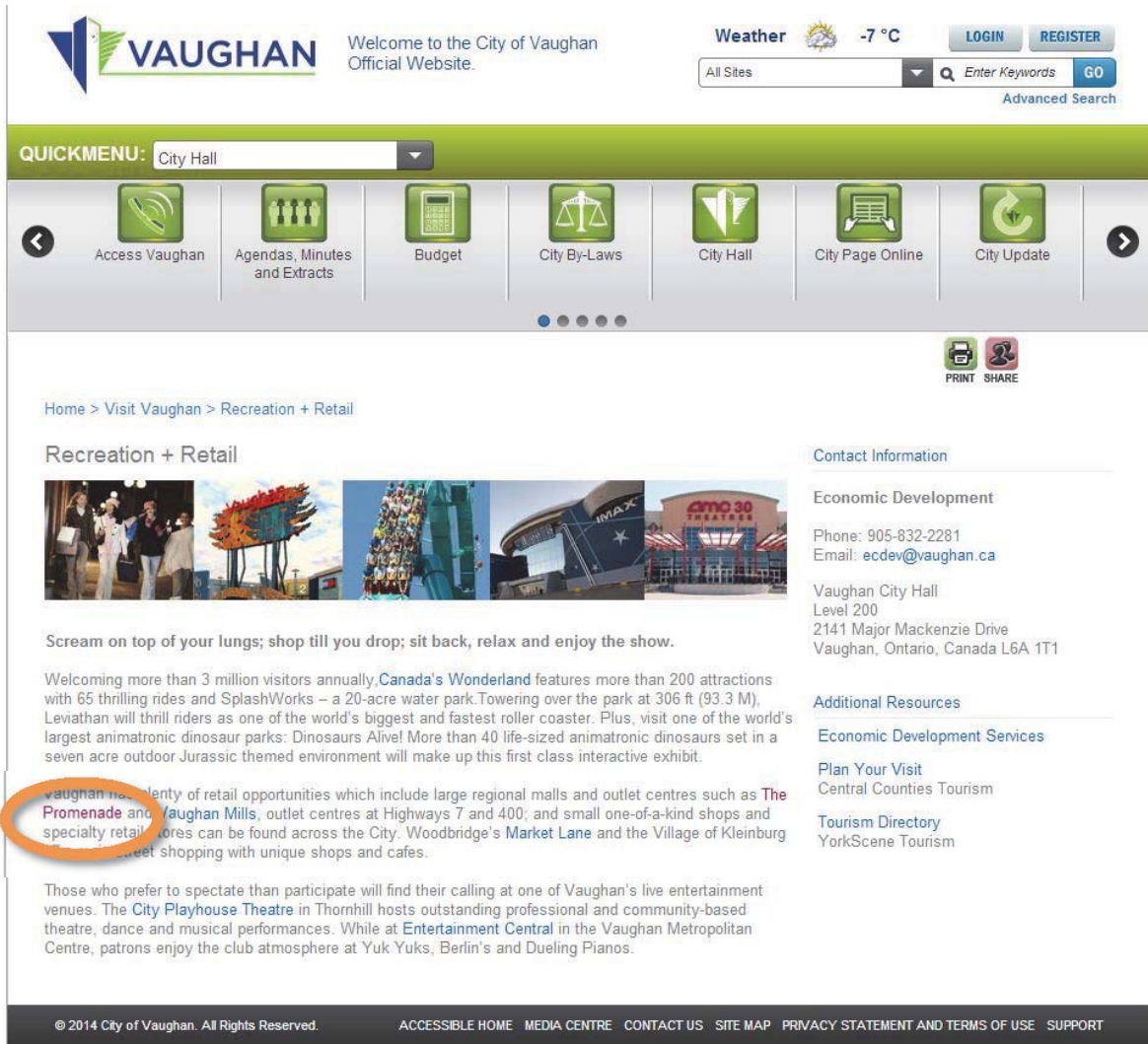


SOURCE: urbanMetrics inc., based on screenshot from York Region’s official tourism website (obtained January 2014).

As illustrated in Figure 5-3, the City of Vaughan also features the Promenade prominently on its own tourism webpage (“Visit Vaughan”). In addition to describing the “incredible shopping and dining” opportunities available to visitors, for example, the Recreation and Retail section of the “Visit Vaughan” municipal website specifically identifies the Promenade on its list of notable shopping destinations.



FIGURE 5-3: THE PROMENADE SHOPPING CENTRE FEATURED ON CITY OF VAUGHAN (EXAMPLE 1)



SOURCE: urbanMetrics inc., based on screenshot from City of Vaughan’s official website (obtained January 2014).

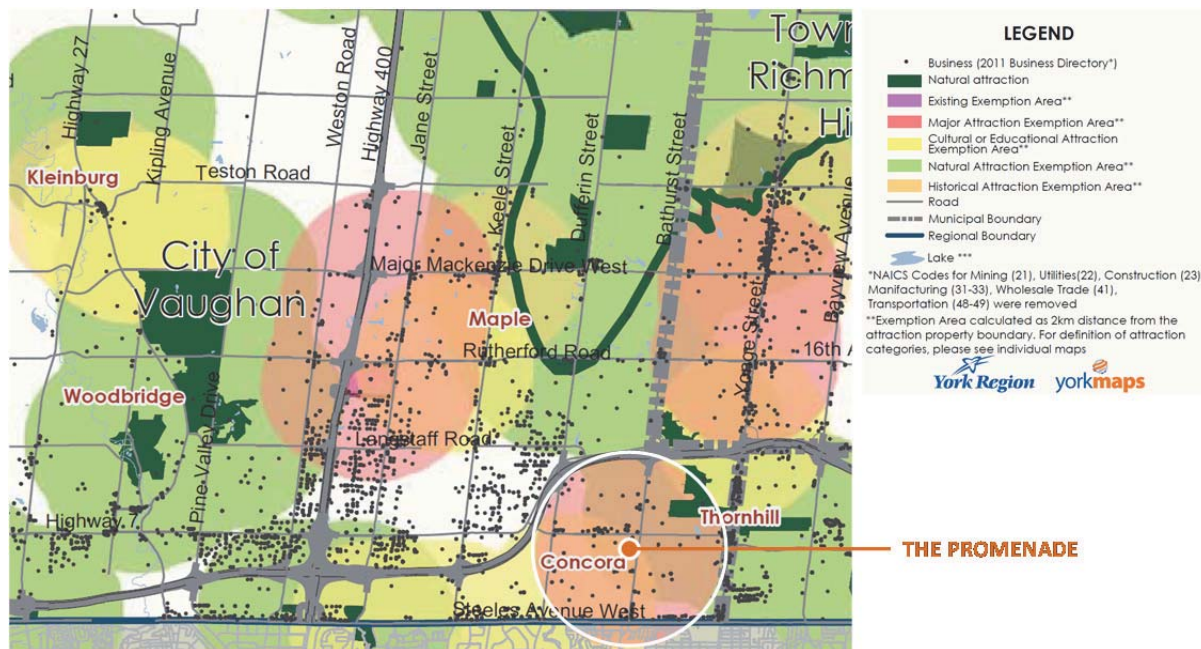
## 5.1 YORK REGION INTERPRETATION

In addition to the publicly funded tourism agencies endorsing and promoting the importance of the Promenade 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 Bathurst Street and Centre Street. Although these maps do not explicitly identify the Promenade 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 Vaughan portion of these maps and identifies the location of the Promenade 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 D at the end of this document.

**FIGURE 5-4: THE PROMENADE 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 the Promenade 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 the Promenade is both appropriate and justified.

## 5.2 ONTARIO MUNICIPAL BOARD INTERPRETATION

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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 the Promenade's role as a centre for community activity and the various non-retail functions that it serves.

## 5.3 NON-COMMERCIAL FUNCTIONS OF THE PROMENADE

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As originally presented in Section 1 of this report, the Promenade also plays an important non-shopping role in Vaughan 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, a number of the units in the centre are currently occupied by local religious and community groups, including the Kol Tarah Sephardic Synagogue, as well as a family resource centre for the Jewish Family and Child Services organization. The centre also 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 the Promenade:

- **Chinese New Year** –the Promenade hosts one of the larger Chinese New Year celebrations in Vaughan every year with artistic performances by ethnic community groups and contests and giveaways from the centre's retail tenants.

- **Santa Claus and Christmas events** – the Shopping Centre regularly hosts events during the holiday seasons featuring Santa Claus, such as the *Santa Launch, Santa Photos & Pet Photos, Breakfast & Movie with Santa* and *Gingerbread Decorating with Santa*
- **Cheer on Canada**- the shopping centre will showcase the 2014 Sochi Winter Olympic events and games between February 7<sup>th</sup> and the 23<sup>rd</sup> in the CBC Olympic Viewing Lounge.
- **Holiday Gift Wrapping** – the Promenade also offers gift wrapping services over the holidays, with all proceeds donated to the Epilepsy Toronto.
- **Seasonal Events**– the centre hosted two arts and crafts events in 2013: *Spooktacular Halloween Fun* and *Winter Wonderland Crafts*.
- **Vaughan Film Festival Media Launch** –the media launch to promote the 2014 Vaughan Film Festival was held at the Promenade and was hosted by TV personality Rick Campanelli.

Furthermore, the results of customer intercept survey research undertaken at the Promenade 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, approximately 40% of all visitors surveyed during this period indicated that the primary purpose of their visit to the Promenade 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 the Promenade 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 THE PROMENADE: A CULTURAL & MULTI-CULTURAL ATTRACTION

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 Vaughan; (2) York Region and (3) the Greater Toronto Area in general.

The Promenade is very much a central gathering place, and an important hub that binds various local cultural traditions together. The experience of visiting the Promenade 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 the Promenade enables Vaughan to not only achieve but actually advance its multicultural identity. The centre is one of the municipality’s most visited

attractions. The attraction of the Promenade for a broad cross-section of people demonstrates its important 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 the Promenade should be granted a Tourist Exemption to the Ontario *Retail Business Holidays Act*. The Tourist Exemption would permit tenants of the Promenade 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:

- The Promenade is classified as a regional shopping centre and contains approximately 700,000 square feet of gross floor area (i.e., gross leasable area) and more than 140 individual retail business establishments. As such, it is the second largest shopping centre in the City of Vaughan, 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, the Promenade plays an important non-shopping role within Vaughan; 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, the Promenade benefits from its strategic location at the intersection of two arterial roads (i.e., Bathurst Street and Centre Street); its proximity to Highways 407, 400 and 404 and its proximity to local transit service (e.g., Viva, York Region Transit and Toronto Transit Commission).
- The Promenade is, in and of itself, a tourist destination within Vaughan 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 tourism section of the City of Vaughan's official municipal 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 considers the Promenade to be within a major attraction area. This further confirms that an exemption for the Promenade 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 the Promenade, and other regional commercial centres.

- The Promenade attracts approximately 8.5 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 the Promenade and its tenant community at a competitive disadvantage relative to other retail business establishments.

On the basis of the foregoing, urbanMetrics concludes that:

- 1) The Promenade is a fundamental component of Vaughan’s 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 the Promenade pursuant to Section 4(1) of the Retail Business Holidays Act would help to attract higher volumes of tourism activity within both Vaughan 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 the 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 (April 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 – THE PROMENADE TENANT LIST**

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The following appendix contains a full tenant listing for The Promenade, 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 The Promenade may have occurred since this time.



**FIGURE C-1: THE PROMENADE TENANT LIST**

NO.	STORE NAME	STORE CATEGORY
1	Abraham Kass Marriage & Family	Services
2	Aeropostale	Unisex Apparel
3	Aldo	Footwear
4	Aldo Accessories	Fashion Accessories
5	Altima Dental Clinic	Personal Care & Health Service
6	Altrim Systems	Services
7	American Apparel	Unisex Apparel
8	American Eagle Outfitters	Unisex Apparel
9	Ardene	Ladies Apparel
10	Aritzia	Ladies Apparel
11	Aroma Espresso Bar	Specialty Food
12	Aveda	Health and Beauty
13	Bank of Montreal	Services
14	Baskin-Robbins	Specialty Food
15	Bath & Body Works	Health and Beauty
16	BCBG Max Azria	Ladies Apparel
17	Bell World	Electronics, Computers and Telephones
18	Bench	Unisex Apparel
19	Bentley	Leather & Luggage
20	Bikini Village	Specialty Apparel
21	Black's	Photography & Photo Equipment / Services
22	Body Shop, The	Health and Beauty
23	Bourbon Street Grill	Fast Food
24	Browns	Footwear
25	Bulk Barn	Specialty Food
26	Calvin Klein Underwear	Specialty Apparel
27	Capezio	Footwear
28	Carlton Cards	Cards, Stationery and Gifts
29	Caryl Baker Visage	Health and Beauty
30	Change	Specialty Apparel
31	Children's Place, The	Children's Apparel
32	Claire's Boutique	Fashion Accessories
33	Club Monaco	Unisex Apparel
34	Clubb 10 Tailors	Services
35	Coach	Leather & Luggage

NO.	STORE NAME	STORE CATEGORY
36	Costa Blanca	Ladies Apparel
37	Curio Hair & Body	Health and Beauty
38	Cut Above, The	Health and Beauty
39	Danier	Specialty Apparel
40	DAVIDsTEA	Specialty Food
41	Dr. G. Miller & Dr. Guy Widrich	Personal Care & Health Service
42	Dr. M. Saffer & Dr. L. Saffer	Personal Care & Health Service
43	Dr. R. Alter & Dr. A. Stuckler	Personal Care & Health Service
44	Dune Kids	Services
45	Dynamite	Ladies Apparel
46	EB Games	Electronics, Computers and Telephones
47	Ed's Fine Imports	Men's Apparel
48	Educated MIND21 Learning	Services
49	Femme de Carriere	Ladies Apparel
50	Fido	Electronics, Computers and Telephones
51	Flight Centre	Services
52	Flower Trends	Cards, Stationery and Gifts
53	Foot Locker	Sporting Goods & Athleticwear
54	Freshly Squeezed	Specialty Food
55	Gap / Gap Kids / Baby Gap	Unisex Apparel
56	Garage Clothing Co., The	Ladies Apparel
57	GNC - General Nutrition Centre	Health and Beauty
58	Guess	Ladies Apparel
59	Gymboree	Children's Apparel
60	Gymboree Play and Music	Services
61	H & M	Unisex Apparel
62	HMV	Music & Videos
63	Honey	Ladies Apparel
64	International News	Books and News
65	iTech	Electronics, Computers and Telephones
66	Jack & Jones	Men's Apparel
67	Jacob/Jacob Jr./Jacob Lingerie	Ladies Apparel
68	Justice	Children's Apparel
69	Kernels	Specialty Food
70	Kol Torah	Services
71	Koodo Mobile and/or Talkshop	Electronics, Computers and Telephones
72	Kumon Math & Reading Centre	Services

NO.	STORE NAME	STORE CATEGORY
73	La Vie En Rose / Aqua	Specialty Apparel
74	L'Attitudes	Health and Beauty / Services
75	Laura, Laura Petites, & Laura Plus	Ladies Apparel
76	LCBO	Specialty Food
77	Le Chateau	Unisex Apparel
78	Lenscrafters	Personal Care & Health Service
79	LG Cashmere	Specialty Apparel
80	Lids	Fashion Accessories
81	Little Burgundy	Footwear
82	Lucky Brand Jeans	Unisex Apparel
83	Lululemon Athletica	Specialty Apparel
84	M for Mendocino	Ladies Apparel
85	Magenta Studio Photo	Photography & Photo Equipment
86	Mappins	Jewellery
87	McDonald's	Fast Food
88	Melanie Lyne	Ladies Apparel
89	Melonhead	Health and Beauty
90	Mexx/Mexx Kids	Unisex Apparel
91	Miori Boutique	Ladies Apparel
92	Mobilingq	Electronics, Computers and Telephones
93	Morton Cohen I.	Services
94	Moshe Fine Jewellery	Jewellery
95	My Treasures	Housewares, Home Furnishings & Decor
96	Natural Solutions / Tonyc	Health and Beauty / Personal Care & Health Service / Services
97	Nine West	Footwear
98	Nortown Foods	Specialty Food
99	Old Navy	Unisex Apparel
100	Olsen Europe	Ladies Apparel
101	Pandora	Jewellery
102	Payless Shoesource	Footwear
103	Peoples Jewellers	Jewellery
104	Pharma Plus	Pharmacies & Drug Stores
105	Pickle Barrel, The	Restaurants
106	POSH	Children's Apparel / Unisex Apparel
107	Pro Motion Physiotherapy	Services
108	Promenade Law Offices	Services

NO.	STORE NAME	STORE CATEGORY
109	Rainbow Cinemas	Cinemas
110	Reena	Services
111	Reena Foundation	Services
112	Richtree	Restaurants
113	Rinascimento	Ladies Apparel
114	Rocky Mtn Chocolate Factory	Specialty Food
115	Rogers Wireless	Electronics, Computers and Telephones
116	Roots	Unisex Apparel
117	Ross Mayer	Ladies Apparel
118	Royal Bank of Canada	Kiosk
119	RW & Co.	Ladies Apparel / Men's Apparel / Unisex Apparel
120	Sandro Ferrone	Ladies Apparel
121	Sears	Dept. Stores and Supermarkets
122	Second Cup, The	Specialty Food
123	SGH Sunglass Hut	Fashion Accessories
124	Sheffield & Sons	Books and News
125	Showcase	General, Variety & Lottery
126	Siblings	Children's Apparel
127	Simon Chang	Ladies Apparel
128	Soft Moc	Footwear
129	Sport Chek	Sporting Goods & Athleticwear
130	Stitch It	Services
131	Strada	Men's Apparel
132	Strongland Construction	Services
133	Subway	Fast Food
134	Suzy Shier	Ladies Apparel
135	Swarovski	Jewellery
136	T & T Supermarket	Dept. Stores and Supermarkets
137	Taco Bell/KFC	Fast Food
138	Telephone Booth, The	Electronics, Computers and Telephones
139	Telus	Electronics, Computers and Telephones
140	Teriyaki Experience	Fast Food
141	Thai Express	Fast Food
142	The Source	Electronics, Computers and Telephones
143	Things Engraved	Services
144	Thornhill Time	Jewellery

NO.	STORE NAME	STORE CATEGORY
145	Tiki Ming	Fast Food
146	Tim Hortons	Fast Food
147	Tonyc	Personal Care & Health Service
148	Town Shoes	Footwear
149	Toyland Corp.	Toys, Hobbies and Pets
150	Trade Secrets	Health and Beauty
151	Tripsetter Inc.	Services
152	Tristan	Ladies Apparel
153	Urban Planet	Unisex Apparel
154	Virgin Mobile	Electronics, Computers and Telephones
155	Vivah	Jewellery
156	Waxed Wax Bar	Personal Care & Health Service
157	Whitfield's	Ladies Apparel
158	Wind Mobile	Electronics, Computers and Telephones
159	WIRELESSWAVE	Electronics, Computers and Telephones
160	Women's Fitness Clubs of Cda	Health and Beauty
161	Yogen Fruz	Specialty Food
162	York Region Board Of Education	Services
163	Young Drivers of Canada	Services

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 The Promenade 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 – THE PROMANADE 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 the Promenade since 2012, based on information obtained from Cadillac Fairview.

**FIGURE D-1: THE PROMENADE LIST OF EVENTS**

THE PROMENADE - LIST OF EVENTS (2012-2014)			
Event Date	Event Title	Sponsors/Community Involvement/Companies	Details/Description
<b>2012 Events</b>			
<b>Jan. 28, 2012</b>	<b>Luck+Love: Chinese New Year</b>	*Event in mall *Location: Centre Court *Retailer Partners: T&T Supermarket and DAVIDs Tea *Support from Chinese Cultural Centre of Greater Toronto	*3rd annual event & one of larger CNY celebrations in Vaughan *Entertainment: Arts & crafts, folk dance performance, Lion Dance, music ensemble, martial arts *Chocolate gold coin and Lai See packages handed out for free to shoppers, chinese tea sampling *advertising within local community such as Sing Tao Daily, Vaughan Today
<b>Mar. 12-15, 2012</b>	<b>Spring Fling</b>	Retail Partner: Richtree, Womens Fitness Clubs of Canada, Curio Hair & Body	*Centre Court activations for family during spring break *Cupcake decorating, Zumba dance, Family Manicures
<b>Apr. 19, 2012</b>	<b>Lou Lou Event- Shop 'Till You Drop</b>	*Main Retail Sponsors: The Gap, Trade Secrets, and Soft Moc, LOU LOU magazine *Retail Partners: The Gap, Soft Moc, Trade Secrets, Curio Hair & Body, Tonyc Studio, PharmaPlus, Aveda, Sears, Black's, EB Games, DAVIDs Tea, Showcase, American Apparel, Bench, Capezio, Change Lingerie, Gymboree Play+Music, Kernals, Laura, M for Mendocino, Magenta, Melanie Lyne, Nine West, Rocky Mountain Chocolate Factory, RW&Co, Suzy Shier, Teriyaki Express, The Body Shop, Danier, Guess, Moshe Nine West, SGH, Town Shoes, Aldo and Aldo Accessories, Aeropostale, Bentley, Costa Blanca, Calvin Klein Lingerie, Femme De Carriere, Garage, H&M, Old Navy, Roots, Strada, HMV, The Children's Place, Tristan, POSH.	*Centre Court- Main event with Shop 'til you Drop Fashion Closet and Trend Talk with LouLou Magazine, Fashion editor, Liv Judd * Cadillac Fairview shop cards given away *Raffle Prizes from retailers and sponsors *Makeup, skincare, hair demos, gaming station, food sampling *Kiss 92.5 live remote on location *The first 200 Shoppers to bring their completed stamped passport book to Centre 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 \$X received an exclusive LOULOU Swag bag valued at over \$200 *In store events
<b>Oct. 13, 2012</b>	<b>The Art of Accessorizing</b>	*Event in mall *Free styling seminar on accessories featuring fashion experts at Chick-Advisor *Retail Partners: Goodlife Fitness, Hair Craze	* \$500 shopping centre gift card giveaway 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 <b>*YOU TUBE VIDEO:</b> <a href="http://www.youtube.com/watch?v=yNMa_aiiw2g">http://www.youtube.com/watch?v=yNMa_aiiw2g</a>
<b>Nov. 23, 2012</b>	<b>Black Friday</b>	Cadillac Fairview Properties in Ontario	*Majority of stores (88+) participated offering discounts * In-mall posters * Door decals at each mall entrance * Retailer window clings supplied to each participating store * Black Friday event tab on property web site and mobile site * Web site home page take over
<b>Nov. 17, 2012</b>	<b>Children's Place Santa Launch</b>	Retail Partner: Children's Place	*Santa visited the store from 2:30-3:00pm to kick off Santa Photos in mall *Sweet treats, festive activities for the family, plus store discounts

Continued...

Event Date	Event Title	Sponsors/Community Involvement/Companies	Details/Description
Nov. 28, 2012- Dec. 24, 2012	Santa Photos	*Location: Centre Court *Partner with FotoNow	*Families can visit and choose from package prices for photos with Santa for the month *Promenade made donation of \$5500 to Shining Through Centre for Children with Autism
Dec 1-24, 2012	Holiday Gift Wrapping and Salvation Army & CTV Toy Mountain Drive	Location: Upper Level near Coach and Toy Mountain in Centre Court	* All proceeds donated to Epilepsy Toronto *New toys collected for Salvation Army
Dec. 1, 2012	Winter Wonderland Crafts	*Location: Centre Court *Retail Partner: Gymboree Play + Music	*Arts and crafts, menorahs to decorate for the family *Free activity
Dec. 8, 2012	Movies with Santa	Retail Partner: Rainbow Cinemas	*Free admission to classic Holiday family movies every Sunday in month of Dec. *Storytime and crafts with Santa at Rainbow Cinemas *Donations request for Toronto Star Santa Fund
Dec. 15, 2012	Gingerbread Decorating with Santa	*Location: Centre Court *Retail Partner: Richtree	*Richtree provided pre-assembled gingerbread houses and included the candy decorations and icing kits *Tickets sold for 2 sessions *Children can take home their creation
<b>2013 Events</b>			
Feb. 10, 2013	Luck+Love: Chinese New Year	*Event in mall *Location: Centre Court *Retail Partners: M for Mendocino, H&M, Danier, Bench, Roots, Melanie Lyne, Laura, Femme De Carriere, Bath & Body Works, Jack & Jones *Partner: Chinese Cultural Centre of Greater Toronto	*4th annual event & one of larger CNY celebrations in Vaughan *Entertainment: Arts & crafts, folk dance performance, Lion Dance, music ensemble, martial arts *Chocolate gold coin and Lai See packages donated by various retailers handed out for free to shoppers *advertising within local community such as Sing Tao Daily, Vaughan Today *400+ in attendance
Apr. 10, 2013	Lou Lou Event- Shop 'Till You Drop	*Retail Partners: Ed's Fine Imports, H&M, Jack & Jones, Magena Photo Studio, Moshe Fine Jewellery, Olsen Europe, My Treasures, HMV, Pandora, PharmaPlus, Picture Source, Sears, Scarpino, Soft Moc, POSH, Guess, Sunglass Hut, Simon Chang, Women's Fitness	*Centre Court- Main event with Shop 'til you Drop Fashion Closet and Trend Talk with LouLou Magazine, Fashion editor * Cadillac Fairview shop cards given away *Raffle Prizes from retailers and sponsors *Customers got passports stamped (Purchases were necessary) *The first 200 Shoppers to bring their completed stamped passport book to Centre 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 \$X received an exclusive LOULOU Swag bag valued at over \$200 *In store events
Aug. 24, 2013	Promenade Pep Rally-Back to School Event	*Location: Centre Court *Retail Partners: Old Navy, The Gap, Ed's Fine Imports, Yogen Fruz, H&M, PharmaPlus, Scarpino, Roots, Tonyc Hair Spa, Sandro, Mappings and People's Jewellers *In support of LOVE, Leave Out Violence, anti-bullying organization	*Entertainment and anti-bullying seminars *Performances from: CHOIR! CHOIR! CHOIR!, Toronto Argonauts Cheerleaders, Back to School fashion trend presentation by Lifestyle Blogger Listen to Lena, carnival games for children *Media from CP24 and Toronto Sun
Oct. 27, 2013	Style the Season	*Vaughan Fire Fighters calendar signing in support of Mackenzie Vaughan Hospital *Retail Partners: Bench, Femme De Carriere, Garage Clothing, Jack & Jones, M for Mendocino, Olsen Europe, H&M, Soft Moc, Black's Photography	*Contest and in-mall event where winner enters draw, provide their make-over story and win a \$500 CF SHOP! CARD shopping spree *Fall fashion display, free sampling, make up, skin care demos *Fall fashion trends presentation by Lifestyle Blogger, Listen to Lena who also accompanied winner on shopping spree
Oct. 30 & 31, 2013	Spooktacular Halloween Fun	*Retail Partners: Gymboree Play+Music, PharmaPlus	*Arts and crafts with a halloween theme for the family *Peanut free treats given away *Children encouraged to dress up in costume

Continued...

Event Date	Event Title	Sponsors/Community Involvement/Companies	Details/Description
Nov. 25, 2013	Vaughan Film Festival Media Launch	*Location: Centre Court *Retail Partner: Pickle Barrel *Community Support: Vaughan Fire Fighters for the Mackenzie Vaughan Hospital and the Vaughan Film Festival Committee and Corporate Sponsors *Steven Del Duca, MPP of Vaughan	*100+ media and local community in attendance *Hosted by TV personality, Rick Campanelli *Promoted 2014 Film Festival, April 2-4th and School Initiative Program *Prizes and giveaways *Social media and in-mall signage
Nov. 16, 2013	Children's Place Santa Launch	*Retail Partner: Children's Place	*Santa visited the store from 8-9am to kick off Santa Photos in mall *Sweet treats, arts and crafts, special discounts
Nov. 29, 2013	Black Friday	*Nationally across all Cadillac Fairview Properties	*Majority of stores (98+) participated offering discounts * In-mall posters * Door decals at each mall entrance * Retailer window clings supplied to each participating store * Black Friday event tab on property web site and mobile site * Web site home page take over * Facebook: 6 Facebook posts and eAlerts *Major Radio campaign, print ads in Roger media publication such as Flare
Nov. 23, 2013, Dec. 12, 2013	Santa Photos & Pet Photo Night	*Location: Centre Court *Partner with FotoNow	*Families can visit and choose from package prices for photos with Santa for the month *Promenade to make donation to Shining Through Centre for Children with Autism *Dec. 12th we hosted pet photo night. Over 25 pets attended
Dec. 1, 2013	Breakfast & Movie with Santa	*Retail Partners: Rainbow Cinemas, PharmaPlus, Pickle Barrel *In support of Toronto Star Santa Fund	* Pancake breakfast was served in Centre Court and Santa came to visit the families *Donations of \$5 was requested and \$250 raised for Toronto Star Santa Fund *Breakfast followed by classic holiday movie for the family
Dec. 1, 2013	Blue Sunday	*Toronto Maple Leaf autograph signing by Troy Bodie and David Broll *Hosted by: Ed's Fine Imports	* 150 shoppers in attendance for autograph signing of two Toronto Maple Leaf hockey players
Dec. 7, 2012	Gingerbread Decorating with Santa and CHOIR! CHOIR! CHOIR! Performance	*Location: Centre Court *Retail Partner: Richtree	*Richtree provided pre-assembled gingerbread houses and included the candy decorations and icing kits *Tickets sold for 2 sessions *Children can take home their creation *Shoppers were delighted by and enjoyed performance by choir singing group
Dec. 14, 2013	Winter Wonderland Crafts	*Location: Centre Court *Retail Partner: Gymboree Play + Music	*Arts and crafts, menorahs to decorate for the family *2 donation requested. \$175 raised for Sick Kids Foundation
Dec 1-24, 2013	Holiday Gift Wrapping and Salvation Army & CTV Toy Mountain Drive	Location: Upper Level near Coach and Toy Mountain in Centre Court	* All proceeds donated to Epilepsy Toronto *New toys collected for Salvation Army
<b>2014 Events</b>			
Jan. 17, 2014	Cheer on Team Canada Banner Signing Event	*Retail Partners: Lululemon, Sport Chek, Roots, POSH, Femme De Carriere, The Gap, American Apparel, Fruit of the Land, Gymboree Play+Music, DAVIDs Tea, Black's Photography, T&T Supermarket, & Bulk Barn *Hon. Peter Kent, MP of Thornhill, Councillor Alan Shefman, Ward 5-Thornhill, Hon. Bal Gosal, MP of Bramalea-Gore-Malton & Minister of State (Sport) to present banners & Reena Foundation	*Banners signing event to support Canadian athletes at Winter Olympic Games in Sochi. Hon. Gosal to present and display at Athletes Village *Meet & greet by Hon. Kent and Councillor Shefman, retailer sampling, coloring, facepainting, fashion displays, 100+ shopping centre giveaways

Continued...



Event Date	Event Title	Sponsors/Community Involvement/Companies	Details/Description
Feb. 7, 2014	<b>Celebrate Red Campaign-2014 Winter Games</b>	*Retail Partners: Lululemon, Sport Chek, Roots, POSH, Femme De Carriere, The Gap, American Apparel, Fruit of the Land, Gymboree Play+Music, DAVIDs Tea, KFC, Kernels, Waxed Wax Bar, Rexall PharmaPlus, Sears, Blue Band Digital, Athena from ACH Design Consultants	*On Feb. 7th, photo booth kiosk where people take photos to celebrate The 2014 Winter Games, mannequins dressed in red fashions *Kicks off 15 day Contest celebrating CNYear, 2014 Winter Olympics, & Valentine's Day *15 days of giveaways starting Jan. 31-Feb 15th: winners who enter on Facebook and write a creative caption to the photos shown, could win a \$75 shopping centre gift card
Feb. 7-23, 2014	<b>Sochi Olympic Viewing Lounge</b>	*Retail Partners: Lululemon, Sport Chek, Roots, POSH, Femme De Carriere, The Gap, American Apparel, Fruit of the Land, Gymboree Play+Music, DAVIDs Tea, KFC, Kernels, Waxed Wax Bar, Rexall PharmaPlus, Sears *Organization: Canadian Olympic Foundation and CBC	*Seating Lounge playing the Olympic Winter Games on CBC *Olympian - Sami-Jo Small will visit Promenade Feb. 15 for autographs * Sport Chek providing fashion Guest Service team *Signage through shopping centre *Cake cutting, sampling, facepainting, family fun activities-coloring & parachute
Oct. 27, 2014	<b>Advance Voting Poll Station at Promenade -Location and Date TBD</b>	*City of Vaughan has proposed that The Promenade be 1 of 3 advance voting poll stations in the City.	*TBD

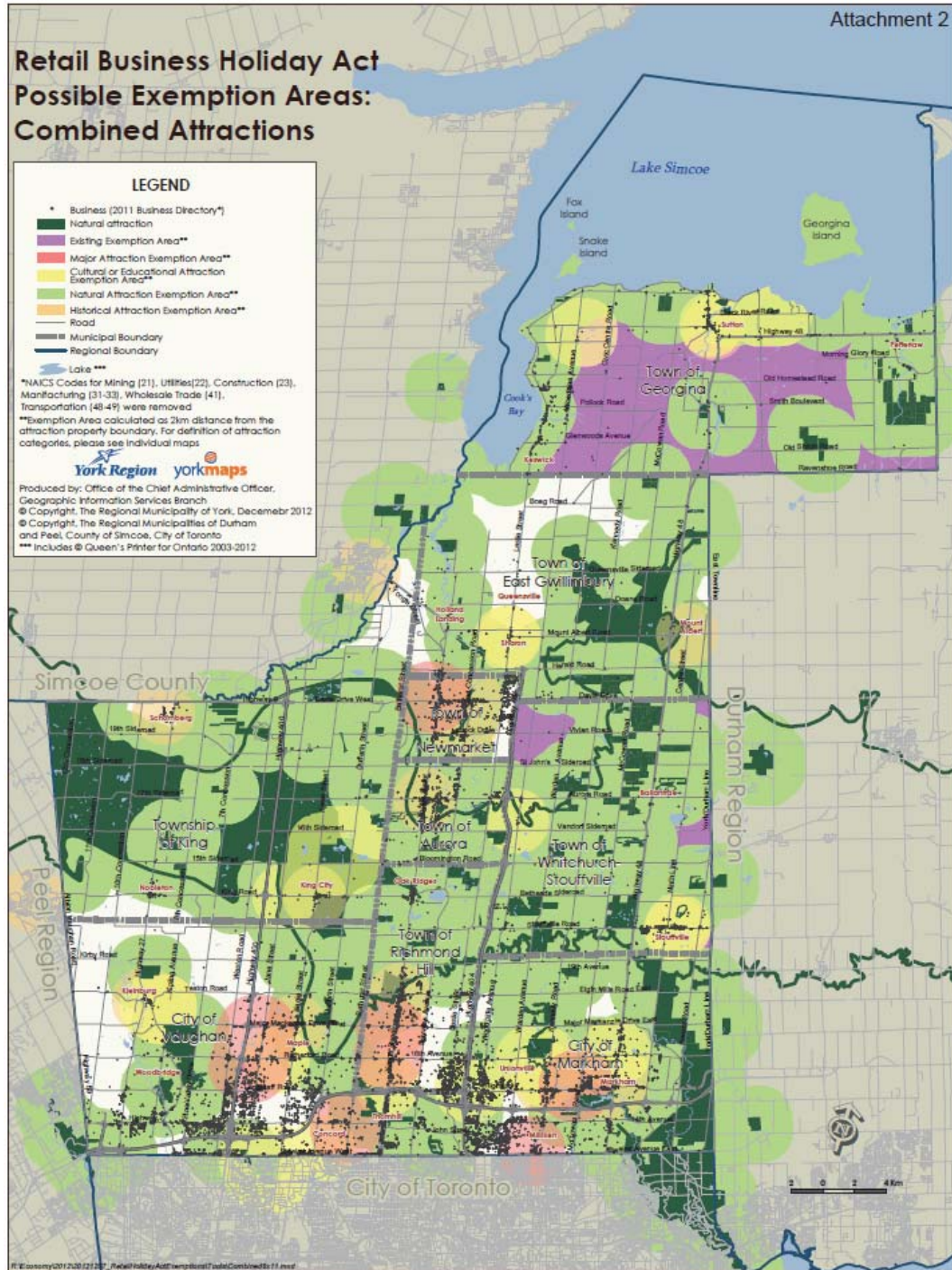
SOURCE: Cadillac Fairview and The Promenade (2014).

## 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.

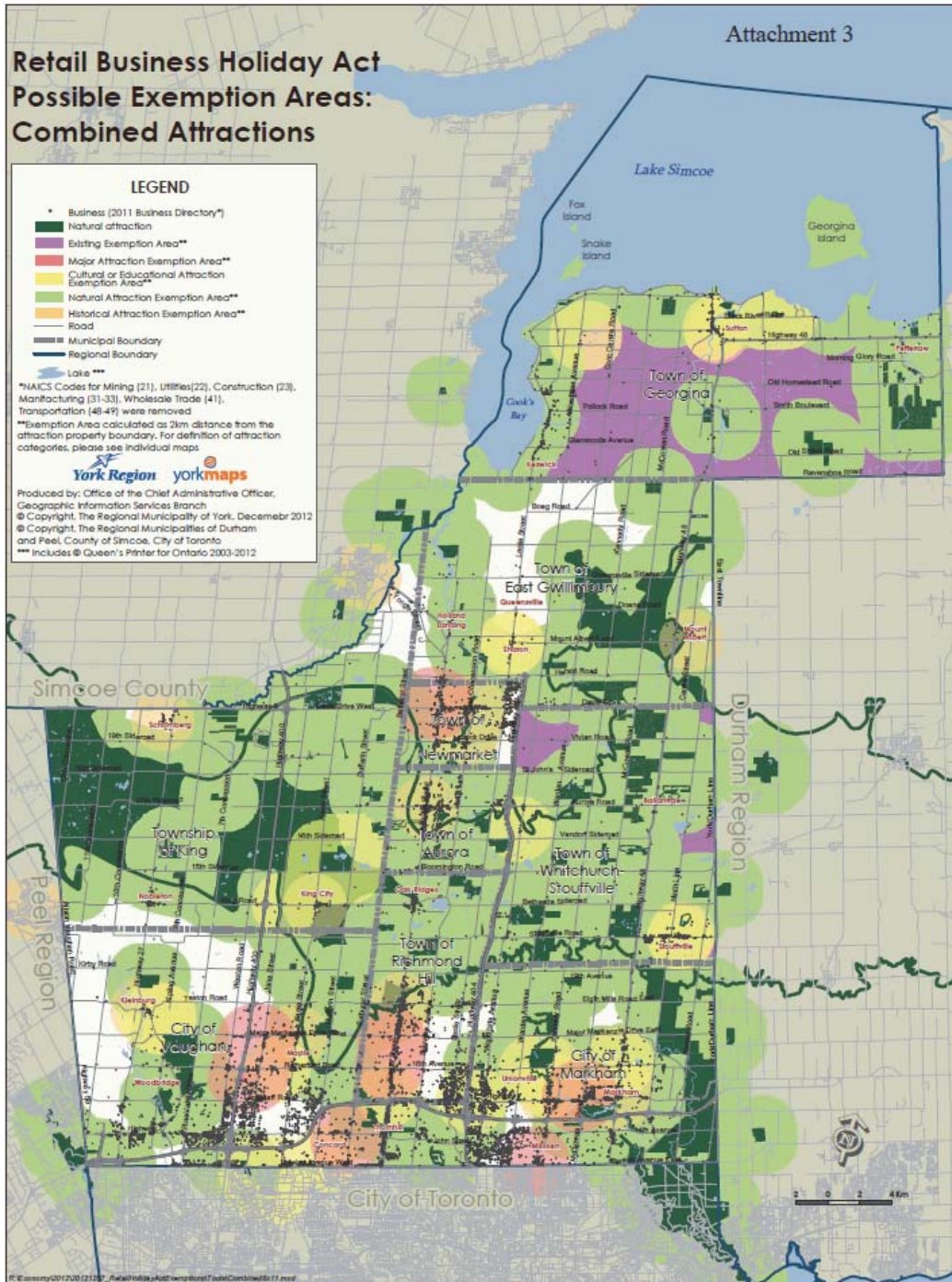
As noted in Section 6 of this report, it appears that the Promenade has been identified on these maps as a major attraction that would be eligible – or at least a suitable candidate – for an RBHA exemption.

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



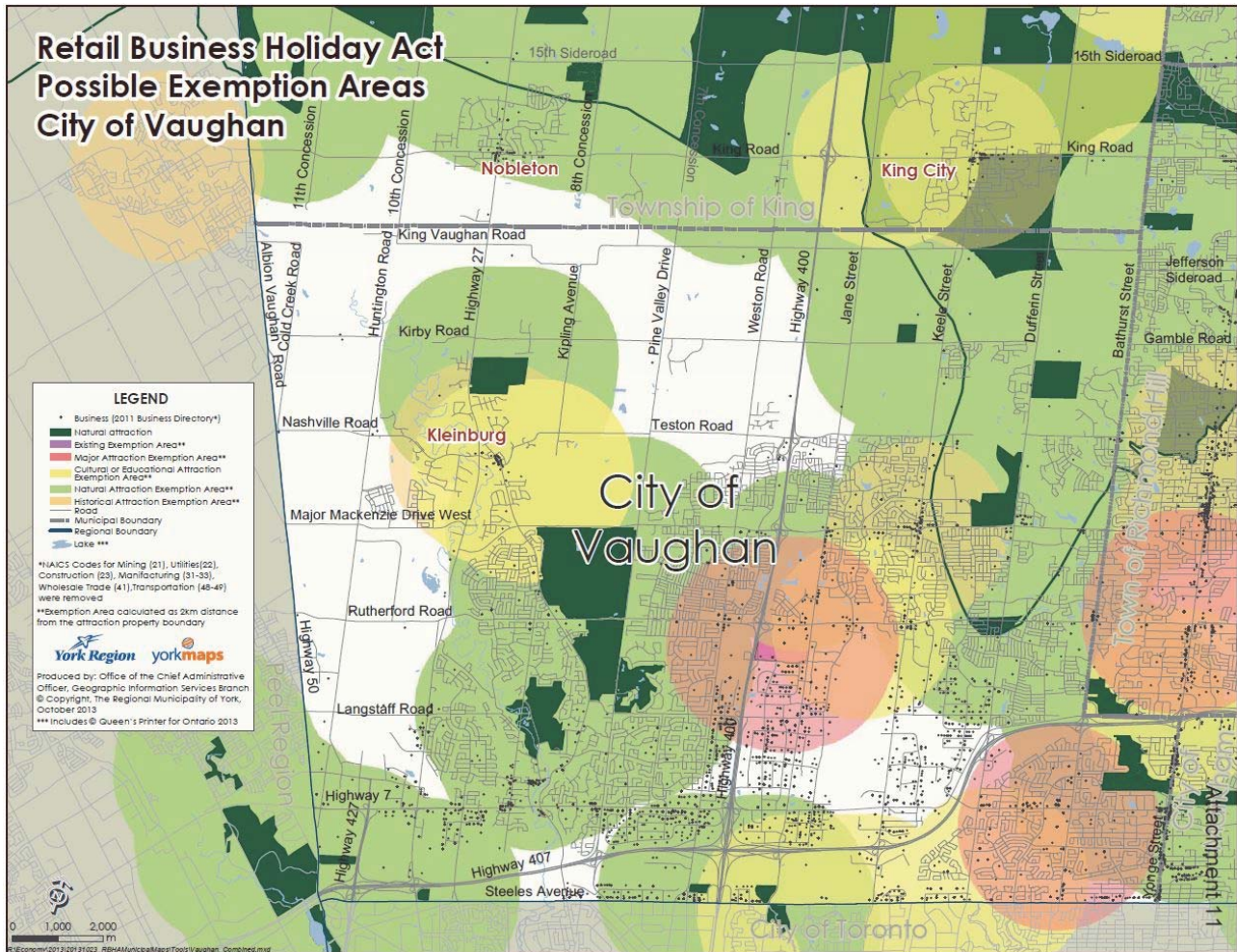
SOURCE: York Region. This map was originally included as Attachment 2 of Report No. 2 of the Planning and Economic Development Committee Regional Council Meeting of February 21, 2013.

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.

**FIGURE E-3: CITY OF VAUGHAN, POSSIBLE EXEMPTION AREAS MAP**



SOURCE: York Region. This map was originally included as Attachment 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.

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

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The following appendix contains Articles of Incorporation for Vaughan Promenade Shopping Centre Inc.



may carry on or on powers the corporation may exercise.

*commerciales ou aux pouvoirs de la compagnie.*

None

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

An unlimited number of Common Shares.



any) attaching to each class of shares and directors authority with respect to any class of shares which may be issued in series:

*rattachés à chaque catégorie d'actions et pouvoirs des administrateurs relatifs à chaque catégorie d'actions qui peut être émise en série:*

N/A

8. The issue, transfer or ownership of shares is/is not restricted and the restrictions (if any) are as follows:

*L'émission, le transfert ou la propriété d'actions est/n'est pas restreinte. Les restrictions, s'il y a lieu, sont les suivantes:*

NO SHARE IN THE CAPITAL OF THE CORPORATION MAY BE TRANSFERRED WITHOUT THE CONSENT OF THE CORPORATION SIGNIFIED BY (a) A RESOLUTION OF THE BOARD OF DIRECTORS; (b) AN INSTRUMENT OR INSTRUMENTS IN WRITING SIGNED BY A MAJORITY OF THE DIRECTORS; (c) AN ORDINARY RESOLUTION OF THE SHAREHOLDERS; OR (d) AN INSTRUMENT OR INSTRUMENTS IN WRITING SIGNED BY THE HOLDERS OF A MAJORITY OF THE OUTSTANDING VOTING SHARES IN THE CORPORATION.

LIEN ON SHARES: SUBJECT TO THE BUSINESS CORPORATIONS ACT THE CORPORATION HAS A LIEN ON ANY SHARE REGISTERED IN THE NAME OF A SHAREHOLDER OR HIS LEGAL REPRESENTATIVE FOR ANY DEBT OF THAT SHAREHOLDER TO THE CORPORATION.

NO PUBLIC OFFERING: ANY INVITATION TO THE PUBLIC TO SUBSCRIBE FOR ANY SECURITY OF THE CORPORATION IS PROHIBITED.

50 SHAREHOLDERS: THE NUMBER OF SHAREHOLDERS OF THE CORPORATION IS LIMITED TO 50, NOT COUNTING EMPLOYEES OF THE CORPORATION OR FORMER EMPLOYEES WHO WERE SHAREHOLDERS WHILE SO EMPLOYED AND WHO HAVE CONTINUED TO BE SHAREHOLDERS SINCE CEASING TO BE SO EMPLOYED, AND COUNTING JOINT REGISTERED OWNERS AS ONE SHAREHOLDER.

CHARGING POWER: WITHOUT RESTRICTING ANY OF THE POWERS AND CAPACITIES OF THE CORPORATION, WHETHER DERIVED FROM THE BUSINESS CORPORATIONS ACT OR OTHERWISE, THE CORPORATION MAY MORTGAGE, HYPOTHECATE, PLEDGE OR OTHERWISE CREATE A SECURITY INTEREST IN ALL OR ANY PRESENT OR FUTURE, REAL OR PERSONAL, MOVABLE OR IMMOVABLE, LEGAL OR EQUITABLE PROPERTY OF THE CORPORATION (INCLUDING WITHOUT LIMITATION ITS BOOK DEBTS, RIGHTS, POWERS, FRANCHISES AND UNDERTAKING) FOR ANY PURPOSE WHATSOEVER.

The names and addresses of the incorporators are:  
First name, initials and surname or corporate name  
*Prénom, initiale et nom de famille ou dénomination sociale*

*Nom et adresse des fondateurs:*  
Full residence address or address of registered office or of principal place of business giving street & No. or R.R. No., municipality and postal code  
*Adresse personnelle au complet, adresse du siège social ou adresse de l'établissement principal, y compris la rue et le numéro, le numéro de la R.R., le nom de la municipalité et le code postal*

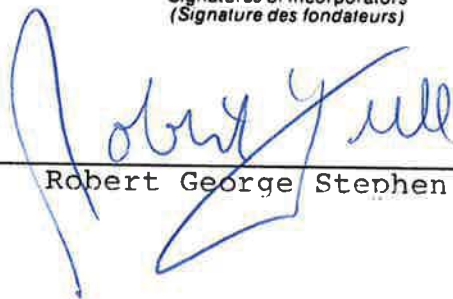
Robert George Stephen Hull

1524 Islington Avenue  
Islington, ontario  
M9A 3M2

These articles are signed in duplicate

*Les présents statuts sont signés en double exemplaire.*

Signatures of incorporators  
*(Signature des fondateurs)*



Robert George Stephen Hull

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

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In preparing this application, Vaughan Promenade Shopping Centre Inc. has provided notification in writing to several tenants of the centre. In doing so, they have also asked 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 The Promenade.

As a first step in this process, urbanMetrics inc. and The Cadillac Fairview Corporation Limited are seeking expressions of support from tenants of The Promenade 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.

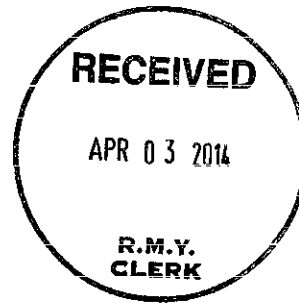
By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
		King	NONE	NONE		
<b>LI-8(a)-95-128</b> (additions to LI-8-95-76)	<b>Nov. 23, 1995</b>	Markham	All	OLD TOWN OF MARKHAM CORE: An area of the Old Town of Markham generally bounded: on the south by the King's Highway No. 7; on the east 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:  Rutherford Road to the north, Jane Street to the east, Bass Pro Mills Drive to the south and Highway 400 to the west and more particularly shown on the attached Appendix "A"	All, except Christmas Day Good Friday and Easter Sunday	8 a.m. to 10 p.m.
2008-64	Oct. 23, 2008					
2009-57	Dec. 16, 2009					
2010-17	Mar. 25, 2010					
LI-8-95-76	May 30, 1995	Whitchurch-Stouffville	All	Within the geographic boundaries of the Town of Whitchurch-Stouffville	July 1 in each year	8:00 a.m. to 10:00 p.m.

DK/ Last updated November 29, 2013



**FOR INQUIRIES: PLEASE QUOTE ITEM & REPORT NO.**

March 24, 2014

Mr. Denis Kelly, Regional Clerk  
The Regional Municipality of York  
17250 Yonge Street, Box 147  
Newmarket, ON L3Y 6Z1

Dear Mr. Kelly:

**RE: RETAIL BUSINESS HOLIDAY ACT EXEMPTION**

I write to advise you that Vaughan Council at its meeting held on March 18, 2014, adopted the following resolution:

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

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

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

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

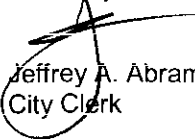
***It is therefore recommended** that the Council of the City of Vaughan approve the submission of an municipal application from the City of Vaughan, to The Regional Municipality of York, for exemption from the Retail Business Holidays Act, for all retail businesses within the following boundaries: Steeles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

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

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

Attached for your information is **Item 16, Report No. 10**, of the Committee of the Whole regarding this matter.

Sincerely,

  
Jeffrey A. Abrams  
City Clerk

Attachment:  
Extract

JAA/as

City of Vaughan, Office of the City Clerk, 2141 Major Mackenzie Drive, Vaughan, Ontario L6A 1T1  
Tel: 905.832-8504 website [www.vaughan.ca](http://www.vaughan.ca) email [Jeffrey.Abrams@vaughan.ca](mailto:Jeffrey.Abrams@vaughan.ca)

**EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 18, 2014**

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

16

**RETAIL BUSINESS HOLIDAY ACT EXEMPTION**

The Committee of the Whole recommends:

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

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

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

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

**Member's Resolution**

Submitted by Regional Councillor Michael Di Biase

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

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

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

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

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