

Clause No. 3 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.

3

**THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE
FOR ALL WINERIES AND VINEYARDS LOCATED WITHIN THE MUNICIPALITY
*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 all wineries and vineyards located within the Town of Whitchurch-Stouffville to remain open on the holidays and during the hours set out in Recommendation 2, and recommends:

- 1. Receipt of the report dated March 19, 2014 from the Regional Solicitor and Executive Director, Corporate and Strategic Planning.**
- 2. Permitting all wineries and vineyards located within the Town of Whitchurch-Stouffville to remain open on Family Day, Victoria Day, Labour Day and Thanksgiving Day between 8 a.m. and 10 p.m. pursuant to the *Retail Business Holidays Act*.**
- 3. The Regional Solicitor prepare the necessary bylaw giving effect to the exemption.**

1. RECOMMENDATIONS

It is recommended that:

- 1. Council consider the application for exemption from the *Retail Business Holidays Act* as submitted by The Corporation of the Town of Whitchurch-Stouffville (the “Applicant”) for all wineries and vineyards located within the municipality.**
- 2. Council determine whether to grant an exemption from the *Retail Business Holidays Act* to allow the Applicant to remain open on Family Day, Victoria 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:

Municipality	Business and Location	Holidays	Hours
The Corporation of the Town of Whitchurch-Stouffville	All wineries and vineyards within the Town of Whitchurch-Stouffville	Family Day Victoria Day Labour Day Thanksgiving Day	8:00 a.m. to 10:00 p.m.

In accordance with the Act, notice of a public meeting was advertised in the Whitchurch-Stouffville Sun Tribune on Thursday February 27, 2013 and was posted on the Region's website.

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

Exemption under the Act

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

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

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

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

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

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

- it is located within two kilometres of a tourist attraction; and
- it is directly associated with the tourist attraction or relies on tourists visiting the attraction for business on a holiday.

For the purposes of Section 2, a tourist attraction is limited to:

- natural attractions or outdoor recreational attractions;
- historical attractions; and
- cultural, multi-cultural or educational attractions.

4. ANALYSIS AND OPTIONS

The Applicant is seeking an exemption for all wineries and vineyards within its boundaries to be open on Family Day, Victoria Day, Labour Day and Thanksgiving Day to bolster local agri-tourism opportunities

On January 21, 2014 the Council of the Town of Whitchurch-Stouffville adopted a resolution to submit an application for exemption from the Act to allow all wineries and vineyards within its boundaries to be open on Family Day, Victoria Day, Labour Day and Thanksgiving Day (see *Attachment 1*).

The original recommendation of Town Staff was to seek exemption for all businesses within the Town of Whitchurch-Stouffville during the listed holidays. After consideration and discussion by Town Council, it was determined that the application be amended to apply to wineries and vineyards only (see *Attachment 4 - Map*).

The Applicant is a municipality within the Region with a population of approximately 43,000 and is 206.41 square kilometres (79 square miles) in size.

The Town's Economic Development Strategy calls for the creation of additional agri-tourism opportunities.

Whitchurch-Stouffville's tourist attractions include lakes, golf courses, farms, local markets and conservation areas including the York-Durham Heritage Railway which the Applicant states, "...brings hundreds of visitors every weekend between June and December into Downtown Stouffville."

The majority of visitors are comprised of local and day-trip visitation from a larger regional market and the ability to package attractions with other surrounding experiences during these holidays is expected to have a positive multiplier effect in Whitchurch-Stouffville.

The Town of Whitchurch-Stouffville has three wineries within its boundaries. In consultation with the winery owners the Applicant found that the wineries are key partners with local businesses in packaging the tourism experience for visitors and tourism is a significant driver of on-site retail sales for the wineries.

Effective May 16, 2013 the Alcohol and Gaming Commission permitted on-site wineries, distilleries and brewery retail stores to be open on all nine holidays under the Act provided a tourism exemption bylaw has been passed.

The Alcohol and Gaming Commission of Ontario released Information Bulletin No. 031 in May 2013 (see *Attachment 1*) detailing changes to the hours and days of operation for

on-site winery, distillery and brewery retail stores. The bulletin allows the on-site retail stores of wineries, distilleries and breweries to be open during the nine holidays listed under the Retail Business Holidays Act, but only in areas with a tourism exemption bylaw.

As a result of this decision by the AGCO the Applicant has submitted an application to allow all wineries and vineyards within the municipality to be open on the identified statutory holidays.

The Applicant is a municipality with a population of less than 50, 000 and is not required to meet the location requirements of the Regulation

Section 4 of the Regulation provides that the two kilometre restriction set out in Section 2 does not apply to a local municipality located in a regional municipality having a population of less than 50, 000. Therefore the Applicant is exempt from meeting the 2km location requirement.

The Applicant currently has a municipal wide exemption to allow all businesses within the Town of Whitchurch-Stouffville to be open on Canada Day. This particular exemption coincides with the Town of Whitchurch-Stouffville's annual Strawberry Festival.

A chart showing businesses within the Region which have been granted exemption is appended to this report as *Attachment 3*.

Enactment of Bylaw

Should Council decide to grant the exemption, the bylaw will come into force on the thirty-first day after it is enacted. Under the Act, there is a period to allow for an appeal of the bylaw which may be made within thirty days, by any person who objects to the exemption. An appeal may only be made if an exemption is granted. There is no provision for an 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 in the Town of Whitchurch-Stouffville and support the Applicant's development of the agricultural sector as part of its Economic Development Strategy through the creation of additional agri-tourism opportunities.

7. CONCLUSION

An application has been received from the Town of Whitchurch-Stouffville requesting an exemption from the Act to permit all wineries and vineyards within the town to remain open on Family Day, Victoria Day, Labour Day and Thanksgiving Day. The Town of Whitchurch-Stouffville has met the regulatory requirements of the Act for a municipality requesting an exemption.

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

If Council elects to pass a bylaw, the bylaw will come into effect on 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)



TOWN OF
WHITCHURCH-STOUFFVILLE

111 Sandiford Drive, Stouffville, ON L4A 0Z8

Customer Service Centre: 905-640-1900
Toll Free: 1-855-642-TOWN (8696)
Automated: 905-640-1910
Toll Free: 1-855-642-TOWS (8697)
Fax: 905-640-7957
www.townofws.ca

23 January 2014

The Regional Municipality of York
Attention: RBHA Committee
17250 Yonge Street, 4th Floor
Newmarket, ON L3Y 6Z1

RE: RETAIL BUSINESS HOLIDAYS ACT TOURISM EXEMPTION – MUNICIPAL APPLICATION (D02)

Please be advised that Council discussed the above-noted matter at its meeting held on January 21, 2014 and adopted the following resolution:

MOVED by Councillor Ferdinands
SECONDED by Councillor Smith

- 1) THAT Town Council approve an application to the Regional Municipality of York for a Tourism Exemption to the *Retail Business Holidays Act* permitting **all wineries and vineyards** in Whitchurch-Stouffville to remain open on the following holidays: Family Day, Victoria Day, Labour Day, and Thanksgiving Day;
- 2) AND THAT the Mayor and Town Clerk are authorized to sign the necessary documents;
- 3) **AND FURTHER THAT staff be directed to consult with the Whitchurch-Stouffville Chamber of Commerce regarding Tourism Exemption for other local businesses and report back to Council.**

CARRIED AS AMENDED

Yours truly,

Isabel Leung
Council Coordinator

Council in Committee Report
January 21, 2014

RETAIL BUSINESS HOLIDAYS ACT TOURISM EXEMPTION – MUNICIPAL APPLICATION (D02)

Report prepared by: Economic Development Officer

RECOMMENDATION:

The Acting Chief Administrative Officer/Director of Planning and Building Services recommends:

- 1) **THAT Town Council approve an application to the Regional Municipality of York for a Tourism Exemption to the *Retail Business Holidays Act* permitting all businesses in Whitchurch-Stouffville to remain open on the following holidays: Family Day, Victoria Day, Labour Day, and Thanksgiving Day;**
- 2) **AND THAT the Mayor and Town Clerk are authorized to sign the necessary documents.**

1. PURPOSE:

The purpose of this report is to provide an overview of the *Retail Business Holidays Act* and the tourism exemption required by the Town of Whitchurch-Stouffville to enable businesses to open on certain statutory holidays.

2. EXECUTIVE SUMMARY:

All businesses in the Province of Ontario are legislated to remain closed on statutory holidays pursuant to the *Retail Business Holiday Act*. In May, 2013 the Alcohol and Gaming Commission of Ontario (AGCO) issued Information Bulletin No. 031 which detailed changes to hours and days of operation for on-site winery, distillery and brewery retail stores. Effective May 16, 2013 on-site retail stores are now permitted to open on all holidays listed under the *Retail Business Holidays Act*, however, only in areas where the local municipality has passed a tourism exemption by-law. The Town of Whitchurch-Stouffville does not have such an exemption by-law allowing our local wineries to remain open on holidays; therefore a municipal application to the Regional Municipality of York is necessary.

By-law LI-8-95-76, enacted May 30, 1995 allows all businesses within the geographic boundaries of Whitchurch-Stouffville to remain open on July 1 each year from 8:00 a.m. – 10:00 p.m.

Town Staff propose to apply to the Regional Municipality of York for a tourism exemption to the *Retail Business Holidays Act*. The proposed exemption would cover the entirety of the Town of Whitchurch-Stouffville, and would apply to the following statutory holidays: Family Day, Victoria Day, Labour Day, and Thanksgiving Day. Retail establishments may choose to remain open between the hours of 8:00 a.m. to 10:00 p.m. on the abovementioned statutory holidays.

Whitchurch-Stouffville is home to a cluster of seasonal and year-round tourism attractions. These attractions benefit from local visitation as well as day-trip visitation from a larger regional market. As indicated by social media analytics and event surveys, the majority of visitors are from the City of Toronto, Uxbridge, Richmond Hill, Clarendon, Whitby and a small percentage from Peel Region.

Of importance, Whitchurch-Stouffville is home to three local wineries. All three winery owners were consulted in the preparation of this report and stated that tourism is a significant driver and that wine retail sales is a key revenue stream. The tourism exemption by-law would permit the wineries to remain open and provide greater flexibility in business operations.

The Regional Municipality of York is accepting applications from Municipalities for a tourism exemption until February 18, 2014. Upon receipt of an application, York Region will commence the advertising and confirm the date of the public meeting at which the application will be considered. York Region has indicated that the next hearing date will be in April 2014.

The application fee for the tourism exemption is \$1000, plus the cost of advertising the public meeting and is accounted for in the 2014 operating budget.

3. BACKGROUND:

All businesses in the Province of Ontario are legislated to remain closed on statutory holidays pursuant to the *Retail Business Holiday Act*. However, within the geographic boundaries of the Town of Whitchurch-Stouffville, by-law LI-8-95-76, enacted May 30, 1995 allows all businesses to remain open on July 1 each year from 8:00 a.m. to 10:00 p.m.

In May, 2013 the Alcohol and Gaming Commission of Ontario (AGCO) issued Information Bulletin No. 031 (see Attachment #1) which detailed changes to hours and days of operation for on-site winery, distillery and brewery retail stores. Effective May 16, 2013 on-site retail stores are now permitted to open on all nine Holidays listed under the *Retail Business Holidays Act*, however, only in areas where the local municipality has passed a tourism exemption by-law. This

change was made by the AGCO to grant greater flexibility in business operations for Ontario wine, beer and spirits manufacturers, and to enhance tourism opportunities.

The Town of Whitchurch-Stouffville does not have an exemption by-law that allows for our local winery businesses to remain open on holidays; therefore a Municipal application to the Regional Municipality of York is necessary.

3.1 Retail Business Holiday Act

In the Province of Ontario, The *Retail Business Holiday Act* (the "Act") requires that businesses are closed on all statutory holidays, unless exempted. The Act provides for the following 'holidays': News 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.

Under the Act, retail businesses are prohibited from selling goods or providing services, or admitting the public on these holidays unless the retail business falls under one of the statutory exemptions or unless an applicable tourism exemption by-law has been passed allowing the business to remain open. The Act sets out statutory exemptions for certain businesses that can stay open on holidays. The penalty enforced by the Province of Ontario for non-compliance with the Act ranges from \$500 to \$50,000.

Section 4(1) of the Act allows for a tourism exemption and reads "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". A tourism exemption by-law may be passed if there is compliance with the tourism criteria set out in Ontario Regulation 711/91 Tourism Criteria (the "Regulation") under the Act. Section 2(2) of the Regulation provides that an area can be exempted if:

- All of the retail businesses in the area are within two kilometers of a tourist attraction;
- The area does not exceed that necessary to encompass all of the retail businesses for which the exemption is sought; and
- At least 25% of the retail businesses in the area are directly associated with the tourist attraction or rely on tourists visiting the attraction for business on a holiday.

The two kilometre requirement stated above does not apply to Whitchurch-Stouffville as the current population is under 50,000.

If enacted, the tourism exemption by-law will enable local businesses in Whitchurch-Stouffville to provide goods and services for the development and maintenance of tourism on holidays.

4. ANALYSIS & OPTIONS:

Town Staff propose to apply to the Regional Municipality of York for a tourism exemption to the Act. The proposed exemption would be for the entirety of the Town of Whitchurch-Stouffville, and would apply to the following statutory holidays: Family Day, Victoria Day, Labour Day, and Thanksgiving Day. Retail establishments may choose to remain open between the hours of 8:00 a.m. to 10:00 p.m. on the abovementioned statutory holidays. An exemption already exists for Canada Day and covers the entirety of the Town between the hours of 8:00a.m. to 10:00p.m.

Businesses will remain closed on Christmas Day, New Year's Day, Good Friday and Easter Sunday. Boxing Day and Civic Holiday in August are not statutory holidays under the Act and therefore an exemption is not required for those days.

4.1 Tourism Profile

The Town of Whitchurch-Stouffville has a population of approximately 43,000 as of June 2013 and is home to a cluster of seasonal and year-round tourism attractions. Many of the tourism attractions in Whitchurch-Stouffville are noted on the map in Attachment #2. These attractions benefit from local visitation as well as day-trip visitation from a larger regional market. As indicated by social media analytics and event surveys, the majority of visitors are from the City of Toronto, Uxbridge, Richmond Hill, Clarendon, Whitby and other parts of Durham Region and a small percentage from Peel Region.

Not noted on the map are attractions such as the York-Durham Heritage Rail which brings hundreds of visitors every weekend between June and December. A key part of this particular tourism experience is the ability for passengers to visit local shops, cafés and restaurants in Downtown Stouffville. The ability to extend this attraction to holidays, and package it with other surrounding experiences could have a positive multiplier effect in Whitchurch-Stouffville if a tourism exemption by-law is enacted.

Additionally, attendance at events in the community, particularly in Downtown Stouffville, has increased. This has enabled a number of spin-off benefits for local merchants. With a tourism exemption, the Town can work with local partners to build tourism events around key holiday weekends and enable businesses to remain open should they choose.

Of importance, Whitchurch-Stouffville is home to three local wineries. Two of which have been established in the community for decades and one that will open in April 2014. The two wineries that are currently in operation have both stated that approximately 50% of their visitation is from the City of Toronto, 40% from Richmond Hill/Aurora/Newmarket and 10% local visitation.

Currently, wine retail stores are to be closed on all statutory holidays unless the local municipality has a tourism exemption by-law. All three winery owners were consulted in the preparation of this report and stated that tourism is a significant driver of on-site retail sales of wine. In addition to being a tourism draw on their own, wineries in Whitchurch-Stouffville are key partners with local businesses in packaging the tourism experience for a visitor. The exemptions to the Act proposed in this report will directly support the development of wineries as a strong tourism product in Whitchurch-Stouffville as holidays can be capitalized upon as a time to generate activity.

The Council-approved Economic Development Strategy encourages the development of key sectors, one of which is Agriculture. Key actions to support this sector were laid out in the 2012 Business Retention and Expansion project. Wineries and their on-site retail stores are a key part of developing this sector further and creating additional agri-tourism opportunities within the boundaries of the Town. Enacting a tourism exemption for the entire Town enables the attraction and retention of wineries to the community and further build out the agricultural experience and the tourism value chain as a whole.

4.3 Municipal Application/Process

The Regional Municipality of York is accepting applications from Municipalities for a tourism exemption by-law until February 18, 2014. The application form must be accompanied by a Council resolution to support the application. Upon receipt of an application, York Region will commence the advertising and confirm the date of the public meeting at which the application will be considered. York Region has indicated that the next hearing date will be in April 2014. If a by-law is enacted, it will come into force on the 31st day after it is passed by York Regional Council provided there are no appeals to the Ontario Municipal Board of the approved by-law.

Until this process is complete, all retail establishments must comply with the *Retail Business Holidays Act* and remain closed on statutory holidays.

5. FINANCIAL IMPLICATIONS:

The application fee for the tourism exemption is \$1000, plus the cost of advertising the public meeting, which is accounted for in the 2014 operating budget.

6. ALIGNMENT WITH STRATEGIC PLAN:

This report is aligned with the Town's Strategic Plan in the following manner:

1. Community Prosperity and Sustainability
Balanced growth, environmental protection, economic development, tourism, community character and identity
 - 1.4 *Economic development and job creation*
 - 1.5 *Tourism development*

2. Fiscal and Asset Management
As stewards of the public trust, manage the Town's resources in a fiscally responsible manner, promote partnership opportunities and advance Town interests
 - 2.5 *Promote inter-government relations and local government advocacy*

3. Service Excellence & Community Engagement
High quality, citizen-centred services, responsive to the needs of informed and involved citizens
 - 3.7 *Enhance communication with and engagement of residents and businesses*

For further information on this report, please contact Nirvana Champion, Economic Development Officer at 905-640-1910 or 1-855-642-8697 ext. 2301, nirvana.champion@townofws.ca.

7. ATTACHMENTS:

1. Alcohol and Gaming Commission of Ontario Bulletin No. 031
2. Town of Whitchurch-Stouffville Tourism Attractions Map
3. Municipal Application for Exemption to the Retail Business Holidays Act



The Regional Municipality of York

APPLICATION FOR EXEMPTION - THE *RETAIL BUSINESS HOLIDAYS ACT*

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

SECTION 1: APPLICANT INFORMATION	
The information in Section 1, 2, 3 and 4a are required to properly process your application. Any missing information will result in your application being delayed until the next application deadline.	
Retail Applicant name:	The Corporation of the Town of Whitchurch-Stouffville
Location address:	111 Sandiford Drive, Stouffville, ON L4A 0Z8
Location telephone number:	1-855-642-8696
Primary contact for Applicant: <i>(Person to whom all correspondence will be addressed)</i>	Name: Nirvana Champion Address: 111 Sandiford Drive, Stouffville, ON L4A 0Z8 Telephone: 1-855-642-8697 x2301 Fax: 905-640-7957 Email: nirvana.champion@townofws.ca
The Applicant is located within:	Town of Aurora Town of East Gwillimbury Town of Georgina Township of King City of Markham Town of Newmarket Town of Richmond Hill City of Vaughan <input checked="" type="checkbox"/> Town of Whitchurch-Stouffville
Number of years in operation:	Established 1971
Location size (in square feet):	206.41 square kilometers
Number of employees directly employed at location:	n/a
Type of retail business:	Municipality
Current operating hours:	
Has the local municipality been notified of this application?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

Have you enclosed two copies of this completed application and all supporting information?	✓ YES NO	
Have you enclosed the application fee of \$1000.00? <i>Please mail fee to: The Regional Municipality of York Attention: RBHA Committee 17250 Yonge Street, 4th Floor Newmarket, ON L3Y 6Z1</i>	✓ YES NO	
✓ I acknowledge that upon acceptance of this application that I will be charged an advertising fee and will make a cheque payable to: The Regional Municipality of York		
SECTION 2: TOURIST ATTRACTION PROFILE		
Name of nearby tourist attraction:	See Attached Map	
Attraction location address:	Entire Municipality	
Attraction category:	<input checked="" type="checkbox"/> Cultural <input checked="" type="checkbox"/> Natural <input checked="" type="checkbox"/> Educational <input checked="" type="checkbox"/> Outdoor recreational <input checked="" type="checkbox"/> Multi-Cultural <input checked="" type="checkbox"/> Historical	
The Applicant is located within 2km of the tourist attraction:	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>N/A - MUNICIPALITY HAS A POPULATION UNDER 50,000</i> If Yes, MUST provide info in Section 4A #5	
Is the tourist attraction seasonal?	YES ✓ NO If Yes, see Section 4A #9	
Is the Applicant directly associated with the tourist attraction?	✓ YES NO If Yes, see Section 4A #7	
Does the Applicant provide goods or services primarily to tourists during holidays?	✓ YES NO If Yes, see Section 4A #7	
SECTION 3: EXEMPTION REQUEST		
Proposed holiday hours of operation:	8:00am-10:00pm	
Requested exemption period (please check box(es) below:		
<input type="checkbox"/> All <input type="checkbox"/> Winter (October – March) <input type="checkbox"/> Summer (April – September)	<input type="checkbox"/> New Year's Day <input checked="" type="checkbox"/> Family Day <input type="checkbox"/> Good Friday <input type="checkbox"/> Easter Sunday	<input checked="" type="checkbox"/> Victoria Day <input type="checkbox"/> Canada Day - <i>EXISTING EXEMPTION AS PER BY-LAW 11-8-95-7</i> <input checked="" type="checkbox"/> Labour Day <input checked="" type="checkbox"/> Thanksgiving Day <input type="checkbox"/> Christmas Day
Do any of the requested exemption dates occur outside the operating season of the tourist attraction?	YES ✓ NO If Yes, see Section 4A #9	

SECTION 4: SUPPORTING DOCUMENTS

Items 1 to 10 in section 4A are required to properly assess your application. Any missing information will result in your application being delayed until the next deadline. Items listed in section 4B are not required, but will be reviewed if provided.

Note: All supporting information must be submitted in hard copy and available in electronic form.

4A. MANDATORY INFORMATION:

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

- | | |
|---|--|
| | 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. |
| ✓ | 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. |
| ✓ | 5. Map of tourist attraction in proximity to site. |
| | 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. |
| | 8. If Applicant is not located within 2km of a tourist attraction, please provide detailed justification for this exemption with supporting evidence. |
| | 9. If requesting exemptions outside tourist attraction operating season please provide detailed justification for this exemption with supporting evidence. |
| | 10. Copy of Notice, to be issued to retail tenants or posted in a highly visible and publicly accessible location, regarding this application. |

4B. ADDITIONAL INFORMATION:

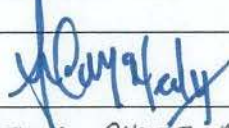
Below is a suggested listing of information that you may submit with your application if available and applicable.

- | | |
|--|---|
| | 11. If applying as an educational attraction please provide letters of reference from schools within any GTA school board on letterhead from principal. |
| | 12. If available, please provide letters of reference from registered tour companies. |
| | 13. Tourist traffic survey. |
| | 14. Traffic survey or maps. |
| | 15. Report, maps and photos detailing how the location is ordinarily accessed by visitors (i.e. foot, bike, transit, car). |

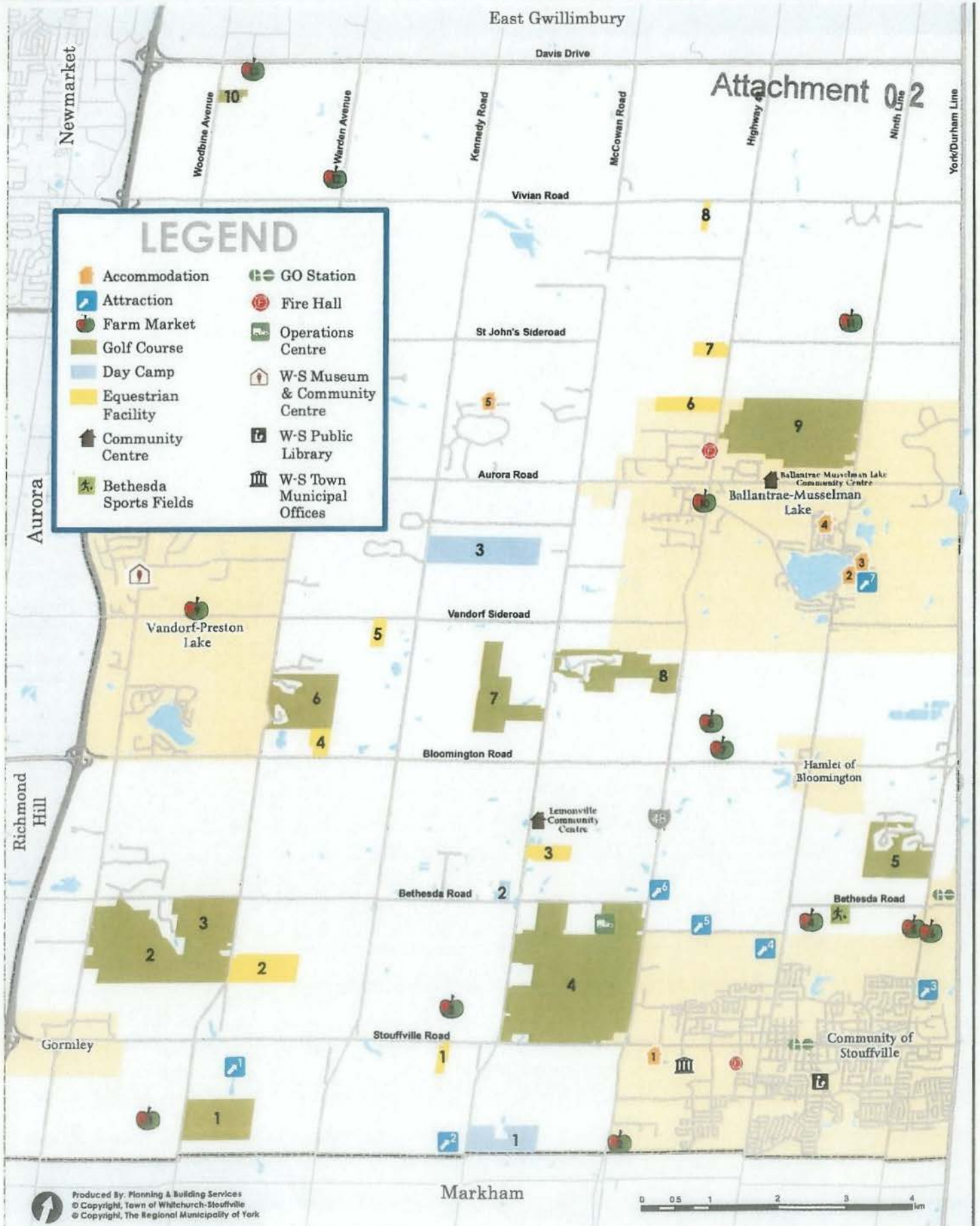
* PLEASE SEE ATTACHED COUNCIL REPORT

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: 23rd day of JANUARY, 2014

Name of signatory for Applicant:	ANDREW MCNEELY
Signature:	
Title:	ACTING CHIEF ADMINISTRATIVE OFFICER

WHITCHURCH-STOUFFVILLE ATTRACTIONS



INFORMATION BULLETIN No. 031

Changes to hours and days of operation for on-site winery, distillery and brewery retail stores

(May 16, 2013)

Effective May 16, 2013, the days and hours of operation for on-site winery retail stores, on-site distillery retail stores and on-site brewery retail stores are amended as follows:

- On-site retail stores are now permitted to open on all nine Holidays listed under the *Retail Business Holidays Act*, however only in areas where the local municipality has passed a tourism exemption by-law.
- On-site retail stores will now be permitted to open on Sundays from 9 am to 11 pm. Previously, Sunday hours were 11 am to 6 pm, while store hours from Monday to Saturday were 9 am to 11 pm.

These changes are being made to provide greater flexibility in business operations for Ontario wine, beer and spirits manufacturers, and to enhance tourism opportunities.

For more information, please contact the AGCO Customer Service Department at 1-800-522-2876 (toll free in Ontario) or 416-326-8700 in the Greater Toronto area.

**Retail Business Holidays Act
Loi sur les jours fériés dans le commerce de détail**

**ONTARIO REGULATION 711/91
TOURISM CRITERIA**

Consolidation Period: From December 1, 1991 to the [e-Laws currency date](#).

No amendments.

This Regulation is made in English only.

1. This Regulation sets out the tourism criteria that must be met before a municipality may pass an exempting by-law under subsection 4 (1) of the Act. O. Reg. 711/91, s. 1.

2. (1) A retail business establishment may be exempted if,

(a) it is located within two kilometres of a tourist attraction; and

(b) it is directly associated with the tourist attraction or relies on tourists visiting the attraction for business on a holiday. O. Reg. 711/91, s. 2 (1).

(2) An exemption granted on an area basis may only be given if,

(a) all of the retail business establishments in the area are within two kilometres of the tourist attraction;

(b) the area does not exceed that necessary to encompass all of the retail business establishments for which an exemption is sought; and

(c) at least 25 per cent of the retail business establishments in the area are directly associated with the tourist attraction or rely on tourists visiting the attraction for business on a holiday. O. Reg. 711/91, s. 2 (2).

(3) For the purposes of this section, a tourist attraction is limited to,

(a) natural attractions or outdoor recreational attractions;

(b) historical attractions; and

(c) cultural, multi-cultural or educational attractions. O. Reg. 711/91, s. 2 (3).

3. Each retail business establishment that on days other than holidays normally uses a total area of 2,400 square feet or more for serving the public or normally has four or more employees serving the public must, in addition to meeting the tourism criteria set out in subsection 2 (1), provide goods or services on holidays primarily to tourists. O. Reg. 711/91, s. 3.

4. The two kilometre restriction set out in subsections 2 (1) and (2) does not apply to a retail business establishment located in a local municipality, including a local municipality located in a district or regional municipality or the County of Oxford, having a population of less than 50,000. O. Reg. 711/91, s. 4.

5. (1) Despite any other provision of this Regulation, retail business establishments in a municipality may be exempted for up to five holidays a year during which a fair, festival or other special event is being held in that municipality. O. Reg. 711/91, s. 5 (1).

(2) Subsection (1) does not apply to parades. O. Reg. 711/91, s. 5 (2).

6. (1) An application for an exemption under subsection 4 (3) of the Act shall contain the following:

1. A description of the area or the retail business establishment for which the exemption is sought.

2. The justification, in relation to the seasonal nature, if any, of the tourist attraction, for the time period sought in the exemption.

3. Information establishing that the tourism criteria set out in this Regulation are met. O. Reg. 711/91, s. 6 (1).

(2) An application in respect of a retail business establishment described in section 3 shall be made only by that retail business establishment. O. Reg. 711/91, s. 6 (2).

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RETAIL BUSINESS HOLIDAY ACT EXEMPTIONS

Retail Business Holidays Act provides for the following "holidays": New Year's Day, Family Day, Good Friday, Easter Sunday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day and any other day proclaimed by the Lieutenant Governor.

Table showing Schedule A of Bylaw LI-8-95-76 being a Bylaw to permit retail business establishments to be open on holidays. Includes subsequent amendments.

By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
		Aurora	NONE	NONE		
LI-8(a)-95-128 (additions to LI-8-95-76)	Nov. 23, 1995	East Gwillimbury	Brice's Sports Centre Limited	20287 Woodbine Avenue, Queensville	All, except Christmas Day	11:00 a.m. to 5:00 p.m.
LI-8(a)-95-128 (additions to LI-8-95-76)	Nov. 23, 1995	East Gwillimbury	677957 Ontario Inc. c.o.b. as Vince's Country Market	19101 Leslie Street, Sharon	All, except Christmas Day and New Year's Day	9:00 a.m. to 7:00 p.m.
LI-8(c)-1999-133 (substitution)	Mar. 25, 1999	East Gwillimbury	Old McDonald's Furniture and Appliances (SUBSTITUTION)	19937 Woodbine Avenue, Queensville	All, except Christmas Day and New Year's Day	9:00 a.m. to 6:00 p.m.
LI-0008(h)-2004-013	Feb. 19, 2004	East Gwillimbury	Queensville Antique Mall	20091 Woodbine Avenue, Queensville	All, except Christmas Day and New Year's Day	10:00 a.m. to 6:00 p.m.
LI-8(a)-95-128 (additions to LI-8-95-76)	Nov. 23, 1995	Georgina	All	Within the geographic boundaries of the Town of Georgina	All, except Christmas Day and New Year's Day	9:00 a.m. to 6:00 p.m.

By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
		King	NONE	NONE		
LI-8(a)-95-128 (additions to LI-8-95-76)	Nov. 23, 1995	Markham	All	OLD TOWN OF MARKHAM CORE: An area of the Old Town of Markham generally bounded: on the south by the King's Highway No. 7; on the east by Washington Street and George Street to approximately 143 Main Street on the east side and 158 Main Street on the west side; and on the west by Water Street, Robinson Street and the Rouge River	All, except Christmas Day	9:00 a.m. to 6:00 p.m.
LI-8(a)-95-128 (additions to LI-8-95-76)	Nov. 23, 1995	Markham	All	UNIONVILLE CORE: in the former Police Village of Unionville in the Town of Markham on Main Street, Unionville from the CNR tracks to the bridge crossing the Rouge River tributary	All, except Christmas Day	9:00 a.m. to 6:00 p.m.
LI-0008(d)-2000-064 (addition to LI-8-95-76)	Aug. 31, 2000	Markham	Pacific Mall Heritage Town	4300 Steeles Avenue East, south half of the 2 nd floor from Units A1-201, W2, W1, A1-222M to Units V2, F-7, F-8 and V-1, inclusive, Town of Markham	All	11:00 a.m. to 11:00 p.m.
LI-0008(e)-2000-107 (addition to LI-8-95-76)	Oct. 26, 2000	Markham	Market Village Markham Inc.	4350 Steeles Avenue East, Town of Markham	All	8:00 a.m. to 12:00 midnight
LI-0008(f)-2001-003 (addition to LI-8-95-76)	Jan. 18, 2001	Markham	York Region Condominium Corporation 890, c.o.b. Pacific Mall	4300 Steeles Avenue East, Town of Markham	All	8:00 a.m. to 12:00 midnight
2012-34 (addition to LI-8-95-76)	May 17, 2012	Markham	Kennedy and Denison Centre	1661 Denison St., Town of Markham	All, except Christmas Day and Easter Sunday	8:00 a.m. to 12:00 midnight
2013-27 (addition to LI-8-95-76)	Apr. 18, 2013	Markham	2197088 Ontario Inc., operating as Foody Mart	5221 Highway 7 East, Markham	All, except Christmas Day and Easter Sunday	9:00 a.m. to 12:00 midnight

By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
2013-28 (addition to LI-8-95-76)	Apr. 18, 2013	Markham	T & T Supermarkets Inc.	8339 Kennedy Road, Markham	All, except Christmas Day and Easter Sunday	9:00 a.m. to 10:00 p.m.
2013-28 (addition to LI-8-95-76)	Apr. 18, 2013	Markham	T & T Supermarkets Inc.	7070 Warden Avenue, Markham	All, except Christmas Day and Easter Sunday	8:00 a.m. to 10:00 p.m.
2013-66 (addition to LI-8-95-76)	Sep. 26, 2013	Markham	Guan Ye Limited operating as First Choice Supermarket	7866 Kennedy Road, Markham	New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day	9:00 a.m. to 9:00 p.m.
2013-67 (addition to LI-8-95-76)	Sep. 26, 2013	Markham	2308321 Ontario Inc. operating as Sunny Foodmart	7700 Markham Road, Markham	New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day	9:00 a.m. to 10:00 p.m.
LI-8(b)-96-1 (addition to LI-8-95-76)	Jan. 11, 1996	Newmarket	All	NEWMARKET DOWNTOWN, within the following boundaries: North: south limit of Davis Drive; East: east limit of Prospect St. and Bayview Ave; South: south limit of College St. and Cane Parkway; West: west limit of William St., Church St. and Niagara St.	All, except Christmas Day, New Year's Day and Good Friday	8:00 a.m. to 10:00 p.m.

By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
2013-64 (addition to LI-8-95-76)	Sep. 26, 2013	Newmarket	Upper Canada Mall	17600 Yonge Street, Newmarket	New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day	11:00 a.m. to 6:00 p.m.
2011-20 (addition to LI-8-95-76)	May 19, 2011	Richmond Hill	Oak Ridges Food Market	13144 Yonge Street, Town of Richmond Hill	Good Friday, Victoria Day, Canada Day, Labour Day	8:30 a. m. to 6:00 p.m.
2013-65 (addition to LI-8-95-76)	Sep. 26, 2013	Richmond Hill	Hillcrest Mall	9350 Yonge Street, Town of Richmond Hill	New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day	11:00 a.m. to 6:00 p.m.
LI-8(a)-95-128 (additions to LI-8-95-76)	Nov. 23, 1995	Vaughan	All	KLEINBURG CORE, within the following boundaries: East side of Islington Ave. from 10365 Islington Ave. to 10565 Islington Ave.; West side of Islington Ave. from 10406 Islington Ave. to 10576 Islington Ave.; South and North sides of Nashville Road from Islington Ave. to Highway 27	All, except Christmas Day	8:00 a.m. to 10:00 p.m.

By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
LI-0008(i)-2004-086	Nov. 18, 2004	Vaughan	Vaughan Mills Mall Campus	VAUGHAN MILLS MALL CAMPUS, including Vaughan Mills Mall and the Outparcels located within the following boundaries: Rutherford Road to the north, Jane Street to the east, Bass Pro Mills Drive to the south and Highway 400 to the west and more particularly shown on the attached Appendix "A"	All, except Christmas Day Good Friday and Easter Sunday	8 a.m. to 10 p.m.
2008-64	Oct. 23, 2008					
2009-57	Dec. 16, 2009					
2010-17	Mar. 25, 2010					
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



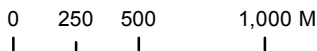
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Retail Business Holiday Act

Wineries and Vineyards Town of Whitchurch-Stouffville
 March 20, 2014



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Legend

-  Wineries & Vineyards
-  Road
-  Highway