

Clause No. 4 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.

4

**SOBEYS CAPITAL INCORPORATED
LOCATED AT 441 CLARK AVENUE WEST
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 Sobeys Capital Incorporated located at 441 Clark Avenue West, City of Vaughan, to remain open between 8 a.m. and 6 p.m. on Good Friday and Easter Sunday in the year 2014 and any subsequent year in which Passover overlaps with Good Friday and Easter Sunday, and recommends:

1. Receipt of the following deputations:
 1. John Battista, Store Manager, Sobeys Kosher Market
 2. Richard Babkin, Managing Director, Kashruth Council of Canada.
2. Receipt of the report dated March 19, 2014 from the Regional Solicitor and Executive Director, Corporate and Strategic Planning.
3. Receipt of correspondence 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.
4. Deferral of consideration of the request until submission of an application from the City of Vaughan 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.

1. RECOMMENDATIONS

It is recommended that:

1. Council consider the application for exemption from the *Retail Business Holidays Act* as submitted by Sobeys Capital Incorporated (the “Applicant”) for its retail business located at 441 Clark Avenue West.
2. Council determine whether to grant an exemption from the *Retail Business Holidays Act* to allow the Applicant to remain open on Good Friday and Easter Sunday in the year 2014 and any subsequent year in which Passover overlaps with Good Friday and Easter Sunday.
3. A bylaw be presented to Council to give effect to the exemption, if granted by Council.

2. PURPOSE

This report advises Council of an application for exemption from the *Retail Business Holidays Act* to allow the Applicant to be open on certain statutory holidays. This application is 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
Sobeys Capital Incorporated	441 Clark Ave. West Vaughan	Good Friday Easter Sunday	8:00 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, 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*.

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 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 a grocery retailer that has been present in the Region for 27 years

The Applicant has been present and active in the Region since 1987. The Applicant is a supermarket totalling 35,000 square feet and has been in operation for 27 years employing 150 persons. The operating hours are currently 7:00 a.m. to 10:00 p.m.

The Applicant has submitted a corrected application to open on the following statutory holidays: Good Friday and Easter Sunday in 2014 and any subsequent year in which Passover overlaps with Good Friday and Easter Sunday.

The Applicant submitted a request to be exempt on Good Friday and Easter Sunday in 2014.

The Applicant was informed that due to the statutory requirements of the Act it was not possible to receive an exemption to be open during Good Friday and Easter Sunday this year. The Applicant's Legal Counsel submitted a correction requesting that the store be permitted to open on Good Friday and Easter Sunday for the year 2014 and any subsequent year in which Passover overlaps with Good Friday and Easter Sunday.

The Applicant submits that the store is the tourist attraction within its vicinity

The Applicant states that given the renown which the store has earned within the Jewish Community, throughout Canada and parts of the United States, for offering Kosher products that patrons are unable to find anywhere else in Canada, a significant number of Jewish families travel long distances in order to attend at the Store. The Applicant submits that as a result, the store is a cultural attraction.

The Applicant did not identify any other attractions within its vicinity therefore this application relies solely on the Applicant identifying the store as a cultural attraction.

Currently there are no bylaws applicable to this business, or any business that is in proximity to the Applicant's location and only two exemptions have been granted within the City of Vaughan. A chart showing businesses within the Region which have been granted exemption is appended to this report as *Attachment 3*.

Enactment of Bylaw

Should Council decide to grant the exemption, the bylaw will come into force on the thirty-first day after it is enacted. Under the Act, there is a period to allow for an appeal of the bylaw which may be made within thirty days, by any person who objects to the exemption. An appeal may only be made if an exemption is granted. There is no provision for an 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 Sobeys Capital Incorporated requesting an exemption from the Act to permit the retail business located at 441 Clark Avenue West to remain open on Good Friday and Easter Sunday in 2014 and any subsequent year in which Passover overlaps with Good Friday and Easter Sunday. The Applicant has not demonstrated that the retail business meets the regulatory requirements for exemption under the Act. The City of Vaughan has not commented 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 (3)

APPLICATION FOR RETAIL BUSINESS HOLIDAYS ACT EXEMPTION

FOR

SOBEYS CAPITAL INCORPORATED

TO

THE REGIONAL MUNICIPALITY OF YORK

Administrative Centre

17250 Yonge Street

Newmarket, Ontario

L3Y 6Z1

February 19, 2014

HAND DELIVERED

The Regional Municipality of York
Administrative Centre
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Attention: York Regional Council ("Council")

Re: Retail Business Holidays Act Exemption Application

Please find attached the following documents with regard to the application of Sobeys Capital Incorporated ("Sobeys") for an exemption from the *Retail Business Holidays Act, RSO 1990, C. R.30 (the "Act")*, at its store located at 441 Clark Avenue West in the City of Vaughan (the "Store"):

1. Letter from lawyer detailing the qualifications for an exemption in accordance with the Act (see below);
2. York Region Application for Exemption Form – Retail Business Holidays Act
3. Sobeys Capital Incorporated Corporate Profile Report;
4. Report and supporting data detailing how the exemption will directly benefit the community in which the business is located;
5. Map of applicant location area and parking facilities;
6. Map of tourist attraction in proximity to site;
7. Tourist attraction's information, including operating season and hours;
8. Information detailing association with tourist attraction and goods and services primarily provided to tourists;
9. Copy of notice, to be issued to retail tenants or posted in a highly visible and publicly accessible location, regarding this application.

Introduction

The Store has been operating in and serving the diverse needs of those living in the areas surrounding the intersection of Clark Avenue West and Hilda Avenue for approximately twenty-seven years. Over its twenty-seven years of service the Store has developed a renowned reputation within the Greater Toronto Area, throughout Ontario, and even into New York state for excellence in serving the specific needs of the Jewish community. The Store has become known as a one stop location that carries the largest selection of Kosher for Passover foods anywhere in Canada, as can be seen in more detail in the attached report and supporting data.

Common Pause Days under the Act

The Act provides a framework to support the principle that certain days during the year should be set aside as “common pause days”. Accordingly, section 2(1) of the Act states that: “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.”

Included among the common pause holidays recognized under the Act are Good Friday (see subsection 1(1)(b)), and Easter Sunday (see subsection 1(1)(h)). In 2014, Good Friday and Easter Sunday fall on April 18 and April 20.

In 2014, Jewish Passover begins in the evening of April 14 and ends in the evening of April 22. Observant Jewish families are only permitted to shop during the four middle days of Passover, being April 17–20. However, this year April 18 and 20 are holidays during which the Store would be required to close under the Act, and April 19 is a Sabbath day during which observant Jewish families would not shop at the Store. Therefore, observant Jewish families would be in the difficult position of only being able to shop at the Store during Passover on one day, being Thursday, April 17.

Accordingly, Sobeys makes this application for an exemption from the Act.

Exemptions under the Act

Section 4 of the Act allows for Council to provide exemptions under the Act. The applicable subsections read as follows: (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....*(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.* (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...*”

The applicant is a person carrying on retail business in the municipality and believes that an exemption from section 2 of the Act would in this instance be in compliance with the regulatory criteria for the maintenance or development of tourism in the region.

Ontario Regulation 711/91 (the “Regulation”) sets out the tourism criteria which must be met before a municipality may pass an exempting by-law under section 4 of the Act. Section 2(1) of the Regulation states that “A retail business establishment may be exempted if, (a) it is located within two kilometers 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.” Furthermore, the section 3 of the Regulation provides that “a tourist attraction is limited to, ...(c) cultural, multi-cultural or educational attractions.”

The Store Exemption

Sobeys submits that the Store is a cultural attraction given the renown it has earned within the Jewish community throughout Canada and parts of the United States. As can be seen further in the attached report, Jewish families travel long distances in order to attend at the Store in order to purchase kosher products that they are unable to find in one store anywhere else in

Canada. While the Store continues to be a cultural attraction throughout the year, the significance of its attraction to the Jewish community is at its most significant during the Passover holiday when the Store's kosher products are most in demand.

Therefore, Sobeys believes that as a cultural attraction the store qualifies as a tourist attraction under section 3 of the Regulation. As the Store is within two kilometers of the tourist attraction, is directly related to it and would rely on tourists visiting the attraction for business during a holiday, Sobeys submits that it also satisfies the criteria under section 2 of the Regulation.

Since the criteria under the Regulation are satisfied, Sobeys submits that the Store should qualify for an exemption under the Act for those holidays in which there is a clear conflict with demonstrated, historical traditions related to the cultural attraction. In 2014, there exists a conflict between the traditional Jewish practice of shopping for kosher Passover products at the cultural attraction between April 17-20 and the Good Friday and Easter Sunday holidays scheduled for April 18 and 20. Sobeys therefore believes that it would be appropriate for Council to provide an exemption for Good Friday and Easter Sunday in 2014 thereby allowing the Jewish community to attend at the Store to shop for Passover products during those days.

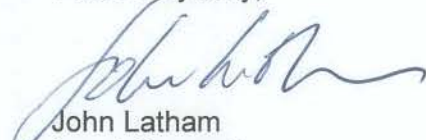
Conclusion

Sobeys submits to Council that it would be appropriate to provide an exemption under the Act to allow the Store to open in 2014 during the Good Friday and Easter Sunday holidays because:

- (a) Council may by by-law permit retail business establishments in the municipality to be open on holidays for the maintenance or development of tourism;
- (b) there is compliance with the tourism criteria set out in the Regulation, namely that:
 - (i) the Store is a cultural attraction given the number of Jewish families which travel long distances to purchase kosher products there especially during the Passover holiday; and
 - (ii) the Store is within two kilometers of the tourist attraction, is directly related to it and would rely on tourists visiting the attraction for business during a holiday; and
- (c) Sobeys, as the applicant, is a person carrying on retail business in the municipality.

Sobeys is grateful to Council for its time and attention to this matter and would be pleased to provide further information at Council's request.

Yours very truly,



John Latham
Legal Counsel

February 21, 2014

VIA EMAIL

The Regional Municipality of York
Administrative Centre
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Attention: Anitra Basant Sisavang, Law Clerk to Joy Hulton, Regional Solicitor

Re: *Retail Business Holidays Act Exemption Application*

Dear Ms. Basant Sisavang:

I am in receipt of your email communication to John Battista dated February 20, 2014 in which you have requested three clarifications to the *Retail Business Holidays Act* exemption application of Sobeys Capital Incorporated ("Sobeys"). I am pleased to provide the following clarifications to your questions:

Question #1: Are you requesting that your store be open on Good Friday and Easter Sunday for the year 2014 only?

Clarification #1: Sobeys requests that the store be permitted to open on Good Friday and Easter Sunday for the year 2014 **and any subsequent year in which Passover overlaps with Good Friday and Easter Sunday.**

Question #2: There are 2 different operating hours listed in Section 3, is it the intention to have different hours for Friday and Sunday?

Clarification #2: It is Sobeys intention to be open Friday and Sunday from 8:00 a.m. to 6:00 p.m.

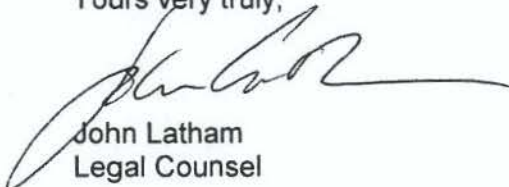
Question #3: Tab 1: Page 2, last paragraph and page detail that the store location is a cultural attraction and the application lists the community and Passover holidays are the attraction, please provide clarification on which of these noted 'tourist attractions' Sobeys is relying on in the application?

Clarification #3: Sobeys submits that given the renown which the store has earned within the Jewish community throughout Canada and parts of the United States, the number of Jewish families that travel long distances in order to attend at the Store in order to purchase kosher

products that they are unable to find in one store anywhere else in Canada, **the Store is a cultural attraction**.

Thank you for your attention to this matter and please feel free to contact me directly should you require further information.

Yours very truly,



John Latham
Legal Counsel

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.

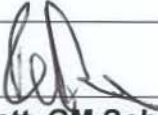
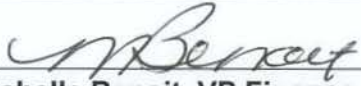
SECTION 1: APPLICANT INFORMATION	
The information in Section 1, 2, 3 and 4a are required to properly process your application. Any missing information will result in your application being delayed until the next application deadline.	
Retail Applicant name:	Sobeys Capital Incorporated
Location address:	441 Clark Ave West
Location telephone number:	905-764-3770
Primary contact for Applicant: <i>(Person to whom all correspondence will be addressed)</i>	Name: John Battista Address: 441 Clark Ave W Thornhill, Ontario L4J 6WJ Telephone: 905-764-3770 Fax: 905-764-1475 Email: sby659mgr@sobeys.com
The Applicant is located within:	<input type="checkbox"/> Town of Aurora <input type="checkbox"/> Town of East Gwillimbury <input type="checkbox"/> Town of Georgina <input type="checkbox"/> Township of King <input type="checkbox"/> City of Markham <input type="checkbox"/> Town of Newmarket <input type="checkbox"/> Town of Richmond Hill <input checked="" type="checkbox"/> City of Vaughan <input type="checkbox"/> Town of Whitchurch-Stouffville
Number of years in operation:	27
Location size (in square feet):	35,000
Number of employees directly employed at location:	150
Type of retail business:	Grocery retail
Current operating hours:	7am – 10pm
Has the local municipality been notified of this application?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

Have you enclosed two copies of this completed application and all supporting information?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Have you enclosed the application fee of \$1000.00? <i>Please mail fee to: The Regional Municipality of York Attention: RBHA Committee 17250 Yonge Street, 4th Floor Newmarket, ON L3Y 6Z1</i>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> 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:	Jewish Community – Passover – Holiday Season
Attraction location address:	Location address as per the above
Attraction category:	<input checked="" type="checkbox"/> Cultural <input type="checkbox"/> Natural <input type="checkbox"/> Educational <input type="checkbox"/> Outdoor recreational <input type="checkbox"/> Multi-Cultural <input type="checkbox"/> Historical
The Applicant is located within 2km of the tourist attraction:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If Yes, MUST provide info in Section 4A #5
Is the tourist attraction seasonal?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If Yes, see Section 4A #9
Is the Applicant directly associated with the tourist attraction?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If Yes, see Section 4A #7
Does the Applicant provide goods or services primarily to tourists during holidays?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If Yes, see Section 4A #7
SECTION 3: EXEMPTION REQUEST	
Proposed holiday hours of operation:	Good Friday 2014 – 8am to 5pm Easter Sunday 2014 – 8am – 6pm
Requested exemption period (please check box(es) below:	
<input type="checkbox"/> All <input type="checkbox"/> Winter (October – March) <input type="checkbox"/> Summer (April – September)	<input type="checkbox"/> New Year's Day <input type="checkbox"/> Family Day <input checked="" type="checkbox"/> Good Friday <input checked="" type="checkbox"/> Easter Sunday
	<input type="checkbox"/> Victoria Day <input type="checkbox"/> Canada Day <input type="checkbox"/> Labour Day <input type="checkbox"/> Thanksgiving Day <input type="checkbox"/> Christmas Day
Do any of the requested exemption dates occur outside the operating season of the	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

tourist attraction?	If Yes, see Section 4A #9
<p>SECTION 4: SUPPORTING DOCUMENTS</p> <p>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.</p> <p>Note: All supporting information must be submitted in hard copy and available in electronic form.</p>	
<p>4A. MANDATORY INFORMATION:</p> <p>Enclosed in support of this application are the following materials as listed in the application instructions:</p>	
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.
<p>4B. ADDITIONAL INFORMATION:</p> <p>Below is a suggested listing of information that you may submit with your application if available and applicable.</p>	
11.	If applying as an educational attraction please provide letters of reference from schools within any GTA school board on letterhead from principal.
12.	If available, please provide letters of reference from registered tour companies.
13.	Tourist traffic survey.
14.	Traffic survey or maps.
15.	Report, maps and photos detailing how the location is ordinarily accessed by visitors (i.e. foot, bike, transit, car).

I/we the undersigned have the authority to sign this application for or on behalf of the Applicant and certify that the information contained in this application and all supporting documents supplied are true and complete. If any part of this application is incomplete or lacks sufficient information York Regional Council may reject this application and I/we must reapply. I/we understand and am aware of the conditions for exemption under Provincial Regulations 711/91 and accept that under the *Retail Business Holidays Act, R.S.O 1990*, York Regional Council is not required to pass an exempting bylaw even if the tourism criteria are met.

Date: 20th day of February, 2014

Name of signatory for Applicant:	SOBEYS CAPITAL INCORPORATED
Signature: 	
Trevor Bartlett, GM Sobeys Ontario Rob Adams, GM Discount Format	Michelle Benoit, VP Finance

Request ID: 016147369
Transaction ID: 53336624
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2014/02/10
Time Report Produced: 10:08:11
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CORPORATION PROFILE REPORT

Ontario Corp Number	Corporation Name	Amalgamation Date
1363303	SOBEYS CAPITAL INCORPORATED	1999/05/02
		Jurisdiction
		NOVA SCOTIA
Corporation Type	Corporation Status	Former Jurisdiction
EP DOMESTIC WITH SHARE	REFER TO JURISDICTION	NOT APPLICABLE
Registered or Head Office Address	Date Amalgamated	Amalgamation Ind.
LEGAL DEPARTMENT 115 KING STREET	NOT APPLICABLE	A
STELLARTON NOVA SCOTIA CANADA B0K 1S0	New Amal. Number	Notice Date
	NOT APPLICABLE	NOT APPLICABLE
Principal Place of Business in Ontario		Letter Date
		NOT APPLICABLE
6355 VISCOUNT ROAD	Revival Date	Continuation Date
	NOT APPLICABLE	NOT APPLICABLE
Suite # 300	Transferred Out Date	Cancel/Inactive Date
MISSISSAUGA ONTARIO CANADA L4V 1W2	NOT APPLICABLE	NOT APPLICABLE
	EP Licence Eff.Date	EP Licence Term.Date
	NOT APPLICABLE	NOT APPLICABLE
Activity Classification	Date Commenced in Ontario	Date Ceased in Ontario
NOT AVAILABLE	1999/05/02	NOT APPLICABLE

Request ID: 016147369
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Province of Ontario
Ministry of Government Services

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CORPORATION PROFILE REPORT

Ontario Corp Number

1363303

Corporation Name

SOBEYS CAPITAL INCORPORATED

Corporate Name History

REFER TO JURISDICTION

Current Business Name(s) Exist:

YES

Expired Business Name(s) Exist:

YES - SEARCH REQUIRED FOR DETAILS

Amalgamating Corporations

Corporation Name

SOBEYS CAPITAL INCORPORATED

THE OSHAWA GROUP LIMITED

Corporate Number

1015893

1273378

Request ID: 016147369
Transaction ID: 53336624
Category ID: UN/E

Province of Ontario
Ministry of Government Services

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CORPORATION PROFILE REPORT

Ontario Corp Number

Corporation Name

1363303

SOBEYS CAPITAL INCORPORATED

Last Document Recorded

Act/Code	Description	Form	Date
CIA	CHANGE NOTICE	2	2004/02/26

THIS REPORT SETS OUT THE MOST RECENT INFORMATION FILED BY THE CORPORATION ON OR AFTER JUNE 27, 1992, AND RECORDED IN THE ONTARIO BUSINESS INFORMATION SYSTEM AS AT THE DATE AND TIME OF PRINTING. ALL PERSONS WHO ARE RECORDED AS CURRENT DIRECTORS OR OFFICERS ARE INCLUDED IN THE LIST OF ADMINISTRATORS.

ADDITIONAL HISTORICAL INFORMATION MAY EXIST ON MICROFICHE.

The issuance of this report in electronic form is authorized by the Ministry of Government Services.

Request ID: 016147369
Transaction ID: 53336624
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2014/02/10
Time Report Produced: 10:08:11
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CORPORATION PROFILE REPORT

Ontario Corp Number

1363303

Corporation Name

SOBEYS CAPITAL INCORPORATED

**Administrator:
Name (Individual / Corporation)**

SARITA
DANKNER

Address

6355 VISCOUNT ROAD

MISSISSAUGA
ONTARIO
CANADA L4V 1W2

Date Began

2003/12/10

First Director

NOT APPLICABLE

Designation

OFFICER/MANAGER IN ONT.

Officer Type

Resident Canadian

NOT APPLICABLE

**REPORT DETAILING HOW EXEMPTION WILL DIRECTLY BENEFIT THE
COMMUNITY IN WHICH BUSINESS IS LOCATED**

Sobeys Kosher Market caters to the large Jewish community in Southern Ontario that keeps a kosher household. During Passover, our customers travel from as far away as Niagara Falls, London, Oshawa and beyond to purchase all of their Passover product in a one stop shop location that carries the largest selection of Kosher for Passover foods anywhere in Canada. This year Passover falls on April 14 and lasts for 8 days. The observant Jewish family will only be allowed to shop during the 4 middle days of Passover, which this year are:

Thursday April 17 – normal shopping day

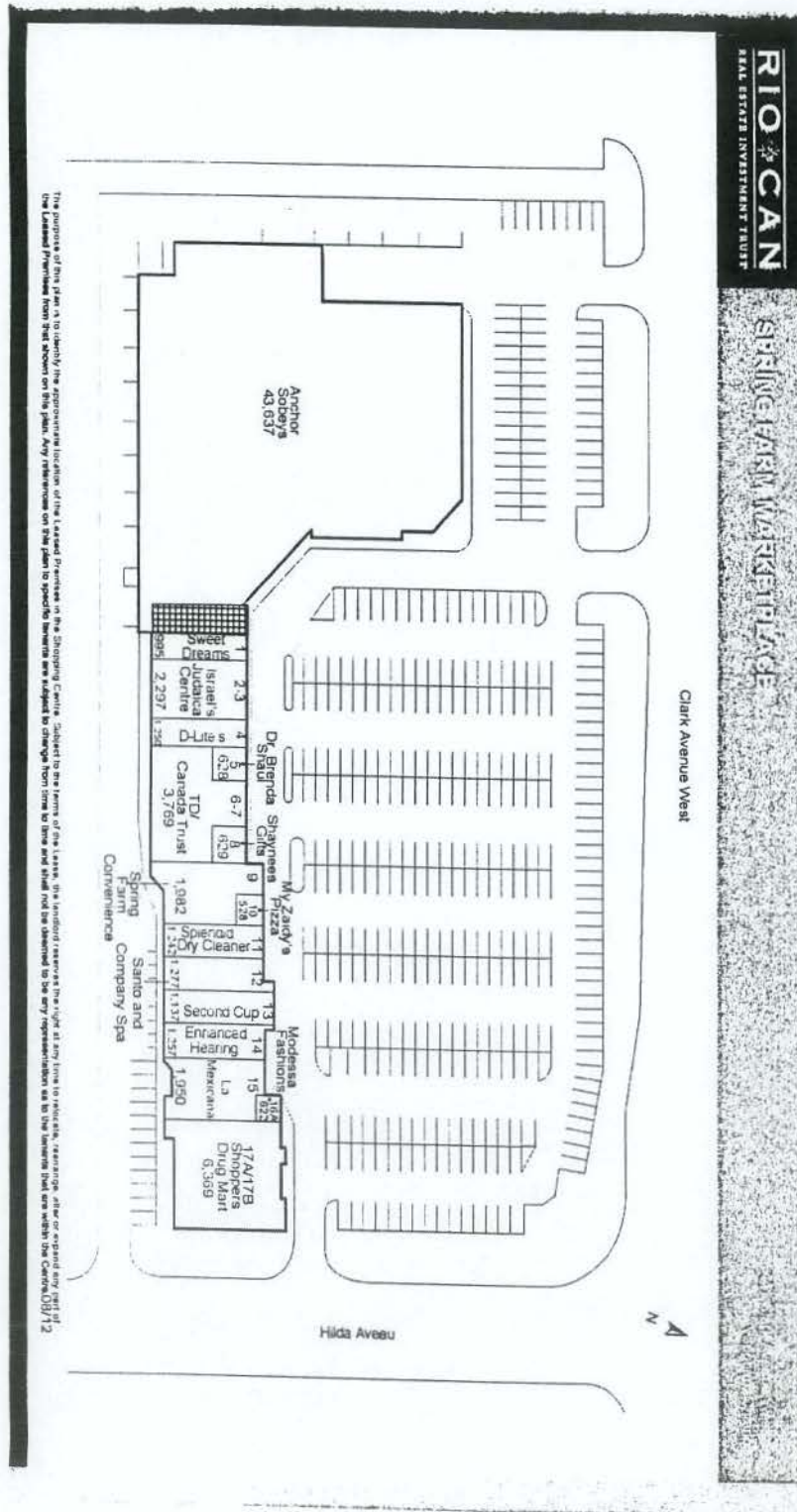
Friday April 18 - Good Friday

Saturday April 19- Sabbath

Sunday April 20 – Easter

Our request for an exemption to the Retail Holiday Business Act, is to satisfy those shoppers needs during the Passover period.

SCHEDULE "B"
 PLAN OF PREMISES

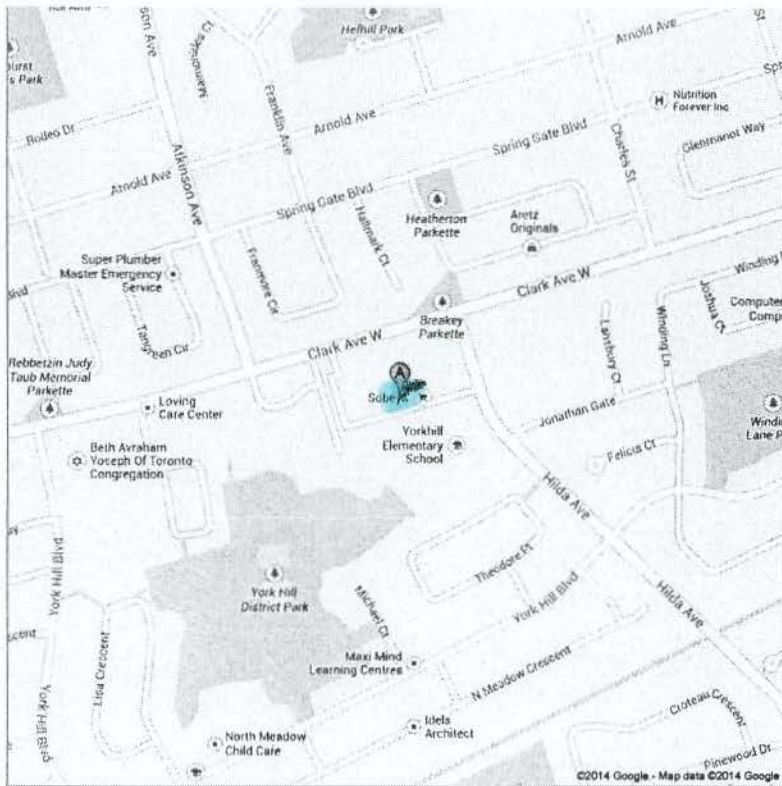


The purpose of this plan is to identify the approximate location of the Leased Premises in the Shopping Centre. Subject to the terms of the Lease, the landlord reserves the right at any time to vacate, reassign, or otherwise terminate any portion of the Leased Premises from the scope of this plan. Any references on this plan to specific tenants are subject to change from time to time and shall not be deemed to be any representation as to the tenants that are within the Shopping Centre as of the date of execution of this Agreement or at any time thereafter.

The purpose of this plan is to identify the approximate location of the Leased Premises in the Shopping Centre. Any references on this plan to specific tenants are subject to change from time to time and shall not be deemed to be any representation as to the tenants that are within the Shopping Centre as of the date of execution of this Agreement or at any time thereafter.

Google

Address **441 Clark Ave W**
Vaughan, ON L4J



TOURIST ATTRACTION OPERATING HOURS

The Store is open Monday to Sunday (excluding statutory holidays) from 10 a.m. to 7 p.m. The Store proposes opening on Good Friday and Easter Sunday from 8 a.m. to 6 p.m.

TOURIST ATTRACTION GOODS AND SERVICES PROVIDED TO TOURISTS

The Store provides a wide variety of Kosher for Passover products to tourists and the community.

COPY OF NOTICE REGARDING THE APPLICATION

NOTICE

TAKE NOTICE THAT Sobeys Capital Incorporated has made an application to The Regional Municipality of York for a tourism exemption under the Retail Business Holidays Act for the Sobeys store located at 441 Clark Avenue West in the City of Vaughan. The exemption would permit the store to remain open voluntarily between 8:00 a.m. and 6:00 p.m. on Good Friday and Easter Sunday 2014.

**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.

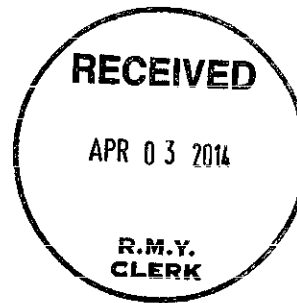
By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
		King	NONE	NONE		
LI-8(a)-95-128 (additions to LI-8-95-76)	Nov. 23, 1995	Markham	All	OLD TOWN OF MARKHAM CORE: An area of the Old Town of Markham generally bounded: on the south by the King's Highway No. 7; on the east by Washington 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



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.*

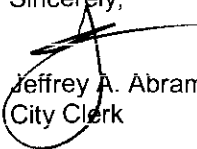
***it is therefore recommended** that the Council of the City of Vaughan approve the submission of an municipal application from the City of Vaughan, to The Regional Municipality of York, for exemption from the Retail Business Holidays Act, for all retail businesses within the following boundaries: Steeles 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 email 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.

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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.