

Staff Report

Report To: Economic Development & Tourism Advisory Committee
Report From: Pam Coulter, Director of Community Services
Meeting Date: September 15, 2017
Report Code: CS-17-148
Subject: The *Retail Business Holidays Act*

Recommendations:

That in consideration of Staff Report CS-17-148 respecting the Retail Business Holidays Act, the Economic Development & Tourism Advisory Committee receive the report.

Strategic Initiative:

Economy: Retain and grow existing local businesses and business opportunities.

Background:

There has been recent interest in exploring a by-law under the *Retail Business Holidays Act* to permit certain businesses to be open on Statutory Holidays. The purpose of this report is to provide background information that would assist in an informed discussion and consideration of this issue.

Analysis:

- The *Retail Business Holidays Act* is provincial legislation that prohibits the opening of retail businesses on statutory holidays. The legislation is administered by the Ministry of Consumer Services.
- Local municipalities or regions are given the authority under the legislation to pass by-laws that would exempt businesses from the requirement to be closed on statutory holidays.

- There are currently nine statutory holidays:
 - New Year's Day
 - Family Day (third Monday in February)
 - Good Friday
 - Easter Sunday
 - Victoria Day
 - Canada Day
 - Labour Day
 - Thanksgiving Day
 - Christmas Day

(The Act does apply to other holidays declared by proclamation of the Lieutenant Governor to be a holiday under the Act).

- Certain businesses can stay open on holidays including the following:
 - Small stores employing not more than 3 persons at one time on that day and having a total area for serving the public of less than 2400 square feet who are selling:
 - Foodstuffs
 - Antiques
 - Handicrafts (or a combination thereof)
 - Gasoline
 - Pharmacy
 - Nursery stock or flowers and accessory gardening supplies
 - Fresh fruit or vegetables (April 1 to November 30)
 - Books, newspapers or periodicals
 - Establishments with a liquor license
 - Tourism establishments licensed under the Tourism Act
 - Premises for education, recreational or amusement purposes
 - Necessary services – such as laundromats, rental of vehicles, servicing of vehicles, and prepared meals
- A municipality normally develops a guideline for applications. A sample guide and application from Halton is attached.
- For all other businesses that are not subject to an exemption, they must meet certain criteria to be eligible.

- The Act provides that despite the prohibition to be open on a statutory holiday, a municipality may pass a by-law to allow businesses to be open.
- Council's consideration of a by-law is generated by a request of an individual business or group of businesses.
- Council is to consider the principle that holidays "should be maintained as common pause days." Council is not required to approve a by-law even if the criteria are met.

- The criteria set out under the Act to qualify include the following:

An exemption may be granted to an individual business based on the following:

- a) It is located within 2 km 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.

An exemption may be granted on area basis if the following are met:

- a) All the retail establishments in the area are within 2 km 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 percent 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.

An attraction is limited to:

- Natural attractions or outdoor recreational attractions;
- Historical attractions; and
- Cultural, multi-cultural or educational attractions.

- The onus is on the applicant to provide information that:
 - Describes the area or the retail business for which the exemption is sought; and
 - Provides justification in relation to the criteria set out in the Regulation to the Act.

