

Authority: Report CC1.3 as adopted by City of Toronto Council on December 5 and 6, 2006

CITY OF TORONTO

Bill No. 7

BY-LAW No.

To adopt a new City of Toronto Municipal Code Chapter 510, Holiday Shopping, to provide for the regulation of shopping on certain holidays.

WHEREAS the *Retail Business Holidays Act*, R.S.O. 1990, c. R.30 provides for the closing of retail business establishments on certain holidays; and

WHEREAS council has granted tourism exemptions under the *Retail Business Holidays Act* to certain retail business establishments allowing these establishments to remain open on certain holidays; and

WHEREAS upon proclamation of Schedule B of the *Stronger City of Toronto for a Stronger Ontario Act, 2006* and the *City of Toronto Act, 2006*, the *Retail Business Holidays Act* will no longer apply to the City of Toronto; and

WHEREAS the *City of Toronto Act, 2006* provides that council may require retail business establishments to be closed to the public at any time; and

WHEREAS it is desirable that the status quo be maintained while Council undertakes a consultative process prior to implementing a new regulatory framework governing holiday shopping;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The City of Toronto Municipal Code is amended by adding the following chapter as Chapter 510, Holiday Shopping:

§510-1. Definitions

As used in this chapter the following terms shall have the meanings indicated:

HOLIDAY – includes New Years Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day and Easter Sunday.

RETAIL BUSINESS- the selling or offering for sale of goods or services by retail

RETAIL BUSINESS ESTABLISHMENT- the premises where a Retail Business is carried on.

§501-2. Holiday Closures

No person carrying on a Retail Business in a Retail Business Establishment shall:

- A. Sell or offer any goods or services for sale on a Holiday.
- B. Admit members of the public to the Retail Business Establishment on a Holiday.

§510-3. Employees

No person employed by or acting on behalf of a person carrying on a Retail Business shall:

- A. Sell or offer for sale any goods or services on a Holiday.
- B. Admit members of the public to the Retail Business Establishment on a Holiday

§510-4. Exemptions

Despite §510-2 the following Retail Business Establishments are permitted to remain open on Holidays:

- A. Small Retail Business Establishments provided that:
 - (1) the Retail Business Area used for serving the public or for selling or displaying to the public is less than 2,400 square feet.
 - (2) no more than three persons are engaged in serving the public.
 - (3) only the following goods are offered for sale:
 - (a) foodstuffs
 - (b) tobacco or articles required for the use of tobacco
 - (d) antiques
 - (e) handicrafts
 - (f) fresh fruits and vegetables
 - (g) books, magazines or newspapers provided that no other goods are available for sale except as sundries
- B. Pharmacies accredited under the *Drug and Pharmacies Regulation Act*, provided that:
 - (1) the dispensing of prescription drugs is available to the public during business hours.
 - (2) the principal business of the pharmacy is the sale of goods for pharmaceutical, therapeutic, hygienic or cosmetic purposes and no other goods are available for sale except as sundries.
 - (3) the total Retail Business area used for serving the public or for selling or displaying to the public is less than 7,500 square feet.
- C. Art Galleries provided that:
 - (1) no more than three persons are engaged in serving the public.

- (2) the total Retail Business area used for serving or displaying to the public is less than 2,400 square feet.
- D. Gas Stations
- E. Nurseries
- F. Retail Business Establishments licensed under the *Liquor Licence Act*, R. S. O. 1990, c. L.19.
- G. Retail Business Establishments licensed under the *Tourism Act*, R.S. O. 1990, c. T.16.
- H. Premises selling goods or services incidental to the admission of the public for the following purposes:
 - (1) Education
 - (2) Recreation
 - (3) Amusement
- I. Premises selling goods or services in the form of or in connection with the following:
 - (1) prepared meals
 - (2) living accommodation
 - (3) Laundromats
 - (4) vehicle or boat rentals
 - (5) servicing and repair of vehicles or boats.

§510-5. Tourist Area Exemptions

This chapter is not applicable to Retail Business Establishments authorized to remain open on Holidays pursuant to the following by-laws:

- A. By-law 126-94 (Toronto Eaton Centre and the Hudson's Bay Company)
- B. By-law 153-95 (Queen's Quay West)
- C. By-law 368-2002 (Downtown Yonge Street Business Improvement Area)
- D. By-law 400-2004 (Bloor-Yorkville Business Improvement Area)
- E. By-law 663-2005 (Distillery Historic District)

§510-6. Offences

- A. Any person who carries on a Retail Business on a Holiday in contravention of §510-2 of

this by-law is guilty of an offence and on conviction is liable to a maximum fine of not more than the greater of:

- (1) \$50,000.00; or
- (2) the gross sales in the Retail Business Establishment on the Holiday in respect of which the offence occurred.

B. Any person who requires or counsels another person to contravene §510-2 or §510-3 of this by-law is guilty of an offence and on conviction is liable to a maximum fine of not more than the greater of:

- (1) \$50,000.00; or
- (2) the gross sales in the Retail Business Establishment on the Holiday in respect of which the offence occurred.

C. Any person that contravenes any other provision of this chapter is guilty of an offence and on conviction is liable to a minimum fine of \$500 for a first offence, \$2,000 for a second offence and \$5,000 for a third or subsequent offence.

2. This by-law comes into force upon proclamation of section 12, Schedule B of the *Stronger City of Toronto for a Stronger Ontario Act, 2006* and the *City of Toronto Act, 2006*.

ENACTED AND PASSED this day of December, A.D. 2006.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)