

Authority: Toronto East York Community Council Report No. 7, Clause No.16,  
adopted as amended, by City of Toronto Council on May 21, 22 and 23, 2002  
Enacted by Council: May 23, 2002

## CITY OF TORONTO

### BY-LAW No. 368-2002

#### **To permit certain retail business establishments to be open on certain holidays pursuant to the *Retail Business Holidays Act*.**

WHEREAS under subsection 4(1) of the *Retail Business Holidays Act*, R.S.O. 1990, c. R.30 (the "Act") as amended, the Council of a municipality, may by by-law permit, despite section 2 of the Act, retail business establishments in the municipality to be open on holidays for the maintenance or development of tourism; and

WHEREAS the Downtown Yonge Street Business Improvement Area has applied for and proposed a by-law under sub-section 4(1) of the Act on behalf of retail business establishments located within the boundaries of the Downtown Yonge Street Business Improvement Area as shown outlined on Schedule "A", excluding those retail business establishments listed in Schedule "B"; and

WHEREAS the Toronto East York Community Council held a public meeting on May 7, 2002, in respect of the application and proposed by-law, notice of which was published on April 5, 2002, in a newspaper having general circulation in the municipality and at which persons in attendance were given the opportunity to make representations in respect of the proposed by-law; and

WHEREAS the Council has taken into account the principle that holidays should be maintained as common pause days; and

WHEREAS the Council has considered the representations of any persons taking the opportunity to make representations at the public meeting; and

WHEREAS Council has determined that the application and proposed by-law will comply with the tourism criteria established by regulation under subsection 4(10) of the Act: and

WHEREAS Council has determined that the enactment of the proposed by-law is for the maintenance or development of tourism;

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

1. Retail business establishments, located within the boundaries of the Downtown Yonge Street Business Improvement Area shown outlined on Schedule "A" attached to this by-law, excluding those establishments listed in Schedule "B" attached to this by-law, shall be permitted to open on all Holidays as defined in the *Retail Business Holidays Act*, R.S.O. 1990, c. R 30, as amended.

2. Subject to section 4.3 of the Act, this by-law comes into force on the 31st day after its enactment.

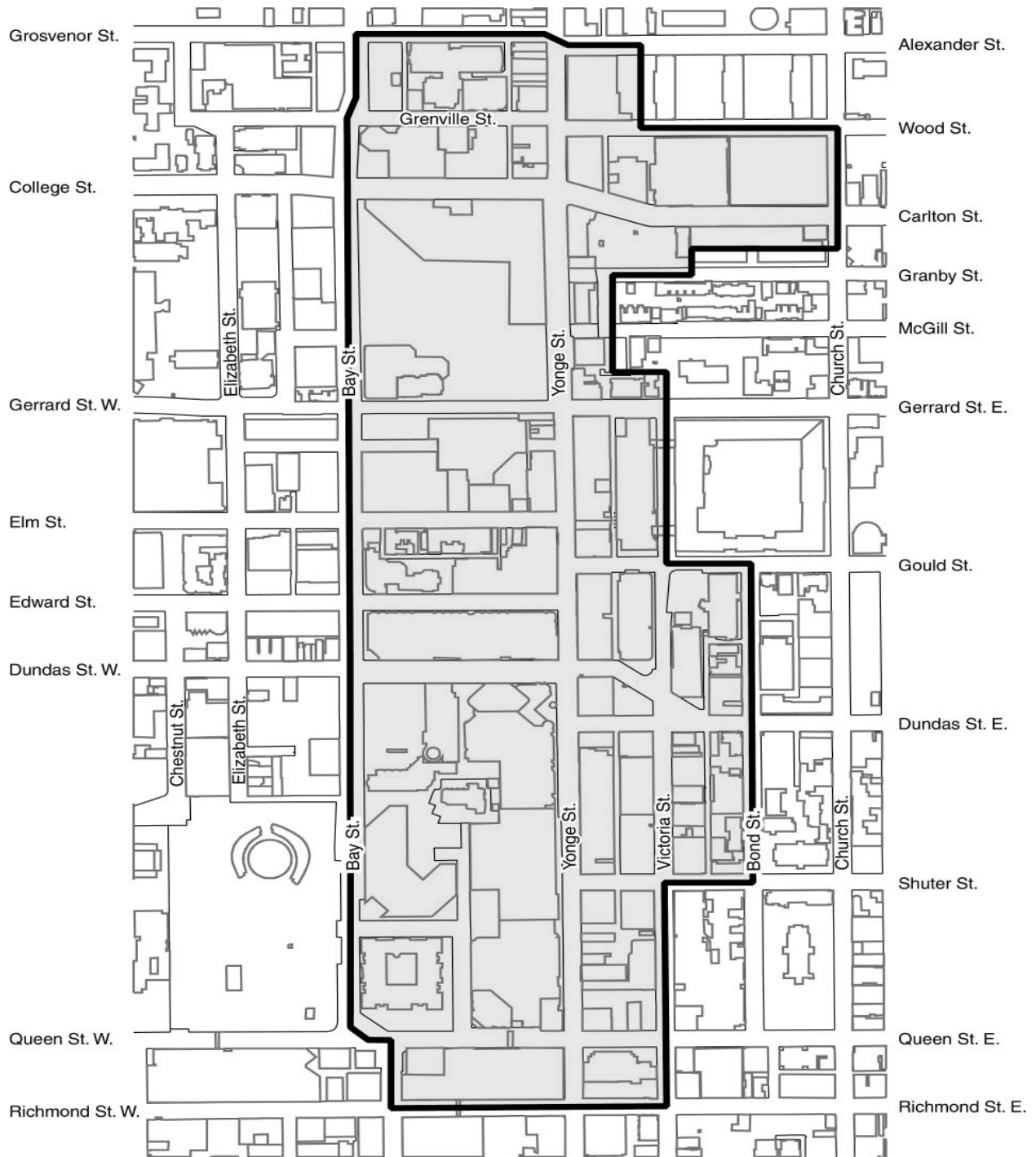
ENACTED AND PASSED this 23rd day of May, A.D. 2002.

CASE OOTES,  
Deputy Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

**SCHEDULE "A"**  
**DOWNTOWN YONGE STREET BUSINESS IMPROVEMENT AREA**



**SCHEDULE “B”**

## Excluded Retail Business Establishments:

Eaton Centre                      220 Yonge Street

Hudson’s Bay Company        179 Yonge Street Store

As more specifically described in Schedule “C”

Grand and Toy                    777 Bay Street

Curry’s                            490 Yonge Street

DeBoer’s                          444 Yonge Street

**SCHEDULE “C”**

**1. EATON CENTRE LANDS**

In the City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario, being comprised of:

**FIRSTLY:** Land Titles Office)

Units 2 and 3, according to a Plan registered in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66), as D-282. Saving and Excepting all buildings and structures standing on April 23, 1974, on those portions of said Units 2 and 3, Plan D-282, comprised in PART 47, Plan 66R-7058. Being the whole of Parcel 6-12 in the Register for Section A-2-A.

**SECONDLY:** (Land Titles Office)

Units 4 and 5, according to a Plan registered in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66), as D-282. Being the whole of Parcel 1-14 in the Register for Section A-2-A.

**THIRDLY:** (Land Titles Office)

Units 10, 15 and 18, according to a Plan registered in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66), as D-282. Saving and excepting therefrom Parcel 10-1, Section D-282 being those parts of Units 10, 15 and 18 on Plan D-282 Parts 3, 5, 13, 31, 33 and 35, Plan 66R-15506. Being Part of Parcel 104-3 in the Register for section A-45.

**FOURTHLY:** (Land Titles Office)

Unit 16, according to a Plan registered in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66), as D-282. Being the whole of Parcel 6-13 in the Register for Section A-2-A.

**FIFTHLY:** (Land Titles Office)

Unit 17, according to a Plan registered in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66), as D-282. Saving and Excepting all buildings and structures standing on April 23, 1974, on said Unit 17, Plan D-282. Being the whole of Parcel 7-18 in the Register for Section A-2-A.

**SIXTHLY:** (Land Titles Office)

That part of Lot 4, according to Plan 6-A registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), designated as PART 1 on a plan of survey deposited in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66), as 66R-8770. Together with an easement over PART 2 on Plan 66R-8770 in favour of that part of Lot 4 according to Plan 6-A designated as PART 1 on Plan 66R-8770 until such time as said PART 2 is dedicated as a public highway as set out in C-434052. Being the remainder of Parcel 4-1 in the Register for Section A-6-A.

**SEVENTHLY:** (Land Titles Office)

Units 6, 7, 9, 11, 12, 13 and 14, according to a Plan registered in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66), as D-282. Saving and Excepting those certain airspaces lying: (i) above datum level 324.30 feet according to City of Toronto Geodetic Survey of 1967, above and within Units 11, 12, 13 and 14 on said Plan D-282; (ii) between datum levels 268 and 302 feet, according to City of Toronto Geodetic Survey of 1967, above and within Units 11 and 14 on said Plan D-282; and (iii) between datum levels 302 feet and 324.30 feet, according to City of Toronto Geodetic Survey of 1967, above and within Units 13 and 14 on said Plan D-282, Further saving and excepting Parts 7, 10, 11, 16, 22, 37 and 38, Plan 66R-15506. Being Part of Parcel 1-2 in the Register for Section A-45 Subleasehold.

**EIGHTLY:** (Land Titles Office)

Unit 8, according to a Plan registered in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66), as D-282. Being the whole of Parcel 1-1 in the Register for Section A-2-A Leasehold.

**NINTHLY:**

Those certain air spaces lying: (i) between datum levels 268 feet and 302 feet, according to City of Toronto Geodetic Survey of 1967, above and within Units 11 and 14 on Plan D-282; and (ii) between datum levels 302 feet and 324.30 feet, according to City of Toronto Geodetic Survey of 1967, above and within Units 13 and 14 on said Plan D-282. Being the whole of Parcel 1-3 in the Register for Section A-45 Subleasehold.

**TENTHLY:** (Land Titles Office)

Parts of Lots 93, 94, 95, 96 and 97 according to Plan 45 registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), designated as PART 34 according to a plan of survey deposited in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66), as 66R-6830. Being the whole of Parcel 7-20 in the Register for Section A-2-A.

**ELEVENTHLY:** (Land Titles Office)

Those parts of Units 10, 15 and 18 on Plan D-282 (City of Toronto) designated as Parts 3, 5, 13, 33 and 35 on Plan 66R-15506 being the whole of Parcel 10-1, in the Register for Section D-282.

**TWELFTHLY:** (Land Titles Office)

Those parts of Units 11, 12, 13 and 14 on Plan D-282 (City of Toronto) designated as Parts 7, 10, 16 and 22 on Plan 66R-15506. Being the whole of Parcel 11-1, in the Register for Section D-282.

**THIRTEENTHLY:** (Land Titles Office)

**FIRSTLY:** Those parts of Units 7 and 9 on plan D-282 (City of Toronto) designated as Parts 37 and 38 on Plan 66R-15506.

**SECONDLY:** Those parts of Units 11, 12, 13 and 14 on Plan D-282 (City of Toronto) designated as Parts 7, 10, 16 and 22 on Plan 66R-15506.

**THIRDLY:** Those parts of Units 10 and 15 and 18 on Plan D-282 (City of Toronto) designated as Parts 3, 5, 13, 33 and 35 on Plan 66R-15506.

**FOURTHLY:** Those parts of Units 10, 11, 12, 13, 14, 15 and 18 on Plan D-282 (City of Toronto) designated as Parts 2, 3, 5, 6, 14, 16, 17, 19, 22, 25, 27, 29, 31, 34, 36, 40, 41, 50, 55, 56 and 57 on Plan 66R-16505. Together with an easement or right in the nature thereof in, over, along and upon Parts 33, 46, 47, 48 and 49 on Plan 66R-16505 for purposes of pedestrian and disabled persons access to and egress from the Parts aforesaid. Subject to an easement for similar purposes in favour of the adjoining lands in, over, along and upon said Parts 55 and 56 on Plan 66R-16505.

**FIFTHLY:** That part of Unit 15 on Plan D-282 (City of Toronto) designated as Part 31 on Plan 66R-15506. Together with an easement or right in the nature thereof for purposes of fire exiting as necessary from the Improvement (as defined in the Strata Airspace Lese) situate in the said Airspace, and from the balance of the Structure in, over, along and upon Parts 59, 60 and 61 on Plan 66R-16505. Being the whole of Parcel 7-2 Sub-Leasehold, in the Register for Section D-282.

**EATON STORE LANDS - FREEHOLD:**

Units 6, 7, 9, 11, 12, 13, and 14, according to Plan registered in the Land Registry Office (No. 66) Land Titles Division of Toronto and York-at Toronto, as D-282. SAVE AND EXCEPT: Parcel 11-1, Section D-282, being those parts of Units 11, 12, 13 and 14 on

Plan D-282 designated as parts 7, 10, 16 and 22 on Reference Plan 66R 15506. Being the remainder of Parcel 1-1, in the Register for Section A-45 Freehold.

**EATON STORE LANDS - LEASEHOLD:** (Land Titles Office)

Units 6, 7, 9, 11, 12, 13 and 14, according to Plan registered in the Land Registry Office (No. 66) Land Titles Division of Toronto and York-at Toronto, as D-282. SAVE AND EXCEPT: that certain airspace lying above datum level 324.30 feet according to City of Toronto Geodetic Survey of 1967, above and within Units 11, 12, 13 and 14 on Plan D-282. Being the remainder of Parcel 1-1, in the Register for Section A-45 Leasehold.

**PHASE I - EATON STORE LANDS S.D.W. FREEHOLD** (Land Titles Office)

Those parts of Lot 63 according to Plan 45 registered in the Land Registry Office (No. 63) for the Land Registry Division of Toronto at Toronto, designated as Parts 23 and 26 on a Plan of Survey of record in the Land Registry Officer (No. 66) - Land titles Division of Toronto - at Toronto, as 66R-7058. Being the remainder of Parcel 1-10, Section A-2-A Freehold.

**PHASE I - EATON STORE LAND S.D.W. FREEHOLD** (Land Titles Office)

That part of the lane originally being part of Lot 63 according to Plan 45, said land being stopped up and closed by By-law No. 299-72 of The Corporation of the City of Toronto, registered in the Land Registry Office (No. 63) for the Land Registry Division of Toronto - at Toronto, designated as Pats 21 and 22 on Plan of Survey of record in the Land Registry Office (No. 66) - Land Titles Division of Toronto - at Toronto, as 66R-7058. Being the remainder of Parcel 6-7, Section A-2-A Freehold.

**PHASE I - EATON STORE LAND S.D.W. FREEHOLD** (Land Titles Office)

In the City of Toronto, Municipality of Metropolitan Toronto being part of Lot 63 according to Plan 45 registered in the Land Registry Office for the Registry Division of the Municipality of Metropolitan Toronto (No. 64) described as follows:

COMMENCING at a point which may be located in the following manner;

BEGINNING at the point in the Westerly limit of Yonge Street, where the same is intersected by the centre line of wall between the old brick building standing upon the said lands herein described in the old brick building standing upon lands lying immediately to the South thereof, the said point of intersection being distant Forty feet, Seven and one-half inches (40' 7-1/2") measured Southerly along the said Westerly limit from the Southerly limit of Teraulay Street;

THENCE North Seventeen degrees, Eleven minutes, Ten seconds West (N17 11' 10"W) along the said Westerly limit of Yonge Street, a distance of Nineteen feet, Six inches (19'6") to the point of intersection thereof with the production Easterly of the centre line of the wall between the said old brick building standing on the lands herein described and the old brick building standing upon the lands lying immediately to the North thereof;



THENCE South Seventy-three degrees, Twenty-three minutes, Thirty seconds West (S73 23' 30"W) along the last mentioned centre line of wall, a distance of Thirty-three feet, Three inches 33' 3") to a jog therein;

THENCE South Sixteen degrees, Thirty-six minutes, Thirty seconds East (S16 36' 30"E) along the said jog a distance of Two inches (2");

THENCE South Seventy-three degrees, Twenty-three minutes, Thirty seconds West (S73 23' 30" at being along the centre line of the Westerly part of the said wall, a distance of Thirty-seven feet, Two and one-quarter inches (37' 2-1/4") to a jog therein;

THENCE South Sixteen degrees, Thirty-six minutes, Thirty seconds East (S16 36' 30"E) a distance of Two inches (2");

THENCE South Seventy-three degrees, Twenty-three minutes, Thirty seconds West (S73 23' 30"W) being along the centre line of wall, of the addition to the said old brick building standing upon the lands lying to the North of the lands herein described and the production Westerly of the sale in all, a distance of Twenty-seven feet, Three and one-half inches (27' 3-1/2") more or less to the Easterly limit of a lane, closed by By-law No. 299-72 of the said City of Toronto;

THENCE South Sixteen degrees, Twenty-one minutes, Thirty seconds East (S16 21' 30"E) along the said Easterly limit of lane a distance of Eighteen feet, Eleven inches (18' 11") more or less to a point therein distant Forty feet, Seven and one-half inches (40' 7-1/2") measured Southerly thereon from the said Southerly limit of Teraulay Street;

THENCE North Seventy-three degrees, Forty-five minutes, Thirty seconds East (N73 45' 30"E) a distance of Forty feet (40' 0") to the North-westerly corner of the brick extension in the rear of the old brick building standing upon the lands to the South of the said lands herein described;

THENCE Northerly Seventy-three degrees, Twenty-two minutes, Ten seconds East (N73 22' 10"E) being along the northerly face of the northerly wall of the said extension, to and along the centre line of wall herein first mentioned in all a distance of Fifty-seven feet, Eleven and one-half inches (57' 11-1/2") more or less to the point of intersection thereof with a line drawn on a course of South Seventeen degrees, Three minutes, Fifty seconds East (S17 03' 50"E) through the point of commencement;

THENCE North Seventeen degrees, Three minutes, Fifty seconds West (N17 03' 50"W) along the last mentioned line, a distance of Nineteen feet, Six inches (19' 6") more or less to the said point of commencement.

## **2. THE BAY LANDS**

The lands bounded by Queen Street, Yonge Street, Richmond Street West and Bay Street, and designated as Parts 1, 2, 3, 5 and 6 on Plan 63R-3560, and Parts 1 and 2, Plan 63R-4286.