

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

CITY OF TORONTO

BY-LAW No. 8-2007

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.

§ 510-2. 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;
 - (c) antiques;
 - (d) handicrafts;
 - (e) fresh fruits and vegetables; or
 - (f) 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; or
 - (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; or
 - (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. Former Metropolitan Toronto By-law No. 126-94 (Queens Quay West).
- B. Former Metropolitan Toronto By-law No. 153-95 (Toronto Eaton Centre and the Hudson's Bay Company).
- C. By-law No. 368-2002 (Downtown Yonge Street Business Improvement Area).

- D. By-law No. 400-2004 (Bloor-Yorkville Business Improvement Area).
- E. By-law No. 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 6th day of December, A.D. 2006.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)