

Attachment No. 4 Draft Policy Options

Option 1

A policy based on a similar philosophy as the current regulations but with minor modifications and a more streamlined process for applying for “tourism designation exemption”

Policy Objectives: to maintain the designated eight holidays as “common pause” days while providing for limited emergency and leisure-oriented shopping opportunities.

Pharmacies

The Retail Business Holidays Act R.S.O., CHAPTER R.30 was passed in 1990 and reflected business practices relevant to that time period. The R.B.H.A. (and now Chapter 510 of Toronto By-law No. 8-2007) specifically allows only pharmacies which are 7,500 square feet and under to remain open on Holidays. This 7,500 square foot size limit no longer reflects the reality of pharmaceutical retailing in 2007 and therefore has the unintended result of forcing many pharmacies to close on public holidays and as a result the public is denied access to the emergency health care that might be required on a Holiday.

It is recommended that Chapter 510 be amended to allow a pharmacy as accredited under the Drug and Pharmacies Regulation Act to remain open providing that the principal business of the pharmacy is the sale of goods of a pharmaceutical or therapeutic nature or for hygienic or cosmetic purposes and that dispensing of drugs is available to the public during business hours, regardless of its size or how many people are employed there.

Retail

As is the case with the Retail Business Holidays Act, it is recommended that the City introduce a process for permitting shopping on most holidays to support tourism development. The following process and guidelines are proposed:

1. Districts or individual stores interested in opening on holidays to support tourism can apply to the Economic Development, Culture and Tourism Division (Tourism Development & Research Unit).
 - a. District applications may be submitted by management companies responsible for operating the district or shopping centre or by associations representing businesses in the district.
 - b. Associations must demonstrate support for the application by the majority of effected retailers by way of a motion passed by the members of a BIA, or responses to a poll of retailers within the effected area conducted by the applicant.
 - i. Applications must indicate how the area meets at least one of the following criteria: Is within 2 km of a natural attraction, outdoor recreational attraction, historical attraction and/or cultural, multi-

- cultural or educational attraction and at least 25% of businesses state that they rely on tourists; or
- ii. Is a tourist-oriented shopping district, with at least 20% of businesses deriving from customers from beyond a 40 km radius (as documented by a postal code survey of shoppers, license plate survey of parked cars, or other means acceptable to Tourism Development & Research staff), or as documented by evidence (acceptable to Tourism Development & Research staff) that the store or district is actively marketing to tourist audiences.
2. Upon receipt of the application, staff will issue a media release and post a notice of the application on the City's web site, stating that the Economic Development Committee will be considering the application and hearing deputations at its next available meeting date (allowing for three weeks for staff review before the agenda closing date). Comments on the application will be invited in writing or by making a presentation to the Committee.
 3. The Economic Development Committee will hear deputations, consider comments and the staff report, and take one of four steps: (a) refer comments to staff and request that the matter be evaluated and reported back on; (b) turn down the application (by receiving it); (c) recommending that the application be approved and the enacting by-laws prepared, and forwarding it to Council; or (d) forwarding the application to Council without recommendation.
 4. By-laws permitting holiday shopping will come into effect immediately upon their approval by Council.
 5. To reduce confusion, all bylaws will permit shopping on eight holidays; New Years Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Labour Day, and Thanksgiving Day. Tourist-oriented openings on Christmas Day will not be permitted since 58% of Toronto residents polled in November 2006 indicated their opposition to store openings on December 25. It is recognized that most tourist attractions are also closed on Christmas Day.
 6. Tourist Exemption By-laws generally will not place limitations on the types or scale of operation permitted to take place on holidays.
 7. Existing Tourist Exemptions (as listed in Section 510-5 of the Municipal Code) will not need to reapply. Amendments will be passed to their by-laws standardizing the days on which they are permitted to operate (all days except for Christmas) and removing any current limitations on the scale of operation permitted on holidays.

Option 2

Option 2 would permit all retailers in the central area of Toronto to open on the designated holidays (except for Christmas Day) if they choose. Central Toronto would be defined as Wards 19, 20, 27 and 28.

All shopping districts within this area are within 2 km of at least one tourist attraction as well as being near the city's largest concentration of hotels. Therefore they all meet the proposed criteria for permitting holiday shopping. Permitting all stores in the central core

to open on holidays, if they choose to do so, increases the clarity of the city's regulations. It also avoids the expenses involved in submitting and reviewing individual applications.

Option 3

Option 3 would permit all retail operations inside the geographic boundaries of the city, to remain open on New Year's Day, Family Day, Good Friday, Easter Sunday, Victoria Day, Canada Day, Labour Day and Thanksgiving Day if they wish.

This option recognizes that the City of Toronto is the most significant tourist destination in Canada. Permitting shopping on holidays throughout the city supports the objective of encouraging tourists to fully explore all neighbourhoods.