Marilyn Toft - Holiday Shopping Issue: A Request for Decisive Action from Toronto City Council (Nov 27-28, 2012)

From:	Peter Thoma <pthoma@urbanmetrics.ca></pthoma@urbanmetrics.ca>
To:	Councillor Adam Vaughan <councillor_vaughan@toronto.ca>, CouncillorAnthony</councillor_vaughan@toronto.ca>
	Perruzza <councillor_perruzza@toronto.ca>, Councillor Cesar Palacio</councillor_perruzza@toronto.ca>
	<councillor_palacio@toronto.ca>, Councillor Chin Lee <councillor_lee@toronto.ca>,</councillor_lee@toronto.ca></councillor_palacio@toronto.ca>
	Councillor David Shiner <councillor_shiner@toronto.ca>, Councillor Denzil Minnan-</councillor_shiner@toronto.ca>
	Wong <councillor_minnan-wong@toronto.ca>, Councillor Doug Holyday</councillor_minnan-wong@toronto.ca>
	<councillor_holyday@toronto.ca>, Councillor Frances Nunziata</councillor_holyday@toronto.ca>
	<councillor_nunziata@toronto.ca>, Councillor Frank Di Giorgio</councillor_nunziata@toronto.ca>
	<councillor_digiorgio@toronto.ca>, Councillor Giorgio Mammoliti</councillor_digiorgio@toronto.ca>
	<councillor_mammoliti@toronto.ca>, Councillor Glenn De Baeremaeker</councillor_mammoliti@toronto.ca>
	<councillor_debaeremaeker@toronto.ca>, Councillor Gloria Lindsay Luby</councillor_debaeremaeker@toronto.ca>
	<councillor_lindsay_luby@toronto.ca>, Councillor Gord Perks</councillor_lindsay_luby@toronto.ca>
	<pre><councillor_perks@toronto.ca>, Councillor Janet Davis <councillor_davis@toronto.ca>,</councillor_davis@toronto.ca></councillor_perks@toronto.ca></pre>
	Councillor John Parker <councillor_parker@toronto.ca>, Councillor Karen Stintz</councillor_parker@toronto.ca>
	<pre><councillor_stintz@toronto.ca>, Councillor Michael Thompson</councillor_stintz@toronto.ca></pre>
	<councillor_thompson@toronto.ca>, Councillor Norm Kelly</councillor_thompson@toronto.ca>
	<councillor_kelly@toronto.ca>, Councillor Pam McConnell</councillor_kelly@toronto.ca>
	<councillor_mcconnell@toronto.ca>, Councillor Paul Ainslie</councillor_mcconnell@toronto.ca>
	<councillor_ainslie@toronto.ca>, Councillor Paula Fletcher</councillor_ainslie@toronto.ca>
	<councillor_fletcher@toronto.ca>, Councillor Peter Milczyn</councillor_fletcher@toronto.ca>
	<councillor_milczyn@toronto.ca>, Councillor Raymond Cho</councillor_milczyn@toronto.ca>
	<pre><councillor_cho@toronto.ca>, Councillor Ron Moeser <councillor_moeser@toronto.ca>,</councillor_moeser@toronto.ca></councillor_cho@toronto.ca></pre>
	Councillor Shelley Carroll <councillor_carroll@toronto.ca>, Mayor Rob Ford</councillor_carroll@toronto.ca>
	<mayor_ford@toronto.ca></mayor_ford@toronto.ca>
Date:	11/15/2012 12:43 PM
Subject:	Holiday Shopping Issue: A Request for Decisive Action from Toronto City Council (Nov
Subjecti	27-28, 2012)
CC:	Councillor Ana Bail?o <councillor_bailao@toronto.ca>, Councillor Doug Ford</councillor_bailao@toronto.ca>
000	<councillor_dford@toronto.ca>, Councillor Gary Crawford</councillor_dford@toronto.ca>
	<councillor_crawford@toronto.ca>, Councillor James Pasternak</councillor_crawford@toronto.ca>
	<councillor_pasternak@toronto.ca>, Councillor Jaye Robinson</councillor_pasternak@toronto.ca>
	<councillor_robinson@toronto.ca>, Councillor Joe Mihevc</councillor_robinson@toronto.ca>
	<pre><councillor_mihevc@toronto.ca>, Councillor John Filion <councillor_filion@toronto.ca>,</councillor_filion@toronto.ca></councillor_mihevc@toronto.ca></pre>
	Councillor Josh Colle <councillor_colle@toronto.ca>, Councillor Josh Matlow</councillor_colle@toronto.ca>
	<councillor_matlow@toronto.ca>, Councillor Kristyn Wong-Tam</councillor_matlow@toronto.ca>
	<councillor_wongtam@toronto.ca>, Councillor Maria Augimeri</councillor_wongtam@toronto.ca>
	<councillor_augimeri@toronto.ca>, Councillor Mark Grimes</councillor_augimeri@toronto.ca>
	<councillor_grimes@toronto.ca>, Councillor Mary Fragedakis</councillor_grimes@toronto.ca>
	<councillor_fragedakis@toronto.ca>, Councillor Mary-Margaret McMahon</councillor_fragedakis@toronto.ca>
	<councillor_mcmahon@toronto.ca>, Councillor Michelle Berardinetti</councillor_mcmahon@toronto.ca>
	<councillor_berardinetti@toronto.ca>, Councillor Mike Del Grande</councillor_berardinetti@toronto.ca>
	<councillor_delgrande@toronto.ca>, Councillor Mike Layton</councillor_delgrande@toronto.ca>
	<councillor_layton@toronto.ca>, Councillor Sarah Doucette</councillor_layton@toronto.ca>
	<councillor_doucette@toronto.ca>, Councillor Vincent Crisanti</councillor_doucette@toronto.ca>
	<councillor_crisanti@toronto.ca>, Marilyn Toft <mtoft@toronto.ca>, MikeWilliams</mtoft@toronto.ca></councillor_crisanti@toronto.ca>
	<mvillia5@toronto.ca>, Randy McLean <rmclean@toronto.ca></rmclean@toronto.ca></mvillia5@toronto.ca>
Attachments:	image002.jpg; image005.jpg; Holiday Shopping - urbanMetricsSubmission to Council -

November 13, 2012.pdf; urbanMetrics - Holiday ShoppingPresentation - November 8 2010.pdf; Holiday Shopping Impacts - urbanMetrics Attachments 2 and 3.pdf



Dear Councillor,

urbanMetrics has been retained by Oxford Properties, the owner and manager of **Yorkdale Shopping Centre** and **Scarborough Town Centre**, to advance the need for immediate and decisive policy action by the City of Toronto concerning the rules and regulations around Holiday Shopping as defined in Chapter 510 in the Municipal Code.

As you are aware, since the enactment of the *Toronto Act* in 2006 the *Ontario Retail Business Holiday Act* (*RBHA*) no longer applies within the City of Toronto. In essence, the *Toronto Act* now gives full and unrestricted authority to the City of Toronto to regulate hours and days of operation for retail and other commercial establishments. While certain areas of Toronto, such as the Eaton Centre, Queen's Quay and the Bloor-Yorkville area continue to grow and flourish under their "grandfathered" exemptions under the RBHA, the vast majority of businesses outside these areas have no legal means of attaining a similar status under within the current City policy framework. We believe that the current lack of policy in this regard is patently unfair, and must be addressed quickly, and <u>decisively</u> by this Council.

Background

On May 12, 2010 (during the previous term of Council), **you voted in favour** of the following Council motion pertaining to Holiday Shopping:

That City Council refer this Item back to the General Manager, Economic Development & Culture with a request to conduct further public consultations with all stakeholders, including: Business Improvement Areas, existing community groups, the Workers Action Centre, Legal Clinics and others who represent employees, and Members of Council, on the issue of holiday shopping for a report to the Economic Development Committee in the next term of Council.

Over the past 9 months, at the request of Toronto City Council, Staff in the Economic Development and Culture Department have consulted diligently with a wide variety of stakeholders, in a number of different forums, in all parts of the City. This work was also backstopped by new public opinion research using both on-line and phone based data collection techniques.

Having participated in the process very, very closely I can assure all City of Toronto Council members that Economic Development Staff have indeed conducted a thorough and exhaustive engagement process with the residents and businesses of Toronto. To this end, staff have now come forward with a balanced and workable solution to minimize, albeit not eliminate, the business gaps that now exists between various parts of the City, and more importantly, with neighbouring jurisdictions such as Peel and York Regions, which allow major regional shopping centres and other retail strips, and merchants therein to open at

their discretion on certain Statutory Holidays.

In its October 4th, 2012 Report to the Economic Development Committee <u>http://www.toronto.ca/legdocs/mmis/2012/ed/bgrd/backgroundfile-50658.pdf</u>, the **General Manager of Economic Development recommended that**:

- 1. City Council amend the Municipal Code, Chapter 510, Holiday Shopping to permit all retail business establishments within the City of Toronto to open on Victoria Day, Canada Day, Labour Day and Thanksgiving Day anytime between the hours of 10:00 AM and 6:00 PM;
- 2. All other provisions of Municipal Code, Chapter 510, Holiday Shopping, remain in force; and
- 3. The City Solicitor be authorized to introduce the necessary bill in Council to give effect to this recommendation.

Our Request

Oxford Properties is asking that Toronto City Council take a more proactive and flexible position with respect to regulating hours and days of operation for retail and all other commercial establishments. Specifically, we would like Council to consider the following **key points** in the November 27-28th scheduled deliberations on this matter:

- Choice is the cornerstone of this issue. The City need not intervene in the daily lives of Torontonians. If people choose to shop, and if people in the stores choose to work, stores and businesses ought to have a choice to open. Chapter 510 of the Municipal Code is not representative of the diversity in this City, and does not represent good public policy – particularly in its current form.
- The retail sector is made up of a large cross-section of part-time and full-time workers. Many of the workers are students or hold down multiple jobs to make ends meet. According to the City of Toronto's own website, youth unemployment is a persistent problem. The City's own Youth Employment Partnerships program indicates that unemployment for youth (age 15-24) is stubbornly high at 16.5% (compared to 6.4% for adults aged 25+). The opportunity to earn time-and-a-half is something which we believe would be welcomed by a large cross-section of workers in this sector.
- While organized labour (including the CAW and the UFCW) has indicated that their members do
 not want to work on Statutory Holidays, their voice accounts for a very small share of the retail
 workforce. The Retail Council of Canada, for example indicates unionized labour accounts for
 somewhere in the order of 5-6% of the retail sector (excluding workers in food stores). It must be
 pointed out that workers in supermarkets (particularly workers at Metro and its affiliates) turned
 out in great numbers in opposition, however the broader base of retail workers simply did not
 participate in any discernible way in the Holiday Shopping consultations.

- Based on our assessment of the retail sector, urbanMetrics conservatively estimates that the current City of Toronto policy on Holiday Shopping eliminates approximately **\$2.3 Million** in potential wages for retail workers on each and every statutory holiday that stores are forced to close in Toronto.
- In fact, the retail sector is the ONLY sector of the economy whereby business owners cannot voluntarily open their establishments on the days of their choosing. It must be said that restrictions do not occur in any other segments of the City's economy.
- The Ontario Employment Standards Act provides all employees in Ontario with the right to refuse, without repudiation, any and all shifts offered by their employer on Statutory Holidays. The ESA further requires that all employees be fairly remunerated, and must be paid a minimum of 1.5 times their normal hourly rate on those days.
- Holiday exemptions granted in other neighbouring jurisdictions such as Mississauga (Square One, Bramalea City Centre, et.al.), Vaughan (Vaughan Mills, et.al) and Markham (Pacific Mall, et.al.) have put Toronto merchant groups at a disadvantage. Shoppers from the City of Toronto are now flocking to these exempted shopping areas on Statutory Holidays with increasing regularity.
- Based on our professional estimates, Torontonians are now spending upwards of **\$6 million** on each and every Statutory Holidays in 905-area shopping centres alone. These cross-boundary expenditures are entirely un-necessary, and are the direct result of on-going policy inaction by City Council on this matter. It is our opinion that Council's inaction is directly undermining the competitiveness of retailers and top tier shopping centres such as Yorkdale and Scarborough Town Centre that wish to compete effectively in the GTA market.
- Since May 12th 2010, the last time this matter appeared on the council floor, 13 Statutory Holidays (excluding Christmas, Good Friday and Easter Sunday) have passed without any change to the City Policy. The net impact is estimated at **\$76 million** in expenditures made by Toronto residents in Peel and York Region simply because of the inadequacies of Chapter 510 of the Municipal Code.
- A city-wide approach for *voluntary* store openings on statutory holiday has been endorsed by the Toronto Association of Business Improvement Areas ('TABIA'), The Retail Council of Canada, as well as a consortium of Toronto's major mall owners, including Oxford Properties (Yorkdale, Scarborough Town Centre) and Cadillac Fairview (Sherway Gardens, Fairview Mall, Shops of Don Mills). Again, there is nothing in the proposed policy changes that would *require* or *mandate* businesses of any type to open. Merchants are simply free to choose for themselves, regardless of store size and what products they sell. It should be duly noted that there are no legal obligations where by retailers must open their doors to fulfill the conditions of their lease.
- Fundamentally, the notion that certain areas of the City can be open on specific days, whereas others cannot, is inherently unfair not only to businesses, but also their employees and customers who want to seek out goods and services on days of their choosing.
- The City of Toronto does not intervene in third party labour relations. In fact all businesses with Toronto's

- Employment Districts are free to open their establishments on statutory holidays without any intervention whatsoever from the City. It stands to reason that businesses in Toronto's commercial nodes and avenues should be given the same latitude, without exception.
- The current landscape of holiday shopping in the GTA is becoming increasingly more convoluted. Today, consumers need to consult the media to find out what is open or closed. The majority of Torontonians simply don't understand why they can buy a pair of shoes at the Eaton Centre on Labour Day but they can't buy the same pair of shoes from the same shoe store at Scarborough Town Centre.
- Tourism research prepared by the Province of Ontario has shown that shopping is one of the single most important motivators leading to a decision to travel to a destination. The quality and availability of shopping experiences are critical to a large segment of tourists. Moreover, shopping is consistently ranked as one of the most popular activities sought out by tourists. Exit surveys of tourists visiting Toronto on long weekends have yielded common complaints from travelers frustrated that all the shops in Toronto were closed, and that they had not anticipated the fact Statutory Holiday would directly impact their stay in the City.

A WORD ABOUT COLLATORAL ISSUES: TRANSIT & DAYCARE

- It has been mentioned that the Toronto's transit infrastructure operates at a reduced service level, and therefore *may* not be able to support the needs of people shopping on statutory holidays. This is patently false. While it is true that TTC reduces service in Statutory Holidays, they are adjusted to weekend operating schedules. Accessing commercial areas for workers and shoppers between the hours of 10AM and 6PM as proposed by Staff would be no different than travel on a Saturday or Sunday. Moreover, we would acknowledge that the additional passenger volumes would *boost* operating cost efficiencies on those days.
- It has also been mentioned that daycare services are not available on Statutory Holidays and therefore, workers in the retail sector would be at a severe disadvantage. While this may be true, it is also factually correct that City-run, city subsidized day cares are not available outside the hours of 7AM – 6PM Monday to Friday. Saturday and Sunday are the two busiest retailing days of the week. There are no daycare services available as it stands. Moreover, it must be reiterated that working on Statutory Holidays *is optional* under the prevailing labour laws of the Province. As such it would be against the law for any business owner, in retail or any other sector for that matter, to force an employee to report to work on any of the nine legislated statutory holidays in Ontario.

OUR RECOMMENDATIONS

Our recommendations are clear and straightforward. We are requesting that City Council:

- 1. Adopt the recommendations contained in the October 12, 2012 Staff Report to allow voluntary store openings on Victoria Day, Canada Day, Labour Day and Thanksgiving Day.
- 2. Consider the reasonable addition of Family Day (February) to the above list; and

3. Direct appropriate City Staff to develop a new application and/or permitting process that would allow BIAs, Shopping Centres and other merchant groups to recieve permission from the City to legally open on other Statutory Holidays, if warranted.

I trust that the information provided in this letter encapsulates our concerns and frustrations with the current policy framework. If you wish to discuss this matter with me one-on-one please do not hesitate to contact me. Be advised I am registered with the City's Lobbyist Registry on this particular matter.

Yours Truly, urbanMetrics inc. **P. Thoma**

Peter Thoma MCIP, RPP, PLE Partner

urbanMetrics inc. 67 Yonge Street, Suite 1501 Toronto, Ontario, M5E 1J8 p: 416.351.8585 (x226) www.urbanmetrics.ca

Connect:

www.facebook.com/pages/urbanMetrics-inc

www.linkedin.com/pub/peter-thoma

SENT VIA EMAIL ONLY

November 13th, 2012



To: the following members of Council (26):

Mayor Rob Ford, Doug Holyday (W3), Gloria Lindsay Luby (W4), Peter Milcyzn (W5), Giorgio Mammoliti (W7), Anthony Perruzza (W8), Frances Nunziata (W11), Frank Di Giorgio (W12), Gord Perks (W14), Karen Stintz (W16), Cesar Palacio (W17), Adam Vaughan (W20), David Shriner (W24), John Parker (W26), Pam McConnell (W28), Paula Fletcher (W30), Janet Davis (W31), Shelley Carroll (W33), Denzil Minnan-Wong (W34), Michael Thompson (W37), Glenn De Baeremaeker (W38), Norm Kelly (W40), Chin Lee (W41), Raymond Cho (W42), Paul Ainslie (W43), Rob Moeser (W44)

cc: the following members of Council (19) and Staff (3):

Vincent Crisanti (W1), Doug Ford (W2), Mark Grimes (W6), Maria Augimeri (W9), James Pasternak (W10), Sarah Doucette (W13), Josh Colle (W15), Ana Bailao (W18), Mike Layton (W19), Joe Mihevc (W21), Josh Matlow (W22), John Filion (W23), Jaye Robinson (W25), Kristyn Wong-Tam (W27), Mary Fragedakis (W29), Mary-Margret McMahon (W32), Michelle Bernadinetti (W35), Gary Crawford (W36), Mike Del Grande (W39), Mike Williams (Manager of Economic Development & Culture), Randy McLean (Director Strategic Growth, Economic Development & Culture), Marilyn Toft (Council Secretariat, Clerk's Department)

From: Peter Thoma MCIP, RPP, PLE, Partner, urbanMetrics (acting on behalf of Oxford Properties)

RE: HOLIDAY SHOPPING: NOVEMBER 27-28, 2012 A REQUEST FOR DECISIVE ACTION FROM TORONTO CITY COUNCIL

urbanMetrics has been retained by Oxford Properties, the owner and manager of **Yorkdale Shopping Centre** and **Scarborough Town Centre**, to advance the need for immediate and decisive policy action by the City of Toronto concerning the rules and regulations around Holiday Shopping as defined in Chapter 510 in the Municipal Code.

As you are aware, since the enactment of the *Toronto Act* in 2006 the *Ontario Retail Business Holiday Act (RBHA)* no longer applies within the City of Toronto. In essence, the *Toronto Act* now gives full and unrestricted authority to the City of Toronto to regulate hours and days of operation for retail and other commercial establishments. While certain areas of Toronto, such as the Eaton Centre, Queen's Quay and the Bloor-Yorkville area continue to grow and flourish under their "grandfathered" exemptions under the RBHA, the vast majority of businesses outside these areas have no legal means of attaining a similar status under within the current City policy framework. We believe that the current lack of policy in this regard is patently unfair, and must be addressed quickly, and <u>decisively</u> by this Council.

www.urbanmetrics.ca

Background

On May 12, 2010 (under the previous term of Council), **<u>you voted in favour</u>** of the following Council motion pertaining to Holiday Shopping:

That City Council refer this Item back to the General Manager, Economic Development & Culture with a request to conduct further public consultations with all stakeholders, including: Business Improvement Areas, existing community groups, the Workers Action Centre, Legal Clinics and others who represent employees, and Members of Council, on the issue of holiday shopping for a report to the Economic Development Committee in the next term of Council.

Over the past 9 months, at the request of Toronto City Council, Staff in the Economic Development and Culture Department have consulted diligently with a wide variety of stakeholders, in a number of different forums, in all parts of the City. This work was also backstopped by new public opinion research using on-line and phone based data collection techniques.

Having participated in the process very, very closely I can assure all Council members that Economic Development Staff have indeed conducted a thorough and exhaustive engagement process with the residents and businesses of Toronto. To this end, staff have now come forward with a balanced and workable solution to close, albeit not eliminate, the business gaps that now exists between various parts of the City, and more importantly, with neighbouring jurisdictions such as Peel and York Regions, which allow major regional shopping centres and other retail strips, and merchants therein to open at their discretion on certain Statutory Holidays.

In its October 4th, 2012 Report to the Economic Development Committee <u>http://www.toronto.ca/legdocs/mmis/2012/ed/bgrd/backgroundfile-50658.pdf</u>, the **General Manager of Economic Development recommended that**:

- 1. City Council amend the Municipal Code, Chapter 510, Holiday Shopping to permit all retail business establishments within the City of Toronto to open on Victoria Day, Canada Day, Labour Day and Thanksgiving Day anytime between the hours of 10:00 AM and 6:00 PM;
- 2. All other provisions of Municipal Code, Chapter 510, Holiday Shopping, remain in force; and
- 3. The City Solicitor be authorized to introduce the necessary bill in Council to give effect to this recommendation.

Our Request

Oxford Properties is asking that Toronto City Council take a more proactive and flexible position with respect to regulating hours and days of operation for retail and all other commercial establishments. Specifically, we would like Council to consider the following **key points** in the November 27-28th scheduled deliberations on this matter:

 Choice is the cornerstone of this issue. The City need not intervene in the daily lives of Torontonians. If people choose to shop, and if people in the stores choose to work, stores and businesses ought to have a choice to open. Chapter 510 of the Municipal Code is not representative of the diversity in this City, and does not represent good public policy – particularly in its current form.

- The retail sector is made up of a large cross-section of part-time and full-time workers. Many of the workers are students or hold down multiple jobs to make ends meet. According to the City of Toronto's own website, youth unemployment is a persistent problem. The City's own Youth Employment Partnerships program indicates that unemployment for youth (age 15-24) is stubbornly high at 16.5% (compared to 6.4% for adults aged 25+). The opportunity to earn time-and-a-half is something which we believe would be welcomed by a large cross-section of workers in this sector.
- While organized labour (including the CAW and the UFCW) has indicated that their members do not want to work on Statutory Holidays, their voice accounts for a very small share of the retail workforce. Council should not be swayed by their position. They can negotiate holiday shopping details in their next collective bargaining agreement if they choose.
- The Retail Council of Canada, for example indicates **unionized labour accounts for somewhere in the order of 5-6%** of the retail sector (excluding workers in food stores). It must be pointed out that workers in supermarkets (particularly workers at Metro and its affiliates) turned out in great numbers in opposition, however the broader base of retail workers simply did not participate in any discernible way in the Holiday Shopping consultations.
- Based on our assessment of the retail sector, urbanMetrics conservatively estimates that the current City of Toronto policy on Holiday Shopping eliminates approximately **\$2.3 Million** in potential wages for retail workers on each and every statutory holiday that stores are forced to close in Toronto.
- In fact, the retail sector is the ONLY sector of the economy whereby business owners cannot voluntarily open their establishments on the days of their choosing. It must be said that restrictions do not occur in any other segments of the City's economy.
- The *Ontario Employment Standards Act* provides all employees in Ontario with the right to refuse, without repudiation, any and all shifts offered by their employer on Statutory Holidays. The ESA further requires that all employees be fairly remunerated, and must be paid a minimum of 1.5 times their normal hourly rate on those days.
- Holiday exemptions granted in other neighbouring jurisdictions such as Mississauga (Square One, Bramalea City Centre, et.al.), Vaughan (Vaughan Mills, et.al) and Markham (Pacific Mall, et.al.) have put Toronto merchant groups at a disadvantage. Shoppers from the City of Toronto are now flocking to these exempted shopping areas on Statutory Holidays with increasing regularity.
- Based on our professional estimates, Torontonians are now spending upwards of **\$6 million** on each and every Statutory Holidays in 905-area shopping centres alone. These cross-boundary expenditures are entirely un-necessary, and are the direct result of on-going policy inaction by City Council on this matter. It is our opinion that Council's inaction is directly undermining the

competitiveness of retailer and top tier shopping centres such as Yorkdale and Scarborough Town Centre that wish to compete effectively in the GTA market.

- Since May 12th 2010, 13 Statutory Holidays (excluding Christmas, Good Friday and Easter Sunday) have passed without any change to the City Policy. The net impact is estimated at **\$76 million** in retail expenditures made by Toronto residents in Peel and York Region simply because of the inadequacies of Chapter 510 of the Municipal Code.
- A city-wide approach for *voluntary* store openings on statutory holiday has been endorsed by the Toronto Association of Business Improvement Areas ('TABIA'), as well as a consortium of Toronto's major mall owners, including Oxford Properties (Yorkdale, Scarborough Town Centre) and Cadillac Fairview (Sherway Gardens, Fairview Mall, Shops of Don Mills). Again, there is nothing in the proposed policy changes that would *require* or *mandate* businesses of any type to open. Merchants are simply free to choose for themselves. It should be duly noted that there are no legal obligations where by retailers must open their doors to fulfill the conditions of their lease.
- Fundamentally, the notion that certain areas of the City can be open on specific days, whereas others cannot, is inherently unfair not only to businesses, but also their employees and customers who want to seek out goods and services on days of their choosing.
- The City of Toronto does not intervene in third party labour relations. In fact all businesses with Toronto's Employment Districts are free to open their businesses on statutory holidays without any intervention whatsoever from the City. It stands to reason that businesses in Toronto's commercial nodes and avenues should be given the same latitude, without exception.
- The current landscape of holiday shopping in the GTA is becoming increasingly more convoluted. Today, consumers need to consult the media to find out what is open or closed. The majority of Torontonians simply don't understand why they can buy a pair of shoes at the Eaton Centre on Labour Day but they can't buy the same pair of shoes from the same shoe store at Scarborough Town Centre.
- Tourism research prepared by the Province of Ontario has shown that shopping is one of the single most important motivators leading to a decision to travel to a destination. The quality and availability of shopping experiences are critical to a large segment of tourists. Moreover, shopping is consistently ranked as one of the most popular activities sought out by tourists. Exit surveys of tourists visiting Toronto on long weekends have yielded common complaints from travelers frustrated that all the shops in Toronto were closed, and that they had not anticipated the fact Statutory Holiday occurring during their trip would directly impact their stay in the City.

A BRIEF WORD ABOUT COLLATORAL ISSUES: TRANSIT & DAYCARE

• It has been mentioned that the Toronto's transit infrastructure operates at a reduced service level, and therefore *may* not be able to support the needs of people shopping on statutory holidays. This is patently false. While it is true that TTC reduces service in Statutory Holidays, they are adjusted to weekend operating schedules. Accessing commercial areas for workers and shoppers between the hours of 10AM and 6PM as proposed by Staff would be no different than

travel on a Saturday or Sunday. Moreover, we would acknowledge that the additional passenger volumes would *boost* operating cost efficiencies on those days.

• It has also been mentioned that daycare services are not available on Statutory Holidays and therefore, workers in the retail sector would be at a severe disadvantage. While this may be true, it is also factually correct that City-run, city subsidized day cares are not available outside the hours of 7AM – 6PM Monday to Friday. Saturday and Sunday are the two busiest retailing days of the week. There are no daycare services available as it stands. Moreover, it must be reiterated that working on Statutory Holidays *is optional* under the prevailing labour laws of the Province. As such it would be against the law for any business owner, in retail or any other sector for that matter, to force an employee to report to work on any of the nine legislated statutory holidays in Ontario.

OUR RECOMMENDATIONS

Our recommendations are clear and straightforward. We are requesting that City Council:

- 1. Adopt the recommendations contained in the October 12, 2012 Staff Report to allow voluntary store openings on Victoria Day, Canada Day, Labour Day and Thanksgiving Day.
- 2. Consider the reasonable addition of Family Day (February) to the above list; and
- 3. Direct appropriate City Staff to develop a new application and/or permitting process that would allow BIAs, Shopping Centres and other merchant groups to receive permission from the City to legally open on other Statutory Holidays, if warranted.

I trust that the information provided in this letter encapsulates our concerns and frustrations with the current policy framework. If you wish to discuss this matter with me one-on-one, over the phone or in person, please do not hesitate to contact me. Be advised I am registered with the City's Lobbyist Registry on this particular matter.

Respectfully Submitted,

urbanMetrics inc.

Peter Thoma, MCIP, RPP, PLE Partner

P: 416-351-8585 x226 E: <u>pthoma@urbanMetrics.ca</u>

ATTACHMENTS:

- 1. URBANMETRICS PRESENTATION TO ECONOMIC DEVELOPMENT COMMITTEE, NOVEMBER 8, 2012
- 2. ECONOMIC IMPACT, ESTIMATED EXPENDITURES LEAVING THE CITY OF TORONTO ON A TYPICAL STATUTORY HOLIDAY
- 3. EMPLOYMENT IMPACT, WAGES IMPACTS ON TORONTO WORKERS AND FAMILIES.

Attachment 1:

URBANMETRICS PRESENTATION TO ECONOMIC DEVELOPMENT COMMITTEE, NOVEMBER 8, 2012



City of Toronto Holiday Shopping Chapter 510 A Request for Prompt Policy Change

Peter Thoma, MCIP, RPP, PLE Partner, urbanMetrics Submitted to the City of Toronto Economic Development Committee November 8, 2012

The Background on this Issue Looks Like This

Council Motion: May 12 2010 (previous out-going Council)

That City Council refer this Item back to the General Manager, Economic Development and Culture with a request to conduct further public consultation with all stakeholders, including Business Improvement Areas, existing community groups, the Workers Action Centre, Legal Clinics and others who represent employees, and Members of Council, on the issue of holiday shopping for report to the Economic Development Committee in the <u>next term of Council</u>.

Municipal Chapter 510: A Policy Black Hole

City of Toronto Chapter 510 Reform 2006 2008 2010

2012?

This is what an "Unlevel Playing-field" Looks Like.



Can You Pick the Difference?



Geographic Schisms: Lumpy Rules



Steeles Avenue : Same Intersection. Different Rules



Geographic Schisms – Lumpy Rules



Yonge Street: Same Street. Different Rules



Geographic Schisms – Lumpy Rules



Queen Street West

Bloor Street West



The City Doesn't Regulate Labour Laws in its **Employment Districts**.



Then why do we do it in **Commercial Districts** (Avenues and Urban Growth Centres)?

Which of these workers in Toronto is fully protected under the Ontario Employment Standards Act?



Which of these workers is **eligible to earn time-and-a-half on a Stat Holiday** in Toronto?



Chapter 510 enshrines a **Two-Tier Policy** for workers and businesses in Toronto's **Commercial Sector**



What do all these businesses have in

Common?

They all opened *"illegally"* on Thanksgiving Day, 2012

crocs

ALDO

As a closing observation, even the City of Toronto's own Commercial Tenants are opening ("illegally") on Stat Holidays!



Kensington Parking Municipal ("P") Garage, Thanksgiving Day, 2012 @ 2:00PM

What Can the Ec. Dev. Committee Do?

- Provide ALL businesses the CHOICE to open or close their establishments in accordance with their customer's unique demands.
- Acknowledge and Accept that current Policy Framework on this issue is BROKEN, and **must to be resolved**. Quickly.
- Establish a policy that does not create multiple classes of businesses and workers based on geography or random factors such as square footage. There must be a City-wide approach.
- Acknowledge and accept that thorough and **extensive public and industry consultation was conducted** by STAFF on this issue over the past year, and their recommendation was balanced.
- Acknowledge and accept that nobody is being forced to shop or work on Statutory Holidays. The Ontario Employment Standards Act provides specific legislation in this regard. Moreover, labour law isn't a matter of municipal jurisdiction.

Annual Sales per Square Dis Contrac Diso: Foote	iual per Jare GIA Size	Annual Total Sales	Weekly Sales(52) S	-	Premium Premium Wreekday Wreekend Sales Say/Sun Sales Shopping Parta Casal Dav Extra	Typical Sat/Sun Sales Dav	Premium Holiday Shopping Factor	Sales Performance on a Stat Holidav B	% 416 Recidents	Sales Smance 416 Residents Anidov Backdente aviorationes Holidov Backdente avioration offe
-	1.0		\$16,920,000 \$	7,614,000	\$ 9	\$ 4,653,000		\$5,580,000	35%	S1,950,000 Per Stat Holiday
Is	\$500 1,120,000		\$10,770,000	3 4,846,500	\$560,000,000 \$10,770,000 \$ 4,846,500 \$ 5,923,500 \$ 2,961,750	\$ 2,961,750	120%	\$3,550,000	50%	\$1,780,000 Per Stat Holiday
centre	\$450 1,400,000	\$630,000,000	\$12,120,000 \$ 5,454,000 \$	5,454,000		6,666,000 \$ 3,333,000	120%	\$4,000,000	25%	\$1,000,000 Per Stat Holiday
Pacific Mail \$	\$500 600,000		\$5,770,000	\$ 2,596,500	\$300,000,000 \$5,770,000 \$ 2,596,500 \$ 3,173,500 \$ 1,586,750	\$ 1,586,750	120%	\$1,900,000	60%	S1,140,000 Per Stat Holiday
										\$5,870,000 Per Stat Holiday
Source: urbanMetrics										Number of Stat Holidaya 13 Since May 12, 2010 Council
										Motion for additional consultation

ATTACHMENT 3 Wage Impacts on Toronto Workers and Families



Total Retail Employment in The City of Toronto	150,000 jobs
Estimated Rate of Voluntary Engagement on Each Stat Holiday	15%
Estimated Number of Retail Workers Impacted	22,500 jobs
Average Hourly Retail Wage in Toronto (2011)	\$12.00 /hr
Statutory Holiday Pay in Ontario (1.5x)	\$18.00 /hr
Hours of Operation 10AM -6PM (As per Oct. 4 2012 Staff Report)	8 hrs.
Total Wage Impact, City of Toronto	\$ 3,240,000
Worker Benefits (1 Day, As Per Economic Development Committee Recommendation)	\$144 /yr
Worker Benefits (4 Days, As Per Economic Development Staff Recommendation)	\$576 /yr
Worker Benefits (5 Days: As Preferred by Oxford)	\$720 /yr

Source: urbanMetrics inc