

Chapter 510

HOLIDAY SHOPPING

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[**HISTORY: Adopted by the Council of the City of Toronto 2006-12-06 by By-law No. 8-2007.**¹ Amendments noted where applicable.]

§ 510-1. Definitions.

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

HOLIDAY — Includes New Year's Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day, Easter Sunday and Family Day.
[Amended 2008-12-10 by By-law No. 1324-2008]

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.

¹ Editor's Note: This by-law was passed under the authority of the *City of Toronto Act, 2006*, S.O. 2006, c. 11. 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*, S.O. 2006, c. 11; and upon proclamation the *Retail Business Holidays Act*, R.S.O. 1990, c. R.30, will no longer apply to the City of Toronto.

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§ 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*,² 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.

² Editor's Note: See R.S.O. 1990, c. H.4.

- 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 chapter is guilty of an offence and on conviction is liable to a maximum fine of not more than the greater of:
 - (1) \$50,000; or

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- (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 chapter is guilty of an offence and on conviction is liable to a maximum fine of not more than the greater of:
 - (1) \$50,000; 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.