

# Holiday Shopping Economic Development Committee

November 8, 2012



# Decision History

- **2006**
  - City Council adopted Municipal Code Chapter, 510 Holiday Shopping as a temporary measure and requested consultation.
- **2008**
  - City Council received first report on consultation.
- **2010**
  - City Council received second report and requested further consultations and report back in the next term of Council.
- **2012**
  - Report to Economic Development Committee as requested.

# Ontario Retail Business Holidays

1. New Year's Day
2. Family Day
3. Good Friday
4. Easter Sunday
5. Victoria Day
6. Canada Day
7. Labour Day
8. Thanksgiving Day
9. Christmas Day

# Holiday Shopping Subcommittee

On September 14, 2011, Economic Development Committee established a Subcommittee, to work with the General Manager of Economic Development and Culture, to develop and undertake the consultations.

Holiday Shopping Subcommittee:

- **Councillor Mary Fragedakis (Chair)**
  - **Councillor Sarah Doucette**
  - **Councillor Josh Colle**

Fall 2012, consultation report and Subcommittee recommendations forwarded to Economic Development Committee.

# Consultation Summary

- Eight month process. Most comprehensive consultation of holiday shopping conducted by the City of Toronto to date.
- Held 15 meetings (5 public meetings and 10 stakeholder meetings) across the city between November 2011 and June 2012. 226 people attended the public and stakeholder meetings.
- Conducted a telephone poll of 500 people through Environics Research Group, of Toronto households over a two week period in October and November 2011.
- Conducted an online survey through the City of Toronto website between November 2011 and July 2012, 7,846 responses received.
- Set up a website, email address and telephone line to provide information and solicit additional feedback, 1 petition with 108 signatures, 50 emails and 9 letters received.
- Public meetings identified 14 different “lenses” the city should consider when making a decision on this topic.

# Current Situation in Toronto

Authority for regulating retail business holidays shifted from the Province to the City through the City of Toronto Act in 2006.

As a temporary measure, City Council adopted Municipal Code, Chapter 510, Holiday Shopping (2006) that:

- *Maintained retail business exemptions established under the Ontario RBHA,*
- *Grandfathered pre-existing tourist area exemptions established under the Ontario RBHA, but*
- *Did not provide a process to grant additional area exemptions in the city.*

# Maintained Size and Type Exemptions as per Ontario RBHA

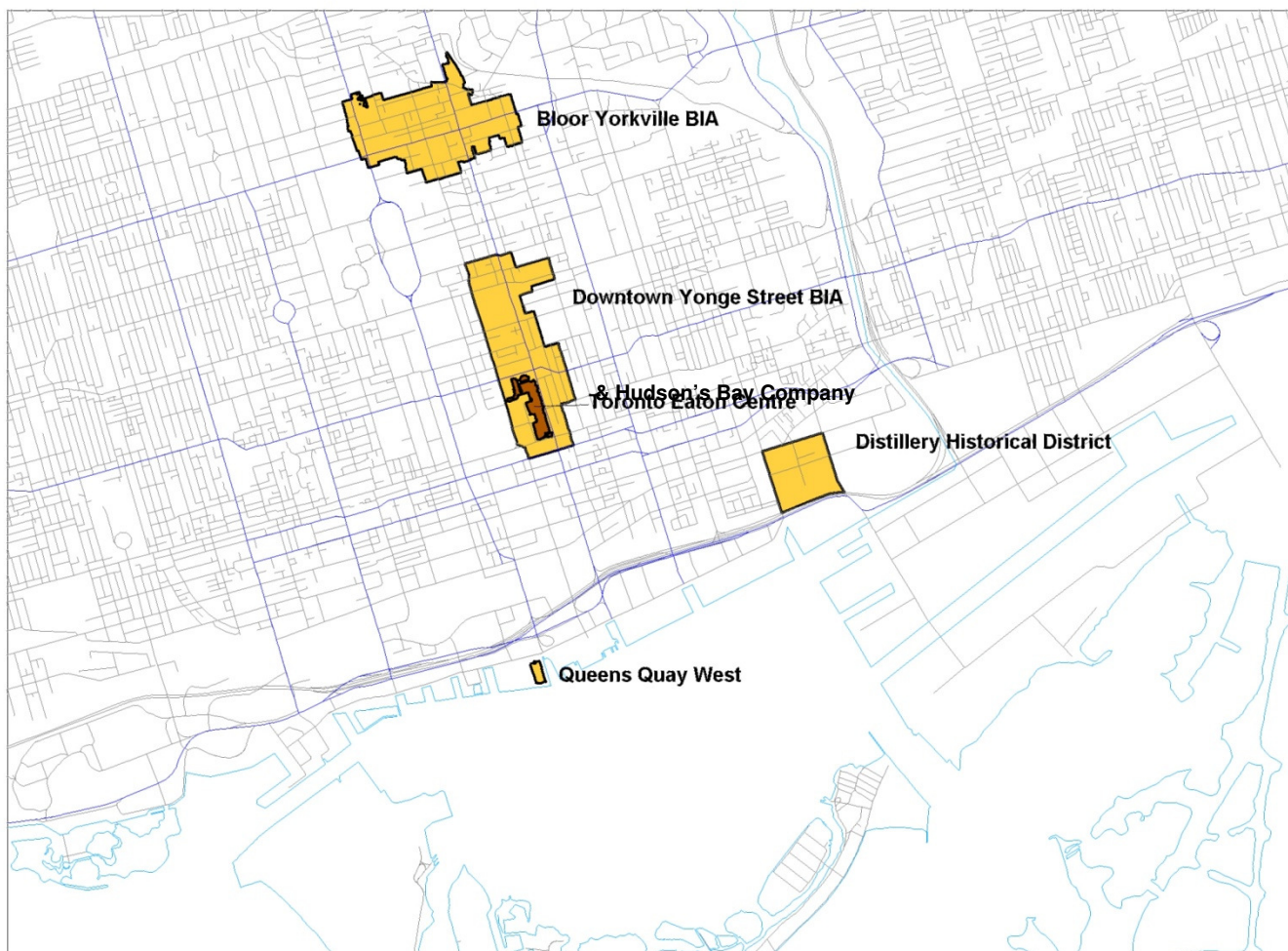
Long list of exemptions, examples include:

- Small retail business establishments, provided that:
  - ☐ The retail business area used for serving the public or for selling or displaying to the public is less than 2,400 square feet.
  - ☐ No more than three persons are engaged in serving the public.
  - ☐ 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.
- Pharmacies more than 7,500 square feet must close.
- Retail business establishments licensed under the Liquor License Act (1990) may open.



# Maintained Area Exemptions Approved by Council Prior to 2006

City of Toronto Holiday Shopping Exemptions



2011 Boundaries are for Illustration Purposes Only

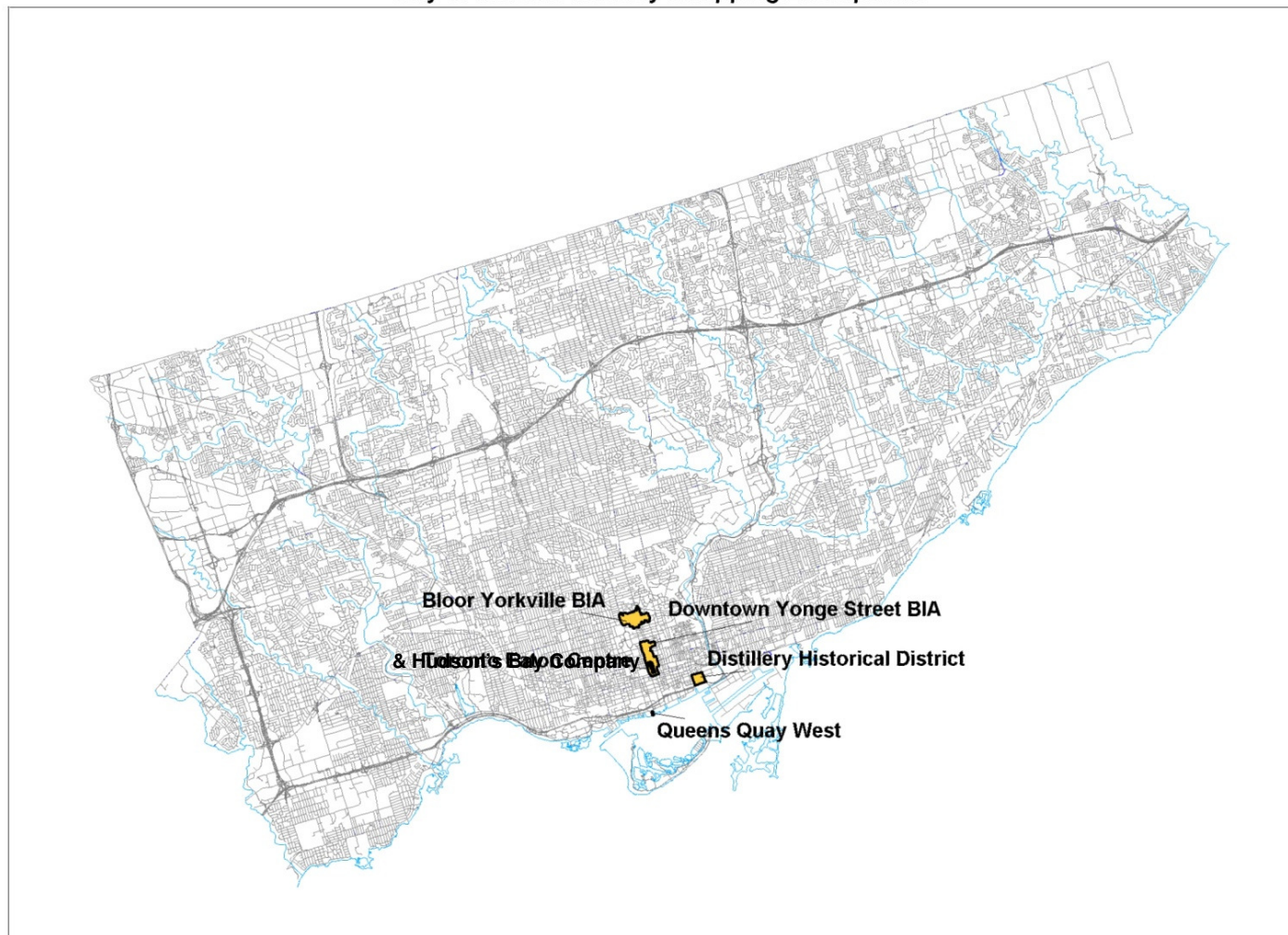


# Area Exemptions

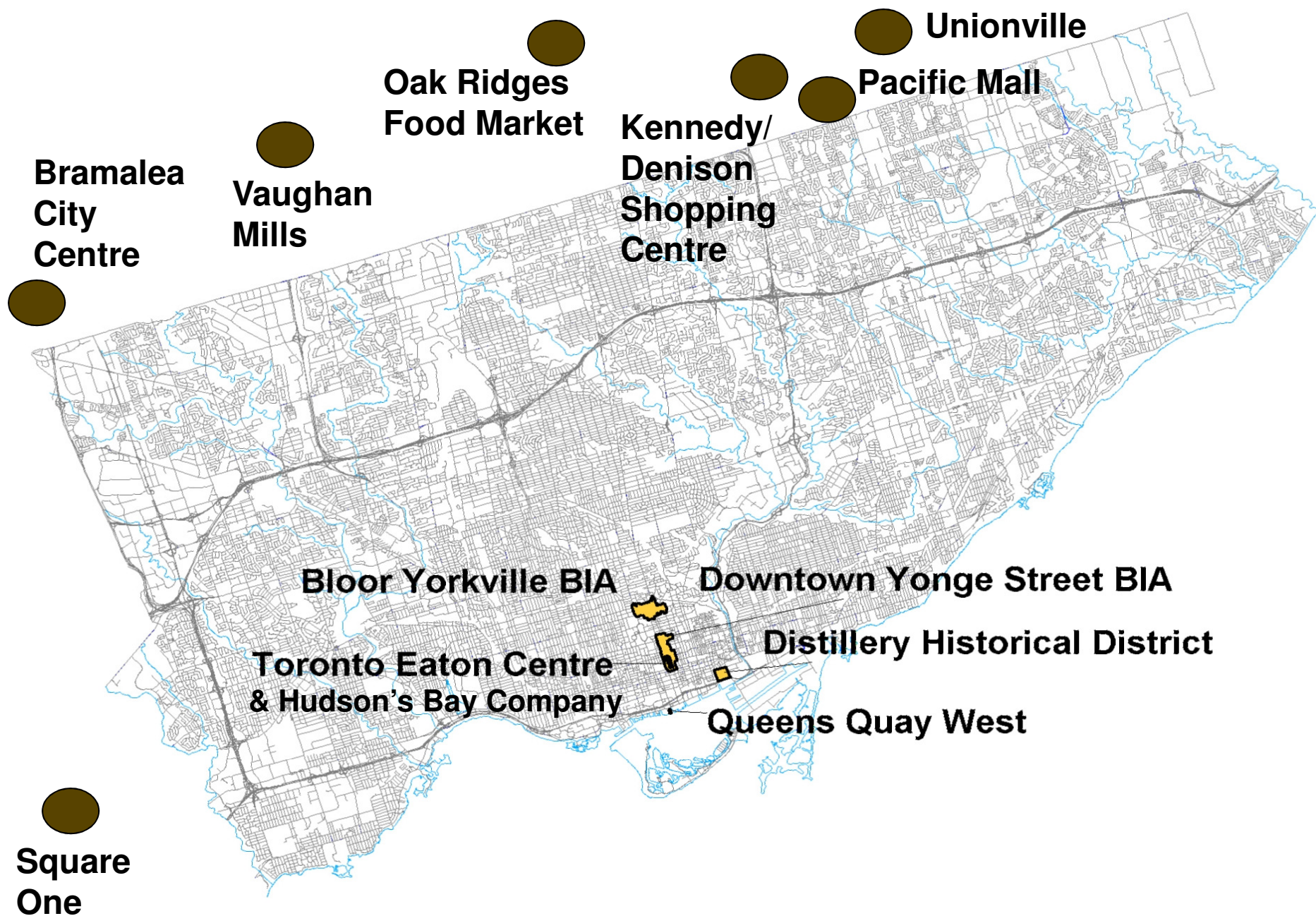
Areas Permitted to Open on Holidays	Date	No. of Days Permitted to be Open
Queen's Quay Terminal Retail	1994	6 (Except New Year's Day, Good Friday, Christmas Day)
Toronto Eaton Centre and the Hudson's Bay Company	1995-2008	8 (Except Christmas Day)
Downtown Yonge Street BIA	2002	9
Bloor-Yorkville BIA	2004	8 (Except Christmas Day)
Distillery Historic District	2005	9

# Toronto Area Exemptions Are Located in Downtown Core

City of Toronto Holiday Shopping Exemptions



2011 Boundaries are for Illustration Purposes Only



# Holiday Shopping Regulations Ontario & Toronto

Legislation/ By-laws	Specific Days	Size and Type Exemption	Area Exemption for Tourism Purposes
Ontario – Retail Business Holidays Act 1990	✓	✓	✓
Ontario – City of Toronto Act 2006			
Toronto – Municipal Code Chapter 510, Holiday Shopping 2006	✓	✓	✗

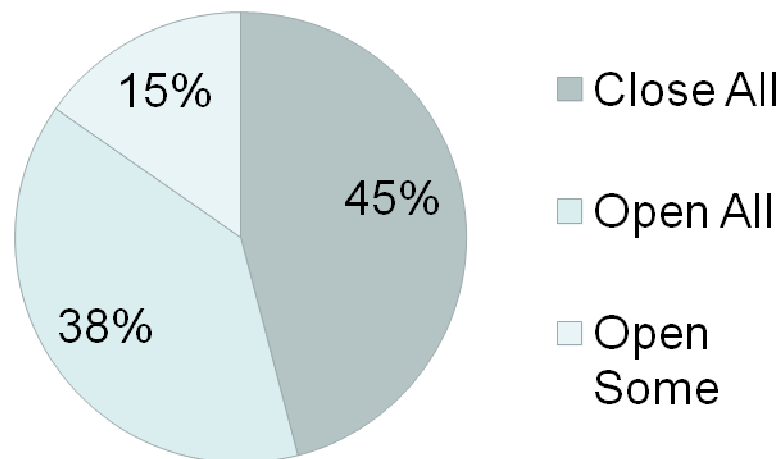


# Stakeholder & Public Meetings

- Representatives of BIAs, large retailers (with one notable exception), shopping centres, and the Retail Council of Canada are in favour of permitting shopping on holidays.
- Representatives from labour, one legal clinic and the Workers Action Centre are not in favour of permitting shopping on holidays.
- Representatives from several different faith-based organizations said the current religious holidays should be maintained, and the City should increase the number of religious holidays to reflect the diversity of the city.
- Participants at the public consultations raised concerns about access of municipal services such as public transit and childcare on holidays.
- Representatives of pharmacies raised concerns about access to prescription medication on holidays.

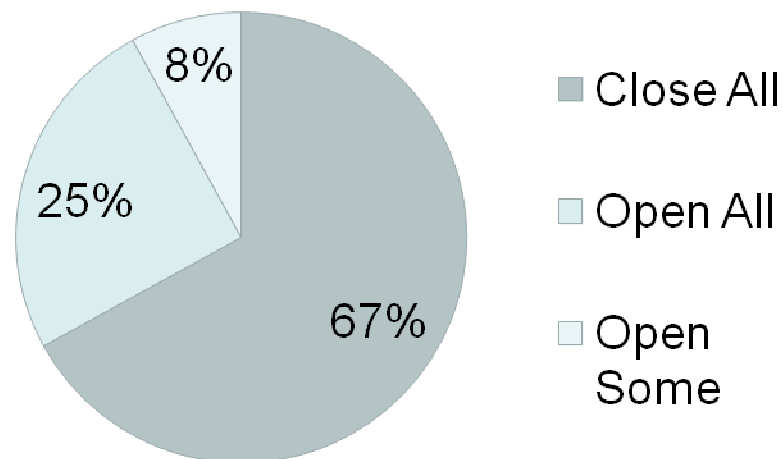
# Telephone Poll and Online Survey

## Telephone Poll



Conducted over a two week period from October and November 2011.

## Online Survey



Conducted over an eight month period from November 2011 to July 2012.

# Consultation Results

- This issue is complex with many stakeholders and many different points of view in Toronto and across the country
- The consultations were successful in soliciting input and provided a forum for a frank and respectful exchange of views.
- Heard that the existing regime of regulations, exemptions and exceptions creates an unlevel and often confusing playing field.



# Holiday Shopping Regulations

## Survey of Southern Ontario Municipalities

	Canada Day	Victoria Day	Labour Day	Thanks giving Day	Family Day	New Year's Day	Good Friday	Easter Sunday	Christ mas Day
(Out of 81) no. of municipalities with an area exemption By-law to permit Holiday Shopping	81	80	80	73	60	46	43	36	27
(Out of 81) % of municipalities permitting retail stores to open on public holidays	100%	99%	99%	90%	74%	57%	53%	44%	33%

# Holiday Shopping Regulation in Ontario

- Ontario has a mixed-system that allows municipalities the authority to pass area exemptions for tourism purposes.
- Since Toronto adopted Municipal Code, Chapter 510, Holiday Shopping, 24 municipalities in southern Ontario have passed a by-law to permit holiday shopping.
- A review of 269 municipalities in southern Ontario found that 81 have passed a by-law to permit retail areas to open on holidays.
- 13 of the 81 municipalities with a by-law to permit holiday shopping are located in the Greater Toronto Area.
- 60% of the 81 municipalities created an area exemption for their entire city.

# Ongoing Issues

- Toronto's temporary policy is considered confusing and unfair by many BIAs, shopping centres and large retail businesses in the City.
- Concern for common days of rest and right to refuse to work on public holidays.
- Exclusion of exemption process makes Toronto's regulations more restrictive than elsewhere in Ontario and most other jurisdictions.
- Other municipalities in Ontario have the option to permit area exemptions, and are continuing to permit more area exemptions.

# Balanced Recommendation

Approach to establishing a fair and equitable regulatory environment;

- Consider all of the views held by the different stakeholders
  - Consider research and jurisdictional review
  - Bring Toronto regulations in-line with other municipalities
  - Consider availability of public transit and childcare on holidays
- 
- Staff recommend that the City permit retail businesses the option to open on Victoria Day, Canada Day, Labour Day and Thanksgiving Day from 10:00 AM to 6:00 PM.
  - Subcommittee recommends that the City permit all retail business establishments within the City of Toronto to open on Victoria Day, anytime between the hours of 10:00 AM and 6:00 PM.



**Thank You.**