Chapter 510
HOLIDAY SHOPPING

§ 510-1. Definitions.


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[History: Adopted by the Council of the City of Toronto December 6, 2006 by By-law 8-2007. Amendments noted where applicable.]

General References


§ 510-1. Definitions.

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

GOODS OR SERVICES IN THE FORM OF, OR IN CONNECTION WITH, PREPARED MEALS - A prepared meal, services required to sell or prepare a prepared meal, or any good or service provided for the purpose of the immediate consumption of the prepared meal. [Added 2017-12-08 by By-law 1431-2017]


PREPARED MEAL - Any food product that has undergone preparation with the intent to offer it for immediate consumption as a meal. [Added 2017-12-08 by By-law 1431-2017]

PREPARATION - Cooking, chopping, baking, combining of ingredients, or other processes to make food ready for immediate consumption. [Added 2017-12-08 by By-law 1431-2017]

RETAIL BUSINESS - The selling or offering for sale of goods or services by retail.

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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 came into force January 1, 2007.

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) (Reserved)²

(2) Living accommodation;

(3) Laundromats;

² Editor’s Note: Subsection 510-4I(1) was deleted December 8, 2017 by By-law 1431-2017.
(4) Vehicle or boat rentals; or

(5) Servicing and repair of vehicles or boats.

J. The portion of a premises selling goods or services in the form of, or in connection with, prepared meals but no other portion of the premises. [Added 2017-12-08 by By-law 1431-2017]

§ 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

(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.