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**Subject:** Application for Tourism Exemption for Holiday Openings under the *Retail Business Holidays Act* – Lowe’s – 7959 McLeod Road, City of Niagara Falls

**Report to:** Corporate Services Committee

**Report date:** Wednesday, May 12, 2021

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## Recommendations

1. That Report CLK 5-2021, respecting Application for Tourism Exemption for Holiday Openings under the *Retail Business Holidays Act* – Lowe’s – 7959 McLeod Road, City of Niagara Falls, **BE RECEIVED**;
2. That the application from Lowe’s store, requesting a tourism exemption under the *Retail Business Holidays Act*, to permit the store located at 7959 McLeod Road, in the City of Niagara Falls, to open on all statutory holidays, with the exception of Christmas Day, from 7:00 a.m. to 9:00 p.m., **BE APPROVED**; and
3. That the necessary by-law **BE PREPARED** and **PRESENTED** to Regional Council for consideration.

## Key Facts

- The purpose of this report is to seek Committee’s approval for the application for tourism exemption, under the *Retail Business Holidays Act*, to permit Lowe’s store located at 7959 McLeod Road in the City of Niagara Falls, to open on all statutory holidays, with the exception of Christmas Day, from 7:00 a.m. to 9:00 p.m.
- Documentation supporting this application, received from the City of Niagara Falls, in response to the Region’s request for comments, is attached as Appendix 2 to this report.

## Financial Considerations

There are no financial considerations.

## Analysis

An application received from Lowe's, 7959 McLeod Road, Niagara Falls, requests a tourism exemption under the *Retail Business Holidays Act* to permit the store to open on all statutory holidays, except Christmas Day, from 7:00 a.m. to 9:00 p.m.

This application has been processed in accordance with By-law No. 6728-92, being a by-law to establish procedures and fees for the processing of applications for holiday openings for tourism under the *Retail Business Holidays Act* and related Ontario Regulation 711/91. The application is available as Appendix 1 to this report.

By-law 6728-92 requires that a public meeting be held in order that any interested persons have the opportunity to comment on the application. A notice of the public meeting respecting this application was posted on the Region's website on April 9, 2021, and in the Niagara Falls Review on April 10, 2021.

On April 8, 2021, a letter was sent to the Clerk of the City of Niagara Falls requesting comments regarding this application. Correspondence dated April 22, 2021, received from the City of Niagara Falls, in support of this request for the tourism exemption for Lowe's, is attached to this report as Appendix 2.

The following two requirements of "Tourism Criteria" in O. Reg. 711/91. s. 2, must both be met by the applicant:

- a) The tourist attractions which the retail establishment must be "within 2 km" of are "natural", "outdoor recreational", "historical", "cultural, multi-cultural or educational" as defined in s. 2 of O. Reg. 711/91. The applicant has stated that Lundy's Lane historical district, and related shopping, hotel and recreational venues are located within two kilometres of the Lowe's store.
- b) The applicant may be exempted from closing on holidays if "it is directly associated with the tourist attraction or relies on tourists visiting the attraction for business on a holiday." The applicant has stated that Lowe's sells many items that are in demand for those travelling to Niagara Falls by automobile. Goods and services provided directly to tourists include recreational products, electric cords and chargers, cleaning supplies, gift items and garden items. In addition, Lowe's offers many products and services that assist the retail, recreation, accommodation and arts establishments that service tourism in Niagara Falls to meet the needs of the tourists who use their facilities.

## **Alternatives Reviewed**

Council could decide not to approve this application for a Tourism Exemption for Holiday Openings for this store.

## **Relationship to Council Strategic Priorities**

This report aligns with Council's Strategic Priority of Supporting Businesses and Economic Growth, specifically Economic Growth and Development (Strategic Objective 1.1).

## **Other Pertinent Reports**

None.

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### **Prepared and Recommended by:**

Ann-Marie Norio  
Regional Clerk

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### **Submitted by:**

Ron Tripp, P. Eng.  
Acting Chief Administrative Officer

## **Appendices**

Appendix 1	Application for Tourism Exemption
Appendix 2	Letter of Support from the City of Niagara Falls