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**Subject:** Application for Tourism Exemption for Holiday Openings under the Retail Business Holidays Act – Home Depot Store, City of Niagara Falls

**Report to:** Corporate Services Committee

**Report date:** Wednesday, July 14, 2021

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## Recommendations

1. That Report CLK 8-2021, respecting Application for Tourism Exemption for Holiday Openings under the *Retail Business Holidays Act* – Home Depot – 7190 Morrison Street, City of Niagara Falls, **BE RECEIVED**;
2. That the application from Home Depot, requesting a tourism exemption under the *Retail Business Holidays Act*, to permit the store located at 7190 Morrison Street, 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 the Home Depot store located at 7190 Morrison Street, 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.

## Financial Considerations

There are no financial considerations.

## Analysis

An application received from the Home Depot Store, 7190 Morrison Street, 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 Niagara Region's website on June 7, 2021, and in the Niagara Falls Review on June 5 and June 8, 2021.

On May 27, 2021, a letter was sent to the Clerk of the City of Niagara Falls, requesting comments regarding this application. Correspondence dated June 4, 2021, received from the City of Niagara Falls, in support of this request for the tourism exemption for Home Depot, is attached as Appendix 2 to this report.

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 the Home Depot Store is located near many Niagara Falls tourist attractions, including Lundy's Lane historical district, Canada One Factory Outlets, Oakes Park and other nearby dining, accommodation, shopping, recreational and entertainment venues.
- 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 Niagara Falls Home Depot store supports the Niagara Falls community as a year-round tourist destination. In particular, they retail seasonal and event products that help customers create and celebrate the many aspects of travel tourism to the Niagara region. They offer many quality products and services upon which tourists rely. In addition, the store provides important support to the operation of tourist attractions by offering a direct destination for local businesses' essential repair, maintenance and décor needs to ensure these businesses can continue to serve tourism in the region. The store's Pro-grade offering of products and accessories supports many local

PRO (professional) companies (i.e. plumbing, electrical, building) that support the tourism industry.

### **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