

**From:** Bill Matson  
**To:** Lotimer, Kelly; Norio, Ann-Marie  
**Cc:** Heather Ruzylo  
**Subject:** RE: Request for Comments from the City of Niagara Falls respecting Application for Tourism Exemption for Home Depot  
**Date:** Friday, June 4, 2021 12:02:12 PM  
**Attachments:** CLK-C 2021-081.pdf  
Home Depot Tourist Exemption.pdf

---

Ann-Marie,

Please be guided by the following motion that was approved at the City of Niagara Falls' Council meeting on June 1, 2021:

**ORDERED on the motion of Councillor Wayne Thomson, Seconded by Councillor Wayne Campbell that Council support the Tourist Exemption for Retail Holiday Openings request to permit the Home Depot store in Niagara Falls to open on all statutory holidays, with the exception of Christmas Day, from 7:00 a.m. to 9:00 p.m.**

**Bill Matson** | City Clerk | Director of Clerks Services | City of Niagara Falls  
4310 Queen Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 4342 | Fax 905-356-9083 |  
[billmatson@niagarafalls.ca](mailto:billmatson@niagarafalls.ca)

**From:** Lotimer, Kelly <kelly.lotimer@niagararegion.ca>  
**Sent:** Thursday, May 27, 2021 11:01 AM  
**To:** Bill Matson <billmatson@niagarafalls.ca>  
**Subject:** Request for Comments from the City of Niagara Falls respecting Application for Tourism Exemption for Home Depot

Good morning,

Please find a letter attached from Ann-Marie Norio, Regional Clerk, requesting comments from the City of Niagara Falls regarding an application for tourism exemption that we received for the Home Depot store, 7190 Morrison Street, Niagara Falls.

If you could please respond to this request on or before Monday, June 28, 2021, so that we may include comments in the staff report that will be going to the Corporate Services Committee in July, we would greatly appreciate it.

Thank you.

Kelly Lotimer

Legislative Coordinator  
Office of the Regional Clerk

The Regional Municipality of Niagara Confidentiality Notice The information contained in this communication including any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

CLERKS DEPARTMENT

# Inter-Departmental Memo

**To:** Mayor James M. Diodati & Members of Council  
**From:** Bill Matson, City Clerk  
**Date:** June 1, 2021  
**Re:** Tourist Exemption for Retail Holiday Openings

---

Whether a business is allowed to open on a statutory holiday is determined by Provincial Legislation known as *The Retail Business Holidays Act*.

The Act does not allow holiday openings except for certain exemptions, which are outlined in the Act.

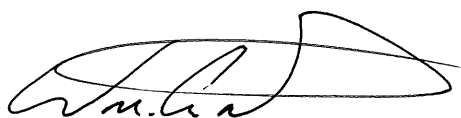
There is a process to apply for a tourist exemption through the Clerks Office at the Region. There is a fee and the Region will hold a public meeting to be held before the Region's Corporate Services Committee on Monday June 28, 2021.

The regulations of the legislation state that a retail establishment looking to open on a statutory holiday has to be located within 2km of a tourist attraction and relies on tourists visiting the attraction for business on a holiday. Most applications for such an exemption in Niagara Falls have been approved on the basis that just about every location could be argued to be catering to Tourist in the City.

The Regional Clerks Office has asked the City for its comments on the attached application for Home Depot in Niagara Falls to be open on all holiday's, with the exception of Christmas Day.

As a tourist community, where many businesses are already open on statutory holidays, there seems to be less of a desire to maintain the former "pause" days under the legislation. Council has supported other similar requests of this nature.

**RECOMMENDATION:** That Council support the request.





**Administration**

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-4977

[www.niagararegion.ca](http://www.niagararegion.ca)

May 27, 2021

Mr. Bill Matson, City Clerk  
City of Niagara Falls  
City Hall, P.O. Box 1023  
4310 Queen St.  
Niagara Falls, ON  
L2E 6X5

***SENT ELECTRONICALLY***

Dear Mr. Matson:

Re: Request for Comments respecting Application for Tourism Exemption for Holiday Openings - Home Depot, 7190 Morrison Street, Niagara Falls

Attached is an application received from the Home Depot store located at 7190 Morrison Street, in the City of Niagara Falls, requesting a tourism exemption under the *Retail Business Holidays Act* to permit the store to open on all statutory holidays (with the exception of Christmas Day) from 7:00 a.m. to 9:00 p.m.

I kindly request that you arrange to provide me comments from the City of Niagara Falls regarding this application by Monday, June 28, 2021, for inclusion in the staff report for the Public Meeting to be held before the Region's Corporate Services Committee on Wednesday, July 14, 2021.

If you have any questions regarding this matter, please do not hesitate to contact me.

Yours truly,

A handwritten signature in dark ink, appearing to read "Ann-Marie", written in a cursive style.

Ann-Marie Norio  
Regional Clerk

:kl

THE REGIONAL MUNICIPALITY OF NIAGARA  
APPLICATION FOR TOURISM EXEMPTION  
RE HOLIDAY OPENINGS

---

The undersigned hereby applies to the Council of the Regional Municipality of Niagara for an exempting by-law under subsection 4(1) of the Retail Business Holidays Act, R.S.O. 1990, Chapter R. 30.

If more than one person carrying on retail business is represented in this application, please list information for each on a separate page and attach to form.

Pursuant to the Regulations under the Act, an application relating to a retail business establishment that on days other than holidays normally uses a total area of 2,400 square feet or more for serving the public or normally has four or more employees serving the public shall be made only by that business establishment.

(PLEASE PRINT OR TYPE AND ADD EXTRA PAGES, IF NECESSARY)

**PART 1 – APPLICANT INFORMATION**

1. Type of applicant (please check one):

- ☒ one or more person carrying on retail business in the Regional Municipality of Niagara
- ☐ an association, whether or not incorporated, representing persons carrying on retail business in the Regional Municipality of Niagara
- ☐ a council of a local municipality

2. Name of Applicant: Home Depot of Canada Inc.

Mailing Address of Applicant: 400 – 1 Concorde Gate  
Toronto, ON M3C4H9

Telephone No. of Applicant: 416.301.2855 Fax No.: 416.412.4958  
(Meredith Ashton)

Email Address of Applicant Meredith\_K\_Ashton@homedepot.com

Bill 6715, *as amended by By-law No. 19-2010.*

3. Applicant's Authorized Agent (to whom all correspondence will be sent) N/A

Mailing Address of Applicant: N/A

Telephone No. of Applicant: N/A Fax No.: N/A

Email Address of Applicant N/A

4. Location of Retail Business Establishment

Municipal Address Home Depot Niagara Falls  
7190 Morrison Road  
Street Number, Municipality Niagara Falls, ON  
L2E 7K5

5. If you wish the exemption to apply to one or more classes of retail business establishments, please define and specify the classes:

N/A

Total No. of Sq. Ft. normally used for serving the public: 94,870 square feet

Total No. of Employees normally serving the public: 168 associates

## PART II – TOURISM CRITERIA

Tourist attractions are limited to:

- a) Natural attractions or outdoor recreational attractions;
- b) Historical attractions; and
- c) Cultural, multi-cultural or educational attractions.

The two (2) kilometre restriction set out in the Regulations to the Act does not apply to a retail business establishment located in a local municipality within the Regional of Niagara, having a population of less than 50,000

1. Is business located within two kilometres of a tourist attraction? If yes, describe the nature of tourist attraction: Yes

Our Home Depot Niagara Falls 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. Please see Appendix A for map.

2. Describe nature of direct association with the tourist attraction or reliance on tourists visiting the attraction for business on a holiday.

Our Home Depot Niagara Falls store supports the Niagara Falls community as a year-round tourist destination. In particular, we retail seasonal and event products that help customers create and celebrate the many aspects of travel tourism to the Niagara region. We also offer many quality products and services at Home Depot's everyday low prices, upon which tourists rely. In addition, the Niagara Falls store provides important support to the operation of tourist attractions, such as dining, accommodation, retail, and entertainment venues. Home Depot offers 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 also supports many local PRO (professional) companies (i.e., plumbing, electrical, building) that support the tourism industry. The Niagara Falls store is conveniently located in close proximity to key tourism destinations, ensuring tourists and tourism operators can easily travel to the store for their needs. By enabling our Home Depot Niagara Falls store to remain open on all holidays (excluding Christmas), The Home Depot

can continue to support the economic, employment and tourist destination of the Niagara region.

3. Where the application involves a business that on days other than holidays normally uses a total area of 2,400 square feet or more for serving the public, or normally has four or more employees serving the public, please outline the goods or services provided primarily to tourists.

The Home Depot Niagara Falls store offers many quality products at everyday low prices for customers in the Niagara region, including tourists. Using Canada Day as an example, our store offers multiple seasonal and event products to help create, stage and support many of the region's celebrations. Customers can find a wide assortment of products, from recreational (e.g., picnic, BBQ items), live goods, décor, and paint products to building materials, to help create elements for and on Canada Day. We also offer automotive accessories and 'on the go' beverage and snack options for tourists travelling throughout the region, and have a wide array of everyday, household products, such as cleaning supplies, batteries, and light bulbs, to support tourist rental needs.

This section relates only to applications to grant exemptions on an area basis.

4.
  - a) In what local municipality is it located? Choose an item.
  - b) Describe subject area (in words):  
  
Click here to enter text.  
(Please attach a map or sketch)
  - c) How many businesses are included in this application? Click here to enter text.
  - d) Are all the retail business establishments in the described area within two kilometres of the tourist attraction? Choose an item.
  - e) Does the area exceed that necessary to encompass all of the retail business establishments for which an exemption is sought? Choose an item.

If not, explain how it does not:



Click here to enter text.

- f) How many of the businesses are directly associated with the tourist attraction or rely on tourists visiting the tourist attraction for business on a holiday? (Regulations to the Act require at least 25% of the businesses) Click here to enter text.
- g) If application is submitted by an association, describe briefly the purpose of the association, the area and type of businesses it represents.

Click here to enter text.

### **PART III - GENERAL**

- Indicate which holidays, and which specific times or specific number of hours you wish to be open on those holidays: *All holidays (excluding Christmas Day) from 7:00 am*

New Year's Day	from 7:00	a.m.	to 9:00	p.m.	<i>- 9:00 PM, including :</i>
Family Day	from 7:00	a.m.	to 9:00	p.m.	
Good Friday	from 7:00	a.m.	to 9:00	p.m.	
Easter Sunday	from 7:00	a.m.	to 9:00	p.m.	
Victoria Day	from 7:00	a.m.	to 9:00	p.m.	
Canada Day	from 7:00	a.m.	to 9:00	p.m.	
Labour Day	from 7:00	a.m.	to 9:00	p.m.	
Thanksgiving Day	from 7:00	a.m.	to 9:00	p.m.	
Choose an item,	from 7:00	a.m.	to Click here to enter text.	p.m.	
- Is request seasonal in nature, e.g. summer months only? No

If yes, what time period is sought?

N/A
- What is the justification in relation to the seasonal nature, if any, of the tourist attraction, for the time period sought in the exemption?

N/A
- Is request related to a special event? No

NOTE: A retail business establishment may be exempted for up to five holidays a year during which a fair, festival or other special event (but not solely a parade) is being held in that municipality.

For what holidays is exemption being sought?

N/A

Describe special event, duration and time of year

N/A

5. Indicate how the exemption would, if granted, be for the maintenance or development of tourism and briefly identify other material submitted with this application that supports this conclusion:

As Canada's leading home improvement retailer, our Home Depot Niagara Falls store offers a wide assortment of quality products and services to support the maintenance, repair, and operational needs of new and existing businesses within the Niagara region. Our support helps to ensure Niagara businesses can continue to serve the tourism industry, either directly as tourism destinations, or as local PROs (professionals such as plumbers, electricians, contractors) who support these tourist venues. Our knowledgeable store associates, including dedicated PRO sales associates, work closely with local businesses and PROs to ensure their maintenance and development needs are met. Our Home Services department further helps to support the growth and improvement of tourism destinations in Niagara, through renovations, remodels and updating. The proximity of our Niagara Falls store ensures that any tourism location (and local PRO) can obtain the products and services they need to continue to operate day in and day out. Lastly, our store can help residents and tourist rentals with their maintenance and repair needs whenever they need to access them.

6. What justification is there for the opening of the retail business establishment(s) on holidays in light of the principle, stated in the Retail Business Holidays Act, that holidays should be maintained as common pause days?

Niagara Falls is a year-round tourist destination, particularly during statutory holidays. Our Home Depot Niagara Falls store is well-situated to meet the ongoing needs of both tourists and tourist locations in the region. We note that repair, maintenance, renovation and remodel requirements of the tourism industry are continuous (and sometimes unpredictable) for businesses and residents. We believe support should be available for the tourism industry during its regular hours of operation, which includes those days currently defined as "holidays" under the Retail Business Holidays Act. By enabling our

Bill 6715, *as amended by By-law No. 19-2010*.

Niagara store to remain open on all holidays (excluding Christmas), The Home Depot can continue to support the economic, employment and tourist destination of the Niagara region.

Bill 6715, *as amended by By-law No. 19-2010.*

**EXECUTION BY APPLICANT**

I, Meredith Ashton, of the City of ~~Choose an item.~~ <sup>Toronto</sup> in the ~~Choose an item.~~ <sup>Province of Ontario</sup> do solemnly declare that all of the statements contained in this application are true and I make this solemn declaration conscientiously, believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

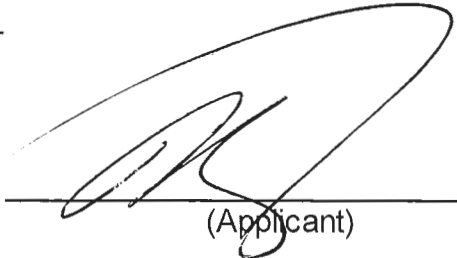
Declared before me at the City

<sup>Toronto</sup>  
of ~~Choose an item.~~ <sup>CH M</sup> in the

<sup>Province of Ontario</sup>  
~~Choose an item.~~ <sup>CH M</sup>

<sup>7th</sup>  
of ~~Choose an item.~~ <sup>CH M</sup> this ~~Click here to enter text.~~ <sup>CH M</sup>

day of May, 2021

  
(Applicant)

  
A Commissioner, etc.

**APPOINTMENT OF AUTHORIZED AGENT**

<sup>LSO # 59816B</sup>

I/We, ~~Click here to enter text.~~ hereby appoint ~~Click here to enter text.~~ of ~~Click here to enter text.~~ to act as my/our authorized agent in this application.

Witness:

Signed:

Date:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

**NOTES:**

1. It is required that the original application be filed with the Regional Clerk, together with appropriate documentation, accompanied by a cheque in the amount of \$750, made payable to:

**THE REGIONAL MUNICIPALITY OF NIAGARA**

This fee will cover the following:

- publication costs
  - legal costs to review applications
  - administrative costs i.e. printing, mailing
2. Applications are to be filed at the Clerk's Department, the Regional Municipality of Niagara, 2201 St. David's Road, Thorold, Ontario, L2V 4T7 to the attention of the Regional Clerk (685-1571).
  3. This application and any by-law passed by the Region are subject to the provisions of the Retail Business Holidays Act. It is strongly suggested that Applicants contact their solicitor with respect to the provisions of the Act.
  4. It is preferred where possible that applicants submit a proposed exemption by-law with their applications.
  5. Each application must be accompanied by a scaled plan or map of the area covered by the proposed by-law showing:
    - (a) the retail business establishment(s);
    - (b) the tourist attraction; and
    - (c) the scale of the plan or map enabling the distances to be measured.

**APPENDIX 1**

