
Subject: Application for Tourism Exemption for Holiday Openings under the *Retail Business Holiday Act* – 2664479 Ontario Limited operating as Sobeys Grocery Store - 450 Garrison Road in the Town of Fort Erie

Report to: Corporate Services Committee

Report date: Wednesday, February 12, 2020

Recommendations

1. That Report CLK 2-2020, Application for Tourism Exemption for Holiday Openings under the *Retail Business Holidays Act*, 2664479 Ontario Limited operating as Sobeys Grocery Store - 450 Garrison Road in the Town of Fort Erie, **BE RECEIVED**;
2. That the application from 2664479 Ontario Limited, requesting a tourism exemption under the *Retail Business Holidays Act*, to permit the Sobeys grocery store, located at 450 Garrison Road, in the Town of Fort Erie, to open on Family Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day from 7:00 a.m. to 11:00 p.m., Good Friday from 7:00 a.m. to 7:00 p.m. and any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of the *Retail Business Holiday Act*, **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 Sobeys grocery store located at 450 Garrison Road in the Town of Fort Erie to open on Family Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day from 7:00 a.m. to 11:00 p.m., Good Friday from 7:00 a.m. to 7:00 p.m. and any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of this Act.
- By-law No. 7396-93, granted a tourism exemption to the IGA Grocery store located at 200 Garrison Road, in the Town of Fort Erie to open on New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day and the 26th day of December.
- A letter supporting this application, received from the Town of Fort Erie 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

The application received from 2664479 Ontario Limited, operating as Sobeys grocery store, 450 Garrison Road, Fort Erie, requests a tourism exemption under the *Retail Business Holidays Act* to permit the store to open on Family Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day from 7:00 a.m. to 11:00 p.m., Good Friday from 7:00 a.m. to 7:00 p.m. and any other public holiday that may be declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of the *Retail Business Holidays Act*.

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 January 3, 2020 and in the Fort Erie Observer on January 9, 2020.

On November 28, 2019, a letter was sent to the Clerk of the Town of Fort Erie requesting comments regarding this application. Correspondence dated January 6, 2020, received from the Town of Fort Erie in support of this request for the tourism exemption for Sobeys grocery store 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 Mathers Park is 1.7 km from the 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 refers to Regional By-law 7396-93 in the application. This by-law, passed by Regional Council on November 18, 1993, grants permission for the IGA grocery store located at 79 Courtwright Steet ("soon to be located at 200 Garrison Road") in the Town of Fort Erie to open on New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day and the 26th day of December for the "maintenance of development

of tourism.” The applicant has stated that the IGA grocery store located at 200 Garrison Road was later moved to 450 Garrison Road, the banner name of the store changed to Sobeys and as such, the store has continued to remain open on the days granted under this by-law as they were unaware that the by-law was for a specific location only.

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.

Prepared and Recommended by:

Ann-Marie Norio
Regional Clerk

Submitted by:

Ron Tripp, P. Eng.
Acting Chief Administrative Officer

Appendices

Appendix 1	Application for Tourism Exemption
Appendix 2	Letter of Support from the Town of Fort Erie