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

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: 266479 Ontario Lto. (Sobeys Fort Erie)

Mailing Address of Applicant: 450 Garrison Road

Fax No.: 905-871-1555

Telephone No. of Applicant: 905-871-7463

Email Address of Applicant: mike.barnes@sobeys.com
3. Applicant’s Authorized Agent (to whom all correspondence will be sent)  
   Michael Barnes

Mailing Address of Applicant:  
   450 Garrison Road
   Fontaine, Ontario
   LA9 1N2

Telephone No. of Applicant: 289-696-1605  Fax No.: 905-871-1555

Email Address of Applicant: mike.barnes@sobeys.com

4. Location of Retail Business Establishment

   Municipal Address
   Street Number, Municipality  
   450 Garrison Road
   Fontaine, Ontario
   LA9 1N2

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

   Supermarket

   ______________________________________________

   ______________________________________________

Total No. of Sq. Ft. normally used for serving the public: 35,272 (Total Store)

Total No. of Employees normally serving the public: 100 Total Employees
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? Yes [x]  No [ ]

If yes, describe the nature of tourist attraction:

Mathews Park (Acre) 1.7 km
Our Fort Erie 2.1 km

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

Provide Food & Beverages to Amusement For Tourists & Locals

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.

Deli Prepared Meals, Groceries

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

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

4. a) In what local municipality is it located?
   
   **Ontario**

b) Describe subject area (in words):
   
   Google Maps Attached.

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(Please attach a map or sketch)

\[---\]

c) How many businesses are included in this application?

\[1\]

d) Are all the retail business establishments in the described area within two kilometres of the tourist attraction?

\[YES\]

e) Does the area exceed that necessary to encompass all of the retail business establishments for which an exemption is sought?

\[YES\]

If not, explain how it does not:

**Business is larger than**

2,400 square feet with more than

4 employees

\[---\]

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)

\[0\]
<table>
<thead>
<tr>
<th>Mode</th>
<th>Time</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car</td>
<td>4 min</td>
<td>1.7 km</td>
</tr>
<tr>
<td>Fastest route, despite the usual traffic</td>
<td></td>
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<td></td>
<td>5 min</td>
<td>2.6 km</td>
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<tr>
<td>Car</td>
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<tr>
<td>Car</td>
<td>19 min</td>
<td>1.4 km</td>
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<tr>
<td>Mostly flat</td>
<td></td>
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</tbody>
</table>
Old Fort Erie to Sobeys Fort Erie

Drive 2.1 km, 4 min

Old Fort Erie
350 Lakeshore Rd, Fort Erie, ON L2A 1B1

1. Head north on Lakeshore Rd toward Dominion Rd
   5 s (62 m)

2. Turn left onto Dominion Rd/Niagara 1
   20 s (170 m)

Take Concession Rd to Niagara 3

3. Turn right at the 1st cross street onto Radford St
   3 min (1.5 km)

4. Turn right onto Albany St
   400 m

5. Turn left onto Concession Rd
   300 m

6. Turn left onto Niagara 3
   800 m

Drive to your destination
   41 s (350 m)

   18 s (58 m)
7. Turn right

8. Turn right
   Destination will be on the left

Sobeys Fort Erie
450 Garrison Rd, Fort Erie, ON L2A 1N2

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.
Bill 6715, as amended by By-law No. 19-2010.

g) If application is submitted by an association, describe briefly the purpose of the association, the area and type of businesses it represents.

PART III - GENERAL

1. Indicate which holidays, and which specific times or specific number of hours you wish to be open on those holidays:

   Family Day 7am-11pm, Good Friday 7am-7pm,

   Victoria Day 7am-11pm, Canada Day 7am-11pm

   Labour Day 7am-11pm + Thanksgiving Day 7am-11pm

   Any other non-public holidays declared by proclamation of the Lieutenant Governor to be non-public

2. Is request seasonal in nature, e.g. summer months only? If yes, what time period is sought?
   NO

3. What is the justification in relation to the seasonal nature, if any, of the tourist attraction, for the time period sought in the exemption?
   None
4. 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?

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

Describe special event, duration and time of year

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

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:

BY-LAW NO. 7396-93 WAS GRANTED TO IGA

WHICH WAS LOCATED AT 200 GARNISON ROAD WHICH LATER MOVED TO 450 GARNISON ROAD AND SWITCHED BRAND NAMES TO SOBEY. SOBEY'S HAS CONTINUED TO OPEN ON HOLIDAYS NO REALIZING THE BY-LAW DIDN'T MAKE WITH THE STORE.

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?

WITH THE INFORMATION ABOVE I FEEL

NOT HAVING A SUPERMARKET OPEN IN FONT

WILL WOULD HAVE A NEGATIVE IMPACT ON THE COMMUNITY

AND THE TOURIST WHO CAMP AND COTTAGE IN

THE AREA.
Bill 7390

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 7396-93

A BY-LAW TO PERMIT IGA CURRENTLY LOCATED
AT 79 COURTWRIGHT STREET AND SOON TO BE
LOCATED AT 200 GARRISON ROAD IN THE TOWN
OF FORT ERIE, TO BE OPEN ON CERTAIN HOLIDAYS
FOR THE MAINTENANCE OR DEVELOPMENT OF TOURISM

WHEREAS pursuant to section 4(1) of the Retail Business Holidays
Act, R.S.O. 1990, Chapter R.30, as amended, the Council of the
Region may by by-law permit retail business establishments in the
Region to be open on holidays for the maintenance or development of
tourism;

AND WHEREAS Regional Council has taken into account the principle
that holidays should be maintained as common pause days;

AND WHEREAS there is compliance with the tourism criteria set out
in the regulations made under section 4 of the Retail Business
Holidays Act;

AND WHEREAS application has been made by certain persons carrying
on retail business in the Region and by the Corporation of the Town
of Fort Erie;

AND WHEREAS Regional Council has considered the written material
submitted in support of the application;

AND WHEREAS Regional Council has held a public meeting in respect
of this by-law;

AND WHEREAS Regional Council has published notice of the public
meeting in a newspaper having general circulation in the
Municipality at least thirty days before the meeting was held;

THEREFORE the Council of The Regional Municipality of Niagara
enacts as follows:

1. The following retail business establishment in the Town
of Fort Erie may be open on New Year’s Day, Victoria Day,
Canada Day, Labour Day, Thanksgiving Day and the 26th day
of December:

IGA, currently 79 Courtwright Street, and soon to
be 200 Garrison Road.
2. This by-law shall come into force and take effect, subject to an appeal under section 4.3 of the Retail Business Holidays Act, on the thirty-first day after it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

(Brian E. Merrett, Regional Chair)

(Sandra McDougall, Acting Regional Clerk)

Passed: November 18, 1993
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.
Bill 6715, as amended by By-law No. 19-2010.

EXECUTION BY APPLICANT

I, [Name of Applicant], of the [Name of Municipality] in the [Name of Region], 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 Region of Niagara (city, town, or municipality) of the City of Thorold, in the Province of Ontario, this 26th day of November, 2019.

[Signature]
(Applicant)

Deputy Clerk
Regional Municipality of Niagara

A Commissioner, etc.

APPOINTMENT OF AUTHORIZED AGENT

I/we, [Name of Applicant], hereby appoint [Name of Authorized Agent] to act as my/our authorized agent in this application.

Witness: ____________________ Signed: ____________________

Date: ____________________

[Signature]