

Clause 2 in Report No. 7 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on April 21, 2016.

## 2

**Winners Merchants International L. P.**  
**Located at 1054 Centre Street, Thornhill (Vaughan)**  
***Retail Business Holidays Act Application for Exemption***

Committee of the Whole held a public meeting on April 14, 2016, pursuant to the Retail Business Holidays Act, to consider a proposed bylaw to permit Winners Merchants International for its retail business located at 1054 Centre Street, City of Vaughan to remain open on the holidays during the hours set out in Recommendation 3, and recommends:

1. Receipt of the report dated April 1, 2016 from the Commissioner of Corporate Services and Chief Planner.
2. Receipt of the deputation by James Wilson, Stikeman Elliott LLP on behalf of Winners Merchants International L.P.
3. Permitting Winners Merchants International L.P. for its retail business located at 1054 Centre Street, City of Vaughan to remain open on New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day and Thanksgiving Day between 10 a.m. and 7 p.m. pursuant to the Retail Business Holidays Act.
4. The Regional Solicitor prepare the necessary bylaw

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Report dated April 1, 2016 from the Commissioner of Corporate Services and Chief Planner now follows:

### **1. Recommendations**

It is recommended that:

1. Council consider the application for exemption from the *Retail Business Holidays Act* as submitted by Winners Merchants International (the "Applicant") for its retail business located at 1054 Centre Street, Vaughan, Ontario.

**Winners Merchants International L. P.**  
***Retail Business Holidays Act* Application for Exemption**

2. Council determine whether to grant an exemption from the *Retail Business Holidays Act* to allow the Applicant to remain open on New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day.
3. A bylaw be presented to give effect to the exemption, if granted by Council.

## **2. Purpose**

This report advises Council of an application for exemption from the *Retail Business Holidays Act* to allow the Applicant to be open on certain statutory holidays. This application is the subject of the public meeting to be held on April 14, 2016.

## **3. Background**

### **The *Retail Business Holidays Act* requires businesses to be closed on certain statutory holidays**

The *Retail Business Holidays Act* (the "Act") requires businesses to be closed on public holidays unless they are exempted. The holidays to which the Act applies are:

- New Year's Day
- Family Day
- Good Friday
- Easter Sunday
- Victoria Day
- Canada Day
- Labour Day
- Thanksgiving Day
- Christmas Day

Boxing Day and the Civic Holiday in August are not public holidays under this Act and therefore an exemption is not required for those days.

The Act sets out statutory exemptions for certain types of businesses and also provides that Council may permit businesses to remain open for the maintenance

**Winners Merchants International L. P.**  
***Retail Business Holidays Act Application for Exemption***

or development of tourism. A public meeting must be held to consider the application.

The following application has been received:

<b>Business</b>	<b>Location</b>	<b>Holidays</b>	<b>Hours</b>
Winners Merchants International L.P.	1054 Centre St. Vaughan ON L4S 8E5	New Year's Day Family Day Good Friday Victoria Day Canada Day Labour Day Thanksgiving Day	10 a.m. to 7 p.m.

In accordance with the Act, notice of a public meeting was advertised in the Vaughan Citizen on March 10, 2016 and was posted on the Region's website.

A copy of the application with supporting documentation is appended to this report as Attachment 1. A copy of the Public Notice is appended to this report as Attachment 2.

**Exemption under the Act**

Businesses are exempt under the Act if the only goods available for sale on the holiday are foodstuffs, tobacco, antiques or handicrafts. These businesses shall not exceed three employees and the total area used for service shall be less than 2,400 square feet. Other businesses which are exempt are businesses selling only gasoline, nursery stock/flowers or fresh fruit and vegetables.

**Council may permit businesses to be open on holidays if the tourism criteria are met**

The Act provides that Council may permit retail business establishments to open on holidays for the maintenance and development of tourism.

A bylaw may be passed only if there is compliance with the tourism criteria set out in Ontario Regulation 711/91 Tourism Criteria (the "Regulation") under the Act. A copy of the regulation is appended to this report as Attachment 3. In addition, even if the tourism criteria are met, Council is not required to pass the bylaw and may exercise its discretion to refuse the application.

**Winners Merchants International L. P.**  
***Retail Business Holidays Act Application for Exemption***

Section 2 of the Regulation provides that a business can be exempted if:

- It is located within two kilometres of a tourist attraction, and
- Is directly associated with the tourist attraction or relies on tourists visiting the attraction for business on a holiday

For the purposes of Section 2, a tourist attraction is limited to:

- Natural attractions or outdoor recreational attractions
- Historical attractions
- Cultural, multi-cultural or educational attractions

#### **4. Analysis and Options**

**The Applicant has been operating in the Region for fourteen years and is located in proximity to Promenade Shopping Centre, the historic village of Thornhill, and Oakbank Pond Park as noted in the Applicant's submission**

The Applicant has been operating in the Region since 2001. The Applicant is a Regional retail store totalling 54,871 square feet and has been in operation for fourteen years employing 110 employees. The operating hours are currently Monday to Saturday, 9:30 a.m. to 9 p.m. and Sunday, 10 a.m. to 7 p.m.

The Applicant has submitted an application to open on the following statutory holidays: New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day and Thanksgiving Day from 10 a.m. to 7 p.m.

**The Applicant lists the historic Village of Thornhill, Promenade Shopping Centre, and Oakbank Pond Park as the tourist attractions within its vicinity**

The Applicant has listed the historic Village of Thornhill, the Promenade Shopping Centre and Oakbank Pond Park as the tourist attractions on this application. The Applicant submits that it is within walking distance of each attraction and expects to attract a similar type of tourist. The Applicant submits that therefore they meet the location criteria for exemption consideration.

**Winners Merchants International L. P.**  
***Retail Business Holidays Act Application for Exemption***

In addition to submitting an application, and as part of Attachment 1, the Applicant has provided aerial map 1, showing its proximity to surrounding attractions while maps 2 and 3 show its proximity to the Promenade Shopping Centre.

The Applicant's submission states, "Winners/HomeSense, Thornhill store is located within two kilometers of the historic Village of Thornhill which includes historical attractions such as the Heintzman House, Thoreau MacDonald House, and Arnold House. There are also natural and outdoor recreation attractions within two kilometres which include the Oakbank Pond, Concord-Thornhill Region Park and Parita Payne Park.

Currently, a bylaw exists allowing the Promenade Shopping Centre exemption for the holidays as requested by the Applicant, (New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day and Thanksgiving Day from 11 a.m. to 6 p.m.) while the applicant seeks to extend the hours to 10 a.m. to 7 p.m.

A second bylaw already approved by Council exempts all businesses, in the Thornhill area of Vaughan within the boundaries of Hwy 7, Yonge St., Steeles and Dufferin on Good Friday and Easter Sunday from 8 a.m. to 10 p.m. The Applicant is included in this area.

A chart showing businesses and municipalities within the Region which have been granted exemptions is appended to this report as Attachment 4. A map showing the location of the applicant relative to the Promenade Shopping Centre is shown in Attachment 5.

**Enactment of Bylaw**

Should Council decide to grant the exemption, the bylaw will come into force on the thirty-first day after it is enacted. Under the Act, there is a period to allow for an appeal of the bylaw which may be made within thirty days, by any person who objects to the exemption. An appeal may only be made if an exemption has been denied. If there is no appeal, the bylaw takes effect on the thirty-first day after it is passed.

**Link to key Council-approved plans**

Regional Council has approved a number of strategic documents that provide direction, within the current term of Council and beyond. This includes:

**Winners Merchants International L. P.**  
***Retail Business Holidays Act Application for Exemption***

- *York Region Official Plan – 2010*; Economic Vitality (Chapter 4) - states a York Region Official Plan objective as “To encourage and accommodate economic activities that diversify and strengthen the Region’s economic base, employment opportunities for residents and competitive advantage for its businesses.”
- *2015 to 2019 Strategic Plan* which includes the Strategic Priority Area “Strengthening the Region’s Economy”.

**5. Financial Implications**

There are no direct financial implications to the Region as a result of this application.

**6. Local Municipal Impact**

Approval of an exemption under the Act is intended to contribute to tourism in a particular location, in this case in the City of Vaughan. A copy of the application was sent to the City of Vaughan Clerk’s Office, for comment.

**7. Conclusion**

An application has been received from the Applicant requesting an exemption from the Act to permit the Applicant’s retail business located at 1054 Centre Street to remain open on New Year’s Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day and Thanksgiving Day from 10 a.m. to 7 p.m. The applicant is already exempt under bylaw 2014-55 for Good Friday and Easter Sunday from 8 a.m. to 10 p.m.

Council is respectfully requested to review this application and determine whether to enact an exempting bylaw, with due consideration to the criteria set out in the Regulation.

If Council elects to pass a bylaw, the bylaw will come into effect on May 25, 2016.

**Winners Merchants International L. P.**  
***Retail Business Holidays Act Application for Exemption***

For more information on this report, please contact Jonathan Wheatle, Manager, Strategic Economic Initiatives at ext. 71594 or Doug Lindeblom, Director, Economic Strategy and Tourism at ext. 71503.

The Senior Management Group has reviewed this report.

April 1, 2016

Attachments (5) – available for viewing on York.ca

#6705345

Accessible formats or communication supports are available upon request

# STIKEMAN ELLIOTT

Stikeman Elliott LLP Barristers & Solicitors

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Tel: (416) 869-5500 Fax: (416) 947-0866 www.stikeman.com

Calvin Lantz  
Direct: (416) 869-5669  
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February 11, 2016  
File No.: 013973.1015

Anitra Basant Sisavang, Law Clerk  
Legal Services Branch  
The Regional Municipality of York  
17250 Yonge Street  
Newmarket, Ontario  
L3Y 6Z1

Attention: Anitra Basant Sisavang

Dear Ms. Sisavang:

**Re: Application for a Tourist Exemption under the Retail  
Business Holidays Act by Winners/ HomeSense Thornhill**

We are the solicitors for Winners Merchants International L.P., the owners of the Winners/ HomeSense Store located at 1054 Centre Street Thornhill, ON ("Winners/ HomeSense Thornhill Store"), in their application for the exemption under the Retail Business Holidays Act, R.S.O. 1990, Chapter R.30 (the "Act").

The Winners/ HomeSense Store has been active in the Region since 2001. It is 54,871 square feet and provides employment for approximately 110 employees. It offers great values, fashions and brands in family apparel in addition to home fashions and beauty products.

On behalf of our client we are hereby submitting this application seeking Council approval for an exemption under the Retail Business Holidays Act in order to open on New Year's day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day and Thanksgiving Day. The hours of operation will be 10:00am - 7:00pm (equivalent to current Sunday hours of operation).

## Regulation Requirements

Based on the enclosed information, it is our opinion that the Winners/ HomeSense Store appropriately addresses the criteria for an exemption under the Retail Business Holidays Act, as per the criteria set out under subsection 2(1) and 2(3) of the Ontario Regulation 711/91, as follows:

TORONTO

MONTREAL

OTTAWA

CALGARY

VANCOUVER

NEW YORK

LONDON

SYDNEY



- 2(1) A retail business establishment may be exempted if,
- (a) it is located within two kilometres of a tourist attraction; and
  - (b) it is directly associated with the tourist attraction or relies on tourists visiting the attraction for business on a holiday. O. Reg. 711/91, s. 2 (1).
- 2(3) For the purposes of this section, a tourist attraction is limited to,
- (a) natural attractions or outdoor recreational attractions;
  - (b) historical attractions; and
  - (c) cultural, multi-cultural or educational attractions. O. Reg. 711/91, s. 2 (3).

### **Rationale**

#### Within two kilometres of Tourist Attractions

Winners/ HomeSense Thornhill Store is located within two kilometres of the historic Village of Thornhill which includes historical attractions such as the Heintzman House, Thoreau MacDonald House, and Arnold House. There are also natural and outdoor recreation attractions within two kilometres which include the Oakbank Pond, Concord-Thornhill Regional Park and Marita Payne Park. These attractions are public and are available all year throughout the seasons.

The Winners/ HomeSense Thornhill Store is also located within two kilometres of the Promenade Shopping Centre which has been deemed a tourist attraction as part of its exemption from the Retail Business Holidays Act. The Promenade Shopping Centre is open from 10:00am – 9:00pm Monday to Friday, 9:30am – 6:00pm on Saturdays and 11am – 6:00pm on Sundays. They also have holiday hours from 11:00am – 6:00pm on Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day and all Civic Holidays.

The Winners/ HomeSense Thornhill Store is well situated to attract tourism traffic from all of these attractions, specifically the Promenade Shopping Centre which is within walking distance and will attract a similar type of tourist. The attached report and accompanying Figure 1 and Map 1 provide a detailed list of the surrounding attractions and their distances to the Winners/ HomeSense Thornhill Store. The enclosed Maps 2 and 3 show the Winners/ HomeSense Thornhill Store in close proximity to Promenade Shopping Centre and the ease of travel between the two destinations.

#### Relies on Tourists for Business During the Holiday

In light of the Winners/ HomeSense Thornhill Store's proximity to the Promenade Shopping Centre and other tourist attractions noted above, the Winners/ HomeSense Thornhill Store will rely on tourists for economic support and stability during the holidays. This exemption will also provide the opportunity for the Winners/ HomeSense Thornhill Store to remain competitive during the holidays and build back into the Region's economy.

This exemption will allow the Winners/ HomeSense Thornhill Store to provide a location for local tourists to shop for affordable fashion purchases which will encourage tourists to continue to visit the area and see Vaughan as a convenient valuable destination during the holidays for their shopping experience.

### Submission Items


In addition to this letter fulfilling the requirement of a Letter from a lawyer detailing the qualifications for an exemption in accordance with the Act please find enclosed the following:

1. York Region Application for Exemption Form-Retail Business Holidays Act;
2. Limited Partnership Report for Winners Merchants International L.P.;
3. Report and supporting data detailing how the exemption will directly benefit the community in which the business is located;
4. Map of applicant location area and parking facilities;
5. Map of tourist attractions in proximity to site;
6. Tourist attraction's information, including operating season and hours, as set out in this letter;
7. Information detailing association with tourist attraction and goods and services primarily provided to tourists, as set out in this letter;
8. Copy of notice, to be issued to retail tenants or posted in a highly visible and publicly accessible location, regarding this application; and
9. Application fee of \$1000.00 made out to The Regional Municipality of York.

It is our opinion that the application satisfies all of the criteria set out in the Retail Business Holidays Act, as well as its accompanying Regulations. We are hoping to have this matter considered at the April 2016 Regional Council Meeting.

If you have any questions or require further information please contact us at the contact information provided above.

Yours truly,



Calvin Lantz

CL/cb

cc: Sarah Strachan, AVP Real Estate  
Inas Awad, TJX Canada  
Rockey Delfino, Stikeman Elliott

## The Regional Municipality of York

### APPLICATION FOR EXEMPTION - THE RETAIL BUSINESS HOLIDAYS ACT

The retail business applicant named below, ("Applicant") hereby applies to the Council of The Regional Municipality of York for an exempting bylaw pursuant to Section 4(1) of the *Retail Business Holidays Act, R.S.O. 1990* ("Act") and acknowledges that an Exemption fee of \$1000 per applicant and advertising fees will apply.

SECTION 1: APPLICANT INFORMATION	
The information in Section 1, 2, 3 and 4a are required to properly process your application. Any missing information will result in your application being delayed until the next application deadline.	
<b>Applicant name:</b>	Winners Merchants International L.P.
<b>Location address:</b>	1054 Centre Street Thornhill, ON L4S 8E5
<b>Location telephone number:</b>	905-731-3201
<b>Primary contact for Applicant:</b> <i>(Person to whom all correspondence will be addressed)</i>	Name: Calvin Lantz Address: 5300 Commerce Court West 199 Bay Street Toronto, Canada M5L 1B9  Telephone: (416) 869-5669 Fax: (416) 947-0866 Email: clantz@stikeman.com
<b>The Applicant is a _____ located within:</b>  <input type="checkbox"/> Business Improvement Association <input type="checkbox"/> Chamber of Commerce <input checked="" type="checkbox"/> Retail Business <input type="checkbox"/> Municipality <input type="checkbox"/> Shopping Mall	<input type="checkbox"/> Town of Aurora <input type="checkbox"/> Town of East Gwillimbury <input type="checkbox"/> Town of Georgina <input type="checkbox"/> Township of King <input type="checkbox"/> City of Markham <input type="checkbox"/> Town of Newmarket <input type="checkbox"/> Town of Richmond Hill <input checked="" type="checkbox"/> City of Vaughan <input type="checkbox"/> Town of Whitchurch-Stouffville
<b>Number of years in operation:</b> <i>*Municipality to insert its incorporation date</i>	14 years (opened in 2001)
<b>Location size:</b> <i>*Municipality to list the size(s) of the area(s) to be exempted</i>	<b><u>54,871 square feet</u></b> <input checked="" type="checkbox"/> Square Feet <input type="checkbox"/> Square Kilometers

<b>Number of employees directly employed at location:</b>	110 employees
<b>Type(s) of retail business:</b>	Regional Retail Store
<b>Current operating hours:</b>	Monday – Saturday (9:30am – 9:00pm); Sunday (10:00am – 7:00pm)
<b>Non-municipal applicant - Has the local municipality been notified of this application?</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<b>Municipal Applicant – Have you attached a Resolution of Municipal Council for this application?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<b>Have you enclosed two copies of this completed application and all supporting information?</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<b>Have you enclosed the application fee of \$1000.00?</b> <i>Please mail fee to: The Regional Municipality of York RBHA Application – c/o Legal Services 17250 Yonge Street, 4<sup>th</sup> Floor Newmarket, ON L3Y 6Z1</i>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<input checked="" type="checkbox"/> <i>I acknowledge that upon submission and acceptance of this application that I will be charged an advertising fee and will make a cheque payable to: The Regional Municipality of York in the amount required upon receipt of an invoice.</i>	
<b>SECTION 2: TOURIST ATTRACTION PROFILE</b>	
<b>Applicant is a Municipality with a population under 50, 000 as of the date this application is signed.</b>	<input type="checkbox"/> YES* <input checked="" type="checkbox"/> NO *If Yes, move to Section 3
<b>Name of nearby tourist attractions:</b>	Promenade Shopping Centre Historic Village of Thornhill Oakbank Pond Park
<b>Attraction location address:</b>	1 Promenade Circle, Vaughan, Ontario Thornhill
<b>Attraction category:</b>	<input checked="" type="checkbox"/> Cultural <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Educational <input checked="" type="checkbox"/> Outdoor recreational <input type="checkbox"/> Multi-Cultural <input checked="" type="checkbox"/> Historical
<b>The Applicant location is within 2km of the tourist attraction:</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

	If Yes, MUST provide info in Section 4A #5	
<b>Is the tourist attraction seasonal?</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If Yes, see Section 4A #9	
<b>Is the Applicant directly associated with the tourist attraction?</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If Yes, see Section 4A #7	
<b>Does the Applicant provide goods or services primarily to tourists during holidays?</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If Yes, see Section 4A #7	
<b>SECTION 3: EXEMPTION REQUEST</b>		
<b>Proposed holiday hours of operation:</b>	10:00am – 7:00pm (i.e., equivalent to current Sunday hours of operation)	
<b>Requested exemption period (please check box(es) below:</b>		
<input type="checkbox"/> All <input type="checkbox"/> Winter (October – March) <input type="checkbox"/> Summer (April – September)	<input checked="" type="checkbox"/> New Year's Day <input checked="" type="checkbox"/> Family Day <input checked="" type="checkbox"/> Good Friday <input type="checkbox"/> Easter Sunday	<input checked="" type="checkbox"/> Victoria Day <input checked="" type="checkbox"/> Canada Day <input checked="" type="checkbox"/> Labour Day <input checked="" type="checkbox"/> Thanksgiving Day <input type="checkbox"/> Christmas Day
<b>Do any of the requested exemption dates occur outside the operating season of the tourist attraction?</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If Yes, see Section 4A #9	
<b>SECTION 4: SUPPORTING DOCUMENTS</b>		
<p>Items 1 to 10 in section 4A are required to properly assess your application. Any missing information will result in your application being delayed until the next deadline. Items listed in section 4B are not required, but will be reviewed if provided.</p> <p><b>Note: All supporting information must be submitted in hard copy and available in electronic form.</b></p>		
<b>4A. MANDATORY INFORMATION:</b>		
Enclosed in support of this application are the following materials as listed in the application instructions:		
✓	1. Letter from a lawyer detailing the qualifications for an exemption in accordance with the Act.	
✓	2. Incorporation documents* <u>or</u> most recent Corporate Profile Report. <i>*Municipal applicants exempted from this requirement</i>	
✓	3. Report and/or supporting data detailing how the exemption will directly benefit the community in which the business or exempted area is located.	

✓	4. Map of Applicant location area and parking facilities.
✓	5. Map of tourist attraction in proximity to site.
✓	6. Tourist attraction's information, including operating season and hours.
✓	7. Information detailing association with tourist attraction and goods and services primarily provided to tourists.
N/A	8. If Applicant is not located within 2km of a tourist attraction, please provide detailed justification for this exemption with supporting evidence.
N/A	9. If requesting exemptions outside tourist attraction operating season please provide detailed justification for this exemption with supporting evidence.
✓	10. Copy of Notice, to be issued to retail tenants or posted in a highly visible and publicly accessible location, regarding this application.
<b>4B. ADDITIONAL INFORMATION:</b>	
Below is a suggested listing of information that you may submit with your application if available and applicable.	
	11. If applying as an educational attraction please provide letters of reference from schools within any GTA school board on letterhead from principal.
	12. If available, please provide letters of reference from registered tour companies.
	13. Tourist traffic survey.
	14. Traffic survey or maps.
✓	15. Report, maps and photos detailing how the location is ordinarily accessed by visitors (i.e. foot, bike, transit, car).

I/we the undersigned have the authority to sign this application for or on behalf of the Applicant and certify that the information contained in this application and all supporting documents supplied are true and complete. If any part of this application is incomplete or lacks sufficient information York Regional Council may reject this application and I/we must reapply. I/we understand and am aware of the conditions for exemption under Provincial Regulations 711/91 and accept that under the *Retail Business Holidays Act, R.S.O 1990*, York Regional Council is not required to pass an exempting bylaw even if the tourism criteria are met.

Date: 5<sup>th</sup> day of February, 2016

Name of signatory for Applicant:	Sarah Strachan
Signature:	
Title:	AVP Real Estate

Request ID: 018598439  
Transaction ID: 60179184  
Category ID: UN/E

Province of Ontario  
Ministry of Government Services

Date Report Produced: 2016/02/04  
Time Report Produced: 16:45:23  
Page: 1

## LIMITED PARTNERSHIPS REPORT

**Firm name registered under the *Limited Partnerships Act***  
WINNERS MERCHANTS INTERNATIONAL L.P.

**Business Identification Number**  
120573373

**Business Type**  
LIMITED PARTNERSHIP

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**Mailing Address**

60 STANDISH COURT  
MISSISSAUGA  
ONTARIO  
CANADA, L5R 0G1

**Address of Principal Place of Business in Ontario**

60 STANDISH COURT  
MISSISSAUGA  
ONTARIO  
CANADA, L5R 0G1

**General Nature of Business**

OWN AND OPERATE RETAIL BUSINESSES

**Jurisdiction of Formation**

ONTARIO

**Declaration Date**

2002/06/21

**Expiry Date**

2017/06/18

**Renewal Date**

2012/05/14

**Change Date(s)**

2015/05/15

**Last Document Filed**

CHANGE

**Dissolution/Withdrawal Date**

NOT APPLICABLE

**Last Document Filed Date**

2015/05/15

**Current Partnership Business Names Exist:**

YES

**Expired Partnership Business Names Exist:**

YES

**Former Names**

NOT APPLICABLE

**Date of Name Change**

Request ID: 018598439  
Transaction ID: 60179184  
Category ID: UNE

Province of Ontario  
Ministry of Government Services

Date Report Produced: 2016/02/04  
Time Report Produced: 16:45:23  
Page: 2

## LIMITED PARTNERSHIPS REPORT

**Firm name registered under the *Limited Partnerships Act***

WINNERS MERCHANTS INTERNATIONAL L.P.

**Business Identification Number**

120573373

**Business Type**

LIMITED PARTNERSHIP

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### Information Regarding General Partner(s)

**Name (Individual/Corporation/Other)**

WMI - 1 HOLDING COMPANY

Corporate Number: 1530198

**Address**

1959 UPPER WATER STREET

No. 800  
HALIFAX  
NOVA SCOTIA  
CANADA, B3J 2X2

**Name of Signatory**

AVERILL, DAVID L

**Power of Attorney**

NO

Former Limited Partnership Names will only be displayed for Declarations registered on or after April 1, 1994.

This Report sets out the most recent information registered on or after April 1, 1994 and recorded in the Ontario Business Information System as of the last business day.

The issuance of this report in electronic form is authorized by the Ministry of Government Services.



## **REPORT DETAILING HOW EXEMPTION WILL DIRECTLY BENEFIT THE COMMUNITY IN WHICH BUSINESS IS LOCATED**

Winners Merchants International L.P, acquired by TJX in 1990, is the leading off-price family apparel and home fashions retailer in Canada. It operated 371 stores in Canada at the end of 2015.

Winners offer great values, fashions and brands in family apparel. In addition to home fashions and beauty products. Select Winners stores offer fine jewelry and some feature The Runway, a high-end designer department.

Winners/ HomeSense Site is located within two kilometers west of the historic Village of Thornhill. The historical attractions in Thornhill Village include the Heintzman House, Thoreau MacDonald House, Arnold House, and other attraction as listed on Figure- 1. Additionally, there are three natural/outdoor recreation attractions within two kilometres of the site, including the Oakbank Pond, Concord-Thornhill Regional Park and Marita Payne Park, as shown on Map- 1.

Winners/ HomeSense store is well situated to attract tourism traffic already travelling to and from the Promenade Shopping Centre . The Site is within walking distance of the Promenade Shopping Centre. Visitors travelling by vehicle via north of Promenade Circle and crossing the street onto Centre Street/ Centre St/York Regional Rd 71 , as shown in Map- 2( Promenade Mall- Distance to Winners/ HomeSense) . Map- 3 is a Google Map shows how Visitors travelling from Promenade Circle to our site. Map- 4 shows Winners/ HomeSense's site and parking facilities.

Promenade Shopping Centre is one of the largest prominent visitor destinations in York Region and it is a major tourist attraction in itself. In addition, Promenade Shopping Centre which has been granted the exemption in 2014 and which has more than 150 retail businesses similar to Winners/ HomeSense in terms of the types of products for sale and the customers served, therefore the Applicant believes that without a similar exemption, the ability to compete within the marketplace will be prejudiced and its business will suffer inequitably. As a result of Winners/ HomeSense Location's proximity to the Promenade Shopping Centre, Winners Merchants International L.P. would rely on tourists for economic support and stability during holidays.

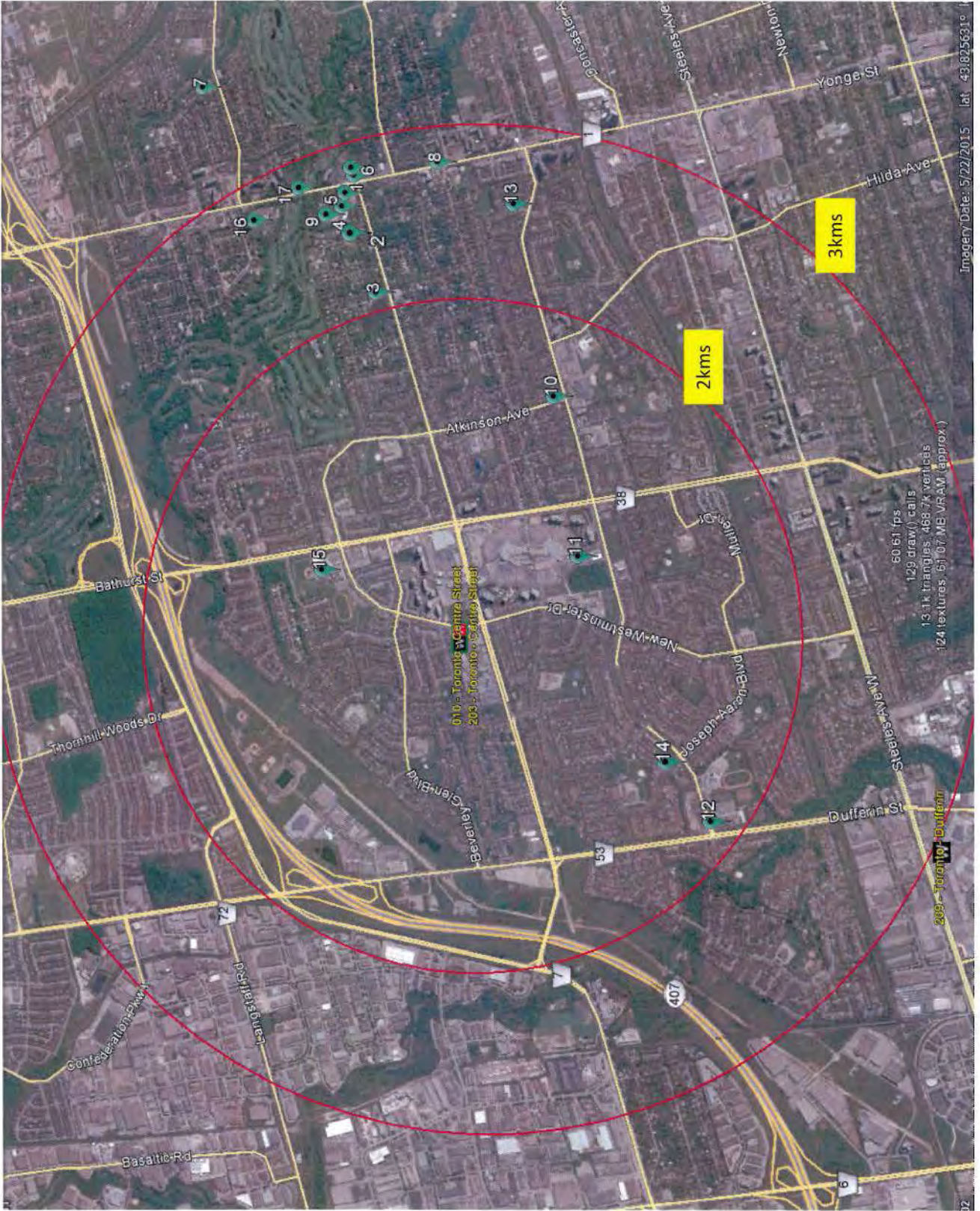
As discussed above, it is our opinion that Winners/ HomeSense meets the tourism criteria set out in the RBHA and Regulation. It is appropriate for Regional Council to grant our client an exemption from the RBHA due to its close proximity to the surrounding attractions and its reliance on business from tourists visiting those sites. Granting Winners/ HomeSense an exemption will provide a convenient service to the visitors of the surrounding attractions, thereby benefitting and strengthening tourism in the area.

**FIGURE – 1- LIST OF TOURIST ATTRACTIONS IN THE VICINITY OF THE Winners/ HomeSense SITE**

<b>ID</b>	<b>TOURIST ATTRACTION</b>	<b>ADDRESS</b>
1	Village Library	10 Colborne Street
2	Thoreau MacDonland House	121 Centre Street
3	Oakbank Pond	250 Centre Street
4	Martin House Store and Museum	46 Centre Street
5	Homewood Hall	19 Centre Street
6	Thornhill Paint Supplies	7707 Yonge Street
7	Heintzman House	135 Bay Thorn Drive
8	Thornhill Public School	7554 Yonge Street
9	Thornhill Pool	28 Centre Street
10	Garnet Williams Community Centre	501 Clark Avenue West
11	Bathurst-Clark Resource Library	900 Clark Avenue West
12	Dufferin Clark Community Centre	1441 Clark Avenue West
13	Beth Avraham Yoseph of Toronto Congregation	613 Clark Avenue West
14	Marita Payne Park	1443 Clark Avenue West
15	Vaughan City Playhouse Theatre	1000 New Westminister Drive
16	Thornhill Golf and Country Club	7994 Yonge Street
17	Ladies Golf Club of Toronto	7859 Yonge Street

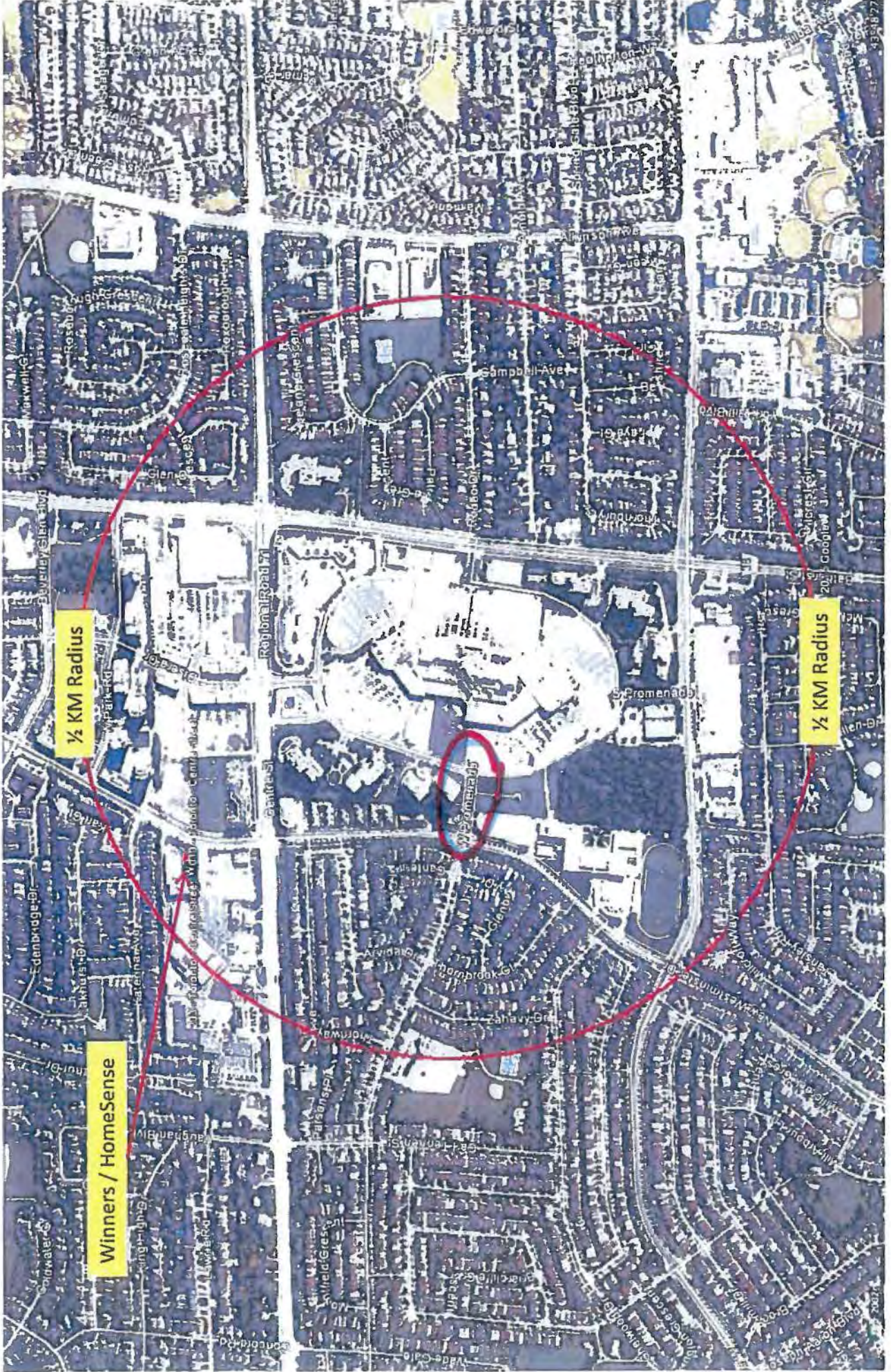
Map-1

# TOURIST ATTRACTIONS IN THE VICINITY OF THE WINNER / HOMSENSE SITE



Map 2

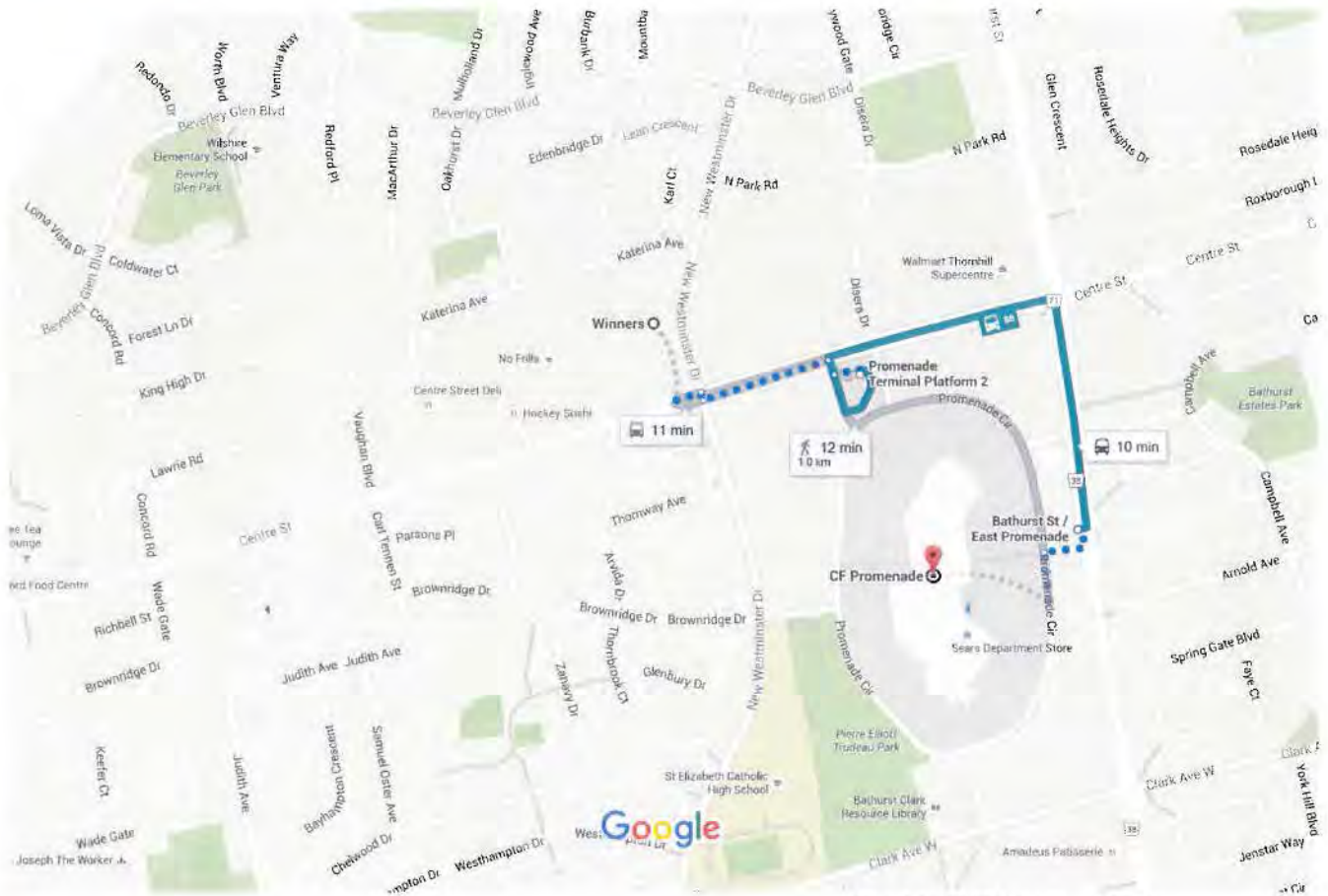
Promenade Mall - Distance to Winners / HomeSense



MAP-3



Winners, Centre Street, Vaughan, ON to CF Promenade 8:34 AM - 8:44 AM (10 min)



Map data ©2016 Google 100 m

8:34 AM–8:44 AM

10 min

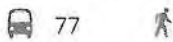


8:38 AM from Promenade Terminal Platform 2 · 7 min late

CAS4.00 7 min

8:23 AM–8:34 AM

11 min



via Centre St/York Regional Rd 71 and Promenade Cir

12 min

⚠ This route has restricted usage or private roads.

1.0 km

# RIOCENTRE THORNHILL



**ADDRESS**  
1054 Centre Street  
Thornhill, Ontario

**INTERSECTION**  
Centre Street & New Westminster Drive

**TOTAL COMPLEX**  
140,345 sq ft

**MAJOR TENANTS**  
No Frills  
Winners  
HomeSense

- FEATURES**
- Strong anchored centre
  - Located in a high traffic and densely populated residential area
  - Centre is located across from the Promenade Shopping Centre



**2015 TRADE AREA DEMOGRAPHICS**

Total Population  
Median Age  
Total Households  
Average Household Size  
Households with Children  
Average Household Income

**0-10 MINUTE DRIVE TIME**

263,639  
40.98  
94,990  
2.75  
46,095  
\$99,112

**0-20 MINUTE DRIVE TIME**

1,881,774  
40.05  
655,690  
2.84  
334,518  
\$99,723

**2020 PROJECTIONS**

Total Population  
Median Age  
Total Households  
Average Household Size  
Households with Children  
Average Household Income

**0-10 MINUTE DRIVE TIME**

278,409  
41.84  
105,014  
2.62  
46,243  
\$106,966

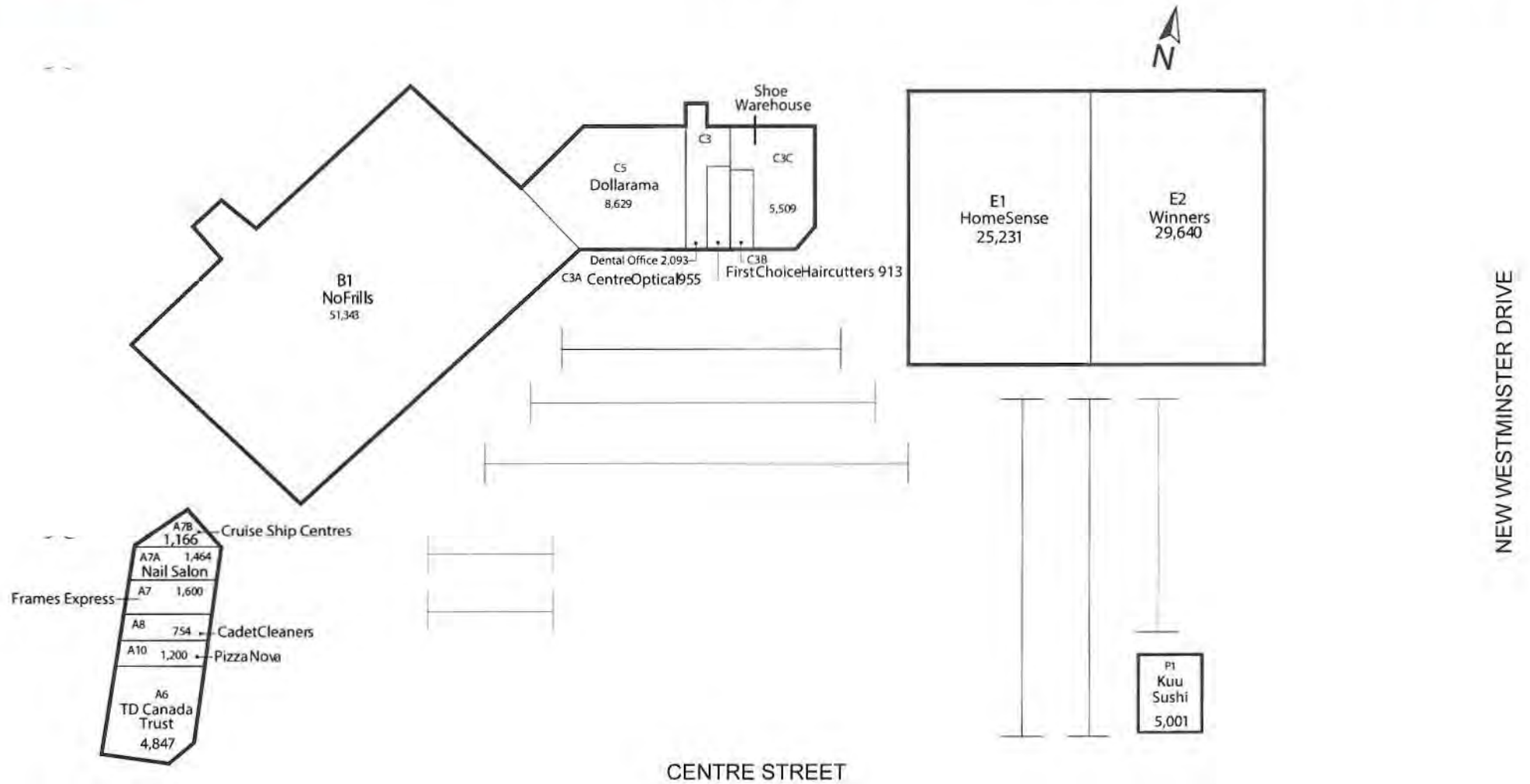
**0-20 MINUTE DRIVE TIME**

1,976,998  
40.94  
712,379  
2.75  
331,119  
\$110,276

Map-4

# RIOCENTRE THORNHILL



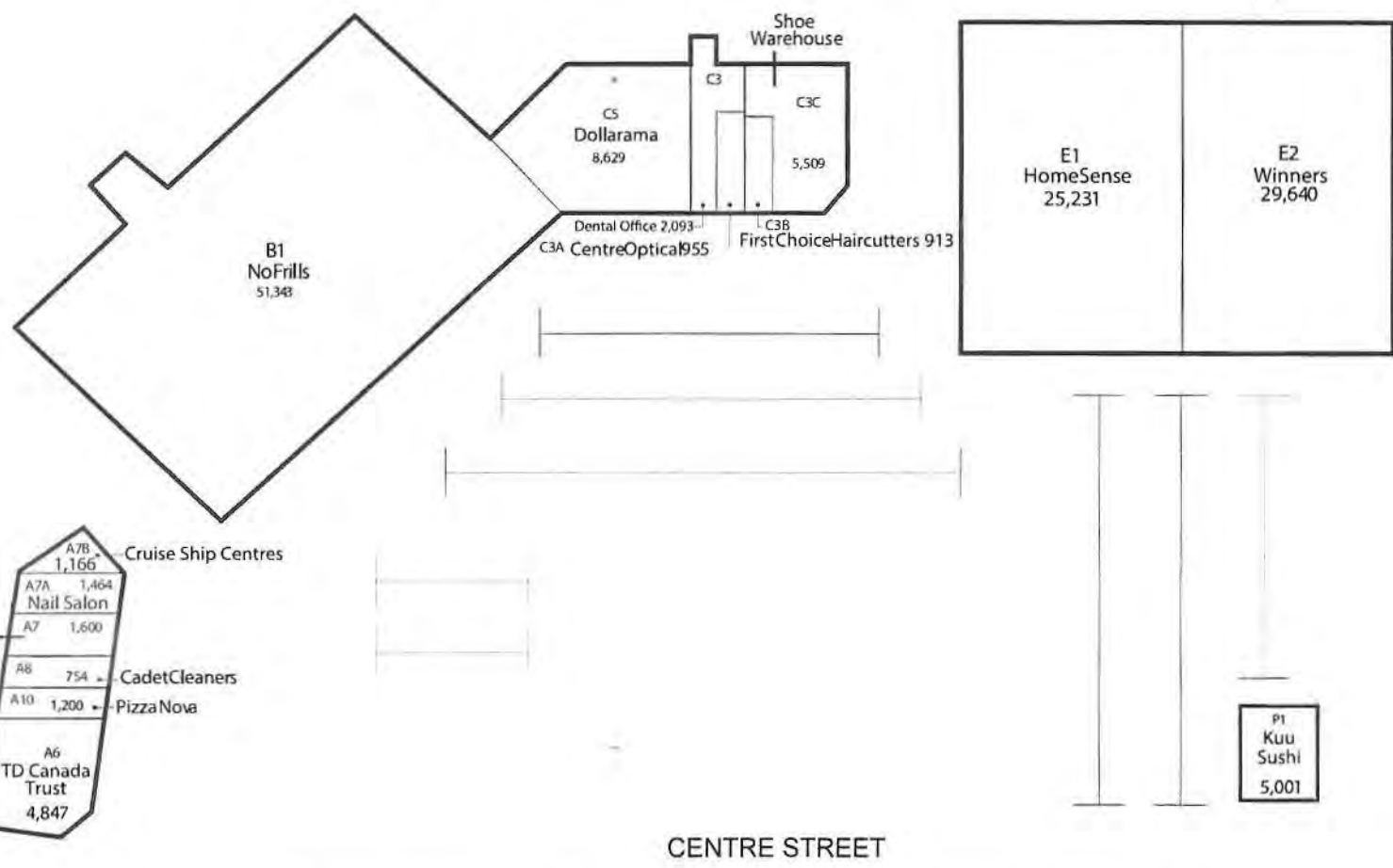


The purpose of this plan is to identify the approximate location, size and dimension of the Leased Premises in the Shopping Centre. The Landlord reserves the right at any time to relocate, rearrange, alter or expand the building and structures, other premises, the Common Areas, and any part of the Leased Premises from that shown on this plan. All information, dimensions, sizes and areas are approximate only and are to be verified on site. Any references on this plan to specific tenants are subject to change from time to time and shall not be deemed to be any representation as to the tenants that are within the Shopping Centre. 11/15

Map 1-1

**RIOCENTRE  
THORNHILL**

1054 Centre Street, Thornhill, Ontario



NEW WESTMINSTER DRIVE

CENTRE STREET

The purpose of this plan is to identify the approximate location, size and dimension of the Leased Premises in the Shopping Centre. The Landlord reserves the right at any time to relocate, rearrange, alter or expand the building and structures, other premises, the Common Areas, and any part of the Leased Premises from that shown on this plan. All information, dimensions, sizes and areas are approximate only and are to be verified on site. Any references on this plan to specific tenants are subject to change from time to time and shall not be deemed to be any representation as to the tenants that are within the Shopping Centre. 11/15



**LISTS ALL THE RETAIL ESTABLISHMENTS/AREAS IN YORK REGION THAT ARE CURRENTLY EXEMPT FROM THE RBIA.**

- Brice's Sports Centre Limited - 20287 Woodbine Avenue (East Gwillimbury)
- Vince's Country Market - 19101 Leslie Street (East Gwillimbury)
  
- Old McDonald's Furniture and Appliances - 19937 Woodbine Avenue (East Gwillimbury)
  
- Queensville Antique Mall - 20091 Woodbine Avenue (East Gwillimbury)
  
- Town of Georgina - entire community (Georgina)
  
- Old Town of Markham Core (Markham)
  
- Unionville Core (Markham)
  
- Pacific Mall Heritage Town / Pacific Mall - 4300 Steeles Avenue East (Markham)
  
- Market Village Markham Inc. - 4350 Steeles Avenue (Markham)
  
- Kennedy & Denison Centre - 1661 Denison Street (Markham)
  
- Foody Mart - 5221 Highway 7 East (Markham)
  
- T & T Supermarkets Inc. - 8339 Kennedy Road (Markham)
  
- T & T Supermarkets Inc. - 7070 Warden Avenue (Markham)
  
- First Choice Supermarket - 7866 Kennedy Road (Markham)
  
- Sunny Foodmart - 7700 Markham Road (Markham)
  
- Newmarket Downtown (Newmarket)
  
- Upper Canada Mall - 17600 Yonge Street (Newmarket)
  
- Oak Ridges Food Market - 13144 Yonge Street (Richmond Hill)
  
- Hillcrest Mall - 9350 Yonge Street (Richmond Hill)
  
- Kleinburg Core (Vaughan)
  
- Vaughan Mills Mall Campus (Vaughan)
  
- Town of Whitchurch-Stouffville - entire community (Whitchurch-Stouffville).
  
- Markham's Markville Shopping Centre (Vaughan); and
  
- Vaughan Promenade Shopping Centre (Vaughan)

## COPY OF NOTICE REGARDING THE APPLICATION

### NOTICE

TAKE NOTICE THAT Winners Merchants International L.P. has made an application to The Regional Municipality of York for an exemption under the Retail Business Holidays Act for the Winners/ HomeSense store located at 1054 Centre Street in the City of Thornhill. The exemption would permit the store to remain open voluntarily During the Statutory Holidays from 10:00 am - 7:00 pm with the exception of Christmas Day and Easter Sunday.

INVOICE	DATE	P.O. NO.	GROSS AMT.	DISCOUNT	NET AMOUNT
010816	01/08/16	01/12/16	1,000.00		1,000.00

VENDOR NUMBER: 60015	PAGE TOTAL:	1,000.00		1,000.00
	TOTALS:	1,000.00		1,000.00

PLEASE DETACH BEFORE DEPOSITING

THIS CHEQUE IS PRINTED ON WATERMARKED PAPER.

354933



Winners Merchants International L.P.  
 by its general partner  
 WMI - 1 Holding Company

The Bank of Nova Scotia  
 www.scoliabank.com/businessservices  
 1-888-855-1234 BLT 47696

0 1 1 4 2 0 1 6  
 DATE M M D D Y Y Y Y

THE REGIONAL MUNICIPALITY OF  
 Do not cash if above name does not match Payee name below

AMOUNT

Pay One thousand and 00/100 Canadian Dollars

\$ \*\*\*\*\*1,000.00

TO THE ORDER OF THE REGIONAL MUNICIPALITY OF YORK

*Douglas L. M...  
 01/14/16*

⑈0354933⑈ ⑆80002⑈002⑆ 06037⑈16⑈

**Notice of Public Meeting**  
**The Regional Municipality of York**  
***Retail Business Holidays Act***  
**Application for Exemption**

On Thursday, April 14, 2016 at 9 a.m., the Committee of the Whole of The Regional Municipality of York will hold a public meeting pursuant to the *Retail Business Holidays Act*. The purpose of the public meeting is to consider a proposed bylaw to permit the retail business establishment identified in the following schedule to remain open on the holidays and during the hours set out within the schedule.

The proceedings of the Committee and its recommendations will be presented to Regional Council for adoption.

Any person who attends this public meeting shall have the opportunity to make representations in respect of the proposed bylaw. Representations regarding this proposed bylaw will be heard only at this meeting. No deputations on this matter will be permitted at Regional Council.

Further information may be obtained from the Office of the Regional Clerk, Regional Administrative Centre, 17250 Yonge Street, 4<sup>th</sup> Floor, Newmarket, Ontario, L3Y 6Z1 at 1-877-464-9675, Ext. 71300.

Anyone wishing to attend the public meeting and address the Committee on this matter is requested to inform Carrie Martin, Committee Coordinator at 1-877-464-9675, Ext. 71303 or by email at [carrie.martin@york.ca](mailto:carrie.martin@york.ca) by 12 noon on April 7, 2016.

The following is the schedule above referred to:

<b>Business</b>	<b>Location</b>	<b>Holidays</b>	<b>Hours</b>
Winners Merchants International L.P.	1054 Centre St. Vaughan, ON L4S 8E5	New Year's Day Family Day Good Friday Victoria Day Canada Day Labour Day Thanksgiving Day	10 a.m. to 7 p.m.

Dated at Newmarket March 9, 2016

Denis Kelly  
Regional Clerk  
17250 Yonge Street  
Newmarket, ON L3Y 6Z1

**Retail Business Holidays Act**

R.S.O. 1990, CHAPTER R.30

**Consolidation Period:** From December 15, 2009 to the [e-Laws currency date](#).

Last amendment: 2009, c. 33, Sched. 24, s. 5.

**Definitions**

**1.** (1) In this Act,

“holiday” means,

- (a) New Year’s Day,
- (b) Good Friday,
- (c) Victoria Day,
- (d) Canada Day,
- (e) Labour Day,
- (f) Thanksgiving Day,
- (g) Christmas Day,
- (h) Easter Sunday, and

(i) any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of this Act; (“jour férié”)

“municipality” means a regional municipality and a local municipality, other than a local municipality within a regional municipality, but does not include the City of Toronto; (“municipalité”)

“retail business” means the selling or offering for sale of goods or services by retail; (“commerce de détail”)

“retail business establishment” means the premises where a retail business is carried on. (“établissement de commerce de détail”) R.S.O. 1990, c. R.30, s. 1 (1); 1993, c. 14, s. 1; 1993, c. 27, Sched.; 1996, c. 34, s. 1 (1); 2002, c. 17, Sched. F, Table; 2006, c. 11, Sched. B, s. 12 (1).

**Holidays designated for closing**

(2) The Lieutenant Governor may by proclamation declare any day that is a public holiday other than a day named in clauses (a) to (h) of the definition of “holiday” in subsection (1) to be a holiday for the purposes of this Act. R.S.O. 1990, c. R.30, s. 1 (2); 1996, c. 34, s. 1 (2); 2006, c. 11, Sched. B, s. 12 (1).

**Non-application, City of Toronto**

**1.1** (1) This Act does not apply to the City of Toronto and it does not apply in respect of any by-law of the City or any retail business establishment located in the City. 2006, c. 11, Sched. B, s. 12 (2).

**Exception**

(2) Despite subsection (1), Part XVII of the *Employment Standards Act, 2000* shall be applied as if this Act applies to the City and to retail business establishments located in the City. 2006, c. 11, Sched. B, s. 12 (2).

**Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by the Statutes of Ontario, 2006, chapter 32, Schedule D, subsection 15 (1) by adding the following section:**

**Non-application, municipalities**

**1.2** (1) This Act does not apply to a municipality and does not apply in respect of any by-law of the municipality or any retail business establishment located in the municipality if there is in effect a by-law passed by the municipality providing that this Act does not apply to it. 2006, c. 32, Sched. D, s. 15 (1).

**Condition for by-law to take effect**

(2) A by-law under subsection (1) does not take effect until the municipality passes a by-law under section 148 of the *Municipal Act, 2001* requiring that one or more classes of retail business establishments be closed on a holiday. 2006, c. 32, Sched. D, s. 15 (1).

**By-law valid**

(3) Nothing in section 7 invalidates a by-law passed by a municipality under section 148 of the *Municipal Act, 2001* if the municipality has passed a by-law under subsection (1) providing that this Act does not apply. 2006, c. 32, Sched. D, s. 15 (1).

**Exception**

(4) Despite subsection (1), Part XVII of the *Employment Standards Act, 2000* shall be applied as if this Act applies to the municipality and to retail business establishments located in the municipality. 2006, c. 32, Sched. D, s. 15 (1).

**See: 2006, c. 32, Sched. D, ss. 15 (1), 18 (2).**

**Prohibition**

**2.** (1) No person carrying on a retail business in a retail business establishment shall,

- (a) sell or offer for sale any goods or services therein by retail; or
- (b) admit members of the public thereto,

on a holiday.

**Onus on employees, etc.**

(2) No person employed by or acting on behalf of a person carrying on a retail business in a retail business establishment shall,

- (a) sell or offer for sale any goods or services therein by retail; or
- (b) admit members of the public thereto,

on a holiday. R.S.O. 1990, c. R.30, s. 2.

**Exemptions: small stores**

**3.** (1) Section 2 does not apply in respect of the carrying on of a retail business on a holiday where, on that day,

(a) the only goods available for sale by retail in the retail business establishment are,

- (i) foodstuffs,
- (ii) tobacco or articles required for the use of tobacco,
- (iii) antiques, or
- (iv) handicrafts,

or any combination of them, or where the principal business is the sale of goods referred to in subclauses (i) to (iv), or any of them, by retail and no other goods are available for sale except as sundries; and

- (b) the number of persons engaged in the service of the public in the establishment does not at any time exceed three; and
- (c) the total area used for serving the public or for selling or displaying to the public in the establishment is less than 2,400 square feet. R.S.O. 1990, c. R.30, s. 3 (1).

**Idem, pharmacies**

(2) Section 2 does not apply in respect of the carrying on of a retail business on a holiday in a pharmacy accredited under the *Drug and Pharmacies Regulation Act*, where, on that day,

- (a) the dispensing of drugs upon prescription is available to the public during business hours; and
- (b) the principal business of the pharmacy is the sale of goods of a pharmaceutical or therapeutic nature or for hygienic or cosmetic purposes and no other goods are available for sale except as sundries; and
- (c) the total area used for serving the public or for selling or displaying to the public in the establishment is less than 7,500 square feet. R.S.O. 1990, c. R.30, s. 3 (2); 1998, c. 18, Sched. G, s. 72.

**Idem, special services**

(3) Section 2 does not apply in respect of the carrying on of a retail business in a retail business establishment on a holiday where, on that day, the only goods available for sale by retail in the establishment are,

- (a) gasoline and motor oil and, in conjunction therewith, other goods for consumption in the operation of a motor vehicle; or
- (b) nursery stock or flowers, and in conjunction therewith, accessory gardening supplies; or
- (c) fresh fruit or vegetables in respect of holidays falling between the 1st day of April and the 30th day of November of the same year; or
- (d) books, newspapers or periodicals provided that no other goods are available for sale except as sundries, the number of persons engaged in the service of the public in the establishment does not at any time exceed three and the total area used for serving the public or for selling or displaying to the public in the establishment is less than 2,400 square feet. R.S.O. 1990, c. R.30, s. 3 (3).

**Idem, art galleries**

(4) Section 2 does not apply in respect of the carrying on of the retail business of an art gallery on a holiday, where on that day the number of persons engaged in the service of the public in the art gallery does not at any time exceed three and the total area used for serving the public or for selling or displaying to the public in the art gallery is less than 2,400 square feet. R.S.O. 1990, c. R.30, s. 3 (4).

**Exemptions, liquor**

(5) Section 2 does not apply in respect of the sale or offering for sale by retail of liquor under the authority of a licence or permit issued under the *Liquor Licence Act*. 2009, c. 33, Sched. 24, s. 5.

**Exemption, tourist establishments**

(5.1) Section 2 does not apply in respect of the sale or offering for sale of retail goods or services from tourist establishments. 2009, c. 33, Sched. 24, s. 5.

**Definition**

(5.2) In subsection (5.1),

“tourist establishment” means any premise operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided, but does not include,

- (a) a camp operated by a charitable corporation approved under the *Charitable Institutions Act*, or
- (b) a summer camp within the meaning of the regulations made under the *Health Protection and Promotion Act*, or
- (c) a club owned by its members and operated without profit or gain. 2009, c. 33, Sched. 24, s. 5.

**Exemptions, education, recreation, amusement**

(6) Section 2 does not apply in respect of the admission of the public to premises for educational, recreational or amusement purposes or in respect of the sale or offering for sale of goods or services incidental thereto. R.S.O. 1990, c. R.30, s. 3 (6).

**Idem, necessary services**

(7) Section 2 does not apply in respect of services sold in connection with the sale or offering for sale by retail of any goods permitted by this Act to be sold, and does not apply in respect of goods or services sold or offered for sale by retail in the form of or in connection with,

- (a) prepared meals;
- (b) living accommodation;
- (c) laundromats and other coin-operated services;
- (d) rentals of vehicles or boats;
- (e) servicing and repair of vehicles or boats. R.S.O. 1990, c. R.30, s. 3 (7).

**Tourism exemption**

4. (1) Despite section 2, the council of a municipality may by by-law permit retail business establishments in the municipality to be open on holidays for the maintenance or development of tourism. 1991, c. 43, s. 1 (1).

**Common pause day principle**

(2) The council in passing a by-law under subsection (1) shall take into account the principle that holidays should be maintained as common pause days. 1991, c. 43, s. 1 (1).

#### **Tourism criteria**

(3) A by-law may be passed under subsection (1) only if there is compliance with the tourism criteria set out in the regulations made under this section. 1991, c. 43, s. 1 (1).

#### **Application for by-law**

(4) Subject to the regulations made under this section, the council shall consider a by-law under subsection (1) only on the application of one or more persons carrying on retail business in the municipality or on the application of an association, whether or not incorporated, representing persons carrying on retail business in the municipality. 1991, c. 43, s. 1 (1).

#### **Local municipality**

(5) In a regional municipality, the council of a local municipality may also apply for a by-law under subsection (1). 2002, c. 17, Sched. F, Table.

#### **Public meeting**

(6) Before passing a by-law under subsection (1), the council,

(a) shall hold a public meeting in respect of the proposed by-law;

(b) shall publish notice of the public meeting in a newspaper having general circulation in the municipality at least thirty days before the meeting is to be held; and

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause (b) is repealed by the Statutes of Ontario, 2006, chapter 32, Schedule D, subsection 15 (2) and the following substituted:**

(b) shall publish notice of the public meeting in a manner determined by the council;

**See: 2006, c. 32, Sched. D, ss. 15 (2), 18 (2).**

(c) shall permit any person who attends the public meeting the opportunity to make representations in respect of the proposed by-law. 1991, c. 43, s. 1 (1).

#### **Council not obligated**

(7) The council is not required to pass the by-law even if the tourism criteria are met. 1991, c. 43, s. 1 (1).

#### **Commencement of by-law**

(8) Subject to section 4.3, a by-law under this section comes into force on the thirty-first day after it is passed by the council. 1991, c. 43, s. 1 (1).

#### **Procedures**

(9) Subject to the regulations made under this section, the council may,

(a) establish procedures and fees for the processing of applications;

(b) combine two or more applications;

(c) hold one public meeting with respect to two or more applications;

(d) limit the number of applications that will be considered in any year. 1991, c. 43, s. 1 (1).

#### **Regulations**

(10) The Lieutenant Governor in Council may make regulations,

(a) prescribing tourism criteria for the purposes of this section;

(b) governing the procedures and fees for processing applications, the combining of applications and public meetings and limitations on the number of public meetings held by a council;

(c) setting out the contents of the application;

(d) requiring that a by-law that applies to a retail business establishment within such class of retail business establishments as may be set out in the regulation may be considered only on the application of the person carrying on the business. 1991, c. 43, s. 1 (1).

#### **Idem**

(11) A regulation under clause (10) (a) or (d) may classify retail business establishments and may prescribe different tourism criteria for the different classes of retail business establishments. 1991, c. 43, s. 1 (1).

#### **Unorganized territory**



**4.1** The Lieutenant Governor in Council may by regulation permit retail business establishments in territory without municipal organization to be open on holidays. 1991, c. 43, s. 1 (1).

**Contents of by-laws and regulations**

**4.2** A by-law under section 4 or a regulation under section 4.1,

- (a) may apply to one or more retail business establishments or to one or more classes of retail business establishments;
- (b) may apply to all or any part or parts of the municipality in case of a by-law or to all or any part of a territory without municipal organization in the case of a regulation;
- (c) may limit the opening of retail business establishments on holidays to specific times or to a certain number of hours;
- (d) may permit the opening of retail business establishments on some holidays and not on others;
- (e) may restrict the opening of retail business establishments on holidays to specific periods of the year;
- (f) may classify retail business establishments. 1991, c. 43, s. 1 (1).

**Appeal to O.M.B.**

**4.3** (1) Any person who objects to a by-law made by the council of a municipality under section 4 may appeal to the Ontario Municipal Board by filing a notice of appeal with the Board setting out the objection to the by-law and the reasons in support of the objection. 1991, c. 43, s. 1 (1).

**Time for appeal**

(2) The notice of appeal must be filed with the Board not later than thirty days after the day the by-law is passed by the council. 1991, c. 43, s. 1 (1).

**Dismissal without hearing**

(3) The Board may, if it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing, but before doing so shall notify the appellant and afford the appellant an opportunity to make representations as to the merits of the appeal. 1991, c. 43, s. 1 (1).

**Powers of O.M.B.**

- (4) The Board may,
  - (a) dismiss the appeal;
  - (b) dismiss the appeal on the condition that the council amend the by-law in a manner specified by the Board; or
  - (c) quash the by-law. 1991, c. 43, s. 1 (1).

**Commencement of by-law**

- (5) If one or more appeals are taken under this section, the by-law shall not come into force until,
  - (a) the day all appeals have been dismissed under subsection (3) or clause (4) (a); or
  - (b) the day the by-law is amended in the manner specified by the Board under clause (4) (b). 1991, c. 43, s. 1 (1).

**Correction of errors**

(6) The Board may, without a hearing, correct an error in an order or decision under this section if the error arises from an accidental slip or omission. 1991, c. 43, s. 1 (1).

**Ontario Municipal Board Act, s. 43**

(7) Section 43 of the *Ontario Municipal Board Act* does not apply to an appeal under this section. 1991, c. 43, s. 1 (1); 2009, c. 33, Sched. 2, s. 66.

**Time for decision**

(8) The Board shall use its best efforts to decide appeals under this section within the period of time prescribed under subsection (9). 1991, c. 43, s. 1 (1).

**Regulations**

(9) The Lieutenant Governor in Council may make regulations prescribing a period of time for the purpose of subsection (8). 1991, c. 43, s. 1 (1).

**4.4** REPEALED: 1993, c. 14, s. 2.

**Sunday exception**

5. (1) Despite any other provision of this or any other Act or the by-laws or regulations under this or any other Act, a retail business may be carried on in a retail business establishment on a Sunday if the retail business establishment is always closed to the public throughout another day of the week by reason of the religion of the owner of the retail business.

**Definition**

(2) For the purpose of subsection (1),

“religion of the owner” means,

- (a) in the case of a sole proprietorship, the religion of the sole proprietor,
- (b) in the case of a partnership, the religion named in a written agreement between the partners which is the religion of one of the partners,
- (c) in the case of a corporation, the religion named in the by-laws of the corporation.

**Affiliated corporation**

(3) The exception set out in subsection (1) does not apply to a corporation that is the affiliate of another corporation unless all the retail business establishments in Ontario of the corporation and its affiliates close on the same day.

**Deemed affiliation**

(4) For the purposes of this section,

- (a) a corporation shall be deemed to be affiliated with another corporation if one of them is the subsidiary of the other or both are subsidiaries of the same corporation or each of them is controlled by the same person; and
- (b) the affiliates of every corporation shall be deemed to be affiliated with all other corporations with which the corporation is affiliated.

**Deemed control**

(5) For the purposes of this section, a corporation shall be deemed to be controlled by a person if,

- (a) securities of the corporation to which are attached more than 50 per cent of the votes that may be cast to elect directors of the corporation are held other than by way of security only by or for the benefit of that person; and
- (b) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the corporation.

**Deemed subsidiaries**

(6) For the purposes of this section, a corporation shall be deemed to be a subsidiary of another corporation if,

- (a) it is controlled by,
  - (i) that other,
  - (ii) that other and one or more corporations each of which is controlled by that other, or
  - (iii) two or more corporations each of which is controlled by that other; or
- (b) it is a subsidiary within the meaning of clause (a) of a corporation that is that other’s subsidiary. R.S.O. 1990, c. R.30, s. 5.

**Commercial tenants**

6. A provision in a lease or other agreement that has the effect of requiring a retail business establishment to remain open on a holiday or on a Sunday or on December 26 is of no effect even if the lease or agreement was made before section 2 of the *Boxing Day Shopping Act, 1996* comes into force. 1996, c. 34, s. 2.

**Invalidity of certain municipal by-laws**

7. (1) Subject to subsection (2), a by-law of a municipality passed under any other Act is invalid to the extent that it requires the closing of a retail business establishment on a holiday. R.S.O. 1990, c. R.30, s. 7 (1).

**Transitional**

(2) The following transitional rules apply to the by-laws of municipalities that were in force under this or any other Act at the end of the 30th day of November, 1991 and that relate to the opening or closing of a retail business establishment on holidays:

- 1. By-laws in force on the 3rd day of June, 1991 continue in force until the 1st day of December, 1992 or until the by-law is repealed, whichever is first.

2. By-laws that come into force on or after the 4th day of June, 1991 are repealed on the 1st day of December, 1991. 1991, c. 43, s. 1 (3).

**Interpretation**

(3) The definition of “municipality” in subsection 1 (1) does not apply for the purposes of this section. 2006, c. 11, Sched. B, s. 12 (3).

**Penalty**

8. (1) Every person who contravenes section 2 or a regulation under section 4 is guilty of an offence and on conviction is liable to a fine of not more than the greater of,

- (a) \$50,000; or
- (b) the gross sales in the retail business establishment on the holiday on which the contravention occurred.

**Idem, municipal laws**

(2) A by-law under subsection 4 (1) requiring a retail business establishment to be closed on a holiday shall provide that any person who contravenes the by-law is guilty of an offence and on conviction is liable to a fine of not more than the greater of,

- (a) \$50,000; or
- (b) the gross sales in the retail business establishment on the holiday on which the contravention occurred.

**Idem, coercion or counselling**

(3) Every person who coerces, requires or counsels another person to contravene section 2, a regulation under section 4 or a by-law under subsection 4 (1) is guilty of an offence and on conviction is liable to a fine of not more than the greater of,

- (a) \$50,000; or
- (b) the gross sales in the retail business establishment on the holiday in respect of which the offence under this subsection occurred. R.S.O. 1990, c. R.30, s. 8 (1-3).

**Minimum penalty**

(3.1) The minimum fine for an offence under this Act, other than for a contravention of subsection 2 (2), is \$500 for a first offence, \$2,000 for a second offence and \$5,000 for a third or subsequent offence. 1991, c. 43, s. 1 (4).

**Gross sales to be considered in determining fines**

(4) In determining the amount of the fine, the court shall take into consideration any evidence respecting the gross sales in the retail business establishment on the holiday on which the contravention occurred.

**Advertisements admissible as evidence**

(5) A sign or advertisement giving the hours of a retail business establishment is admissible as evidence that the retail business establishment was open during those hours.

**Determination of total area of a retail business establishment**

(6) For the purpose of enforcing this Act or a by-law or regulation under this Act, the total area of a retail business establishment used for serving the public or for selling or displaying to the public on a holiday shall be deemed to be the greater of,

- (a) the total area actually used on a holiday for serving the public or for selling or displaying to the public; and
- (b) the total area normally used for serving the public or for selling or displaying to the public on days other than a holiday. R.S.O. 1990, c. R.30, s. 8 (4-6).

**Court orders**

9. (1) Upon the application of counsel for the Attorney General or of a municipality to the Superior Court of Justice, the court may order that a retail business establishment close on a holiday to ensure compliance with this Act or a by-law or regulation under this Act. R.S.O. 1990, c. R.30, s. 9 (1); 2001, c. 9, Sched. D, s. 14.

**Idem**

(1.1) In addition to its powers under subsection (1), the Superior Court of Justice, on the application of any interested person, may order that a retail business establishment close on a holiday to ensure compliance with this Act or a by-law or regulation under this Act. 1991, c. 43, s. 1 (5); 2001, c. 9, Sched. D, s. 14.

**Idem**

(2) An order under subsection (1) or (1.1) is in addition to any penalty that may be imposed and may be made whether or not a proceeding is commenced under the *Provincial Offences Act* for a contravention of section 2 or of a by-law or regulation under this Act. 1991, c. 43, s. 1 (6).

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# Retail Business Holidays Act

## ONTARIO REGULATION 711/91

### TOURISM CRITERIA

**Consolidation Period:** From November 5, 2015 to the [e-Laws currency date](#).

Last amendment: O. Reg. 321/15.

*This is the English version of a bilingual regulation.*

1. This Regulation sets out the tourism criteria that must be met before a municipality may pass an exempting by-law under subsection 4 (1) of the Act. O. Reg. 711/91, s. 1.

2. (1) A retail business establishment may be exempted if,

(a) it is located within two kilometres of a tourist attraction; and

(b) it is directly associated with the tourist attraction or relies on tourists visiting the attraction for business on a holiday. O. Reg. 711/91, s. 2 (1).

(2) An exemption granted on an area basis may only be given if,

(a) all of the retail business establishments in the area are within two kilometres of the tourist attraction;

(b) the area does not exceed that necessary to encompass all of the retail business establishments for which an exemption is sought; and

(c) at least 25 per cent of the retail business establishments in the area are directly associated with the tourist attraction or rely on tourists visiting the attraction for business on a holiday. O. Reg. 711/91, s. 2 (2).

(3) For the purposes of this section, a tourist attraction is limited to,

(a) natural attractions or outdoor recreational attractions;

(b) historical attractions; and

(c) cultural, multi-cultural or educational attractions. O. Reg. 711/91, s. 2 (3).

3. Each 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 must, in addition to meeting the tourism criteria set out in subsection 2 (1), provide goods or services on holidays primarily to tourists. O. Reg. 711/91, s. 3.

4. The two kilometre restriction set out in subsections 2 (1) and (2) does not apply to a retail business establishment located in a local municipality, including a local municipality located in a district or regional municipality or the County of Oxford, having a population of less than 50,000. O. Reg. 711/91, s. 4.

5. (1) Despite any other provision of this Regulation, retail business establishments in a municipality may be exempted for up to five holidays a year during which a fair, festival or other special event is being held in that municipality. O. Reg. 711/91, s. 5 (1).

(2) Subsection (1) does not apply to parades. O. Reg. 711/91, s. 5 (2).

6. (1) An application for an exemption under subsection 4 (3) of the Act shall contain the following:

1. A description of the area or the retail business establishment for which the exemption is sought.

2. The justification, in relation to the seasonal nature, if any, of the tourist attraction, for the time period sought in the exemption.

3. Information establishing that the tourism criteria set out in this Regulation are met. O. Reg. 711/91, s. 6 (1).

(2) An application in respect of a retail business establishment described in section 3 shall be made only by that retail business establishment. O. Reg. 711/91, s. 6 (2).

## **RETAIL BUSINESS HOLIDAYS ACT EXEMPTIONS**

*Retail Business Holidays Act* provides for the following “holidays”: New Year’s Day, Family Day, Good Friday, Easter Sunday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day and any other day proclaimed by the Lieutenant Governor.

Table showing Schedule A of Bylaw LI-8-95-76 being a Bylaw to permit retail business establishments to be open on holidays. Includes subsequent amendments.

<b>By-law</b>	<b>Date Enacted</b>	<b>Municipality</b>	<b>Businesses</b>	<b>Location</b>	<b>Holidays</b>	<b>Hours</b>
		Aurora	NONE	NONE		
<b>LI-8(a)-95-128</b>  (additions to LI-8-95-76)	<b>Nov. 23, 1995</b>	East Gwillimbury	Brice's Sports Centre Limited	20287 Woodbine Avenue, Queensville	All, except Christmas Day	11:00 a.m. to 5:00 p.m.
<b>LI-8(a)-95-128</b>  (additions to LI-8-95-76)	<b>Nov. 23, 1995</b>	East Gwillimbury	677957 Ontario Inc. c.o.b. as Vince's Country Market	19101 Leslie Street, Sharon	All, except Christmas Day and New Year's Day	9:00 a.m. to 7:00 p.m.
<b>LI-8(c)-1999-133</b> (substitution)	<b>Mar. 25, 1999</b>	East Gwillimbury	Old McDonald's Furniture and Appliances (SUBSTITUTION)	19937 Woodbine Avenue, Queensville	All, except Christmas Day and New Year's Day	9:00 a.m. to 6:00 p.m.
<b>LI-0008(h)-2004-013</b>	<b>Feb. 19, 2004</b>	East Gwillimbury	Queensville Antique Mall	20091 Woodbine Avenue, Queensville	All, except Christmas Day and New Year's Day	10:00 a.m. to 6:00 p.m.
<b>LI-8(a)-95-128</b>  (additions to LI-8-95-76)	<b>Nov. 23, 1995</b>	Georgina	All	Within the geographic boundaries of the Town of Georgina	All, except Christmas Day and New Year's Day	9:00 a.m. to 6:00 p.m.

By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
		King	NONE	NONE		
<b>LI-8(a)-95-128</b> (additions to LI-8-95-76)	<b>Nov. 23, 1995</b>	Markham	All	OLD TOWN OF MARKHAM CORE: An area of the Old Town of Markham generally bounded: on the south by the King's Highway No. 7; on the east by Washington Street and George Street to approximately 143 Main Street on the east side and 158 Main Street on the west side; and on the west by Water Street, Robinson Street and the Rouge River	All, except Christmas Day	9:00 a.m. to 6:00 p.m.
<b>LI-8(a)-95-128</b> (additions to LI-8-95-76)	<b>Nov. 23, 1995</b>	Markham	All	UNIONVILLE CORE: in the former Police Village of Unionville in the Town of Markham on Main Street, Unionville from the CNR tracks to the bridge crossing the Rouge River tributary	All, except Christmas Day	9:00 a.m. to 6:00 p.m.
<b>LI-0008(d)-2000-064</b> (addition to LI-8-95-76)	<b>Aug. 31, 2000</b>	Markham	Pacific Mall Heritage Town	4300 Steeles Avenue East, south half of the 2 <sup>nd</sup> floor from Units A1-201, W2, W1, A1-222M to Units V2, F-7, F-8 and V-1, inclusive, Town of Markham	All	11:00 a.m. to 11:00 p.m.
<b>LI-0008(e)-2000-107</b> (addition to LI-8-95-76)	<b>Oct. 26, 2000</b>	Markham	Market Village Markham Inc.	4350 Steeles Avenue East, Town of Markham	All	8:00 a.m. to 12:00 midnight
<b>LI-0008(f)-2001-003</b> (addition to LI-8-95-76)	<b>Jan. 18, 2001</b>	Markham	York Region Condominium Corporation 890, c.o.b. Pacific Mall	4300 Steeles Avenue East, Town of Markham	All	8:00 a.m. to 12:00 midnight
<b>2012-34</b> (addition to LI-8-95-76)	<b>May 17, 2012</b>	Markham	Kennedy and Denison Centre	1661 Denison St., Town of Markham	All, except Christmas Day and Easter Sunday	8:00 a.m. to 12:00 midnight
<b>2013-27</b> (addition to LI-8-95-76)	<b>Apr. 18, 2013</b>	Markham	2197088 Ontario Inc., operating as Foody Mart	5221 Highway 7 East, Markham	All, except Christmas Day and Easter Sunday	9:00 a.m. to 12:00 midnight

By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
<b>2013-28</b> (addition to LI-8-95-76)	<b>Apr. 18, 2013</b>	Markham	T & T Supermarkets Inc.	8339 Kennedy Road, Markham	All, except Christmas Day and Easter Sunday	9:00 a.m. to 10:00 p.m.
<b>2013-28</b> (addition to LI-8-95-76)	<b>Apr. 18, 2013</b>	Markham	T & T Supermarkets Inc.	7070 Warden Avenue, Markham	All, except Christmas Day and Easter Sunday	8:00 a.m. to 10:00 p.m.
<b>2013-66</b> (addition to LI-8-95-76)	<b>Sep. 26, 2013</b>	Markham	Guan Ye Limited operating as First Choice Supermarket	7866 Kennedy Road, Markham	New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day	9:00 a.m. to 9:00 p.m.
<b>2013-67</b> (addition to LI-8-95-76)	<b>Sep. 26, 2013</b>	Markham	2308321 Ontario Inc. operating as Sunny Foodmart	7700 Markham Road, Markham	New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day	9:00 a.m. to 10:00 p.m.
<b>2014-26</b> (addition to LI-8-95-76)	<b>Apr. 17, 2014</b>	Markham	Markville Shopping Centre	5000 Highway 7 East, Markham	New Year's Day Family Day Good Friday Victoria Day Canada Day Labour Day Thanksgiving Day	11:00 a.m. to 6:00 p.m.



By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
2015-44	Sep. 24, 2015	Markham	2394742 Ontario Inc., operating as Seasons Foodmart	7181 Yonge Street, Unit 336, Markham	New Year's Day Family Day Good Friday Victoria Day Canada Day Labour Day Thanksgiving Day	9:00 a.m. to 11:00 p.m.
LI-8(b)-96-1 (addition to LI-8-95-76)	Jan. 11, 1996	Newmarket	All	NEWMARKET DOWNTOWN, within the following boundaries: North: south limit of Davis Drive; East: east limit of Prospect St. and Bayview Ave; South: south limit of College St. and Cane Parkway; West: west limit of William St., Church St. and Niagara St.	All, except Christmas Day, New Year's Day and Good Friday	8:00 a.m. to 10:00 p.m.
2013-64 (addition to LI-8-95-76)	Sep. 26, 2013	Newmarket	Upper Canada Mall	17600 Yonge Street, Newmarket	New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day	11:00 a.m. to 6:00 p.m.
2011-20 (addition to LI-8-95-76)	May 19, 2011	Richmond Hill	Oak Ridges Food Market	13144 Yonge Street, Town of Richmond Hill	Good Friday, Victoria Day, Canada Day, Labour Day	8:30 a. m. to 6:00 p.m.

By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
<b>2013-65</b> (addition to LI-8-95-76)	<b>Sep. 26, 2013</b>	Richmond Hill	Hillcrest Mall	9350 Yonge Street, Town of Richmond Hill	New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day	11:00 a.m. to 6:00 p.m.
<b>LI-8(a)-95-128</b> (additions to LI-8-95-76)	<b>Nov. 23, 1995</b>	Vaughan	All	KLEINBURG CORE, within the following boundaries: East side of Islington Ave. from 10365 Islington Ave. to 10565 Islington Ave.; West side of Islington Ave. from 10406 Islington Ave. to 10576 Islington Ave.; South and North sides of Nashville Road from Islington Ave. to Highway 27	All, except Christmas Day	8:00 a.m. to 10:00 p.m.
<b>LI-0008(i)-2004-086</b>  <b>2008-64</b>  <b>2009-57</b>  <b>2010-17</b>	<b>Nov. 18, 2004</b>  <b>Oct. 23, 2008</b>  <b>Dec. 16, 2009</b>  <b>Mar. 25, 2010</b>	Vaughan	Vaughan Mills Mall Campus	VAUGHAN MILLS MALL CAMPUS, including Vaughan Mills Mall and the Outparcels located within the following boundaries:  Rutherford Road to the north, Jane Street to the east, Bass Pro Mills Drive to the south and Highway 400 to the west and more particularly shown on the attached Appendix "A"	All, except Christmas Day Good Friday and Easter Sunday	8 a.m. to 10 p.m.






By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
<b>2014-27</b> (addition to LI-8-95-76)	<b>Apr. 17, 2014</b>	Vaughan	Promenade Shopping Centre	1 Promenade Circle, Vaughan	New Year's Day Family Day Good Friday Victoria Day Canada Day Labour Day Thanksgiving Day	11:00 a.m. to 6:00 p.m.
<b>2014-55</b>	<b>Sep. 11, 2014</b>	Vaughan	All	Thornhill Area, Vaughan. All retail businesses within the following boundaries: North: south side of Highway 7 East: west side of Yonge Street South: north side of Steeles Avenue West: east side of Dufferin Street	Good Friday Easter Sunday	8:00 a.m. to 10:00 p.m.
<b>LI-8-95-76</b>	<b>May 30, 1995</b>	Whitchurch-Stouffville	All	Within the geographic boundaries of the Town of Whitchurch-Stouffville	July 1 in each year	8:00 a.m. to 10:00 p.m.
<b>2014-28</b> (addition to LI-8-95-76)	<b>April 17, 2014</b>	Whitchurch-Stouffville	All wineries and vineyards	Within the geographic boundaries of the Town of Whitchurch-Stouffville	Family Day Victoria Day Labour Day Thanksgiving Day	8:00 a.m. to 10:00 p.m.

DK/ Last updated October 23, 2015

WINNERS-HOMESENSE  
LOCATION MAP

1054 Centre Street,  
Thornhill, ON

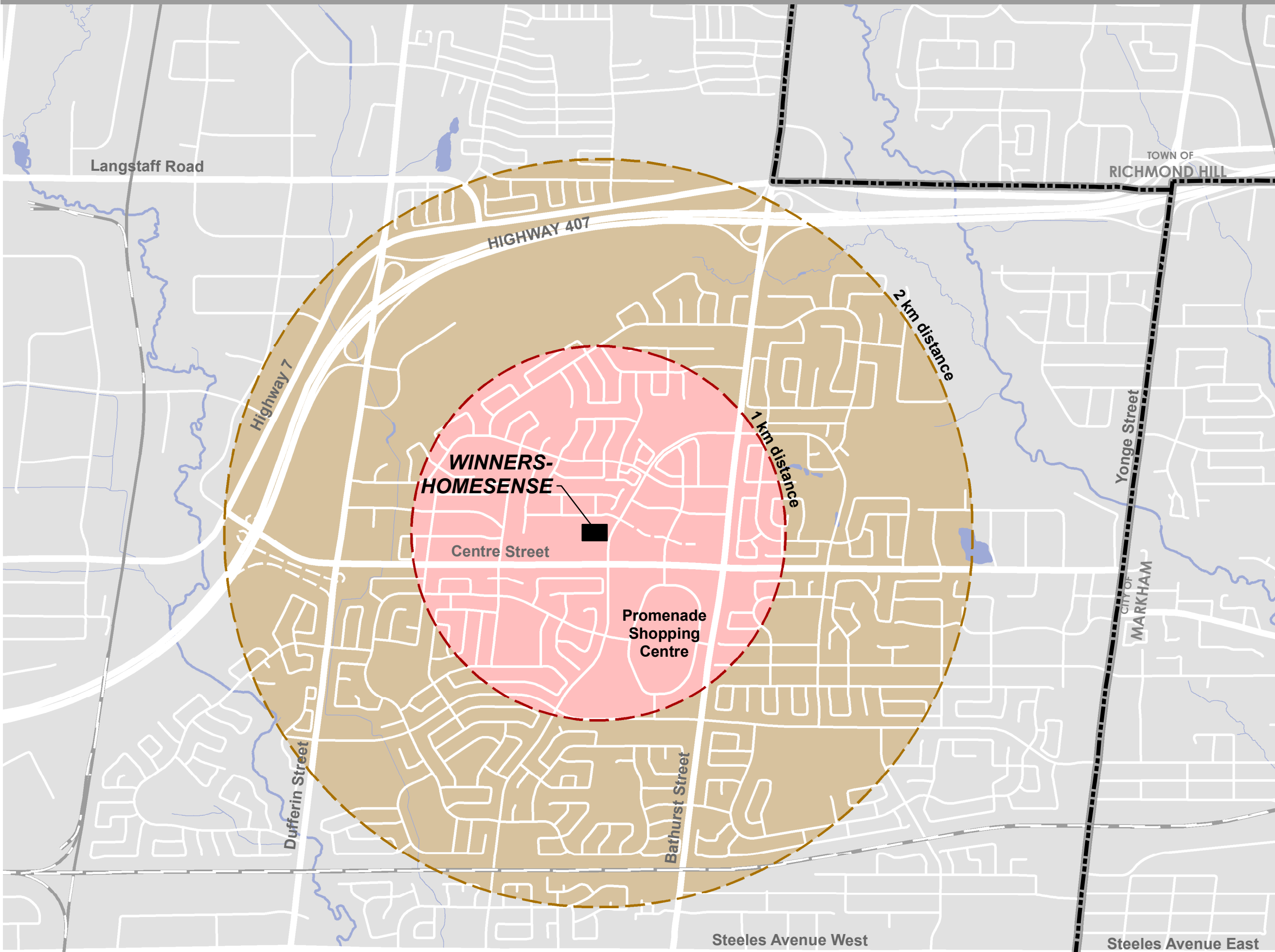
BASE MAP INFORMATION

-  Provincial Freeway
-  Provincial Highway
-  Road
-  Railway
-  Municipal Boundary



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Corporate Services Department  
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Includes Greenbelt and Oak Ridges Moraine  
Boundaries and Water Features



## Martin, Carrie

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**From:** Katherine Hoang [<mailto:KHoang@stikeman.com>] **On Behalf Of** Calvin Lantz  
**To:** Martin, Carrie  
**Cc:** Calvin Lantz; Catherine Buckerfield  
**Subject:** Deputation Request - Winners / HomeSense Thornhill Store's Application for Exemption to the Retail Business Holiday Act

Hi Carrie,

We are the solicitors for Winners Merchants International L.P., the owners of the Winners/ HomeSense Store located at 1054 Centre Street Thornhill, ON ("**Winners/ HomeSense Thornhill Store**"), in their application for the exemption under the Retail Business Holidays Act, R.S.O. 1990, Chapter R.30 (the "**Act**").

I would like the opportunity to speak on behalf of Winners Merchants International L.P. at the April 14, 2016 Public Meeting which will be held prior to the Committee of the Whole Meeting: Planning and Economic Development and Finance and Administration to highlight the reasons why the Winners/ HomeSense Thornhill store should receive approval from Regional Council for an exemption to the Act.

It is our opinion that the Winners/ HomeSense Thornhill Store appropriately addresses the criteria for an exemption under the Retail Business Holidays Act, as per the criteria set out under subsection 2(1) and 2(3) of the Ontario Regulation 711/91.

The following is our mailing address for your records:

Stikeman Elliott  
Attention: Calvin Lantz  
5300 Commerce Court West  
199 Bay Street  
Toronto, Canada M5L 1B9

If you have any questions or require further information please let us know.

Regards,

**Calvin Lantz**

*Certified Specialist in Municipal Law  
(Land Use Planning and Development)*

Tel : (416) 869-5669

[clantz@stikeman.com](mailto:clantz@stikeman.com)

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