

THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER 34-2018

**A by-law passed under Section 1.2 of the *Retail Business Holidays Act* providing that the Act does not apply to The Regional Municipality of Peel and under Section 148 of the *Municipal Act, 2001* to regulate closing of business establishments within The Regional Municipality of Peel on a holiday; and to repeal By-law 18-1999.**

WHEREAS, section 1.2 of the *Retail Business Holidays Act*, R.S.O. 1990, c. R.30 as amended (the "Act") provides that the 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 the Act does not apply to it;

AND WHEREAS, Regional Council has by adopting this by-law, passed a by-law under section 1.2 of the *Retail Business Holidays Act* providing that the Act does not apply to The Regional Municipality of Peel (the "Region"), any by-law of the Region, or any retail business establishment located in the Region;

AND WHEREAS, Section 148 of the *Municipal Act, 2001* provides that a Regional Municipality having passed a by-law under section 1.2 of the *Retail Business Holidays Act* may require that retail business establishments be closed to the public on a holiday;

AND WHEREAS, the Council of the Regional Corporation on the 11<sup>th</sup> day of March, 1999, enacted By-law 18-1999 to establish a procedure to be followed by applicants for a tourism exemption to the holiday closure requirements of the *Retail Business Holidays Act*;

AND WHEREAS, the Council of the Regional Corporation has by resolution adopted on the 14<sup>th</sup> day of June 2018, authorized the enactment of this by-law under section 1.2 of the *Retail Business Holidays Act* and under section 148 of the *Municipal Act, 2001* and the repeal of By-law 18-1999;

NOW THEREFORE, the Council of the Regional Corporation enacts as follows:

1. That the *Retail Business Holidays Act* does not apply to The Regional Municipality of Peel and does not apply in respect of any by-law of The Regional Municipality of Peel or any retail business establishment located in The Regional Municipality of Peel;
2. That By-law Number 18-1999 is repealed;
3. That this By-law comes into force on the day of its enactment, with the exception of Schedule "B", which shall come into force on the day the set fines for which it provides are approved or specified by the Regional Senior Justice of the Ontario Court of Justice pursuant to the *Provincial Offences Act* R.S.O. 1990 Ch. P. 33;
4. Schedule "A" and Schedule "B" attached hereto are enacted and form part of this By-law;
5. The set fines for an offence under this by-law are established in Schedule "B" to this By-law or as otherwise specified by the Regional Senior Justice of the Ontario Court of Justice pursuant to the *Provincial Offences Act*;
6. Notwithstanding the repeal of By-law 18-1999 and the enactment of this by-law, applications submitted prior to May 31, 2018, in accordance with By-law 18-1999 Schedule "A" Procedures for Processing of Applications for By-laws under Subsection 4 (1) of the *Retail Business Holidays Act*, shall be processed and considered by Regional Council in accordance with the provisions of By-law 18-1999 and of the *Retail Business Holidays Act* as though they continued to apply as they did prior to the enactment of this by-law. Should such an application be approved by a resolution of the Regional Council any retail business establishment or area thereby approved for exemption from retail business establishment holiday closing requirements shall be deemed to be a grandfathered exemption for the purposes of subsection 4(9) of Schedule "A" to this by-law without need for the enactment of any by-law, including the enactment of an amendment to this by-law.

READ THREE TIMES AND PASSED IN OPEN COUNCIL this 14<sup>th</sup> day of June, 2018.

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K. Lockyer  
Regional Clerk

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F. Dale  
Regional Chair

## **Schedule "A" to By-law 34-2018**

### **1. DEFINITIONS**

- (1) "Holiday" means New Year's Day, Family Day, Good Friday, Easter Sunday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day, and any other public holiday declared by proclamation of the Lieutenant Governor of the Province of Ontario to be a holiday.
- (2) "Local Municipality" means the lower-tier municipalities within The Regional Municipality of Peel, namely The Corporation of the City of Mississauga, The Corporation of the City of Brampton, and The Corporation of the Town of Caledon.
- (3) "Officer" means a police officer of the Peel Regional Police or Ontario Provincial Police.
- (4) "Retail Business" means the selling or offering for sale of goods or services by retail.
- (5) "Retail Business Establishment" means the premises where goods or services are sold or offered for sale by retail.
- (6) "Tourist Establishment" means any premises designed for the traveling or vacationing public and that has facilities for sleeping or living accommodation and may serve meals or provide kitchen facilities as part of a restaurant and may furnish equipment, supplies or services to persons for recreational purposes, but does not include a tourist camp or park.
- (7) "Tourism Strategy" means any policy adopted by a resolution or by-law of the Council of a Local Municipality which sets out geographic areas within the boundaries of the Local Municipality in which tourism is being promoted according to its vision and goals.

### **2. HOLIDAY CLOSURES**

No person carrying on a Retail Business in a Retail Business Establishment shall:

- (1) Sell or offer any goods or services for sale on a Holiday.
- (2) Admit members of the public to the Retail Business Establishment on a Holiday.

### **3. EMPLOYEES**

No person employed by or acting on behalf of a person carrying on a Retail Business shall:

- (1) Sell or offer for sale any goods or services on a Holiday.
- (2) Admit members of the public to the Retail Business Establishment on a Holiday.

#### 4. EXEMPTIONS

##### Small stores

- (1) Sections 2 and 3 do not apply in respect of the carrying on of a Retail Business on a Holiday where on that day the only goods available for sale by retail are:
  - (a) Foodstuffs;
  - (b) Tobacco or articles required for the use of tobacco;
  - (c) Antiques;
  - (d) Handicrafts; or
  - (e) Any combination of the goods in subclauses (a), (b), (c) and (d), or where the principal business is the sale of goods referred to in subclauses (a) to (d), or any of them, by retail and no other goods are available for sale except as sundries; and,
  - (f) The number of persons engaged in the service of the public in the establishment does not at any time exceed three; and,
  - (g) The total area used for serving the public or for selling or displaying to the public in the establishment is less than 3,000 square feet.

##### Pharmacies

- (2) Sections 2 and 3 do 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.

##### Special Services

- (3) Sections 2 and 3 do 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 1<sup>st</sup> day of April and the 30<sup>th</sup> 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, and the number of persons engaged in the service of the public in the establishment does not at any time exceed three.

**Art Galleries**

- (4) Sections 2 and 3 do 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 does not at any time exceed three.

**Education, Recreation, Amusement**

- (5) Sections 2 and 3 do 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.

**Liquor**

- (6) Sections 2 and 3 do 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*.

**Tourist Establishments**

- (7) Sections 2 and 3 do not apply in respect of the sale or offering for sale of retail goods or services by Tourist Establishments.

**Retail Establishments and Areas in the Local Municipal Tourism Strategy**

- (8) Sections 2 and 3 do not apply in respect of the sale or offering for sale of retail goods or services on a Holiday by any Retail Business Establishment that is within an area specifically geographically delineated and identified for retail holiday opening in a Tourism Strategy adopted by the Council of any Local Municipality, as such Tourist Strategy may be amended from time to time by the Council of the Local Municipality, save and except that no Retail Business Establishment within such Tourism Strategy area shall open on Family Day or Christmas Day and sections 2 and 3 continue to apply to them on those days.

**Grandfathered Exemptions**

- (9) Sections 2 and 3 do not apply in respect of any retail business establishments or areas that have received exemption from the Council of The Regional Municipality of Peel under the *Retail Business Holidays Act* and which are permitted to remain open on specified Holidays at the times and on the Holidays for which they were granted exemption under the following enacted by-laws or adopted measures:
- (a) By-law 40-98 (Mississauga Chinese Centre)
  - (b) By-law 105-2009, amended by By-law 33-2010 (Mississauga Square One)
  - (c) By-law 97-2011, amended by By-law 18-2013 (Bramalea City Centre)
  - (d) By-law 78-2012 (Port Credit Business Improvement Area)
  - (e) By-law 24-2013 (Garden Foods Bolton Ltd.)
  - (f) By-law 34-2015 (T&T Supermarket)
  - (g) By-law 44-2016 (Yuan Ming Supermarket Ltd.)
  - (h) By-law 29-2017 (P.A.T Oriental Food Market)
  - (i) An approval to which section 6 of the enacting portion of this by-law (not forming part of the Schedules to this by-law) applies

**5. INSPECTION**

1. Any Officer, for the purpose of determining compliance with this by-law, may enter a Retail Business Establishment to carry out an inspection and may;
  - (a) Require the production for inspection of documents or things relevant to the inspection;
  - (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts; and,
  - (c) Take photographs necessary for the purpose of the inspection.
2. Any person in or related to a Retail Business Establishment shall cooperate with any Officer conducting an inspection under this section.

**6. OFFENCE AND MINIMUM PENALTY**

Every person who contravenes section 2 or 3 is guilty of an offence and on conviction is liable to a fine of not more than \$5,000. Other than a Part 1 Set Fine as provided for under Schedule 'B' or a set fine as otherwise specified by the Regional Senior Justice of the Ontario Court of Justice pursuant to the *Provincial Offences Act*, the minimum fine for an offence under this by-law is \$500.

**Schedule "B" to By-law 34-2018**

REGION OF PEEL RETAIL BUSINESS HOLIDAY OPENINGS BY-LAW 34-2018

PART 1 *Provincial Offences Act*

Short Form Offences and Set Fines

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1.	Owner/operator conduct or offer sales in Retail Business Establishment on a Holiday without exemption to do so	S. 2(1)	\$500
2.	Owner/operator admit public to Retail Business Establishment on a Holiday without exemption to do so	S. 2(2)	\$500
3.	Employee conduct or offer sales in Retail Business Establishment on a Holiday without exemption to do so	S. 3(1)	\$500
4.	Employee admit public to Retail Business Establishment on a Holiday without exemption to do so	S. 3(2)	\$500
5.	Not cooperate with Officer for inspection	S. 5(2)	\$500