



The Corporation of the Town of Tecumseh

Legislative & Clerk Services

To: Mayor and Members of Council

From: Robert Auger, Director Legislative Services & Clerk

Date to Council: June 27, 2023

Report Number: LCS-2023-08

Subject: Amendments to By-Law 2009-01 Retail Business Holiday Act

Recommendations

It is recommended:

That Report LCS-2023-08 entitled “Amendments to By-Law 2009-01 Retail Business Holidays Act”, **be received**;

And that By-Law 2023-066, being a by-law to amend By-Law 2009-01, to provide for retail business establishments to be open on holidays in the Town of Tecumseh, **be considered** for first, second, third and final readings.

Background

On January 13, 2009, Council first approved [By-Law 2009-01](#) (By-Law) to permit retail business establishments to be open on certain public holidays in the Town. The current form of this By-Law provides a partial exemption from the [Retail Business Holiday Act, R.S.O. 1990](#) (Act) which requires businesses to be closed on any public holidays unless they are exempt. The exemptions to the Act are for specific retailers that provide necessary services such as food preparation, living accommodations, laundry facilities, pharmacies, gas stations, and vehicle repair. Furthermore, exemptions can also be granted to dedicated tourist establishments, which the Town has enacted through the By-Law. By-Law 2009-001 as currently drafted only provides for a partial exemption for such retailers for up to five (5) of the following holidays (Family Day, Good Friday,

Victoria Day, Canada Day, Labour Day and Thanksgiving Day) between the hours of 9:00 a.m. and 6:00 p.m.

Otherwise under the Act retail businesses in Ontario are required to be closed on all Nine (9) of the specified public holidays.

However, in December of 2016, the Province proclaimed into force section 1.2 of the Act, which permits municipalities to allow their retailers to be completely exempt from the application of the Act. Section 1.2 of this Act allows a Municipal Council to enact a by-law to exempt an entire municipality from the Act as long as the municipality designates at least one day as a required holiday closing. Since about 2016, some municipal Councils have decided to exempt their retail businesses from the application of the Act and have designated the one closure day as being Christmas Day, December 25. Since the 2016 amendment to the legislation, this question of a blanket exemption from the Act has not been brought before Council.

Recently, the Town was contacted by a local retailer seeking clarification of the application of By-Law 2009-01 and if their business was exempt from the Act. Upon review of the By-law and the legislation, this business would appear not to be exempt. However, Administration determined that the 2016 amendments to the legislation would allow this business to be exempt should Council pass a by-law in support thereof.

Administration is asking Council if it wishes to consider an amendment to the current by-law to provide for a “blanket” exemption from the Act for retail establishments.

Comments

The Town of Tecumseh Business Improvement Area (“BIA”) represents the retail businesses in the area. Town Administration has contacted the BIA to inquire as to whether the BIA would be in support of a potential amendment of the Town’s current by-law in accordance with section 1.2 of the Act.

At their meeting held on Wednesday, June 20, 2023, the Board passed a motion for Council’s consideration in support of and requesting an amendment to By-Law 2009-01 to apply a blanket exemption to any public holiday save and except for Christmas Day. The BIA supports a blanket exemption to holiday closure for any holiday (except for Christmas day) and for flexibility in the hours of operation (beyond the current By-Law limits of 9:00 am to 6:00 pm.) to promote tourism and economic development with retail businesses in the Town.

Should Council adopt amending By-Law 2023-066, retail owners will still have a choice on whether to operate on public holidays, and employees likewise are protected under the *Employment Standards Act* by having an entitlement for overtime pay for working public holidays.

The recommendation for the blanket exemption is an additional measure, coming out of the COVID-19 pandemic, to support the Town's local retail establishments and potentially, strengthen local tourism. Administration recommends that the blanket exemption be considered favourably, with Christmas Day as the designated closure holiday and that the current limitations on hours of operation be relaxed.

Consultations

Tecumseh Business Improvement Area

Financial Implications

There are no financial implications associated with this report.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable

Website

Social Media

News Release

Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Jennifer Alexander, MPA
Deputy Clerk & Manager Legislative Services

Reviewed by:

Robert Auger, LL.B.
Director Legislative Services & Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	BIA Minutes with Highlighted Resolution of Support