



MUNICIPALITY OF **West Elgin**

Staff Report

Report To: Council Meeting

From: Jana Nethercott, Clerk

Date: 2021-03-11

Subject: Tourism Exemption to Retail Business Holidays Act – Rodney Market

Recommendation:

That West Elgin Council hereby receives the report from Jana Nethercott, Clerk re: Tourism Exemption to the *Retail Business Holidays Act* from Rodney Market; and

That West Elgin Council hereby schedules a Public Meeting at 9:30 a.m. on March 25, 2021 in respect of a proposed by-law to exempt the Rodney Market from the Statutory Holiday Closures pursuant to the *Retail Business Holidays Act, R.S.O. 1990*.

Purpose:

The purpose of this report is to provide Council with the background information regarding a request submitted on behalf of the Rodney Market for a Tourism Exemption under the *Retail Business Holidays Act*.

Staff would also like to gain Council's opinion of extending this exemption to other businesses in the Tourism Corridor Priority Areas, as identified in the attached map, in the Elgincentives Community Improvement Plan as a way to boost tourism and assist businesses recover from long closures due to COVID-19.

Background:

The attached letter from Rodney Market was submitted to the Clerk on February 24, 2021 requesting a Tourism exemption to the *Retail Business Holidays Act, R.S.O. 1990* under Section 4(1).

Section 4(1) *Retail Business Holidays Act, R.S.O. 1990* states that "...the council of a municipality may by by-law permit retail business establishments in the municipality to be open holidays for the maintenance or development of tourism".

Section 4(3) *Retail Business Holidays Act, R.S.O. 1990* states that "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".

Tourism Criteria is laid out in Ontario Regulation 711/91. Section 2(1) states "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 tourist visiting the attraction for business on a holiday".

Ontario Regulation 711/91, Section 5(1) states “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.

Section 4(6) *Retail Business Holidays Act, R.S.O. 1990* states that “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 manner determined by the council; (c) shall permit any person who attends the public meeting the opportunity to make representations in respect of the proposed by-law”.

Section 4(7) *Retail Business Holidays Act, R.S.O. 1990* states that “The council is not required to pass the by-law even if the tourism criteria are met”.

Section 4(8) *Retail Business Holidays Act, R.S.O. 1990* states that “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”.

Section 4.2 *Retail Business Holidays Act, R.S.O. 1990* states that “(1) Any person who objects to a by-law made by the council of the municipality under Section 4 may appeal to the Local Planning Appeal Tribunal by filing a notice of appeal with the Tribunal setting out the objection to the by-law and the reasons in support of the objection. (2) The notice of appeal must be filed with the Tribunal no later than thirty days after the day the by-law is passed by the council”.

A draft by-law to provide for a Tourism Exemption to the *Retail Business Holidays Act, R.S.O. 1990* under Section 4(1) is attached hereto for Council’s information.

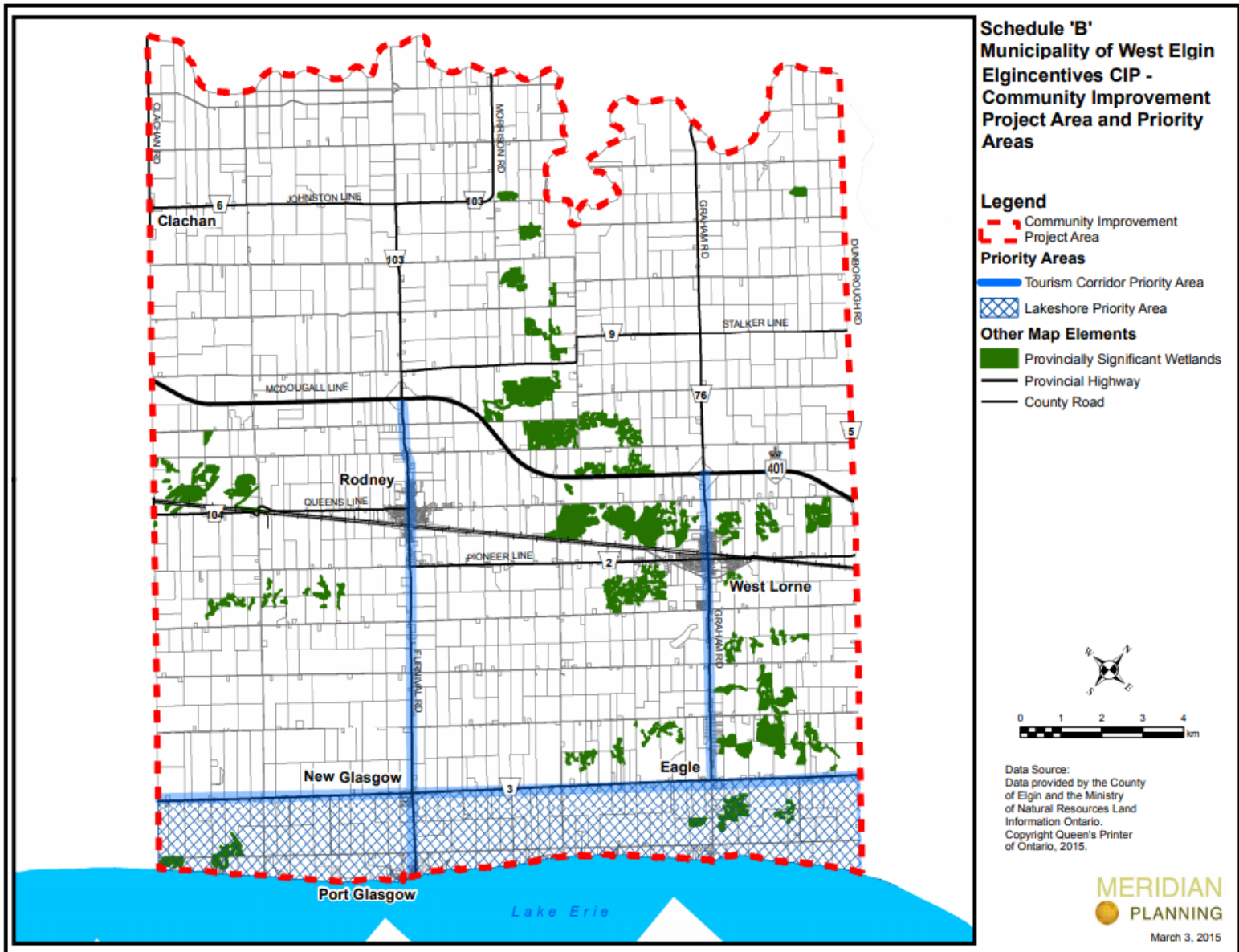
As the Rodney Market is located in the County of Elgin’s Elgincentives Community Improvement Plan in a Tourism Corridor Priority Area an exemption makes sense for this business on the days requested (Victoria Day, Canada Day, Labour Day, Thanksgiving Day and Boxing Day).

Financial Implications:

N/A

Policies/Legislation:

Retail Business Holidays Act, R.S.O. 1990



Areas Identified as Tourism Corridor Priority Areas in Solid Blue