

A photograph of a three-story red brick building with white window frames. A tree with green leaves stands in front of the building. A hanging basket of red flowers is visible. A black street lamp is mounted on the building. A sidewalk with outdoor seating (tables and chairs) is in the foreground.

BIA Committee of Council

Retail Business Holidays Act

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CITY OF HAMILTON | MAY 14, 2019

Background

RETAIL BUSINESS HOLIDAY ACT

Provincial legislation to provide common retail business pause days on the nine statutory holidays:

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



RHBA Exemptions

**BUSINESSES ARE REQUIRED
TO BE CLOSED EXCEPT:**

- * Small stores (i.e., convenience stores)
- * Restaurants & caterers
- * Special / necessary services (i.e., gas stations, garden centres, book stores, antique shops, fruit & vegetable markets, laundromats)
- * Art galleries & handicraft shops
- * Places of education, recreation & amusement
- * Tourism establishments & accommodations





The RHBA also provides that City Council may pass a by-law permitting businesses to remain open for the maintenance or development of tourism.

TOURISM EXEMPTION BY-LAW REQUIREMENTS

1. Consideration of "Common Pause Days" by City Council
2. Compliance with RHBA "Tourism Criteria"
3. Application made by a business or business association for the by-law
4. Hold a public meeting about the proposed by-law





IMPORTANT!

**Council is not required
to pass the by-law
even if the tourism
criteria are met.**

– RHBA ACT: 1991, C.43, S. 1(1).

Examples: Regional & Municipal Tourism Exemption By-Laws

HALTON

Application for Tourism Exemption By-Law

Requires retail businesses & BIAs to apply for a tourist exemption. Forms, fees, public meeting required.

Retail Clusters aligned to Tourism & Ec Development

PEEL REGION

2018 By-Law Regulating Retail Holiday Shopping

Generally prohibits holiday shopping, with a few stores /malls exempt or grandfathered.

Aligned with Peel's Tourism Strategy

YORK REGION

2018 Holiday Shopping By-Law

All retail businesses in the Region may remain open on holidays, with the exception of Christmas.

Region-wide Retail Exemption

WINDSOR

RHBA Exemption Application Process

Requires retail businesses to apply for a tourism exemption by-law. Over 56 stores on by-law exemption list.

Individuals stores, Malls, & BIAs

Let's Talk! & Next Steps

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