

PW-A1-1



PUBLIC MEETING

THE REGIONAL MUNICIPALITY OF PEEL

MINUTES

June 23, 2011

PURPOSE: To hold a Public Meeting pursuant to Section 4 of the *Retail Business Holidays Act, R.S.O. 1990*, as amended, to inform the public and to obtain their input with respect to an application for exemption under the *Retail Business Holidays Act* by Morguard Corporation for the Bramalea City Centre in the City of Brampton.

Acting Regional Chair H. McCallion presided

1. ROLL CALL

Members: G. Carlson; F. Dale; P. Foley; C. Fonseca*; S. Hames; N. Iannicca*; E. Kolb*; K. Mahoney; H. McCallion; S. McFadden; G. Miles; E. Moore; M. Morrison; P. Mullin; P. Palleschi*; R. Paterak; J. Sanderson; J. Sprovieri; R. Starr; A. Thompson; J. Tovey; R. Whitehead

Members Absent: S. Fennell, due to other municipal business; P. Saito, due to a personal matter

Also Present: D. Szwarc, Chief Administrative Officer; R. K. Gillespie, Commissioner of Employee and Business Services; D. Labrecque, Commissioner of Public Works; N. Trim, Chief Financial Officer and Commissioner of Corporate Services; J. Menard, Commissioner of Human Services; J. Smith, Commissioner of Health Services; P. O'Connor, Regional Solicitor and Director, Legal and Risk Management; C. Reid, Regional Clerk; S. Jurrius, Legislative Specialist

* See text for arrivals

♦ See text for departures

2. OPENING OF PUBLIC MEETING

Acting Regional Chair McCallion called the public meeting to order at 9:32 a.m. in the Council Chamber, Regional Administrative Headquarters, 10 Peel Centre Drive, Suite A, Brampton. She stated that the public meeting was open and was being held pursuant to Section 4 of the *Retail Business Holidays Act*, R.S.O. 1990, as amended.

Councillor Palleschi arrived at 9:34 a.m.

3. CONFIRMATION OF NOTIFICATION

Carol Reid, Regional Clerk, stated that the Notice of the Public Meeting was given in accordance with Section 4 of the *Retail Business Holidays Act*, R.S.O. 1990, as amended and the Region of Peel By-law 18-1999.

Notice of the Public Meeting was sent by first class mail to every person and agency that provided the Regional Clerk with a written request of such notice of the proposed by-law; to the clerk of each area municipality within the Region of Peel; to the policing authority having jurisdiction in the area; and, to the applicant on May 4, 2011.

The applicant was instructed to post the Notice of Public Meeting on the Community Information Boards in Bramalea City Centre commencing no later than June 2, 2011 and to remain there until the end of the business day of June 23, 2011.

Notice of this public meeting was given in accordance with Section 4 of the *Retail Business Holidays Act*, by publication in the following news media:

- Brampton Guardian - May 20, 2011
- Mississauga News - May 20, 2011
- Caledon Enterprise - May 21, 2011

Further, it was noted that Notice of Public Meeting was posted on the Regional website as of May 4, 2011 and the draft by-law was available to the public as of the same date.

Councillor Fonseca arrived at 9:36 a.m.

4. FURTHER NOTICE REQUEST

The Acting Regional Chair stated that if any person would like further notice of the future passage of this proposed exemption for the Bramalea City Centre in the City of Brampton, they should give their full name, address, postal code, and telephone number, in writing, at the Clerk's reception counter prior to leaving the meeting.

5. STAFF PRESENTATIONS

- a) **Andrea Warren, Manager, Development Services Division, Public Works**, To Provide an Overview of the Application for an Area Basis Tourism Exemption under the *Retail Business Holidays Act* by Morguard Corporation for the Bramalea City Centre – City of Brampton

Received

A copy of the presentation is available from the Office of the Regional Clerk.

Andrea Warren, Manager, Development Services Division, Public Works, introduced the application for an area basis tourism exemption under the *Retail Business Holidays Act* by Morguard Corporation for the Bramalea City Centre (BCC) in the City of Brampton. She provided an overview of the requirements of the *Retail Business Holidays Act* and noted that the notice of public meeting have been met by the Region and the applicant.

Andrea Warren advised that Regional staff will report on the comments, analysis and conclusions of the public meeting and the final adoption of the exemption by-law to a future meeting of Regional Council.

6. PUBLIC PARTICIPATION

- a) **Oral Submissions**
- i) **Alex Arifuzzaman, Partner, InterStratics Consultants Inc. and Andrew Butler, General Manager, Bramalea City Centre**, To Discuss the Bramalea City Centre Application for an Area Basis Tourism Exemption under the *Retail Business Holidays Act*

Received

A copy of the presentation is available from the Office of the Regional Clerk.

Alex Arifuzzaman, Partner, InterStratics Consultants Inc. and Andrew Butler, General Manager, Bramalea City Centre (BCC), presented on the application by BCC for an area basis tourist exemption under the *Retail Business Holidays Act* (RBHA). Andrew Butler stated that they are pursuing the application in response to Council's suggestion that BCC apply for exemption at the September 10, 2009 Public Meeting of Regional Council. He stated that the store openings are voluntary and are left to the discretion of the tenants.

Alex Arifuzzaman provided an overview of the study made by InterStratics Consultants Inc. to demonstrate that an exemption would support tourism development and why the BCC application is being pursued. He stated that BCC met all the criteria laid out in the regulations and provided a comparison of retail exemptions in the Greater Toronto Area (GTA). Alex Arifuzzaman noted that BCC in itself will be the biggest tourist attraction with approximately 2.2 million tourists to the mall annually. He stated that factors leading to municipal approval of tourist designations in Toronto, Mississauga and York Region also apply at the Bramalea City Centre.

- ii) **Steven Bruce Dyer, Manager, Self Employed**, To Oppose the Application for *Retail Business Holidays Act* Exemption to Allow Statutory Holiday Openings for the Bramalea City Centre

Withdrawn

- iii) **Jim Bolton, Resident, City of Brampton**, To Oppose the Application for *Retail Business Holidays Act* Exemption to Allow Statutory Holiday Openings for the Bramalea City Centre

Received

Jim Bolton, Resident, City of Brampton, opposed the application and briefly outlined the definition and samples of tourist attractions. He stated that BCC should provide a list of tourist attractions within 2 kilometres of the area that would justify the applicant's claim for exemption. Jim Bolton pointed out that most people do not want to work on holidays. In his opinion, BCC has fallen short of making a case to be open on the six statutory holidays as set out in the application. Jim Bolton indicated that approval of the application would be at the expense of the retail employees of BCC depriving them of their time away from work devoted to rest, leisure and their families.

- iv) **Cecilia Butler, Resident, City of Brampton**, To Discuss the Bramalea City Centre Application for an Area Basis Tourism Exemption under the *Retail Business Holidays Act*

Received

Cecilia Butler, Resident, City of Brampton, stated that she also represents a group of concerned retail workers in the Bramalea City Centre that are opposed to the BCC application. She questioned the study provided by BCC and stated that the applicant failed to meet the tourism criteria under O. Reg. 711/91. Cecilia Butler urged Regional Council not to grant tourism exemption to BCC's application because of its significant effect to the retail employees and their families.

Cecilia Butler explained why Morguard Corporation should not be granted an exemption under the *Retail Business Holiday Act* and submitted a paper prepared and signed by a number of Concerned Retail Workers of Bramalea City Centre. A copy of the subject paper is available from the Office of the Regional Clerk.

- v) **Joanne Bruyca, Resident, City of Brampton**, To Discuss the Bramalea City Centre Application for an Area Basis Tourism Exemption under the *Retail Business Holidays Act*

Withdrawn

Additional Items – Items 6-a-vi and 6-a-vii):

- vi) **Melanie East, Resident, City of Brampton,** To Oppose the Bramalea City Centre Application for an Area Basis Tourism Exemption under the *Retail Business Holidays Act* and its Impact to the Families of Retail Employees

Received

Melanie East, Resident, City of Brampton, spoke on behalf of family members of retail employees who work in BCC. She stated that the mall recently extended its operating hours. In reference to Morguard's claim that store openings are voluntary, Melanie East argued that this was not the case. Retail stores would lose business should they remain closed on the specified holidays. Melanie East indicated that BCC management frowns upon the stores that do not open as it would decrease the amount of shoppers going to the mall. Melanie East stated that approval of the application would not only impact the retail employees but would affect families as well.

- vii) **Jennifer Howard Smith, Resident, City of Brampton,** To Oppose the Bramalea City Centre Application for an Area Basis Tourism Exemption under the *Retail Business Holidays Act* and its Impact to Retail Employees and their Families

Received

Jennifer Howard Smith, Resident, City of Brampton and a BCC retail employee, stated that she was opposed to the application. She expressed her concern that BCC is only interested about the income it would generate on the specified statutory holidays. Jennifer Howard Smith stated that family time is very valuable and that it be given consideration when staff presents the report and by-law to Regional Council.

b) **Written Submissions**

- i) **S.A., Resident, City of Brampton,** Email dated June 13, 2011, Opposing the Application for *Retail Business Holidays Act* Exemption to Allow Statutory Holiday Openings for the Bramalea City Centre

Received

- ii) **Dennis Cutajar, Commissioner Economic Development and Communications, City of Brampton,** Email dated June 13, 2011, Providing a Copy of the City of Brampton Recommendation and Report titled "Application for Exemption from the *Retail Business Holidays Act* by Morguard Corporation for the Bramalea City Centre – Ward 8"

Received

- iii) **Annemarie Esvelt, Resident, City of Brampton,** Letter dated June 14, 2011, Opposing the Application for *Retail Business Holidays Act* Exemption to Allow Statutory Holiday Openings for the Bramalea City Centre

Received

Additional Items – Items 6-b-iv and 6-b-v:

- iv) **Group of 48 Concerned Peel Residents**, Letter dated June 15, 2011, Opposing the Application for *Retail Business Holidays Act* Exemption to Allow Statutory Holiday Openings for the Bramalea City Centre

Received

- v) **Trish Hutchinson and Erin Hutchinson, Residents, City of Brampton**, Letter dated June 22, 2011, Opposing the Application for *Retail Business Holidays Act* Exemption to Allow Statutory Holiday Openings by Morguard Corporation for the Bramalea City Centre and its Impact to Retail Employees and their Families

Received

Regional Chair Kolb arrived at 10:22 a.m., due to a personal matter
Councillor Iannicca arrived at 10:22 a.m., due to other municipal business

7. CONCLUSION AND CLOSING OF PUBLIC MEETING

Acting Regional Chair McCallion advised those in attendance that comments and submissions will be taken into consideration and a final report and supporting by-law will be considered by Regional Council at a future meeting.

Moved by Councillor Palleschi,
Seconded by Councillor Hames;

That the final report and supporting by-law be presented to a future meeting of Regional Council for its determination with respect to the Bramalea City Centre application.

Carried

8. ADJOURNMENT

Acting Regional Chair McCallion officially closed the meeting at 10:24 a.m.

RESPECTFULLY SUBMITTED:



Regional Clerk