



PW-A1-1

**PUBLIC MEETING**

**THE REGIONAL MUNICIPALITY OF PEEL**

**MINUTES**

June 14, 2012

**PURPOSE:** To hold a Public Meeting:

1. 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 a tourism exemption under the *Retail Business Holidays Act* by the Port Credit Business Improvement Area, City of Mississauga; and
2. Respecting proposed by-laws to amend Regional By-law 40-98 and Regional By-law 105-2009, as amended by By-law 33-2010, in order to remove Family Day from the list of holidays on which retail business establishments affected by those by-laws are permitted to open.

*Chaired by Regional Chair E. Kolb*

**1. ROLL CALL**

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

Members Absent: N. Iannicca, due to other municipal business; G. Miles, due to vacation; P. Saito, due to vacation

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

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\* See text for arrivals

♦ See text for departures

## 2. OPENING OF PUBLIC MEETING

Regional Chair Kolb called the public meeting to order at 9:35 a.m. in the Council Chamber, Regional Administrative Headquarters, 10 Peel Centre Drive, Suite A, Brampton. He stated that the public meeting was open and was being held pursuant to the Section 4 of the *Retail Business Holidays Act*, R.S.O. 1990, as amended, to consider an application for area basis tourism exemption by the Port Credit Business Improvement Area and to hear representations with respect to the proposed amendments to Regional By-laws 40-98 and 105-2009, as amended.

## 3. CONFIRMATION OF NOTIFICATION

Carol Reid, Regional Clerk, stated that Notice of the Public Meeting was given in accordance with Section 4 of the *Retail Business Holidays Act*, R.S.O. 1990, as amended (the "Act"), and 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-laws; 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 11, 2012.

The applicant from the Port Credit Business Improvement Area was instructed to post the Notice of Public Meeting on the Community Information Boards in the Port Credit Business Improvement Area (BIA); in each common area adjacent to retail establishments seeking exemption; in each retail establishment seeking exemption; and at each public entrance and exit to the Port Credit Business Improvement Area commencing no later than May 24, 2012 and to remain there until the end of the business day of June 14, 2012.

Notice of this Public Meeting to exclude Family Day from Regional *Retail Business Holidays Act* exemption by-laws and to consider an application for exemption by the Port Credit Business Improvement Area was given in accordance with Section 4 of the *Act*, by publication in the following news media having general circulation in the Region of Peel:

- Brampton Guardian – May 11, 2012
- Mississauga News – May 11, 2012
- Caledon Enterprise - May 10, 2012
- Caledon Citizen – May 17, 2012

Further, it was noted that Notice of Public Meeting was posted on the Regional website as of May 10, 2012.

## 4. FURTHER NOTICE REQUEST

The Regional Chair stated that any person who would like further notice of the future passage of the Port Credit BIA application for exemption to the *Act* and the proposed amendments to the Mississauga Chinese Centre and Square One Tourism Exemption By-laws should give their full name, address, postal code, and telephone number in writing at the Clerk's Reception Counter prior to leaving the meeting.

Councillor Whitehead arrived at 9:42 p.m.

**5. PORT CREDIT BUSINESS IMPROVEMENT AREA APPLICATION FOR TOURISM EXEMPTION UNDER THE *RETAIL BUSINESS HOLIDAYS ACT***

**a) STAFF PRESENTATION**

- 1. Brock Criger, Manager, Development Services Division, Public Works**, Providing an Overview of the Application for an Area Basis Tourism Exemption under the *Retail Business Holidays Act* by the Port Credit Business Improvement Area – City of Mississauga

Received

Brock Criger, Manager, Development Services Division, Public Works, stated that the Port Credit Business Improvement Area ("Port Credit") was previously granted tourism exemption under the *Retail Business Holidays Act* (the "Act") in the 1980s. However, changes to Provincial legislation in 1991 resulted in the repeal of all municipal exemption by-laws, including Port Credit. Port Credit was contacted by Regional staff and requested to reestablish its application for tourism exemption under the *Act*.

Brock Criger stated that the current application is similar to what was previously granted to Port Credit, Family Day is not recommended as an exemption day by Regional staff as a result of direction given by Regional Council at its September 8, 2011 meeting.

Councillor Crombie arrived at 9:45 a.m.

**b) PUBLIC PARTICIPATION**

**1. Oral Submissions**

- a) Jeff McPhee, Board Member, Port Credit Business Improvement Area (BIA) and Owner, JD Accounting and Business Services**, Discussing the Port Credit BIA Application for an Area Basis Tourism Exemption under the *Retail Business Holidays Act*

Received

Jeff McPhee, Board Member, Port Credit Business Improvement Area ("Port Credit") and Owner, JD Accounting and Business Services, stated that Port Credit is a tourist destination in the City of Mississauga and its surrounding areas. He requested that Regional Council approve the Port Credit application for tourism exemption as it would help support and promote the small businesses in the surrounding area. Jeff McPhee highlighted the different attractions at the Port Credit that justifies its designation as a tourist destination.

Councillor Tovey thanked Jeff McPhee for the delegation and recognized the well-written report and application submitted by Port Credit.

Councillor Fennell expressed her support for the Port Credit application for tourism exemption, stating that the reputation of Port Credit as a tourist destination is noteworthy.

2. **Written Submissions – Nil**

6. **AMENDMENTS TO *RETAIL BUSINESS HOLIDAYS ACT* (RBHA) TOURISM EXEMPTION BY-LAWS 40-98 AND 105-2009**

a) **STAFF PRESENTATION**

1. **Patrick O'Connor, Regional Solicitor and Director, Legal and Risk Management**, Providing a Review of the Notice of Motion to Amend all RBHA Exemption By-laws to Exclude Family Day, a History and Summary of By-laws 40-98 and 105-2009, and Proposed By-law Amendments

Received

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

Patrick O'Connor, Regional Solicitor and Director, Legal and Risk Management, provided a brief overview of the proposed amendments to the Tourism Exemption By-laws for the Mississauga Chinese Centre and the Square One Shopping Centre, as a result of direction given by Regional Council to remove all existing exemptions under the *Retail Business Holidays Act* pertaining to Family Day.

Patrick O'Connor stated that Regional staff reviewed the existing exemptions for York Region and the City of Toronto and determined that these areas approved applications for tourism exemptions from retail establishments to include Family Day.

b) **PUBLIC PARTICIPATION**

1. **Oral Submissions**

- a) **Jeff McPhee, Board Member, Port Credit Business Improvement Area (BIA) and Owner, JD Accounting and Business Services**, To Speak to the Proposed Amendments to the Region of Peel *Retail Business Holidays Act* Tourism Exemption By-laws

Received

Jeff McPhee, Board Member, Port Credit Business Improvement Area ("Port Credit") and Owner, JD Accounting and Business Services, requested that Regional Council reconsider its decision to exclude Family Day in the exemptions under the *Retail Business Holidays Act*. He stated that an extra day of business would benefit the retail establishments within the Port Credit area.

- b) **Peter Thoma, Partner, urbanMetrics Inc.** In Opposition to the Proposed Amendments to the *Retail Business Holidays Act* as it relates to Square One Shopping Centre on Family Day

Received

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

Peter Thoma, Partner, urbanMetrics Inc., summarized the events that led to the current tourism exemptions for Square One Shopping Centre ("Square One"). He also outlined the implications of the proposed amendments to the Region of Peel Tourism Exemption By-law to Square One should Regional Council decide to remove any exemption which would permit openings on Family Day. Peter Thoma urged Regional Council to uphold and maintain By-law 33-2010, without amendment.

Councillor McCallion requested that the delegation explain the statement on Slide 3 of the presentation: "other municipalities are going in the opposite direction".

Peter Thoma responded that York Region approved the additional tourism exemption to a smaller shopping centre in the market-shadow of the Pacific Mall, a large Asian shopping centre in the Region. He further stated that York Region is looking into expediting their process of dealing with applications for tourism exemption. Peter Thoma informed the members of Regional Council that the City of Toronto will be undertaking five public consultations across the City to consider its process of applications related to tourism exemptions. The City of Toronto is trying to establish its own framework for tourism exemptions for a more permissive voluntary opening on a city-wide basis where merchants will be given the option to open voluntarily on statutory holidays.

Councillor McCallion expressed concern that the statement in the presentation is misleading and could be interpreted to mean other municipalities are going further by including listing other holidays as an exemption. She further stated that the statement should be corrected to read "other municipalities are spreading out exemptions to other areas".

- c) **Claire Santamaria, Property Manager, Square One Shopping Centre,** In Opposition to the Proposed Amendments to the *Retail Business Holidays Act* as it relates to Square One Shopping Centre on Family Day

Received

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

Claire Santamaria, Property Manager, Square One Shopping Centre, provided an overview since the Region of Peel granted tourism exemption to Square One under the *Retail Business Holidays Act*, including Family Day. She stated that Square One conducted market research which indicated a growing demand for families and friends visiting the retail establishment on Family Day, highlighting a 25 percent increase in the number of visitors from 2011 to 2012.

Claire Santamaria informed Regional Council that the retail establishment has not received any negative feedback from the public or complaints from tenants and employees when it opens on statutory holidays. She stated that rescinding the Family Day exemption would be regressive in terms of its public commitment to maintain and develop tourism in Peel Region. Claire Santamaria requested that Regional Council reconsider its decision on Family Day and maintain By-law 33-2010, without amendment.

Councillor Palleschi questioned the need for Square One to be open on Family Day. He indicated that Square One should be requesting, on behalf of all retailers in the Province of Ontario, to be open on statutory holidays. He stated that the intent of the Province when it declared Family Day as a statutory holiday in Ontario was for families to be together and should remain as such. He stated that the notion of spending family time is lost in current society.

Councillor Palleschi stated that the Region of Peel may approve applications for tourism exemptions as it deems fit and does not have to follow the practice of other municipalities. Councillor Palleschi indicated that the 86,000 visitors in 2012 from the market research conducted for Square One might be different if all retailers in Ontario were allowed to open on Family Day.

Claire Santamaria stated that the 86,000 visitors to Square One in 2012 is close to typical Saturday traffic in the mall; however, the composition is different for Family Day where shoppers choose to go and spend the holiday at the mall. She advised that the tourism exemption was given to Square One because it was designated as a tourist destination.

In response to a question from Councillor Sprovieri, Claire Santamaria stated that approximately 10 percent of the stores at Square One opted not to open on statutory holidays.

Councillor Dale stated that he is sympathetic to all arguments regarding Family Day. He advised that Regional Council proposed to remove Family Day from the list of RBHA exemptions upon receiving feedback from retail workers in the Bramalea City Centre.

Councillor Dale expressed concern that the Region of Peel will take away a legal right granted to Square One when it applied for tourism exemption. Councillor Dale advised that Square One followed the process for tourism exemption and met all the requirements of the Region of Peel. He requested that Regional Council support the position of Square One and not remove Family Day from the tourism exemption granted to the retail establishment.

Councillor McCallion expressed her support to maintain Family Day for Square One. However, Councillor McCallion suggested that future applications for tourism exemption that come forward to the Region of Peel not include Family Day. Councillor McCallion stated that her office has not received any complaints from the public or merchants regarding the opening of Square One on Family Day.

Councillor Starr stated that he received complaints from smaller businesses in his ward about Square One being open on statutory holidays. He indicated that the opening on statutory holidays should be available to all retail stores and not be limited to big retail establishments.

Councillor Palleschi commented that Square One indicated its supports for smaller businesses and retailers to be open on statutory holidays. He indicated that a Notice of Motion could be submitted to a future meeting of Regional Council for consideration, to declare the entire Region of Peel as a tourist destination that would allow all retail businesses in the area to be open on statutory holidays.

2. **Written Submissions**

- a) **J. Clark, Resident, City of Mississauga**, Letter dated June 1, 2012, Regarding the *Retail Business Holidays Act* Tourism Exemption By-laws

Received

- b) **Peter Thoma, Partner, urbanMetrics, Inc.** Regarding the Proposed Amendments to Exclude Family Day from *Retail Business Holiday Act* (RBHA), Specifically Regional By-law 105-2009 and By-law 33-2010 (the Square One By-law)

Received

- c) **Claire Santamaria, Property Manager, Square One Shopping Centre**, Letter dated June 6, 2012, Regarding the Proposed Amendments to Exclude Family Day from *Retail Business Holidays Act* (RBHA), Specifically Regional By-law 105-2009 and By-law 33-2010 (the Square One By-law)

Received

Additional Item – Item 6b-2d:

- d) **Terry Lyle, Concerned Citizen**, Letter dated June 14, 2012, Regarding the Holiday Work Amendment (Family Day and All Other Holidays)

Received

Carol Reid, Regional Clerk, read the letter received from Terry Lyle, Concerned Citizen, regarding the holiday work amendment, for the information of Regional Council and those in attendance at the Public Meeting.

7. **CONCLUSION AND CLOSING OF PUBLIC MEETING**

Regional Chair Kolb 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.

8. ADJOURNMENT

Regional Chair Kolb officially closed the meeting at 10:49 a.m.

RESPECTFULLY SUBMITTED:

*Carol Zneid*

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Regional Clerk