



PW-A2-1

**PUBLIC MEETING**

**THE REGIONAL MUNICIPALITY OF PEEL**

**MINUTES**

December 13, 2012

**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 the Morguard Corporation and Bramalea City Centre Equities Inc. application to add Family Day to the existing exemption under the *Retail Business Holidays Act* under By-law 97-2011:

A quorum of voting members was not present, and in accordance with section III-5(g) of the Region of Peel Procedure By-law 100-2012, Regional Council received information.

Chaired by Regional Chair E. Kolb

**1. ROLL CALL**

Members Present: G. Carlson\*; B. Crombie\*; F. Dale; S. Fennell\*; P. Foley; S. Hames; N. Iannicca\*; E. Kolb; K. Mahoney\*; E. Moore; M. Morrison; P. Mullin\*; P. Palleschi\*; R. Paterak; P. Saito\*; J. Sanderson; J. Sprovieri; A. Thompson♦; J. Tovey; R. Whitehead\*

Members Absent: C. Fonseca; H. McCallion, due to other municipal business; S. McFadden, due to a personal matter; G. Miles, due to illness; R. Starr, due to illness

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; K. Lockyer, Regional Clerk and Director of Clerk's; S. Jurrius, Legislative Specialist; S. Singh, Legislative Technical Co-ordinator; V. Montesdeoca, Legislative Technical Co-ordinator

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\* See text for arrivals

♦ See text for departures

## 2. OPENING OF PUBLIC MEETING

Regional Chair Kolb opened the public meeting at 8:39 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 Section 4 of the *Retail Business Holidays Act*, R.S.O. 1990, as amended.

*Councillor Fennell arrived at 8:43 a.m.*

## 3. CONFIRMATION OF NOTIFICATION

Kathryn Lockyer, Regional Clerk and Director of Clerk's, 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 November 13, 2012.

The applicant was instructed to post the Notice of Public Meeting on the Community Information Boards in the Bramalea City Centre; in each common area adjacent to retail establishments seeking exemption; in each retail establishment seeking exemption; and on each public entrance and exit to the Bramalea City Centre commencing no later than November 23, 2012 and to remain there until the end of the business day of December 14, 2012.

*Councillor Mullin arrived at 8:44 a.m.*

### **A quorum of voting members was achieved at 8:44 a.m.**

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 – November 9, 2012
- Mississauga News – November 9, 2012
- Caledon Enterprise – November 13, 2012
- Caledon Citizen – November 15, 2012

Further, it was noted that Notice of Public Meeting was posted on the Region of Peel website as of November 12, 2012 and the draft by-law was available to the public as of the same date.

## 4. FURTHER NOTICE REQUEST

Regional Chair Kolb 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, Public Works**, Providing an Overview of the Morguard Corporation and Bramalea City Centre Equities Inc. Application to Add Family Day to the Existing Exemption under the *Retail Business Holidays Act* under By-law 97-2011

Received

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

Andrea Warren, Manager, Development Services Division, Public Works, provided an overview of the application of Morguard Corporation and Bramalea City Centre (BCC) Equities Inc. for a Family Day opening. If approved, the existing Region of Peel By-law 97-2011 would be amended to include Family Day in the list of tourism exemptions under the *Retail Business Holidays Act*. In terms of meeting the tourism criteria, Andrea Warren advised that nothing has changed from the parent application filed by BCC with the Region of Peel in 2011. She indicated that it would be a policy consideration should Council make its decision on the BCC application for Family Day opening.

She 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 Regional Council at its meeting on January 10, 2013.

*Councillor Palleschi arrived at 8:52 a.m.*

**6. PUBLIC PARTICIPATION**

- a) **Oral Submissions**

- i. **Tara Piurko, McCarthy Tetrault LLP, Andrew Butler, General Manager, Bramalea City Centre and Alex Arifuzzaman, Partner, InterStratics Consultants Inc.**, Discussing the Morguard Corporation and Bramalea City Centre Equities Inc. Application to Add Family Day to the Existing Exemption under the *Retail Business Holidays Act* under By-law 97-2011

Received

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

Tara Piurko, McCarthy Tetrault LLP, stated that Bramalea City Centre is seeking to add Family Day similar to exemptions granted by the Region of Peel to Square One Shopping Mall and the Mississauga Chinese Cultural Centre under the *Retail Business Holidays Act* (RBHA).

*Councillor Iannicca arrived at 8:54 a.m.*

*Councillor Crombie arrived at 8:56 a.m.*

Andrew Butler, General Manager, Bramalea City Centre (BCC) advised that the BCC management has not received any complaints from the public or tenants for being open on the statutory holidays

granted by the Region of Peel. He stated that store openings on Family Day and other holiday exemptions are voluntary. The rights of employees have been circulated to tenants by the BCC management with respect to the right to refuse work.

Alex Arifuzzaman, Partner, InterStratics Consultants Inc., stated that the Bramalea City Centre is one of the major economic drivers within the City of Brampton, where it contributes approximately 4,000 jobs and injects close to \$1 billion into the local economy annually. Alex Arifuzzaman requested that Regional Council afford BCC a level playing field with Square One noting that it would support the maintenance and development of tourism in the City of Brampton and the Region of Peel.

*Councillor Thompson departed at 9:04 a.m., due to other municipal business*

Councillor Palleschi expressed his concerns about the BCC application for Family Day opening and indicated that he would not support the application when it goes to Regional Council for approval.

Regional Chair Kolb indicated that it is not fair for the applicant to ask for a "level playing field" when applying for tourism exemptions due to the limitations of the current Provincial legislations.

In response to a question from Councillor Foley, Andrew Butler stated that opening of retail stores in BCC on Family is currently voluntary but he could not ascertain if the policy will remain the same in the future.

Councillor Sprovieri expressed his concern that a retail employee could face consequences if they refuse to work on statutory holidays. Tara Piurko stated that Morguard could post notices of employees "Rights to Refuse Work" at the BCC.

Councillor Fennell stated that the onus of tourism exemptions on statutory holidays should be on the Provincial government.

- ii. **Rudy Bal, Resident, City of Brampton**, Opposing the Bramalea City Centre Application for Exemption on Family Day under the *Retail Business Holidays Act*

Received

Rudy Bal, Resident, City of Brampton and a BCC retail employee, stated that he is opposed to the Bramalea City Centre application to open on Family Day. As a volunteer, Rudy Bal stated that he has seen the breakdown of family unit and an extra day of shopping would not help that situation. In his opinion, the breakdown of family unit could eventually impact social services cost in the Region of Peel and urged Regional Council to keep Family Day as a day for family. Rudy Bal stated that an employee has the right to refuse work on statutory holidays as claimed by BCC but he expressed his concern that this could negatively impact the relationship between a retailer and an employee.

*Councillor Carlson arrived at 9:12 a.m.*

- iii. **Shirley MacDuff Kostiuk, Resident, City of Brampton**, Opposing the Bramalea City Centre Application for Exemption on Family Day under the *Retail Business Holidays Act*

Received

See also Item 6b-ix

Shirley MacDuff Kostiuk, Resident, City of Brampton, stated that she was in favour of keeping the Bramalea City Centre closed on Family Day. She stated that allowing retail employees to work on a provincial holiday is wrong and in her opinion, trust, confidence and support for Peel politicians would decline. She also stated that Family Day was introduced in Ontario and was created for everyone and it should be recognized by all levels of government. Shirley MacDuff Kostiuk requested Regional Council to send a clear message to its community that in Peel, family units come first and to support local business in the Peel Region such as Food Basics and Canadian Tire.

*Councillor Saito arrived at 9:20 a.m.*

*Councillor Whitehead arrived at 9:21 a.m.*

*Councillor Mahoney arrived at 9:23 a.m.*

b) **Written Submissions**

- i. **Rosemary Pauer, Resident, City of Brampton**, Email dated November 23, 2012, Opposing the Bramalea City Centre Application for Exemption on Family Day under the *Retail Business Holidays Act*

Received

- ii. **Imran Arain, Resident**, Email dated November 23, 2012, Opposing the Bramalea City Centre Application for Exemption on Family Day under the *Retail Business Holidays Act*

Received

- iii. **Berend Esvelt, Resident, City of Brampton**, Email dated November 30, 2012, Opposing the Bramalea City Centre Application for Exemption on Family Day under the *Retail Business Holidays Act*

Received

- iv. **Annemarie Esvelt, Resident, City of Brampton**, Email dated December 2, 2012, Opposing the Bramalea City Centre Application for Exemption on Family Day under the *Retail Business Holidays Act*

Received

- v. **Linda Morita, Resident, City of Brampton**, Email dated December 3, 2012, Opposing the Bramalea City Centre Application for Exemption on Family Day under the *Retail Business Holidays Act*

Received

- vi. **Tamara/Vladan Marinkovic, Resident**, Email dated December 3, 2012, Opposing the Bramalea City Centre Application for Exemption on Family Day under the *Retail Business Holidays Act*

Received

- vii. **Victor Mario Cicione, Resident, City of Brampton**, Letter dated December 4, 2012, Opposing the Bramalea City Centre Application for Exemption on Family Day under the *Retail Business Holidays Act*

Received

- viii. **Brendan Yousif, Resident**, Email dated December 4, 2012, Opposing the Bramalea City Centre Application for Exemption on Family Day under the *Retail Business Holidays Act*

Received

- ix. **Shirley MacDuff Kostiuk, Resident, City of Brampton**, Email dated December 5, 2012, Opposing the Bramalea City Centre Application for Exemption on Family Day under the *Retail Business Holidays Act*

Received

See also Item 6a-iii

- x. **Bill Cutmore, Resident, City of Brampton**, Email dated December 6, 2012, Regarding the Bramalea City Centre Application for Exemption on Family Day under the *Retail Business Holidays Act*

Received

**Additional Items – Items 6b-xi to 6b-xiii inclusive:**

- xi. **Concerned Associates from Sears Appliances Department**, Letter dated December 8, 2012, Regarding the Bramalea City Centre Application for Exemption on Family Day under the *Retail Business Holidays Act*

Received

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- xii. **Thomas McGinty, Downtown and Central Area Research Analyst, Economic Development Office, City of Brampton**, Letter dated November 26, 2012, Regarding Morguard Corporation and Bramalea City Centre Equities Inc. Application to Add Family Day to the Existing Exemption under the *Retail Business Holidays Act* under By-law 97-2011

Received

- xiii. **Sergeant Brian Wintermute, Peel Regional Police, Operational Planning and Resources**, Email dated November 20, 2012, Request by Morguard Investments for an Exemption to the *Retail Business Holidays Act* at the Bramalea City Centre in the City of Brampton

Received

**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 9:48 a.m.

RESPECTFULLY SUBMITTED:



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Regional Clerk