

For Information

DATE: August 16, 2012

REPORT TITLE: **MORGUARD INVESTMENTS LIMITED (BRAMALEA CITY CENTRE) -
APPLICATION FOR FAMILY DAY OPENING AND REQUEST TO
SUSPEND CERTAIN REQUIREMENTS OF THE APPLICATION
PROCEDURE**

FROM: Dan Labrecque, Commissioner of Public Works

OBJECTIVE

To provide an update on the status of Bramalea City Centre's 2010 application for an area-based tourism exemption to the *Retail Business Holidays Act* in anticipation of a new application seeking exemption for Family Day and a request that Regional Council suspend the requirements of By-law 18-1999 related to the study requirements and posting of notice in individual stores and common areas.

REPORT HIGHLIGHTS

- On May 23, 2012 the Ontario Municipal Board dismissed an appeal of Regional By-law 97-2011, with the result that the by-law has been brought into force.
- By-law 97-2011 provides that the retail businesses in the vicinity of the Bramalea City Centre may open on select statutory holidays (excluding Family Day).
- Morguard Investments Limited originally requested that Family Day be included in the list of exempted holidays, however Regional Council declined to approve the Family Day opening.
- On July 5, 2012 a Motion regarding the removal of Family Day exemptions for existing approvals was lost (Resolution 2012-915), thereby allowing Square One Shopping Centre and the Mississauga Chinese Cultural Centre to retain their existing Regional Council approval to be open on Family Day.
- Morguard Investments Limited has indicated they will file a new application to seek permission for retail openings on Family Day and will request that Regional Council suspend the requirements of By-law 18-1999 related to public notice requirements and the production of a tourism study.
- At its discretion, Regional Council may suspend the requirements of the application procedures contained within By-law 18-1999.

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DISCUSSION

1. Background – Approval History

a) November 2010 BCC Application

On November 10, 2010 Morguard Investments Limited (“Morguard”) applied to the Regional Municipality of Peel for an area-based tourism exemption to the *Retail Business Holidays Act* (the “Act”) for retail businesses in the vicinity of the Bramalea City Centre (“BCC”). Specifically, the application sought permission to allow retail businesses within and adjacent to BCC to remain open voluntarily on the following statutory holidays:

- New Year’s Day
- **Family Day**
- Victoria Day
- Canada Day
- Labour Day
- Thanksgiving Day.

A statutory public meeting was convened on June 23, 2011, following which a staff report was prepared and submitted for Regional Council. On September 8, 2011, Council enacted By-law 97-2011 to approve an area-based tourism exemption for the holidays requested, save and except for Family Day.

An appeal of By-law 97-2011 to the Ontario Municipal Board (“OMB”) was subsequently dismissed and By-law 97-2011 came into force on May 23, 2012. Under the by-law, BCC is permitted to be open between the hours of 11:00 a.m. and 6:00 p.m. on New Year’s Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day. BCC is not currently permitted to open for business on Family Day.

b) Broader Family Day Discussion and Port Credit BIA Application

Through its consideration of the November 2010 BCC application, Regional Council expressed a desire to reconsider retail business openings on Family Day for other existing tourist exemption areas in Peel (namely Square One Shopping Centre and Mississauga Chinese Cultural Centre).

At the same meeting that By-law 97-2011 was enacted, Regional Council adopted Resolution 2011-867, which was a Notice of Motion by Councillor Palleschi and seconded by Councillor Sanderson that sought to remove Family Day from all exemption by-laws for areas within Peel Region and directed that the matter be brought forward to a future meeting of Regional Council.

At Regional Council’s direction, a statutory public meeting took place on June 14, 2012 to consider the removal of Family Day together with an application by the Port Credit Business Improvement Association to renew the area-based tourism exemption for the businesses in the Port Credit Business Improvement Area. The Port Credit application did not request to be open for business on Family Day.

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At its July 5, 2012 meeting, Regional Council approved the Port Credit application (Resolution 2012-914), however the Motion regarding the removal of Family Day for existing exemption by-laws was lost (Resolution 2012-915). As a result, the exemption by-laws affecting Square One Shopping Centre and the Mississauga Chinese Cultural Centre remain intact and the retail businesses in those areas will continue to be permitted to open for business on Family Day.

2. Forthcoming BCC Application – Family Day

Staff have been informed by Morguard that they intend to submit an application to request a further exemption from the Act to permit retail businesses in the vicinity of BCC to open for business on Family Day, as they had originally applied for in their November 2010 application.

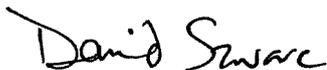
Peel Region By-Law 18-1999 stipulates the procedures to be followed by applicants for a tourism exemption. The procedures require applicants to submit a completed application form, the prescribed fee and copies of a tourism study which demonstrates that an exemption would support tourism development. The procedures also require that the applicant post notice of the public meeting in and adjacent to all retail businesses in the area proposed for exemption.

Morguard has indicated to staff that they will be seeking for Council to suspend some of the requirements of By-law 18-1999 on the basis that the procedures would involve undue repetition of their original application which included a request to open for business on Family Day. It is within Council's discretion to suspend the operation of By-law 18-1999 should such a suspension be deemed to be appropriate in the circumstances.



Dan Labrecque
Commissioner of Public Works

Approved for Submission:



D. Szwarc, Chief Administrative Officer

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T.S.