

The Retail Business Holidays Act Background Information and Tourism Exemption By-Laws

The Regional Clerk's Office is unable to provide legal advice, and inquiries as to whether or not a retail business may be open on any statutory holiday must be referred to appropriate legal counsel.

The Retail Business Holidays Act is provincial legislation that prohibits the opening of retail businesses on statutory holidays. This legislation is administered by the Ministry of Consumer Services.

There are currently nine statutory holidays:

- New Year's Day (January 1)
- Family Day (the third Monday of February)
- Good Friday (the Friday before Easter Sunday)
- Easter Sunday (usually in March or April)
- Victoria Day (the last Monday before or on May 24)
- Canada Day (July 1)
- Labour Day (the first Monday in September)
- Thanksgiving Day (the second Monday in October)
- Christmas Day (December 25)

The Retail Business Holidays Act also applies to any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of the Retail Business Holidays Act.

Retail businesses are prohibited from selling goods or providing service, or admitting the public on these holidays unless the retail business falls under one of the statutory exemptions or unless an applicable tourism exemption by-law has been passed allowing the business to remain open.

Some businesses that can stay open on holidays include:

- Small stores employing no more than three persons at one time on that day and having a total area for serving the public of less than 2400 square feet.
- Pharmacies.
- Retail business that sell gas or motor oil, books, newspapers or periodicals, or nursery stock, flowers, or gardening supplies.
- Art galleries employing no more than three people at one time on that day and having a total area for serving the public of less than 2400 square feet.
- Establishments having a liquor license or permit under the *Liquor License Act*.
- Tourist establishments licensed under the *Tourism Act*.
- Premises used for educational, recreational or amusement purposes.
- "Necessary services" such as those that deal in prepared meals or living accommodations, Laundromats, and the rental or repair of vehicles or boats.

The Retail Business Holidays Act Backgrounder Information and Tourism Exemption By-Laws

If after examining the provincial legislation, your legal counsel determines that your business must remain closed on the statutory holidays, your business may qualify to make an application to The Niagara Region for a tourism exemption by-law. Before making such an application please contact the Regional Clerk. In order to make an application for a tourism exemption, you or your business must:

- Meet the tourism criteria set out in the legislation;
- Provide a non-refundable minimum \$847.50 application fee; and
- Have patience. The application process may take more than 90 days from start to finish (to allow 30 days notice of a public meeting and to allow for a 30 day appeal period, as well as the internal procedural requirements and meeting schedules).

For any specific by-law requests, please contact the Regional Clerk’s Office.

By-law	Description	Approval Date	Holidays Covered
BY7277	A by-law to permit Canadian Tire located at 6840 McLeod Road, City of Niagara Falls, to be open on certain holidays for the maintenance or development of tourism	August 5, 1993	Victoria Day, Canada Day, Labour Day, Thanksgiving Day
BY7279	A by-law to permit Zellers located at 6777 Morrison Street, City of Niagara Falls to be open on certain holidays for the maintenance or development of tourism	August 5, 1993	Victoria Day, Canada Day, Labour Day
BY7280	A by-law to permit Zellers located at 6510 Lundy's Lane, City of Niagara Falls to be open on certain holidays for the maintenance or development of tourism	August 5, 1993	Victoria Day, Canada Day, Labour Day
BY7386	A by-law to permit certain retail business establishments in the Port Dalhousie Area in the City of St. Catharines to be open on certain holidays for the maintenance or development of tourism	November 18, 1993	Victoria Day, Canada Day, Labour Day, Thanksgiving Day
BY7387	A by-law to permit certain retail business establishments in the Lock III Museum Complex on Government Road in the City of St. Catharines to be open on certain holidays for the maintenance or development of tourism	November 18, 1993	Victoria Day, Canada Day, Labour Day, Thanksgiving Day

The Retail Business Holidays Act Backgrounder Information and Tourism Exemption By-Laws

By-law	Description	Approval Date	Holidays Covered
BY7390	A by-law to permit certain retail business establishments in the Town of Fort Erie to be open on certain holidays for the maintenance or development of tourism	November 18, 1993	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day
BY7391	A by-law to permit Oldfords located at 311 Gorham Road in the Town of Fort Erie, to be open on certain holidays for the maintenance or development of tourism	November 18, 1993	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day
BY7392	A by-law to permit Canadian Tire Associate located at 465 Central Avenue in the Town of Fort Erie, to be open on certain holidays for the maintenance or development of tourism	November 18, 1993	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day
BY7393	A by-law to permit Crystal Beach IGA located at 3874 Rebstock Road in the Town of Fort Erie, to be open on certain holidays for the maintenance or development of tourism	November 18, 1993	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day
BY7394	A by-law to permit Avondale Stores Ltd. located at 1620 Dominion Road in the Town of Fort Erie, to be open on certain holidays for the maintenance or development of tourism	November 18, 1993	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day
BY7395	A by-law to permit Foodland located at 469 Central Avenue in the Town of Fort Erie, to be open on certain holidays for the maintenance or development of tourism	November 18, 1993	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day
BY7396	A by-law to permit IGA currently located at 79 Courtwright Street and soon to be located at 200 Garrison Road in the Town of Fort Erie, to be open on certain holidays for the maintenance or development of tourism	November 18, 1993	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day

The Retail Business Holidays Act Background Information and Tourism Exemption By-Laws

By-law	Description	Approval Date	Holidays Covered
BY7397	A by-law to permit Zellers Incorp. located at 200 Garrison Road in the Town of Fort Erie, to be open on certain holidays for the maintenance or development of tourism	November 18, 1993	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day
BY7398	A by-law to permit Crescent Home Hardware (Zoltan Pozsonyi) located at 1238 Dominion Road in the Town of Fort Erie, to be open on certain holidays for the maintenance or development of tourism	November 18, 1993	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day
BY7399	A by-law to permit Do-It Centre located at 584 Garrison Road in the Town of Fort Erie, to be open on certain holidays for the maintenance or development of tourism	November 18, 1993	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day
BY7582	A by-law to permit certain retail business establishments in the Old Town of Niagara area in the Town of Niagara-on-the-Lake to be open on certain holidays for the maintenance or development of tourism	April 21, 1994	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day
BY7583	A by-law to permit certain retail business establishments in the Queenston area in the Town of Niagara-on-the-Lake to be open on certain holidays for the maintenance or development of tourism	April 21, 1994	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day
BY7584	A by-law to permit De Laat's Groceries Ltd. (Value Mart) located at 130 Queen Street, Town of Niagara-on-the-Lake to be open on certain holidays for the maintenance or development of tourism	April 21, 1994	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day
BY7585	A by-law to permit certain retail business establishments in the City of Niagara Falls to be open on certain holidays for the maintenance or development of tourism	April 21, 1994	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day

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By-law	Description	Approval Date	Holidays Covered
BY7586	A by-law to permit Canadian Tire Associate Store located at 4790 Victoria Avenue, City of Niagara Falls, to be open on certain holidays for the maintenance or development of tourism	April 21, 1994	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day
BY7587	A by-law to permit Mr. Grocer located at 6460 Lundy's Lane, City of Niagara Falls, to be open on certain holidays for the maintenance or development of tourism	April 21, 1994	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day
BY7588	A by-law to permit Chippawa IGA located at 8251 Dock Street, City of Niagara Falls, to be open on certain holidays for the maintenance or development of tourism	April 21, 1994	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day
BY7589	A by-law to permit Dalmys located at 7555 Montrose Road (Niagara Square), City of Niagara Falls, to be open on certain holidays for the maintenance or development of tourism	April 21, 1994	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day
BY7590	A by-law to permit Penningtons Stores Ltd. located at 7555 Montrose Road (Niagara Square), City of Niagara Falls, to be open on certain holidays for the maintenance or development of tourism	April 21, 1994	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day
BY7591	A by-law to permit The Sleep Factory located at 7555 Montrose Road (Niagara Square), City of Niagara Falls, to be open on certain holidays for the maintenance or development of tourism	April 21, 1994	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day
BY7592	A by-law to permit Mr. Grocer located at 7555 Montrose Road (Niagara Square), City of Niagara Falls, to be open on certain holidays for the maintenance or development of tourism	April 21, 1994	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day

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By-law	Description	Approval Date	Holidays Covered
BY7593	A by-law to permit K Mart Canada Limited Department Store located at 7555 Montrose Road (Niagara Square) in the City of Niagara Falls, to be open on certain holidays for the maintenance or development of tourism	April 21, 1994	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day
BY7594	A by-law to permit BiWay Stores Ltd. located at 7555 Montrose Road (Niagara Square), City of Niagara Falls, to be open on certain holidays for the maintenance or development of tourism	April 21, 1994	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day
BY7595	A by-law to permit Suzy Shier (Canada) Limited located at 7555 Montrose Road(Niagara Square), City of Niagara Falls, to be open on certain holidays for the maintenance or development of tourism	April 21, 1994	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day
BY7922	A by-law to permit certain retail business establishments in the Old Town of Niagara area in the Town of Niagara-on-the-Lake to be open on certain holidays for the maintenance or development of tourism	March 2, 1995	Good Friday, Boxing Day, Easter Sunday, Proclaimed
BY7923	A by-law to permit De Laat's Groceries Ltd. (Value Mart) located at 130 Queen Street, Town of Niagara-on- the-Lake to be open on certain holidays for the maintenance or development of tourism	March 2, 1995	Good Friday, Easter Sunday, Proclaimed
BY8990	A by-law to permit A&P Superfresh located at 6770 McLeod Road, City of Niagara Falls to be open on certain holidays for the maintenance Or development of tourism	April 16, 1998	Victoria Day, Canada Day, Labour Day
BY75-2001	A by-law to permit Zehr's Garden Markets at 6940 Morrison Street, City of Niagara Falls to be open on certain holidays for the maintenance or development of tourism	August 16, 2001	Victoria Day, Canada Day, Labour Day

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By-law	Description	Approval Date	Holidays Covered
BY 60-2002	A By-law to permit A & P Superfresh Food Store At 3770 Montrose Road, City of Niagara Falls To be open on certain Holidays for the Maintenance or development of Tourism	June 6, 2002	Victoria Day, Canada Day, Labour Day, Thanksgiving Day
32-2006	A By-Law To Permit Commisso's Food Market (To Be Renamed Sobey's), Located At 3714 Portage Road, Niagara Falls, To Be Open On Certain Holidays For The Maintenance Or Development Of Tourism	April 13, 2006	Victoria Day, Canada Day, Labour Day, Thanksgiving Day
29-2009	A By-Law To Permit The Business Known Locally As Value Village, Located At 6278 Lundy's Lane, Niagara Falls, To Be Open On Certain Holidays For The Maintenance Or Development Of Tourism	March 26, 2009	Family Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day
19-2010	A By-Law To Amend By-Law No. 6728-92 A By-Law To Establish Procedures And Fees For Processing Applications For Holiday Openings For Tourism Under The Retail Business Holidays Act	February 11, 2010	
56-2011	A By-Law To Permit Commisso's Fresh Foods Located At 6161 Thorold Stone Road, Niagara Falls, To Be Open On Certain Holidays For The Maintenance Or Development Of Tourism	May 5, 2011	New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day and Thanksgiving Day
07-2012	A By-Law To Permit Metro Grocery Store Located At 3770 Montrose Road, Niagara Falls And Food Basics Located At 6770 McLeod Road, Niagara Falls To Be Open On Certain Holidays For The Maintenance Or Development Of Tourism	January 19, 2012	Metro: Family Day Food Basics: Family Day, Thanksgiving Day
39-2012	A By-Law To Permit Sobey's Grocery Store Located At 3714 Portage Road, Niagara Falls To Be Open On Certain Holidays For The Maintenance Or Development Of Tourism	May 3, 2012	New Year's Day, Family Day, Good Friday