

Subject: Public Response to Creating a Blanket Exemption for Windsor Pursuant to the Retail Business Holidays Act - City Wide

Reference:

Date to Council: May 6, 2019
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Policy, Gaming, Licensing & By-Law Enforcement
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Clerk's File #: GPL2019

To: Mayor and Members of City Council

Recommendation:

THAT Council **RECEIVE FOR INFORMATION** the results of the Retail Business Holidays Public Survey; and,

THAT Council **DIRECT** the City Solicitor to prepare a bylaw that exempts the City of Windsor from the *Retail Business Holidays Act (RBHA)* and provides retail business establishments with a blanket exemption from holiday closures with the exception of one mandatory closure date, with specified exemptions for necessary services, as authorized by the *RBHA* and the *Municipal Act, 2001*; and further,

THAT Council **REPEAL** the bylaws passed under the authority of the *RBHA* that granted holiday closure exemptions to specific retail business establishments for five particular holidays; and further,

THAT City Council **AUTHORIZE** the City Solicitor to amend the *Delegation of Authority By-law 208-2008* to remove the *Retail Business Holidays Act* as an item delegated to the Chief Administrative Officer as outlined in this report.

Executive Summary:

N/A

Background:

At it's July 23, 2018 meeting, Council directed administration to gather public opinion in regards to report C 129/2018, attached hereto as 'APPENDIX A', and report back once completed.

Discussion:

A survey was conducted by Administration, which gathered 1,905 responses from the community. Comprehensive social and traditional media coverage was a definite factor in the successful response rate. The full results of the survey are attached as 'APPENDIX B'. Although the introduction to the survey informed participants that, by no means does this action require or even suggest that stores open on holidays, a review of the comments section shows that a majority of respondents believe this to be the case.

Moving forward with this change would simply eliminate the application process and a bureaucratic function which most stores in Windsor challenge regularly by opening without an exemption and risk the small fine in doing so.

The results of the survey tilt to the negative in terms of changing the bylaw, yet more than half of respondents do admit that being open on Holidays may be good for the local economy and local employers. It is also clear from a review of Question #7 (Comments) that the majority of those who participated in the survey are indeed retail employees themselves. If Council does direct a bylaw repeal, it should be noted that a majority of respondents chose Christmas Day (December 25th) as the date to require store closings as per the Municipal Act requirements outlined in 'APPENDIX A'.

Administration does still support its initial recommendation as the repeal of an outdated and ineffective bylaw is a positive move in eliminating bureaucratic red tape for businesses. 'APPENDIX A' outlines a number of salient arguments for the repeal of the bylaw in order to move forward as a modern municipality. **Retail establishments would still have the option to open or close.** Further, most employees of a retail business have the right to refuse to work on a public holiday although there are some exceptions under the Employment Standards Act. In most cases, if retail employees do choose to work on a Holiday, they are legislatively guaranteed to be paid at a premium or receive another day off of their choosing in lieu of the Holiday itself. The corporation feels confident that repealing the bylaw would only result in minor, if any, changes to the current retail landscape during holidays.

Risk Analysis:

The two reputational risks outlined in 'APPENDIX A' remain valid and relevant

Financial Matters:

The enforcement and application costs outlined in 'APPENDIX A' remain valid and relevant.

Consultations:

Bylaw Enforcement
Licensing
Legal
Finance

Conclusion:

It is clear that the respondents to the survey feel passionately about the potential repeal, but admit to seeing value in it. Administration believes that this action will not result in a major change to the current retail landscape on holidays and will only act to eliminate an outdated process.

Approvals:

Name	Title
Katherine Donaldson	Corporate Policy Coordinator
Gary Cian	Deputy License Commissioner/Senior Manager of Policy, Gaming, Licensing and By-Law Enforcement
Shelby Askin Hager	City Solicitor
Valerie Critchley	City Clerk
Onorio Colucci	Chief Administrative Officer

Appendices:

- 1 Appendix A - Initial Report C 129/2018 with P & C attachment
- 2 Appendix B - Survey Responses