

### **Retail Business Holidays Act Exception Application Process**

1. A completed application form must be submitted to the City Clerk's Office along with the \$200.00 application fee. If paying by cheque, please make payable to the "Corporation of the City of Windsor".
2. The City of Windsor will publish notice of a public meeting in a newspaper having general circulation in the municipality at least 30 days before the meeting is held.
3. A public meeting is held to consider a by-law which gives effect to the exemption. Any persons in attendance are permitted to make representations with respect to the by-law.
4. In considering a tourism exemption by-law under section 4.1 of the *Retail Business Holidays Act*, the Act requires Council to take into account the following:
  - a) The principle that holidays should be maintained as common pause days;
  - b) That a by-law may be passed only if there is compliance with the tourism criteria set out in the Regulations; and
  - c) That Council is not required to pass the by-law even if the tourism criteria are met.
5. If Council decides to grant an exemption, the City Solicitor shall be directed to prepare the necessary by-law to give effect to this exemption.
6. Any person who objects to a by-law passed by Council under section 4 of the *Retail Business Holidays Act* may appeal to the Ontario Municipal Board (OMB) by filing a notice of appeal with the Board setting out the objection to the by-law and the reasons in support of the objection. The notice of appeal must be filed with the Board not later than 30 days after the day the by-law is passed by Council.
7. If there are no appeals to the OMB, the by-law will come into force on the thirty-first day after it is passed by Council.
8. If one or more appeals to the OMB have been filed within the 30 day appeal period, the by-law shall not come into force until:
  - a) the day all appeals have been dismissed under section 4.3 subsection (3) or clause (4) (a) of the *Retail Business Holidays Act*; or
  - b) the day the by-law is amended in the manner specified by the Board under section 4.3 subsection (4) (b) of the *Retail Business Holidays Act*.