



June 16, 2011

Mr. John Davidson  
Director, Economic Development  
Regional Municipality of Halton  
1151 Bronte Road  
Oakville, ON  
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Dear Mr. Davidson,

I know that staff at the Chamber have recently discussed the Retail Business Holidays Act (“the Act”) with you as it pertains to businesses within the Halton Region. I’m writing to you today to continue that dialogue on behalf of the Oakville Chamber of Commerce and its 1,100 members as the Region considers its approach to any existing and future applications for tourism exemptions under the Act.

### **Our Understanding**

We note with interest that Regional Council passed By-Law No. 69-11 on May 11, 2011. This By-Law puts into effect the tourism exemptions for the retail business establishments in the Downtown Oakville Business Improvement Area and the Burlington Downtown Business Improvement Area within 31 days of that date, subject to any appeal under Section 4.3 of the Act. That by-law is no in effect.

Further, we note that one of the Chamber’s members, Whole Foods Market, submitted a tourism exemption application to the Region. This request asks that Whole Foods Market be allowed to open on all holidays, except for Christmas Day, on the basis that it – Whole Foods Market – is within two kilometres of Oakville’s downtown tourist area and that it draws tourists to its business on holidays.

Lastly, we note that Regional staff recommended that Council grant exemptions to the Downtown Oakville BIA and the Burlington Downtown BIA, and that the Downtown Oakville BIA itself is supporting the Whole Foods Market application.

### **Our Views**

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Our views in this matter are based in part on discussions we've had with our members in the retail sector over the last few months. We also view this based on two principles stemming from our mandate as the voice of business in Oakville.

First, we believe that retail businesses should have the choice of deciding their own hours of operation, especially with the economic recovery still gaining ground. Indeed, the economic benefits of having that choice would translate into more investment in Oakville and Halton and, in turn, more money to help finance a wide range of services used by local residents.

We stress this point in particular because shopping has become an important leisure activity for consumers these days, which means they will spend their time and money in areas where they can shop and when they want to. In that vein, one could argue that all of Oakville is a tourism destination when it comes to shopping. The corollary is that both Oakville and Halton would be at a net economic loss if these consumers go elsewhere with their disposable income because of government constraints on hours of operation for local retail businesses.

Second, we support measures that would stimulate economic activity within and beyond any given business and/or area of town, the importance of which was strongly underlined by the Region's own South Halton Business Community workshop held on May 12, 2011. In our opinion, measures such as exemptions to the Act, complement the Region's broader economic development strategy and are therefore to be encouraged.

### **Our Recommendations**

On the basis of the above, we recommend that the Region carefully consider the following questions in taking a case-by-case approach to reviewing any application(s) for exemptions:

*Would the application(s) of any given applicant (ie, an individual business or a group of businesses) be reasonably expected to lead to a net increase in visitors to Oakville and Halton?*

*Do the economics of the application(s) suggest there will be spin-offs for other businesses in Oakville and Halton?*

If, during the course of its review of any given application, the Region answers these two questions in the affirmative, then we would recommend that the Region grant the exemptions to the Act. Such a move would support an array of businesses in Oakville and Halton, and, by extension, thousands of local residents who would benefit from the additional vibrancy of and tax revenues from the retail sector.

In the case of Whole Foods Market, we know that it is a destination shopping facility attracting visitors from across the Niagara peninsula and southwest Ontario on a daily basis. It is also a dining attraction given its cafeteria and liquor license. Therefore, Whole Foods Market contributes to a net increase in money spent in Halton and generates positive economic spin-offs for other businesses in the area.

Likewise, as a dining establishment itself, Whole Foods Market is unfairly restricted from opening on statutory holidays compared to restaurants in the immediate vicinity not operating

under the same constraints of the Act. We thus recommend that Council support the Whole Foods Market application.

In stating our position, we're alive to potential impacts on personal and family time stemming from being open during statutory holidays, and we do not take such potential impacts lightly.

However, the Downtown Oakville BIA – many members of which are also members of the Chamber – clearly feels that the net benefits of having the choice of staying open during these holidays outweigh any potential negative effects of being open. Likewise, we know from many of our members that their employees would welcome opportunities to gain additional income by working on statutory holidays. We endorse that view, and would ask that the Region continue to do so in the event of future applications.

Lastly, the Region of Halton has an increasingly diverse population, wherein notions of “common pause” are losing relevance compared to what may have been the case when the Act was originally brought into law many years ago. So while we support balance in terms of work and family, we feel that increased choice is paramount to common pause as an exemption determinant with respect to the Act.

I would be happy to answer any questions you or your staff may have on our position. And, as always, we appreciate the opportunity to have a positive dialogue with the Region on this and related matters as they pertain to local business.

Sincerely,

Mark Brown  
Chair  
Oakville Chamber of Commerce

cc: Mr. Ray Green, Chief Administrative Officer, Town of Oakville  
Ms. Dorothy St. George, Director, Economic Development, Town of Oakville