

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 in February)
- Good Friday (the Friday before Easter Sunday)
- Easter Sunday (usually in March or April)
- Victoria Day (the second last Monday in May)
- 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.

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 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 \$750.00 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 Number	Title	Approval Date	Holidays Covered
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 (Amended by By-law No. 19-2010.)	May 7, 1992	
By-law No. 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	
By-law No. 7390-93	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
By-law No. 7398-93	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
By-law No. 7399-93	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
By-law No. 7277-93	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
By-law No. 7585-94	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 (This by-law repeals By-law No. 7275-93.)	April 21, 1994	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day

By-Law Number	Title	Approval Date	Holidays Covered
By-law No. 7588-94	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 (This store is now a Foodland, which is part of the same grocery store family.)	April 21, 1994	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Boxing Day
By-law No. 8990-98	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 (This store is now a Food Basics, which is part of the Metro Inc. grocery store family. Please also see By-law No. 07-2012.)	April 16, 1998	Victoria Day, Canada Day, Labour Day
By-law No. 75-2001	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
By-law No. 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 (This store is now a Metro, which is part of the Metro Inc. grocery store family. Please also see By-law No. 07-2012.)	June 6, 2002	Victoria Day, Canada Day, Labour Day, Thanksgiving Day
By-law No. 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 (Amended by By-law No. 39-2012)	April 13, 2006	Victoria Day, Canada Day, Labour Day, Thanksgiving Day
By-law No. 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
By-law No. 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

By-Law Number	Title	Approval Date	Holidays Covered
By-law No. 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
By-law No. 39-2012	A By-Law To Permit Sobeys 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
By-law No. 85-2012	A By-Law to Permit Loblaws Inc. O/A Zehrs Markets Located at 6940 Morrison Street, Niagara Falls to be Open on Certain Holidays for the Maintenance or Development of Tourism	October 4, 2012	New Year's Day, Family Day, Good Friday and Thanksgiving Day
By-law No. 39-2013	A By-Law To Permit 1314432 Ontario Inc. O/A Freshco Grocery Store, 5931 Kalar Road, Niagara Falls To Be Open On Certain Holidays For The Maintenance Or Development Of Tourism	April 18, 2013	New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day and Thanksgiving Day
By-law No. 108-2013	A By-Law To Permit Target Store, 7190 Morrison Street, Niagara Falls To Be Open On Certain Holidays For The Maintenance Or Development Of Tourism	October 10, 2013	New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day and Thanksgiving Day
By-law No. 131-2013	A By-Law To Permit Walmart Store, 7481 Oakwood Drive, Niagara Falls To Be Open On Certain Holidays For The Maintenance Or Development Of Tourism	November 21, 2013	New Year's Day, Family Day, Good Friday, Easter Sunday, Victoria Day, Canada Day, Labour Day and Thanksgiving Day
By-law No. 2019-27	A by-law to permit Metro Inc., operating as Food Basic Grocery Stores, 3770 Montrose Road and 6770 McLeod Road in the City of Niagara Falls to be open on certain holidays for the maintenance or development of tourism	February 28, 2019	New Year's Day, Good Friday

By-Law Number	Title	Approval Date	Holidays Covered
By-law No. 7388-93	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	November 18, 1993	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day
By-law No. 7389-93	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	November 18, 1993	New Year's Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day
By-law No. 7582-94	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
By-law No. 7583-94	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
By-law No. 7584-94	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
By-law No. 7922-95	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
By-law No. 7923-95	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

By-Law Number	Title	Approval Date	Holidays Covered
By-law No. 26-2014	A By-Law to Permit The Outlet Collection at Niagara 300 Taylor Road, Niagara-On-The-Lake to be Open on Certain Holidays for the Maintenance or Development of Tourism	February 27, 2014	New Year's Day, Family Day, Good Friday, Easter Sunday, Victoria Day, Canada Day, Labour Day and Thanksgiving Day
By-law No. 79-2014	A by-law to permit Leon's Furniture 440 Taylor Road, Niagara-on-the-Lake to be open on certain holidays for the maintenance or development of tourism	July 24, 2014	New Year's Day, Family Day, Good Friday, Easter Sunday, Victoria Day, Canada Day, Labour Day and Thanksgiving Day
By-law No. 7386-93	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
By-law No. 7387-93	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