

APPENDIX "A"

Retail Business Holidays Act

ONTARIO REGULATION 711/91

TOURISM CRITERIA

Consolidation Period: From November 5, 2015 to the [e-Laws currency date](#).

Last amendment: O. Reg. 321/15.

This is the English version of a bilingual regulation.

1. This Regulation sets out the tourism criteria that must be met before a municipality may pass an exempting by-law under subsection 4 (1) of the Act. O. Reg. 711/91, s. 1.
2.
 - (1) A retail business establishment may be exempted if,
 - (a) it is located within two kilometres of a tourist attraction; and
 - (b) it is directly associated with the tourist attraction or relies on tourists visiting the attraction for business on a holiday. O. Reg. 711/91, s. 2 (1).
 - (2) An exemption granted on an area basis may only be given if,
 - (a) all of the retail business establishments in the area are within two kilometres of the tourist attraction;
 - (b) the area does not exceed that necessary to encompass all of the retail business establishments for which an exemption is sought; and
 - (c) at least 25 per cent of the retail business establishments in the area are directly associated with the tourist attraction or rely on tourists visiting the attraction for business on a holiday. O. Reg. 711/91, s. 2 (2).
 - (3) For the purposes of this section, a tourist attraction is limited to,
 - (a) natural attractions or outdoor recreational attractions;
 - (b) historical attractions; and
 - (c) cultural, multi-cultural or educational attractions. O. Reg. 711/91, s. 2 (3).
3. Each retail business establishment that on days other than holidays normally uses a total area of 2,400 square feet or more for serving the public or normally has four or more employees serving the public must, in addition to meeting the tourism criteria set out in subsection 2 (1), provide goods or services on holidays primarily to tourists. O. Reg. 711/91, s. 3.
4. The two kilometre restriction set out in subsections 2 (1) and (2) does not apply to a retail business establishment located in a local municipality, including a local municipality located in a district or regional municipality or the County of Oxford, having a population of less than 50,000. O. Reg. 711/91, s. 4.

5. (1) Despite any other provision of this Regulation, retail business establishments in a municipality may be exempted for up to five holidays a year during which a fair, festival or other special event is being held in that municipality. O. Reg. 711/91, s. 5 (1).

(2) Subsection (1) does not apply to parades. O. Reg. 711/91, s. 5 (2).

6. (1) An application for an exemption under subsection 4 (3) of the Act shall contain the following:

1. A description of the area or the retail business establishment for which the exemption is sought.
2. The justification, in relation to the seasonal nature, if any, of the tourist attraction, for the time period sought in the exemption.
3. Information establishing that the tourism criteria set out in this Regulation are met. O. Reg. 711/91, s. 6 (1).

(2) An application in respect of a retail business establishment described in section 3 shall be made only by that retail business establishment. O. Reg. 711/91, s. 6 (2).