



1980

c 453 Retail Business Holidays Act

Ontario

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CHAPTER 453

Retail Business Holidays Act

1.—(1) In this Act,

Interpre-
tation

(a) “holiday” means,

(i) New Year’s Day,

(ii) Good Friday,

(iii) Victoria Day,

(iv) Dominion Day,

(v) Labour Day,

(vi) Thanksgiving Day,

(vii) Christmas Day,

(viii) Boxing Day,

(ix) Sunday, and

(x) any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of this Act;

(b) “retail business” means the selling or offering for sale of goods or services by retail;

(c) “retail business establishment” means the premises where a retail business is carried on.

(2) The Lieutenant Governor may by proclamation declare any day that is a public holiday other than a day named in subclauses (1) (a) (i) to (ix) to be a holiday for the purposes of this Act. 1975 (2nd Sess.), c. 9, s. 1.

Holidays
designated
for closing

2.—(1) Every person carrying on a retail business in a retail business establishment shall ensure that no member of the public is admitted thereto and no goods or services are sold or offered for sale therein by retail on a holiday.

Onus on
person
carrying
on
business

Onus on employees, etc.

(2) No person employed by or acting on behalf of a person carrying on a retail business in a retail business establishment shall,

(a) sell or offer for sale any goods or services therein by retail; or

(b) admit members of the public thereto,

on a holiday. 1975 (2nd Sess.), c. 9, s. 2.

Exemptions: small stores

3.—(1) Section 2 does not apply in respect of the carrying on of a retail business on a holiday where, on that day,

(a) the only goods available for sale by retail in the retail business establishment are,

(i) foodstuffs,

(ii) newspapers or periodicals, or tobacco or articles required for the use of tobacco,

(iii) antiques, or

(iv) handicrafts,

or any combination of them, or where the principal business is the sale of goods referred to in sub-clauses (i) to (iv), or any of them, by retail and no other goods are available for sale except as sundries; and

(b) the number of persons engaged in the service of the public in the establishment does not at any time exceed three; and

(c) the total area used for serving the public or for selling or displaying to the public in the establishment is less than 2,400 square feet.

Idem. pharmacies
R.S.O. 1980, c. 196

(2) Section 2 does not apply in respect of the carrying on of a retail business on a holiday in a pharmacy accredited under Part VI of the *Health Disciplines Act*, where, on that day,

(a) the dispensing of drugs upon prescription is available to the public during business hours; and

(b) the principal business of the pharmacy is the sale of goods of a pharmaceutical or therapeutic nature or

for hygienic or cosmetic purposes and no other goods are available for sale except as sundries; and

- (c) the number of persons engaged in the service of the public in the pharmacy does not at any time exceed four.

(3) Section 2 does not apply in respect of the carrying on of a retail business in a retail business establishment on a holiday where, on that day, the only goods available for sale by retail in the establishment are, Idem, special services

- (a) gasoline and motor oil and, in conjunction therewith, other goods for consumption in the operation of a motor vehicle; or
- (b) nursery stock or flowers, and in conjunction therewith, accessory gardening supplies; or
- (c) fresh fruit or vegetables in respect of holidays falling between the 1st day of April and the 30th day of November of the same year.

(4) Section 2 does not apply in respect of the carrying on of a retail business in a retail business establishment on a Sunday where, Idem, Saturday closing

- (a) the retail business establishment was closed to the public and no goods or services were sold or offered for sale therein during a period of twenty-four consecutive hours in the period of thirty-two hours immediately preceding the Sunday; and
- (b) the number of persons engaged in the service of the public in the establishment on the Sunday does not at any time exceed seven; and
- (c) the total area used for serving the public or for selling or displaying to the public in the establishment on the Sunday is less than 5,000 square feet.

(5) Section 2 does not apply in respect of the sale or offering for sale by retail, Idem, under licences or other Acts

- (a) of liquor under the authority of a licence or permit issued under the *Liquor Licence Act*;

R.S.O. 1980,
c. 507

(b) of goods or services under the authority of a tourist establishment licence issued under the *Tourism Act*;

R.S.C. 1970,
c. L-13

R.S.O. 1980,
c. 253

(c) of goods or services permitted under the *Lord's Day Act* (Canada) or the *Lord's Day (Ontario) Act*.

Idem,
education,
recreation,
amusement

(6) Section 2 does not apply in respect of the admission of the public to premises for educational, recreational or amusement purposes or in respect of the sale or offering for sale of goods or services incidental thereto.

Idem,
necessary
services

(7) Section 2 does not apply in respect of services sold in connection with the sale or offering for sale by retail of any goods permitted by this Act to be sold, and does not apply in respect of goods or services sold or offered for sale by retail in the form of or in connection with,

(a) prepared meals;

(b) living accommodation;

(c) laundromats and other coin-operated services;

(d) rentals of vehicles or boats;

(e) servicing and repair of vehicles or boats.

Idem,
under by-law
or regulation

(8) Section 2 does not apply to retail business establishments or any class thereof in respect of which a by-law or regulation has been made under section 4 while the establishment is not in contravention of any conditions provided for in the by-law or regulation. 1975 (2nd Sess.), c. 9, s. 3.

Interpre-
tation

4.—(1) In this section, “municipality” means a local municipality and includes a regional, district or metropolitan municipality but does not include the area municipalities thereof.

Municipal
exceptions

(2) Where it is essential for the maintenance or development of a tourist industry, the council of a municipality may by by-law provide that section 2 does not apply to any class of retail business establishment in respect of the sale by retail of such goods or services on such holidays, for such periods of time, in such parts of the municipality and under such conditions as are specified in the by-law.

Exceptions
in territory
without
municipal
organi-
zation

(3) The Lieutenant Governor in Council may make regulations providing that section 2 does not apply to any class of retail business establishment in territory without municipal organization or any part thereof in respect of the sale by

retail of such goods or services on such holidays for such periods of time and under such conditions as are specified in the regulations.

(4) A by-law or regulation made under this section may classify retail business establishments by size, number of persons employed, character of business, location or any other criterion. 1975 (2nd Sess.), c. 9, s. 4.

Classifica-
tion of
establish-
ments

5. It is lawful for any person not prohibited by this Act to sell, offer for sale or purchase any goods, chattels or other personal property or to employ any other person in connection therewith on the Lord's Day where to do so would, but for this Act, be unlawful under section 4 of the *Lord's Day Act* (Canada). 1975 (2nd Sess.), c. 9, s. 5.

Exception
from
R.S.C. 1970,
c. L-13

6. Any provision of any other Act empowering a municipality to regulate the closing or the hours of operation of a retail business does not include the power to permit the carrying on of the retail business on a holiday where to do so is prohibited by this Act, but nothing in this Act shall be construed to affect any power conferred on a municipality to prohibit the carrying on of a retail business on a day when the carrying on of the retail business is not prohibited by this Act. 1975 (2nd Sess.), c. 9, s. 6.

Powers
of municipi-
palities

7. Every person who contravenes section 2 is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. 1975 (2nd Sess.), c. 9, s. 7.

Penalty

