

Stores told to close Canada Day

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Markham, Richmond Hill stores charged for opening illegally on Victoria Day

BY KATHLEEN GRIFFIN
Staff Writer

York Regional Police are warning retailers, especially those in the grocery business, they had better follow the rules like everyone else this Canada Day.

Six grocery stores — four in Markham and two in Richmond Hill — were charged with being open for business on Victoria Day, a statutory holiday, after police cautioned owners and managers who opened on Good Friday and Easter Sunday that they were breaking the law.

In Markham, charges were laid against two Hwy. 7 IGA stores, the Hy & Zel's on Kennedy Road and Big Land Farm at Kennedy Road and Duffield Drive.

In Richmond Hill, police charged Bruno's Fine Foods and 465 Supermarket, both on Bayview Avenue.

The stores were charged with violations under the Retail Business Holidays Act. Their owners appear in court next month and, if convicted, could face fines from \$500 for a first offence to \$5,000 on a third or subsequent conviction. As well, stores could be fined up to \$50,000 or the total amount of gross sales for the day, whichever is greater.

More than 10 stores were warned over the Easter weekend. Six continued to operate despite being informed they were in violation of the provincial statute.

"It's not a law that's often enforced with the police resources we have available there are always other things to do," Markham Insp. Dan Robson said.

He said police received complaints from other businesses. "They felt it was unfair they obeyed the law but others weren't," Robson said.

"We're trying to get people's attention regarding Canada Day," he said. "We're hoping the business community pays attention to what's gone on here and takes steps to become compliant."

Stores deemed to be in tourism areas can apply to their municipal council for an exemption from the act and at least one store is considering just that.

"We will not open until we get a permit," said Arnold Lam of Big Land Farm when asked if the store would be open Canada Day.

But he said the act is unfair. "We are open for the Chinese community," he said, adding many Chinese people don't celebrate those holidays. "Pacific Mall and Market Village are open on every holiday, so why should we close?"

Lam also pointed out his is not the only supermarket open on statutory holidays, and he's right.

Richard Didier, owner of the Markham IGA, said he has no plans to appeal the charge or try for an exemption.

"The statute is the statute and I broke it," Didier said. "We will not be opening on Canada Day. I only opened because my brother opened." Danny Didier, owner of the IGA Unionville, refused comment.

A manager at Bruno's Fine Foods, who didn't want to be named, said the law is not clear and therefore it's not fair.

"We are forced open because competition around us is open," he said. "If they're open our customers will go there. This neighbourhood want us to open."

He said various exemptions, like stores with floor space

under 2,400-square-foot, fresh fruit and vegetable sellers and those stores in tourist areas, are confusing to most retailers.

"I don't think it's fair to target one type of store when there are many others open the same as us," he said. "The law is very unclear." He refused to say whether Bruno's will open Canada Day.

Retailers violating the statute seem to be centred in the region's two south-east communities as police in other districts across the region have not laid charges.

"We haven't received any complaints, not for years now," said Det. Stan Colley of Vaughan's 4 District station.

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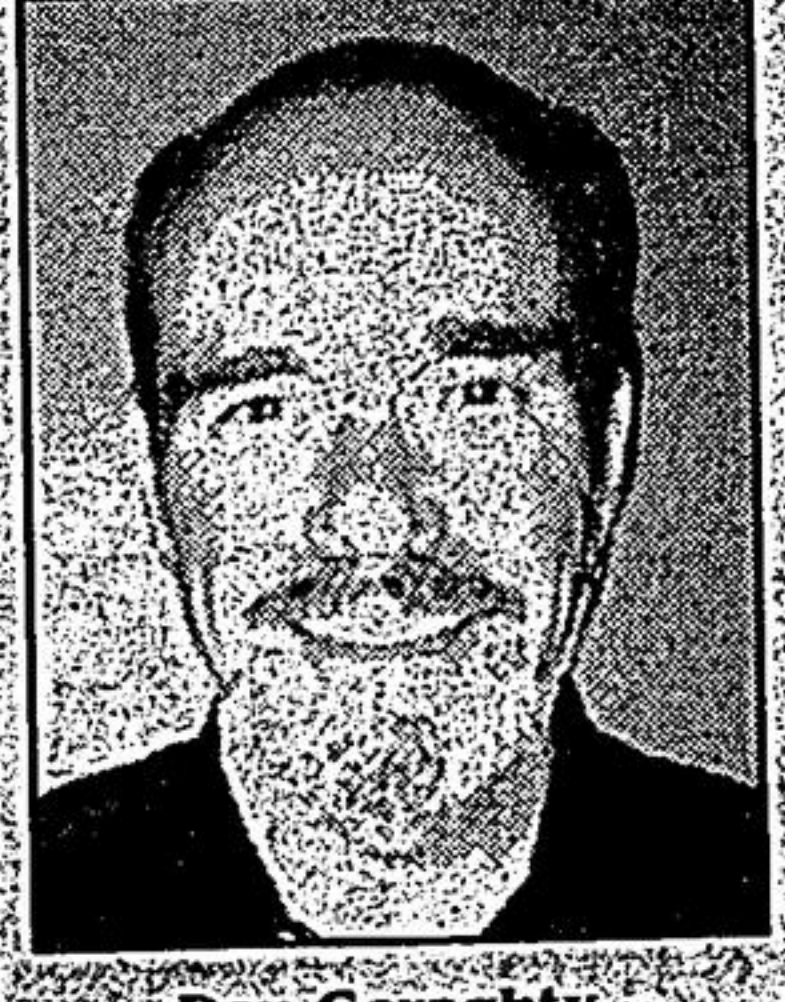
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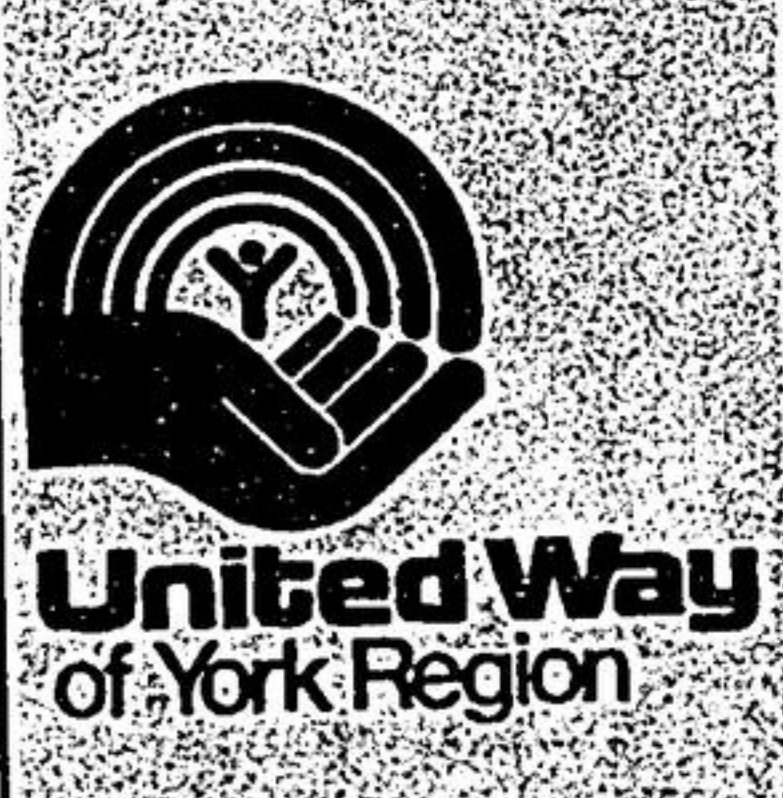
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