

GOVERNMENT: Two more key decisions to come

Holiday opening could 'tip scales', mayor warns

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Another local business is now permitted to open on holidays, but York Region council remains divided on whether or not a door has been opened too widely.

"Mark my word, if you approve this, you will tip the scales," Markham Mayor Frank Scarpitti warned ahead of a vote on allowing the Kennedy and Denison Centre to open every day of the year, except for Easter Sunday and Christmas.

Despite a new, streamlined process that was supposed to keep most of the debate at the planning committee, councillors spent more than an hour debating the matter last Thursday.

In the end, council approved it in a hard-fought 13-6 vote.

Several councillors said they had questions, but saw no point deferring given the support from Markham council and the committee.

Markham Regional Councillor Joe Li audibly cheered the decision and made a double-thumbs-up motion as he exited the council chamber. He led the charge for the opening, lobbying fellow councillors and making speeches at the committee and council.

Located just north of Pacific Mall and Market Village, both of which already open on statutory holidays, the owners of the centre argued it is part of a larger shopping district.

They failed in two prior attempts to win regional approval.

"We have a real multicultural exploration in the Denison Centre," manager Manoj Biswas told the planning committee earlier this month.

The centre's lawyer said the busloads of tourists dropped off there could be enough alone to argue the centre qualifies as a tourist attraction.

But Mr. Scarpitti warned council is on a slippery slope and more businesses in the area, including the Foody Mart, First Markham Place and T & T groceries, are sure to now seek similar exemptions.

The latter's representatives sent a letter to councillors, urging them to turn down the application. Thornhill's Galleria Supermarket has applied itself in the past.

At the heart of the matter is the province's Retail Business Holidays Act, which gives municipalities discretion regarding businesses within two kilometres of a tourist attraction.

The act does not recognize malls as attractions, but increasingly, locations such

as Pacific Mall and Vaughan Mills have won exemptions. That means there is not a level playing field for other businesses, from small retailers to Upper Canada Mall, planning committee chairperson John Taylor argued.

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"The problem we have is the policy is not ours. It's the province's policy," regional chairperson Bill Fisch said.

"We have to make a policy of our own." Markham Regional Councillor Jim Jones argued the Kennedy-Steeles area is becoming a legitimate tourist attraction, an Asian

destination that attracts people from all over. But Mr. Scarpitti disagreed.

"The issue is not about (the applicants). The issue is about our policy," he said.

"This is no more a tourist hub than probably about 50 locations in the Town of Markham."

When the matter came to the planning committee, Markham councillors were unable to recall if their local council voted unanimously in support of the opening, but Mr. Scarpitti pointed out the vote was actually 6-5 and Regional Councillor Gord Landon, who is opposed, was absent.

"I don't think we should approve any more of these right now because if we do, we'll have a whole lineup," Mr. Landon said.

There are two key issues that will affect the region's future decisions.

The City of Toronto is allowed to make its own decisions on holiday openings and is in the midst of a public consultation that could provide the region with guidelines.

Even more significantly, the Ontario Municipal Board is set to rule in the coming months if a mall, specifically Bramalea City Centre, can be defined as a tourist attraction.

In the meantime, regional council is operating in a policy vacuum, Vaughan Mayor Maurizio Bevilacqua suggested.

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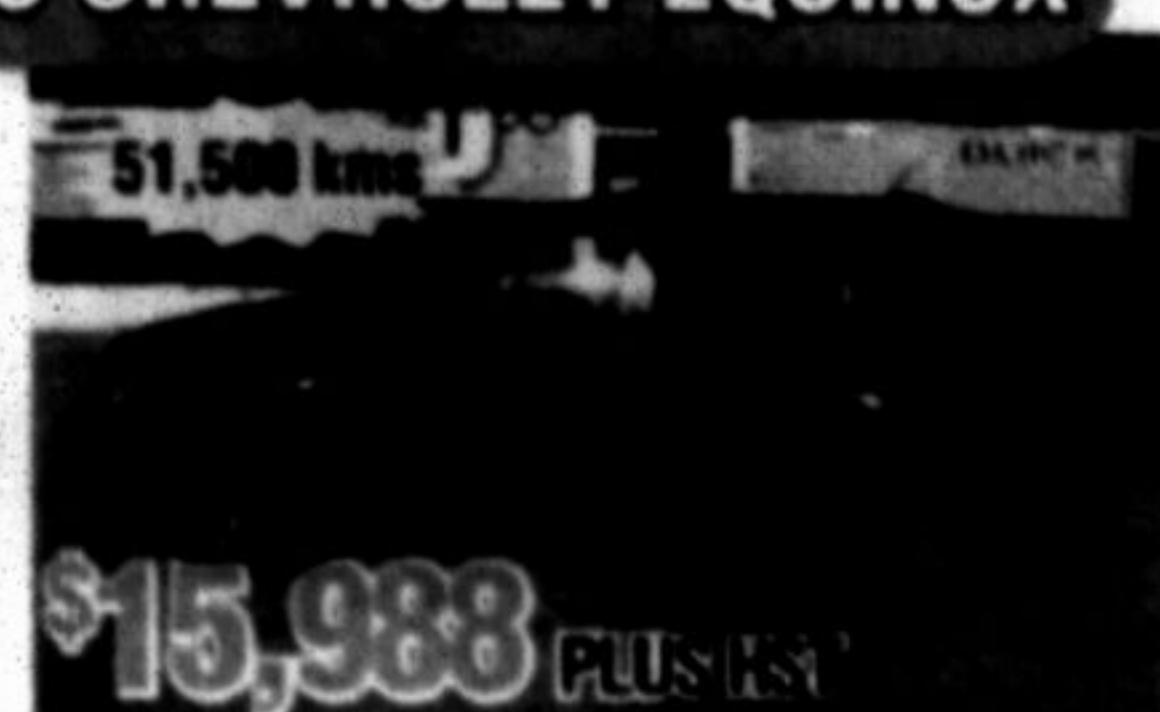
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