

THE DOWNTOWN LONDON
MetroBulletin

ISSUE SIX

NOTE: *SUNDAY Closing laws*
discussed on pages 10-21
1.95

Money is the barometer of a society's virtue. When you see that trading is done, not by consent, but by compulsion—when you see that in order to produce, you need to obtain permission from men who produce nothing—when you see that money is flowing to those who deal, not in goods, but in favors—when you see that men get richer by graft and by pull than by work, and your laws don't protect you against them, but protect them against you—when you see corruption being rewarded and honesty becoming a self-sacrifice—you may know that your society is doomed.

stop supporting your own destroyers. The evil of the world is made possible by nothing but the sanction you give it. Withdraw your sanction. Withdraw your support. Do not try to live on your enemies' terms or to win at a game where they're setting the rules. Do not seek the favor of those who enslaved you, do not beg for alms from those who have robbed you, be it subsidies, loans or jobs, do not join their team to recoup what they've taken

— *Ayn Rand*
Atlas Shrugged



In the United States, a store may open 24 hours a day, 7 days a week, Sundays and holidays. Not that all do, but the U.S. Constitution protects the pursuit of "liberty & the pursuit of happiness" without surrender to any government declarations of religious or patriotic holidays. Although the U.S. Supreme Court has rendered numerous decisions which have eroded the consistent application of the Constitution, this is one area where the Courts have intervened favourably.

Other advantages enjoyed by a majority of U.S. retailers is the right to sell liquor (at cheaper prices) and over-all lower sales taxes (except Alberta, which has no sales tax) and later closing hours (if there are regulations on this at all) for bars & taverns.

Movements throughout Canada are underway to restore some justice in the Canadian retail scene, principally, it is a movement to repeal (in Ontario) the RETAIL BUSINESS HOLIDAY ACT of 1976. Most provinces have similar statutes; but voters in 12 districts of British Columbia have rejected the provincial law there in 12 elections. These plebiscites themselves have caused problems for other merchants in "dry" areas, (see page 15).

SAVE OUR CITY

In TORONTO, a coalition of small independent merchants, chain store corporate legal teams, consumer groups, business leagues and ordinary consumers have banded together to form "SAVE OUR CITY"; an advocacy group promoting the repeal of the RBHA.

What is the Act?

Under the RBHA of 1976, introduced by the hypocritical "we support free enterprise" government of the Preservative Conservatives, only small convenience stores (less than 2,000 square feet), service stations, pharmacies, movie theatres, plant nurseries - none of which can have more than 3 employees on a Sunday or Holiday. may open than

Long queues at SUPER-X Drugmarts on a Sunday are not uncommon due to the staffing restrictions.

Hotels and restaurants are also permitted to open, as well as any area designated by a local City Council as a "tourist area" -although there can be restrictions on what type of business applies in these areas.

Not surprisingly, all and any government businesses, tourists attractions, amusement centres, parks, pavillions, art galleries, exhibitions, etc are all allowed to open Sunday and holidays.

One of the main detriments of the law as far as retailers in popular border cities are concerned (ie. Toronto, Montreal, Niagara, Vancouver, Victoria as opposed to "unpopular" border cities like Sarnia, Windsor, Hamilton where no such tourist trade exists) is the vast potential of American shoppers who are used to Sunday shopping and come to Canada (or would) to redeem U.S. money at its 16-20% premium. In addition, Americans find Canadian cities much cleaner and freer of rif-raf that one will find in downtown Buffalo, Detroit, Rochester, Syracuse.

How do Toronto businesses know they would be losing money by staying closed on Sundays and holidays?

They stay open.

Paul Magder, owner of Magder Furs on Spadina in Toronto, is an out-spoken and well known advocate of the repeal of the RETAIL BUSINESS HOLIDAY ACT. He said last July after one of his frequent court appearances on the subject:

"Toronto is a tourist area -80% of our business is from tourists. I don't want to work on Sundays either, but business is bad right now for all small businessmen -because of the high interest rates particularly. I can't afford to stay closed on Sundays.."

The maximum fine for opening on a Sunday is \$10,000. Magder has been fined 3 times, the highest fine being \$1,250. But next time Magder thinks it could be the \$10,000. Weighed against that is the knowledge Sunday sales have produced as much as \$30,000 on a recent Sunday.

The maximum fine for opening on a Sunday is \$10,000

What is worse, says Magder "is the City has the decision making power to designate certain areas "tourist areas". Magder would like to see the whole City designated a tourist area, "which it is", so there is no discrimination amongst retailers. That would blunt the effect of the RBHA in Toronto.

Magder Furs is in one of the currently designated areas, but can only open if his store qualifies as a hand-crafts store. The reprint at the side shows the byzantine criteria a judge must consider (Toronto Sun, October 1981)

Furrier acquitted on 3 of 4 retail charges

The manufacture of hand-made fur coats could be classed as a "hand-craft," a provincial court judge ruled yesterday in acquitting a Spadina Ave. furrier on three of four charges under the Retail Business Closing Act.

The act stipulates that shops selling handicrafts can remain open in Toronto on Sundays and holidays if they have less than 2,400 square feet of floor space and employ three or fewer people.

Judge R.E. Osborne yesterday found Paul Magder, who operates a fur store under his name, not guilty of two counts of keeping his business open on Dominion Day, and one of doing business on Boxing Day.

But Magder was fined a total of \$1,250 on a fourth charge for keeping his store open on another Boxing Day. The judge

ruled that the basement of the store was open to the public, giving the store more than 3,000 square feet of retail space.

Crown attorney Stanley Bergen said no decision has yet been made on whether the judgment will be appealed. He said Magder alone presented expert evidence as to the extent to which the fur coats are "hand-made."

Paul Magder & SAVE OUR CITY have paid for advertisements (like the one below) in U.S. newspapers, as well as have given them out at their stores as leaflets, hoping to embarrass Toronto City Council and the Conservative Gov't of Ontario into repealing the Act.

PLEASE

Note:



Thanks to Ontario's
Retail Business Holiday Act
and Toronto City Hall

You will Not be permitted
to shop here
Sundays & Holidays

Sponsored by:



an organization of merchants and consumers
to repeal the Retail Business Holiday Act
Box 322, Station H, Toronto M4C 5J2

698-3332

Many Toronto businesses in sympathy & support of the SAVE OUR CITY campaign cite different reasons for opening on Sundays, U.S. tourists are not among them.

David Fuss, co-owner of the HI-FI EXPRESS chain of video-stereo stores across Canada says he "has 200,000 reasons for keeping his six METRO stores open illegally on Boxing Day -and only 10,000 against" (Toronto Star, Dec. 27, 1981)

The 200,000 represents the dollars he estimates he made by opening his stores across Metro on Boxing Day -the real one, on December 26. (See London HI-FI EXPRESS story this issue).

The 10,000 against is the dollars-fine he faces if the charges against him are upheld to the maximum.

" It's one of the best days of the year for me & we intend to be open on Boxing Day next year as well. " say Fuss.

44 charges were laid in Metro Toronto on Boxing Day, 43 of them in Metro's garment district along Spadina.

The HI-FI EXPRESS chain has retained permanent legal counsel and will be challenging the law to the Supreme Court of Canada.

It is also widely speculated that the new Canadian Constitution makes provincial law and offshoot municipal by-laws in this matter illegal.

For some businesses, any win in the Supreme Court of Canada will come too late.

The BOOK BARN in Toronto, billed as the world's largest remainder store (books unloaded at a loss by publishers because they aren't selling) went bankrupt on June 19 of last year.

Although excuses for one's bankruptcy are always readily forthcoming from anyone asked to explain "why?"; the Book Barn's owners cited as the major reason "Sunday was our second biggest day - we also spent over \$5,000 advertising our Sunday openings but we were fined heavily 3 weeks in a row."

We reprint the story on bookseller Peggy Porter (Toronto) who feels Sunday closure laws caused her business to fail:

Toronto blue law busts her business

By SANDRA PERRYMAN
Staff Writer

A 69-year-old woman says she's being forced out of business and her home because police are enforcing the Sunday closing bylaw in the Beaches area.

Peggy Porter has opened the doors of Peggy's Place — her little used book and antique store on Queen St. E. — every Sunday for the past 12 years.

"Sunday was my best day," she said. "People would buy books to take down to the beach."

After four recent visits from police and a summons, Porter decided it was no use fighting.

Last Sunday she posted a sign on her window that read: "There is a bylaw that prohibits you my Sunday customers from shopping here today. Because it is necessary to open 7 days a week to make a living I am going out of business. To thank you for your past custom and support help yourself to these books."

She said that without the Sunday business she can no longer afford the rent on the retail space and the bachelor apartment she calls home in the back of the store.

Instead of paying her own way — as she has her entire life — Porter said she will now have to apply for welfare to supplement her old age pension.

She cannot understand why Sunday shopping is illegal. "What harm does it do," she said. "It doesn't keep people out of church — but it does keep them out of the pubs."

A spokesman in 55 Division said police have begun enforcing the bylaw after complaints from area businessmen who close Sundays.

On the most recent police visit in early July, Porter was given a summons to appear in court Aug. 21 for admitting the public, a violation of the Retail Business Holidays Act, Porter said.

The violation carries a maximum fine of \$10,000.

Porter gave away more than a 1000 books to old and new customers. She is searching for a new home and preparing herself for a new life-style.

Porter says that if she is fined she will ask for five years to pay because the closing of her store has forced her to go on welfare.

"The government is not geared to free enterprise," she said.

"It's just more money out of the taxpayers' coffers," she said, "and there's probably a lot more like me — if I were younger I would fight this bylaw."

The largest book store chain in the nation, COLES LTD., is challenging Regina, Saskatchewan's municipal ordinance prohibiting Sunday openings in the Supreme Court. A decision is due on an appearance made by both parties before the high court on February 5.

An established business pays property, business — and in many Toronto areas — B.I.A. taxes as well as licencing fees, yet haven't the same rights as a vendor at a flea market or antiques show, vendors who pay no taxes of any kind. A flea market can sell almost any item in Toronto and London on a Sunday.

Noticeably, Toronto B.I.A.'s have not been involved in any of the effort to promote the repeal of the prohibitive Act, rarely have they even mentioned it though they are certainly aware of the merchant feeling towards the law.

All voluntary business leagues are for repealing the restrictive by-law. Paul Tuz, president of Metro Toronto Better Business Bureau said his organization found businessmen favour opening their stores on Sundays and holidays 3 to 1 after

surveying 10,000 businesses from Oakville to Kingston. David Arscott, president of Toronto's Downtown Business Council said on January 11, 1981: "the general feeling of our members is that a merchant should be allowed to stay open on Sunday if he wants to." He feels that such designations of what is and is not a "tourist area" are discriminatory and politically motivated. The absurdity of that situation "is that a famous tourist area as Yorkville is not considered a tourist area by Metro Council. The law, says Arscott, should be the same everywhere.

Several hundred Vancouver merchants opened on Sunday, challenging the gov't to do their worst.

On the same Sunday as Arscott made these comments, Vancouver merchants in the commercial districts of Gastown, Chinatown, and most of the commercial centre organized a mass protest of the newly passed B.C. HOLIDAY SHOPPING REGULATION ACT which forbid Sunday & Holiday openings for most businesses.

Several hundred Vancouver merchants opened on Sunday, Jan. 11, having placed ads in the Vancouver media promoting the event and challenging the gov't to do their worst.

The provincial law provided municipalities the opportunity to hold localized plebiscites on the law. Vancouver Council held 2 elections in the last week of June 1981, where consumers/voters voted 38,700 to 6,600 to open on Sunday & holidays. But the vote was held only in 2 districts of Vancouver, merchants obviously, in other parts of the City where they must still close on Sunday, were not too happy.

The history of the Sunday closing law in Vancouver has always been a sore point with the B.C. business community.

It was originally regulated by Lord's Day legislation in the 1880's, but the law was increasingly ignored.

"Chinatown, for example, grew up with the late 19th century & early 20th century influx of Oriental workers who earned a meagre living on the railways and other developments. Their community went its own way and was largely ignored by the white Canadian establishment. Sunday at the Chinatown market became a way of life. (Toronto Star, July 12, 1981)" Since the Orientals worked long hours 6 days a week, Sunday was the main day of trade in Chinatown.

Gastown in Vancouver was suffering serious inner-city decay in the early 1970's when it was restored and refurbished -completely face lifted.

As a tourist attraction (a designation automatic with any infusion of gov't/ taxpayer cash), it was exempted from Sunday closing laws. Gastown cash registers really rang on Sundays.

Other areas of Vancouver saw the Gastown/Chinatown Sunday success stories and thought it would also be good for their business.

By the end of 1980, Sunday trade was so widespread that numerous religious organizations pressured the then Vancouver Mayor Jack Vorich to enforce the Lord's Day Act. Vorich went to the provincial gov't and asked for a clarification of the law. It can be speculated if consumers were out on Sundays buying stereos, cameras, books and the like, they weren't in church laying their dollars on the collection plate. The Church, after all, is the biggest financial exchange on Sunday, having a monopoly up until merchants started opening "en masse".

Church revenues dropped as Sabbath sales rose

The B.C. gov't responded with a tight HOLIDAY SHOPPING REGULATION ACT, which came into effect January 1, 1981. 2 weeks later, hundreds of Vancouver merchants opened on

Sunday in protest.

The plebiscites that can be held create more resentment by Balkanizing various parts of the city into "wet" and "dry" zones. This discrimination has created much resentment and a clear loss of revenue to certain businesses in dry zones. It is also clear to B.C. businesspeople that the provincial law was enacted to take the heat off the provincial gov't and put it on the municipal gov'ts.

It is amusing to note that the NDP gov't of B.C., having been in power from 1972 to 1975, never attempted to introduce any kind of legislation like this, whereas the so-called "free enterprise" Social Credit gov't brings in this destructive legislation.

So far, twelve B.C. communities have all held elections on the Sunday & Holiday law -all twelve elections have voted to allow unlimited Sunday and Holiday openings. Take that, Bill Bennett!

twelve B.C. communities have voted to allow unlimited Sunday and Holiday openings.

Meanwhile, in Ontario, support is building and disobedience to the law (RBHA) is multiplying in centres across the province. Court judges however, in view of the frequency of the 'crime' have issued fines for opening Boxing Day 1981 of only \$50, \$25, and in one case last week, of \$15.

As can be expected, Gov't owned duty free shops at border crossings are not bound by any Sunday closing law; in fact Revenue Minister Bill Rompkey in December announced the fed would open 35 duty-free shops at vehicle border-crossings along the U.S.-Canada border.

Rompkey said these stores, which will do most of their business on Sunday when visitors to Canada return to the U.S., will sell everything including "perfumes, camera, radios, tape recorders, china, woolens, luggage, wine, cigarettes, and beer."

On the following pages we reprint various information supplied to us by the SAVE OUR CITY group.



Boxing Day is **WHEN?**

It used to be that Boxing Day and all the sales that go with it fell on the day after Christmas — but this year most of the sales don't start until tomorrow. That was bad news for Gladys Klein, an American tourist who came to Toronto for the weekend from Southfield, Mich., and

was dismayed to find almost all the stores closed yesterday. Gladys found her way to Paul Magder Furs on Spadina Ave., a business defying the province's Retail Business Holidays Act for the third Boxing Day in a row, where she bought the \$165 hat she's wearing.

'Give me some Sunday shopping'

Regarding reader Carlyn L. Lofquist's letter "Little sense in Sunday opening," I have lived and worked in several different areas of both Canada and the U.S. Each time that we cross the border on our way back into Ontario, my wife and I wonder to each other, "Why did we ever leave this most beautiful province?" This last time, we vowed never to move out of here again.

We have only two complaints about Ontario.

- The winter weather.
- The absence of Sunday shopping.

It would be good for those businesses that wanted to open on Sundays and good for our economy, too.

One of the first things that I notice when I'm in the States is just how much earlier everyone gets started in the mornings, and how much later they work in the evenings. They're just hustling all the time. They have a standard of living and a lifestyle that demonstrates the benefits of hard work, hustle, and that "go-gettem" attitude.

We could use some pages from their book.

They've got their problems too, but those are definitely not related to evening or Sunday shopping.

The free-enterprise entrepreneurs are going full tilt generating lots of cash flow, sales taxes, income taxes, etc.

It's hard to knock their system. Give me some Sunday shopping!

Nov. 16, 81
B. G. MACDONALD
Woodstock

TIRE OF GOVERNMENT TELLING YOU WHEN YOU CAN SHOP AND WHEN YOU CANT?
TIRE OF GOVERNMENT TELLING YOU HOW TO RUN YOUR BUSINESS?

COME TO A PUBLIC MEETING
WEDNESDAY, OCTOBER 7
7:30 p.m.

ULSTER MEMORIAL HALL
1047 1/2 GERRARD E.
(AT JONES AVE)
AND BRING A FRIEND!



Sponsored by

an organization to repeal it



Fighting to repeal the Retail Business Holiday Act.

Volume 1, Number 1

December/81

Sunday store openings urged

Essential to tourism, committee says



By Peter Goodspeed
The Metro Council's tourism committee has urged the provincial government to allow Sunday openings for retail stores in Metro. The committee's report, which was presented to the council last week, says that the current Sunday closing law is a major barrier to the development of Metro as a major tourist destination. It says that the current law forces tourists to leave Metro before noon on Sunday, which is a major inconvenience. The committee recommends that the law be changed to allow stores to open until 6 p.m. on Sunday. It also recommends that the law be changed to allow stores to open on public holidays.

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Angry, frustrated merchant

B.C. storeowners defy new Sunday closing law

30 The Toronto Sun, Monday July 6, 1981
OPENS SUNDAYS

Open stores on Sunday — Lastman

High powered help

Ruby succeeds — pair beat fine

for open Sunday

Report from city hall

Sunday openings

by Alderman Dorothy Thomas

"Tell me..." cried the angry

Furrier to fight city law

yes or no?

especially in an area where there is a social recreational family as some businesses are



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'Millions lost'

The Retail Business Holiday Act must be repealed.

When this act came out the unemployment rate was insignificant, the Canadian dollar was worth more than the American dollar, and tourism was minor.

Times have changed. This act, which was meant to protect the people, is now hurting. Unemployment is rising rapidly and interest rates are murderous to small businesses and homeowners.

Last Thanksgiving Day Toronto was deluged with tourists; however, most stores were closed. Merchants lost possibly millions of dollars in sales that we could not afford to lose. Many thousands of students, housewives, etc. were deprived of the opportunity of making a few extra dollars.

However, certain businesses, such as the milk stores and the duty-free stores at the airport were allowed to be open.

Slowly but surely Toronto is turning the clock back. Tourists are finding out that Toronto is dead on Sundays and holidays. This is causing a great amount of unemployment in other areas outside of retailing, such as hotels and restaurants.

In our case, in our China Court store which was specifically geared for the tourist trade in Chinatown, sales are down 50 per cent this year.

The city of Toronto has consistently refused to consider tourist areas such as Yorkville and lower Yonge St. as designated areas. The politicians are playing games with the people. The province blames the city for not allowing exemptions. The city blames the province for the act and of course, the federal government claims that it is not in their jurisdiction, al-

though the act is an extension of the federal Lord's Day Act.

Taxpayers are being forced to pay hundreds of thousands of dollars unnecessarily to pay policemen to stand in court after charging businesses; also, there is the tremendous cost of the crown's legal counsel to enforce a very unpopular law.

Our survey in our store shows 90 per cent in favor of the right to be open on Sundays and 97 per cent in favor of the right to be open on holidays. In a recent phone-in talk show on City-TV, when viewers were asked if they agreed with the right to be open on holidays and Sundays, the results were 77 per cent in favor.

It is obvious that this act is possibly the most disgusting piece of legislation ever forced on the populace in Ontario.

When, after a year and a half of writing and phoning to Tourism Minister Larry Grossman, I finally discussed this matter with him, he was sympathetic and even suggested that I open on Boxing Day. But it was pointed out that as the government was in a minority position, their hands were tied.

They have a majority now, and what has happened?

Toronto is hurting badly. High interest rates will increase businessmen's rents drastically. Unemployment is rising, and City Hall doesn't care.

Sunday and holiday shopping has helped turn New York city around.

If we don't act now the nearby American cities will drain more and more tourists away from us and draw many Torontonians to them as they did in the past.

PAUL MAGDER
Downsview

Ever on Sunday?

It is true that our basic freedoms are continually being eroded by various levels of government which increasingly intrude into daily lives of citizens.

And government *always* lags the people in changing or adjusting to circumstances. Examples are legion, but a pernicious example of unnecessary interference is provincial and municipal laws which dictate store hours.

Isn't it time to nudge government out of the market place? Let people decide for themselves?

We are thinking primarily of the obsolete laws that insist most stores remain closed on Sundays, thereby forcing citizens to behave in certain patterns against all reason and logic and at considerable inconvenience.

Where once there may have been a valid reason why laws should prevent stores opening on Sunday, today there isn't. Just the opposite. There are well-entrenched labor codes and practices and no sweat-shop conditions; workers cannot be exploited today as they once were.

And since an increasingly large percentage of women comprise the work force, surely they deserve a break — and the freedom to shop on Sundays as well as competing mostly on Saturdays and Thursday and Friday evenings?

But most basic of all, citizens should have the "right" to decide for themselves when to shop — and shop-keepers too, when to sell.

The old religious taboos are as archaic as dunking stools and pins in voodoo dolls. Anyway, the establishment churches seem more concerned with preaching revolution and ideology and are traditionally out of touch with the people. So discount their prejudices.

In Ontario the Retail Business Holidays Act prevents free choice of store openings on Sunday — then abandons "principle" and lets tourist centres only milk the Sunday market. Some principle eh! Determined by money, money, money.

What is the matter with letting the market decide? We have minimum wage laws, labor codes, and all opening up Sunday will do is *increase* job opportunities, trim unemployment, aid the shopping public, and encourage free choice. Gosh, Toronto and Ontario are better places to live ever since the chastity belt was removed on Sunday sports, movies, entertainment. Why not retail trade too?

'Revolt — open Boxing Day' Ontario retailers told

By Beryl Oxley

TORONTO — A Boxing Day revolt against a six-year-old Ontario provincial statute (The Retail Business Holidays Act) is planned by a group of Toronto retailers.

It is being led by Save Our City, an alliance of small businesses, mainly in the downtown and Beaches area of Toronto. The rallying call is: "Stay Open Saturday, Dec. 26." And this despite police warnings to shop owners and employees of possible court action.

Paul Magder, the 45-year-old furrier of 202 Spadina Ave who is spearheading the fight, says: "I am furious about the discrimination which is allowing certain businesses within so-called tourist areas to stay open holidays and Sundays. Other city businesses selling similar or identical

merchandise, are being harassed by police and charged in court."

Toronto tourist areas are designated as: Chinatown, Markham Village and the CN Tower.

Magder and Norman Smith of Miracles in Toronto's Beaches area, say: "It is not an issue of merchants pitted against merchants. It's an issue of merchants, employees and consumers being denied the freedom of choice by big government.

"On Thanksgiving Day we were intimidated into being closed. Toronto tourists were allowed to shop out-of-town in resort areas, while tourists in Toronto found most shops closed."

The law in question was passed with little fuss in 1975 and came into effect in 1976. However, since that time, many municipal loopholes have opened up. These

have resulted in the tourist area designations and exceptions for such stores as food, newsagents, handicraft and antique shops which employ three or fewer people and operate out of premises of less than 2,400 sq. ft.

Magder does not expect everyone to open Sundays and holidays. "In fact, out of 100 business men I have surveyed, about 20 would open — but most of these are in downtown Toronto where tourist trade is important.

"What I would like to see is freedom of choice in a free country. And I'd like to see fairness. Someone can lay a complaint against me to the police. The police arrive and a charge is laid — but I never know who that complainant is."

On the tourist area question, Magder points out: "Many parts

of Toronto are tourist areas. The Beaches is; so is Yorkville. Why should business people there be discriminated against while dozens of duty-free shops — open Sundays and holidays — have been opened by the government at border crossings?"

Boxing Day 1981 has particular significance for Toronto merchants because of the state of the economy, he insists.

"Businessmen in this province — and across Canada — are hurting," says Magder. "This is a bad year economically. Interest rates are strangling us and the Canadian market is soft. Many businessmen have gone under — and I'm afraid there are more to go.

"We desperately need the fillip to trade which the tourist trade can give us on holidays and Sundays."

The Save Our City message for this coming Boxing Day is: "If enough of us stay open on Dec. 26 then we will prove by a mass demonstration of solidarity that this legislation needs reviewing."

Says Magder, "The large department stores don't want to open Boxing Day. But don't kid yourselves that their staff have a holiday the day after Christmas Day — they are in the stores, working hard, putting on the sale tickets for the following day."

William Duron, executive vice-president of the Convention and Tourist Bureau of Metro Toronto, says the Bureau had made official representation to City Hall some four months ago, asking for a review of the legislation. But so far there had been no response.

"Visitors who arrive in Toronto for conventions usually have Sunday as their free day. They find it confusing that most stores are closed," he says.

About the Bureau's views on designated tourist areas, Duron says: "It is a rather hit-and-miss method. The Eaton Centre, for example, is one of our biggest tourist centres in Toronto; so is Yorkville. And both are excluded."

Complications have arisen, Duron explains, because there is no consensus between retailers. The large companies — such as Eatons and Simpsons — do not want to open Sundays, while many smaller businesses would like the freedom of choice of staying open.

Duron says the call to stay open this Boxing Day, might "just bring the whole subject to a head and get a resolution for us" if a sufficient number of businesses do decide to stay open.

Meanwhile, out at the Beaches, Arthur Salvatore of River City Stoneworks (a clothing and giftware boutique) says this coming Christmas Sunday will be the first day in months he will be able to open without police harassment.

"The Act says you can legally open Sundays if you are closed on Saturdays. So this year I'll close Boxing Day but be open on the Sunday."



Box 322, Station H, Toronto M4C 5J2 698-3332

In Ontario, the Retail Business Holidays Act, with few exceptions, expressly forbids store opening on Sundays and statutory holidays.

Whether you presently fit an exempted category or not, this presents a real threat to the effective operation of your business. Legislation of this type is based on the assumption that elected officials and bureaucrats know better than you what is good for you, your business and your customers.

SAVE OUR CITY is an organization of merchants and supporters dedicated to freedom of choice in the market place. Our goal is to remove the regulation of business hours from the hands of the politicians and place it back where it belongs — in the hands of the business owners and managers.

That means repealing the Retail Business Holidays Act. To do this, our approach is simple:

1. Contact others who agree, and help organize at the local level.
2. Gain public support through demonstrations, petitions, ads, public meetings and the media.
3. Convince elected officials to repeal the Act, or replace them with others who will.
4. Provide information, support and advice to our members.

YOU CAN HELP.

Fill in the coupon below and return to SOC, or pick up the phone and call today.

FOR MEETING DATES AND OTHER INFORMATION, CALL THE SAVE OUR CITY HOTLINE NUMBER - 698-3332.

SAVE OUR CITY sounds like a good idea to me!

- Sign me up! Here's my cheque for:
 - \$25 \$50 \$100 Other \$ _____
- I'd like to help. Please call me.
- Please send more information.

NAME & POSITION _____

COMPANY _____

STREET ADDRESS _____

CITY _____ PROV _____ CODE _____

PHONE (HOME) _____ (BUSINESS) _____

Make cheques payable to Save Our City.



Box 322, Station H, Toronto M4C 5J2 698-3332

Never on a Sunday

BY BART TESTA

EVERY Saturday, downtown Toronto is a packed shoppers' bazaar. There are no camels or goats and, WASP to its core, no wrangling over the ridiculous prices either but, just the same, hordes mill shoulder-to-shoulder in shoe stores, the record shops are a slow-motion cotillion of the denim-clad and traffic pumps in molasses-like jerks through clogged main arteries.

On Sunday, downtown Toronto is a grim quadrant of ghostly corridors. A few people, some alone, clutch the thick folds of The New York Times and beat a hasty retreat back to their apartments. Others in small family groups with well-dressed visitors in tow pass the Eskimo sculpture locked behind glass in the Colonnade and the pricey fashions along Yorkville and Bloor.

On Sunday, tourists in town are jealed from the sellers. Trendies remain the few open book stores like David Mirvish's, a golden exempt duchy just off Bloor on Markham Street. "Sorry for the inconvenience" reads the sign in Shoppers Drug Mart at Walmer and Bloor, small comfort for customers lined up 30 deep behind two frenzied cashiers. The government amusement installations — Harbourfront, Ontario Place — and movie theatres, restaurants and pool halls are open to the seventh-day trade and, put in the suburbs, flea markets multiply in the shallow canyons of the shut-up malls.

This is how The Retail Business Holidays Act has arranged the Toronto weekend, into the hurly-burly Saturday and the penitential Sunday. Written out of a serious moral conviction that it would be best if the province of Ontario were closed to business on Sundays and holidays, the law passed without great hullaballoo in 1975 and came into effect in 1976, which is when the fun began. The act comes under provincial jurisdiction, but it's lacy with municipal loopholes.

In principle, all retail business is supposed to be shut down on Sundays, but there are exemptions. If

the store may stay open. Hence, the Beckers, Mac's, Shoppers Drug Marts, Lichtman's, International News and others are open. "to provide necessities." But they have to keep staff down, which often gives cosmopolitan Toronto a frisson of what shopping in the queues of Krakow must be like, and many, such as the Super Save on Bloor, have to rope off excess floor area, making fripperies like mops and fuses *verboten* on a Sunday. Some wags, attentive to the letter of the law, quip, "You can buy Penthouse on a Sunday but not a Bible." This isn't quite the truth. A store selling 50 per cent or more in magazines and newspapers still conforms to the law even if books are on sale. So, if the store sells a lot of Penthouses, it can sell you a Bible.

Wrestling with exemptions can be perplexing, and new decisions often call for a rematch after the fight has supposedly been won. Antonia Greenwood's story is a case in point. Co-owner with husband Larry Wallrich of About Books, a second-hand book store that has become a regular stop for strollers on Queen Street West, she has to keep her store closed Sundays. Yet, About Books is equidistant from two other Queen Street book stores, Edwards Books & Art and Pages, which both do a Sunday business, and, until a few months ago, About Books was open on Sundays, too. At that time, the north side of Queen Street was considered to be part of Chinatown, and therefore enjoyed a "tourist area" exemption shared by David Mirvish's "village" on Markham Street south of Bloor, the CN Tower with its famous pinball-Starship Invaders arcade, and the duty-free shops.

Then the city changed its mind and Queen's north side was summarily banished from Chinatown, losing its exemption but not its popularity, at least on the other six days of the week. Edwards, however, lies within 150 feet of Spadina Avenue so it luckily remains "in Chinatown." Pages, a block east of About Books and also exiled, was visited by the police, but was allowed to stay open anyway. "They saw it was a magazine store," according to owner Marc Glassman.

Angered by the absurdity that moves a store through legal space while in reality it stands still, Greenwood and other book sellers have circulated a petition. It is placed next to cash registers all over town, on Bloor Street where City Books — close to Mirvish Village but not close enough — is

forced to shut its doors on Sundays and on Front Street, where The Book Barn, Toronto's largest remainders seller and the only book store in an area of restaurants and theatres, has been battered with summonses for staying open.

Although the book sellers haven't campaigned aggressively, the petition carries the names of 20,000 Torontonians who would like to see the law changed.

Book sellers complain about persecution of what seems an obvious way to pass a Sunday afternoon. And they can't understand why playing pool is considered a legitimate Sunday amusement while book-browsing is not. "It's perfectly natural for people to stop in, look through some books and wander off, buying something or not," argues Philip Epstein, a lawyer now handling a test case on the Sunday closing law for Coies, the Canadian book chain. "Statistics Canada has shown 60 per cent of the people who visit bookstores don't buy a thing," he points out, adding it's no wonder browsing is a popular form of entertainment. "It's free, and a delightful way to get out of the house, stroll at your own pace. I do it all the time on Sundays — when I'm in New York."

Only one Toronto-area politician has been outspoken about the mismatch between Sunday closings and the way we actually live. North York Mayor Mel Lastman says "it's ridiculous to close up everything on Sundays. Toronto is boring on a Sunday. It could be the best day of the week and it's the dullest. This city is changing and people are changing." A major change, in Lastman's view, is that today "shopping has become a hobby for people. Old people, single people, families, they all like to get out on a Sunday. And where can they go? Restaurants cost a lot for a family. So do movies, and they have horrendously long lines. What do we have in Toronto on Sundays? Movies and baseball games and lots of long lines of people who have good reason to become irritated. You see them lined up for hours to get on a ferry to take them to the island, to buy

A modest proposal

an ice-cream cone, to use a bathroom."

(next page)

Roped off, lined up

a store's main business is the sale of food, tobacco, magazines, newspapers, handicrafts or antiques, and no more than three people are on the job, and less than 2,400 square feet of floor space are in

In 1979, Lastman offered a modest proposal that stores be opened on Sundays during July and August from 1 to 6 p.m. "It wouldn't interfere with church services, which is a big fear, and would be limited to the summer months when people like to get out," he explains. The suggestion disappeared without a trace. "Politicians are scared to touch it. They are afraid people would be forced to work if Sundays were opened up a bit. And, generally, the fear is that Sunday would become a wide-open day." All fears that Lastman calls nonsense.

Lastman suspects the only people the law serves are those he calls "complacent businessmen, guys who have already made their money and want to hold back younger, more aggressive businessmen by taking away their right to stay open and compete."

One businessman who is anything but complacent over Sunday closings is Paul Magder, a 45-year-old fur merchant on Spadina Avenue who has been in business since 1959 when he was dubbed "the teenaged furrier." Bemoaning the tourist trade slipping through his fingers, Magder began defying the law when he stayed open on Boxing Day in 1978; he repeated the offence the following year but wasn't charged, he thinks, because he had an off-duty, uniformed policeman for security. The next year, no officer was available, and Magder and his staff were visited by Metro police. "They not only charged me but my staff. Two of the women were in tears."

Magder's employee Veneranda Gross remembers the day vividly. "I was serving two women when the officer requested my name," says the petite grey-haired Gross. "I asked what for, and he told me I was being charged. I told him that during the war I was accused by both the Russians and the Germans of being a traitor. Now, after living in Canada for 35 years, a policeman was charging me with working. Now, I've seen everything."

Magder has had other run-ins with police over the legislation and he feels his vocal opposition has made him a target, but this targets thinking about moving. "I like Washington. I'm so tired of this. What I really can't stand about this law is the implication that we merchants don't know how to run our businesses. The politicians say we would all open if any of us did, and that's ridiculous. I interviewed 100 businessmen and 80 said it wouldn't be worth it to open. The other 20 would open, and most of them are in downtown Toronto where the tourist trade has become important."

Utterly unsympathetic to Magder's position is former Toronto mayor John Sewell. "The question is how much we want to change the character of this city to accommodate tourists," Sewell says. "We could say we want the Shriners here every weekend, but that's not the sort of city I want to live in." Critics have suggested that the sort of city John Sewell would prefer to live in would be a small town, but the character of Toronto has already changed, and the question is whether Toronto is accommodating its residents, much less its visitors.

"We've changed all right," Lastman announces. "We've gained a new spirit. We are really enjoying our new city." Behind the impasto of boosterism, what Lastman thinks has happened is clear — we are tourists in our own town.

"The basic principle at issue here," Alderman Dan Heap wrote to a city committee in 1979, "is not the convenience of the customer but the protection of the worker."

While Heap is of the opinion that Sunday closings are necessary to ensure that workers have a chance to spend a free day with their families, the act was originally conceived by business men for business men.

A lobby group, PUSH (Provincial Uniform Store Hours), was formed by 11,000 merchants who sought uniform hours, a six-day week and standard opening and closing times. Apparently, while they were unanimous about the need to set standard hours of business, they were unable to agree among themselves and so asked the province to arbitrate in the form of legislation.

Among these merchants were the supermarket chains who supported the act consistently from the beginning and, it seems, still do. Vizma Lefresne, director of consumer affairs for Dominion Stores says, "It would be somewhat impractical to achieve in seven days what can be achieved in six." Bill Reno, research and education director of the Ontario Retail Council of the United Food and Commercial Workers agrees. "There are only so many consumer dollars to be spent. Opening Sundays means you just take more hours to get them."

At Dominion, this might just mean easing the log-jammed shop-

Sunday 'impractical'

ping carts that are a regular Saturday feature of the company's downtown stores, although at the cost of double-time for the chain's full-time employees. If Sunday closing were repealed, says Lefresne, "perhaps we would be forced into Sunday hours, though reluctantly."

PUSH found ready allies outside the circle of retail merchants in the unions and churches, and a group called The Lord's Day Alliance, formed 93 years ago by Hamilton railway workers and

Presbyterian ministers. "We were never a 'blue law' organization," explains Les Kingdon, who currently heads the 2,000-member Alliance. "We were formed at a time when the seven-day work week was the common thing, and fought for a day of rest so workers could be together with their families. What they did with that day, we have always felt, was their own business."

Nevertheless, what the Alliance fought for in practical terms during the hard times of the early labor union now continues dressed up as the "quality of life." Rev. Thomas Rooke, an Anglican minister who has represented the churches on the question of Sunday closings, is adamant about the need for a legislated day of rest. "In California we see where wide-open Sundays lead to moral laxity, crime, promiscuity and the decay of social mores." And Rooke calls proposals that even loosen Ontario's Sunday closing laws "the edge of the wedge" and considers "further expansion of the retail areas that could be open on Sundays could have horrendous implications."

From a less apocalyptic perspective, Bill Reno explains his union's position in immediate terms. "Today, the two-job family is becoming the usual situation. Most of the women who work in supermarkets, for example, are married and many have children. Their husbands work a full week as well. What is happening is that their family lives are falling out of sync." His union, which includes only a small percentage of retail workers in Ontario, supports Sunday closings for everyone because it is the sole protection of at least one common day for these families.

The president of the Ontario Retail Council, Denis Sexton, a supporter of Sunday closings, admits no thorough research has been done to determine just what makes up this protected species. Like other supporters, he tends to think of them as family people who would lose their only chance to be with loved ones — precious ciphers in the debate, they are the final reason, the unknown quantity for which Toronto will continue to endure a sealed up, dismally dull seventh day.

Alderman Dan Heap would like to see the issue opened again — if not the stores — just to get rid of the act's loopholes, which he says are "large enough to drive a truck through." The law, he says, should be argued all over again "with all the interested parties."

Without any doubt, there are more of these parties around today than there were in 1975. Six years of Puritan gloom, roped off stores, cops in the book stores and citizens at a loss have quietly politicized Toronto's Sundays.



*Never
On a
Sunday?*

Someone squealed on HI-FI EXPRESS, the video-stereo chain store at 324 Dundas.

A "stereo competitor" informed the police on Boxing Day that HI-FI EXPRESS, MAJESTIC SOUND, DOUG'S PLACE (and the now defunct Ray Jay's) were open, against provincial law.

Manager of the HI-FI EXPRESS' London operation, Michael Mathewson, said the police "unofficially" told him who lodged the complaint, but Michael himself received the message in no uncertain terms from anonymous phone calls to his store on Boxing Day.

" 6 to 8 people called, all refused to identify themselves, called and said things like: " I'm going to sue you for the business I've lost to you sons of bitches opening today." and others that went " you bastards -opening when my business can't!"

It was obvious that these were calls from stereo-video competitors whose Boxing Day sales were on Monday, December 28, two days after HI-FI EXPRESS' Boxing Day clearance sale.

Mathewson, soft-spoken but resolute in explaining his company's position: " We have to be open that day, Because of interest rates, the cost of carrying inventory. We carry alot of stock over the Christmas period. On Boxing Day -the real one- we get rid of everything we can at near cost just to save money on interest charges."

" Our Boxing Dale sale in December(1981) was the highest sales day of the year for us -a terrific day- and yet we had almost all stock priced lower than any other day of the year. You figure it out. We had the highest volume, the highest sales posting of the year when our prices were the lowest they had ever been, on a day when virtually no-one else was open."

" HI-FI EXPRESS was started 4½ years ago by 2 guys with next to no capital, alot of savvy, hard work, alot of marketing risks and a very aggressive price & promotion strategy. They have twenty-five(25) stores across Canada now. In 4½ years! That kind of success isn't achieved by being a wallflower in the business."

" To stay alive in this economy and especially in this industry you have to be aggressive with promotions. That's what our Boxing Day -the 26th- sale is -a very aggressive promotion.

No one really wants to break the law, but you're forced to do so in order to keep all your people employed, stock moving, and let's face it, the consumer is

getting a real deal here on Boxing Day. Illegal or otherwise, it's to everyone's benefit for us to be open -except maybe our competitors who informed the police."

**" Our employees don't mind,
they make alot more on those days.
Everybody in this organization
-at least in this store- wants to get ahead.**

" Our employees don't mind, they make alot more on those days. After all, these are people with rents to pay, higher taxes to pay, gas, food costs. Everybody in this organization -at least in this store- wants to get ahead. We all need more money to make ends meet -myself included. If we work for it -as opposed to the lifestyles of many people today who aren't willing to earn it - who can say 'this is wrong' or 'unethical'?

The unfortunate part about the fines, which can get up to \$10,000, is that it hits the small guys most severely. By "small guy", I'm not referring to this store -we consider the laws a minor nuisance. We can afford to go to the Supreme Court of Canada, hire a battery of lawyers. The little bookstore, furrier, furniture retailer -these people can't afford the tremendous legal costs to defend himself in court. They get fines. In that sense though, independent small merchants should be very pleased the HI-FI EXPRESS is spending the hundreds of thousands necessary to repeal this law. Of course, even the consumer eventually has to cover those legal bills and fines. The gov't is the total villain here.

We'll continue to hold special sales in London on Boxing Day, July 1st, selected Sundays. We know that eventually our competitors will do it as well, a snowball effect is inevitable. I think you'll see camera shops, electronics, furniture stores all opening on selected advertised Sundays and holidays.

If the gov't hadn't screwed up the economy so badly, most merchants would probably stayed closed on Sundays even if there were no restrictions. They could afford to relax a bit. In these times though, it's survival of the fittest, far moreso than under healthy economic circumstances."

it's survival of the fittest,

Its obvious that the London business establishment is going to resent the arrival of these aggressive Young Turks. Its apparent that London's older, more comfortable, stereo shops and businesses have gotten used to opening 6 days a week. Their aggressive, 'scratch out a market' days are past them. Since these established businesses are no longer "hungry" for new markets like these new shops, opening on a Sunday would seem to benefit only the kind of firm that is accumulating new markets, building up cash flow and a credible reputation with the buying public.

When your editor started his bookshop 7 years ago, I remember working 12 hours a day -6 days a week and 5 hours on Sunday (clean-up). Would I do that again? I'd hate to, but I understand what it's like when you're starting up; you'll do anything to get cash flow and traffic flow. In these times, alot of established businesses may have to return to those tactics in order to stay afloat. A bit of resentment I encountered in covering this story came from businessmen who had been in business ten or more years, and quite frankly, alot of these businesspeople (the same folks who support the B.I.A., as well, in 90% of the cases) just like the status quo as it is. They've made their mark and now they want to keep it, so they were reluctant to let "young up-starts" come and "steal" their customers, as they saw it. One wonders what these people were when they started up?

Not coincidentally, the 4 stereo shops that opened on Boxing Day have all

been in London less than 2 years -bringing their Toronto ways with them. While one has since gone out of business, the remaining three have no intention of doing so and will use any competitive marketing strategy to maintain profitability.

Both Majestic Sound and Hi-Fi Express do extensive newspaper advertising in the TORONTO SUN; the Sun's 220,000 daily readers are exposed to over 16 pages of stereo ad specials every day from over 6 competing chains.

I mean these guys are used to TOUGH, and London merchants will have to get used to it.

Mathewson said " Historically our selected Sunday sales are the most profitable days. There's an interesting story about the last one here. A minister came in on the Saturday at closing time, browsed around and saw us posting our Sunday sale promotion signs & various price cuts. He remarked rather disapprovingly that commerce on the Sabbath was sacrilege. The minister came in on Monday after the sale, picked out a stereo system he had been considering and said, I kid you not " Do you think you could give me this at yesterday's sale price? You understand, in my profession, it was impossible to make it here yesterday. How about it?"

"We let him have it at the Sunday sale price," says Mathewson," but I sure blinked at the audaciousness of the request in light of what he said when he left here Saturday."

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RAMADA INN DOWNTOWN

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Although regular subscribers have known a major hotel has been planned for London since issue #2, the Free Press added grist to the mill on January 9 when they published an article acknowledging that RAMADA INN(franchise) was likely to locate downtown.

The Free Press says: " several small parcels ... were acquired by a registered Ontario company...of which Glen Wood of Talbot Inn is the principal." This was in reference to property on the south side of Dundas between Talbot & Ridout, and Ridout(east side) between Dundas and King.

The MetroBulletin will know if an project is going in here when FOEDEMSI SHOES sells their property at 77 Dundas, midway between the block. The Fodemsi's acknowledge a persistent bidder on their property but at this time they are not interested in selling. Yet, no hotel can really proceed without their parcel of land.

Joe Fontana, said in the Free Press that he had heard 'on the grapevine that' "we came very close to having a major department store in downtown London" but the November federal budget inhibited it.' Interestingly, Alderman Fontana is an active member of the Liberal Party and the MetroBulletin wonders if Joe has told colleagues Jack Burghardt, Charlie Turner & Garnet Bloomfield this news.

In 1980, the City pinpointed 7 prime locations for a hotel site, with the City predicting " a hotel could be built in 2 years and would be in break-even point four years later." It would be useful to know how they decided it would be that viable, but let's hope some hotelier agrees.

Other areas in the city that could be employed for dept. store or hotel use are:

- 1) the block that was listed in issue #2 Clarence/Dundas/Wellington/King where we expect ALCOR INVESTMENTS to place their multi-purpose mall
- 2) the old YMCA building on Wellington,(the MetroBulletin's choice in #2 to be used as a site.See #2 for explanations)
- 3) the London armouries (no way, department store only-Editor)
- 4) the north side of Dundas between Waterloo & Wellington
- 5) the northwest corner of Clarence & York(at the NEW YORK TAVERN)
- 6) the northeast corner of King & Waterloo
- 7) the Southeast corner of York & Wellington

Sifton properties bought the site last week for 4.2 million \$.