

SUPREME COURT RULES:

No Sunday opening

By JAN LOUNDER
Staff Writer

The Supreme Court of Canada slammed the door on Sunday shopping yesterday.

Queen's Park moved swiftly to strengthen the store-closing laws and force retailers to obey them.

"We are going to enforce the law as vigorously as before and more vigorously if necessary," said Attorney-General Ian Scott.

The Supreme Court ruling upholding Sunday store-closing stunned Spadina Ave. furrier Paul Magder, the most persistent offender of the law.

"I'm astonished . . . it's like a bad dream," said a shaken Magder, who faces hundreds of thousands of dollars in fines.

He demanded the Ontario government bend to the will of the people and rescind the law.

Scott announced an amendment to the Retail Business Holiday Act that will give police the power to shut down persistent offenders.

Another government-proposed amendment would prevent bosses from forcing employees to work on Sunday, while a third (to the Employment Standards Act) would give workers the right to refuse any work that breaches the act.

Scott said his office will proceed with prosecuting the backlog of 4,000 outstanding cases of Sunday and holiday trading violations.

He was confident retailers would now obey the law, but warned he has reissued a directive to police commissions to enforce it.

Metro Police Chief Jack Marks said the force will continue to monitor shops. "It's been upheld and it is law and I would trust now that the majority of the business community . . . would uphold the law of the land and refrain from opening," Marks said.

While it upheld the law, the Supreme Court did admit it infringes on some peo-

ple's constitutional right to freedom of religion.

In a lengthy judgment, the court said that giving parents a common day off to spend with their children is important enough to warrant treading on that constitutional guarantee of freedom of religion.

"A family visit to an uncle or a grandmother, the attendance of a parent at a child's sports tournament, a picnic, a swim or a hike in the park on a summer day . . . these, and hundreds of other leisure activities with family and friends are amongst the simplest but most profound joys that any of us can know," said Chief Justice Brian Dickson.

Ontario's Sunday shopping law is aimed at the "pressing and substantial concern" of a common day off, he said.

Dickson admitted Ontario's legislation treads on constitutional rights of freedom of religion rights of those who observe Saturday as a religious holiday.

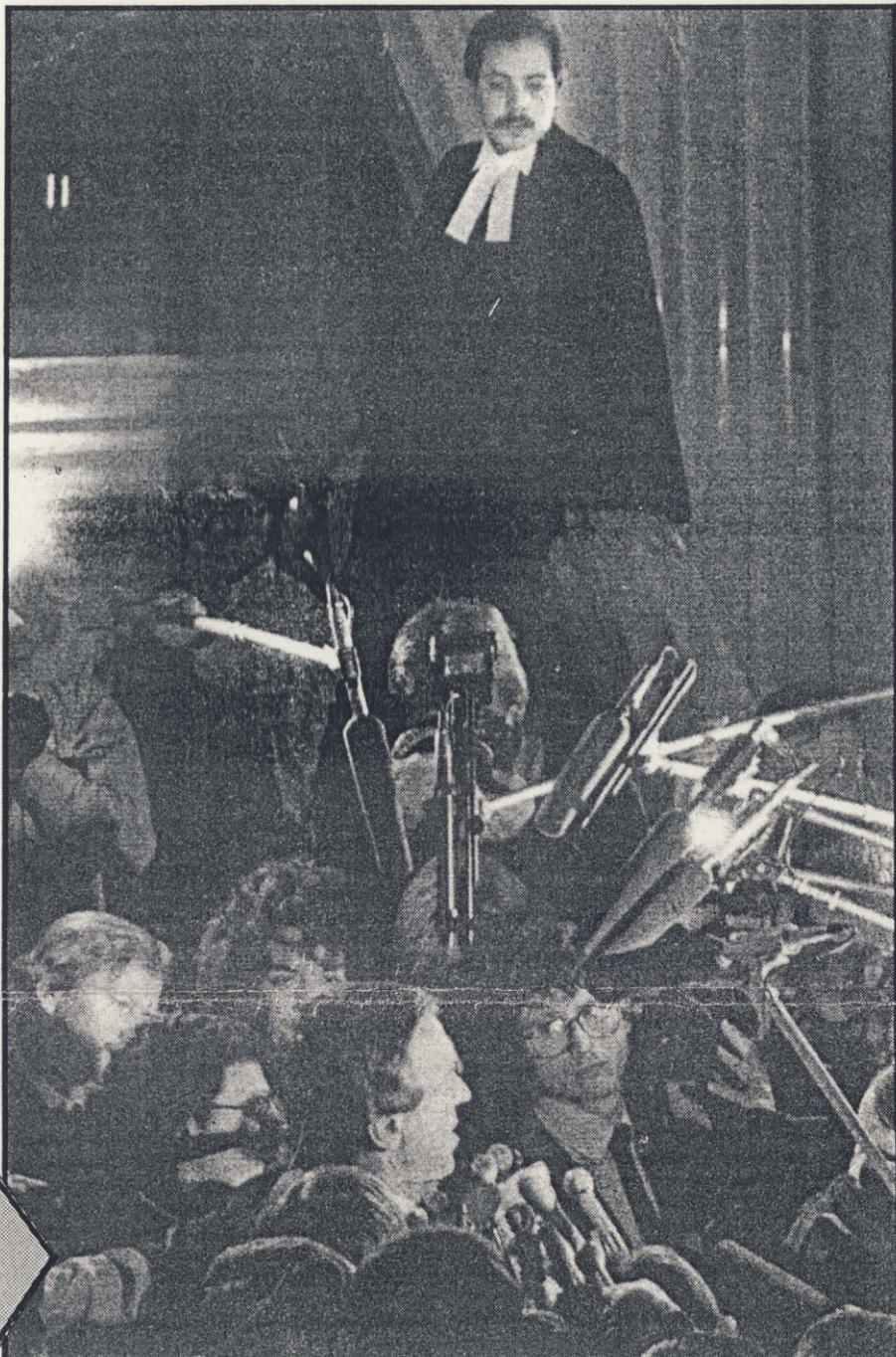
Mr. Justice Jean Beetz said Ontario's law puts certain religious groups (such as Jews and Seventh Day Adventists) in an "untenable position: They must either renounce the tenets of their religion or close their store on Saturday while their competitors remain open."

However, Beetz said, the unfairness to them isn't the fault of the legislation, but "results from the deliberate choice of a tradesman who gives priority to the tenets of his religion over his financial benefit."

The Supreme Court ruling affects convictions for opening on holidays against Magder, Edwards Books and Art Ltd., Longo Bros. Fruit Market Ltd. and Northtown Foods Ltd., a kosher food retailer convicted of opening Sundays with more than seven employees.

They all face fines of up to \$10,000 for each conviction.

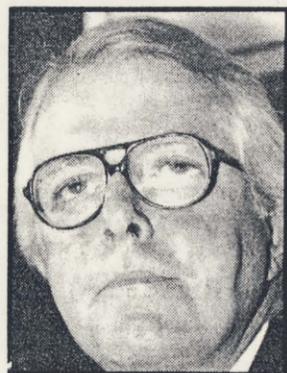
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FURRIER STUNNED BY RULING

Toronto furrier Paul Magder is swamped by reporters following the Supreme Court of Canada's decision yesterday to uphold

Ontario's Sunday store-closing law. Magder faces hundreds of thousands of dollars in fines for repeated violations of the law.



BARRY AGNEW
Watches competition

Store wars truce tense

By MARK NUSCA
Staff Writer

Major grocery and department stores will be closed Sunday . . . but it's just a ceasefire if the law isn't strictly enforced.

The top guns in the Sunday store wars warn they'll be watching closely for heavy use of the law against retailers who cut into their markets through illegal openings.

"We're happy with the law if it's enforced," Barry Agnew, vice president of sales promotion for Hudson Bay Company-owned Simpsons and The Bay, said yesterday

during a news conference.

Agnew, who estimated The Bay and Simpsons will miss \$20 million in total sales this Sunday, said he "will not tolerate" illegal openings by the competition.

Eatons, Sears Canada, Towers, Woolco and F.W. Woolworth spokesman all said they will remain closed Sundays, as will the grocery chains.

Walter Pridham, vice president of Sears Canada Inc., said that company "will continue to champion Sunday closings" in Ontario. "We sincerely hope," Pridham

added, "that the government of Ontario will enforce the legislation."

Department stores and supermarkets will be closed Boxing Day, Dec. 26, in keeping with the Retail Business Holidays Act. But several stereo and camera stores contacted yesterday promise to open despite \$10,000 fines they face.

"It's a day on which people want to buy and we're committed to being open," said Mark Mandlsohn of Bay Bloor Radio. "Public demand is massive. It's our busiest day of the year."

Your say in change promised

By CIARAN GANLEY
and JOE KONECNY
Queen's Park Bureau

The public will have a say in any re-thinking of Sunday closing laws, Premier David Peterson says.

Peterson said yesterday that an all-party committee will review the act and hold public hearings.

"If we can update it, make it more modern or make it conform more to the wishes of the people we're prepared to entertain changes."

But Peterson doesn't believe there is a "consensus in society for wide-open Sunday shopping."

Toronto Mayor Art Eggleton

applauded the court ruling, but North York Mayor Mel Lastman panned it.

"People can blow their brains out at the race track on Sundays or buy alcoholic beverages at restaurants, but you're not legally allowed to make a living or buy clothing for your children — it's ridiculous."

Lastman said present laws are full of holes, considering Toronto has exempted Harbourfront, Markham Village and Chinatown because they're deemed to be tourist districts.

"They aren't tourist areas.

"Businesses can't open Sundays at the Eaton Centre or Yorkville and they're definitely the two greatest tourist areas in all of Ontario."

Eggleton said the city is getting ready to review "a long list" of business districts seeking exemptions from the law.

"I applaud the court, but I don't think Sunday should be shut down tight."

He said the city may have another look at opening up the Eaton Centre, but said it would be difficult to ensure fair treatment of other businesses.