

"(e) a general store whose prime business is the joint sale of groceries, hardware, small wares and varieties;"

Similarly Section 3 Sub-Section 2 should be amended to read:

"(2) The Council shall not issue a permit with respect to any store, canteen or fruit stand as provided in subsection (1) of this Section if such store, canteen or fruit stand has a business occupancy assessment of more than nine thousand five hundred dollars or in respect to any general store if such general store has a business occupancy assessment of more than thirty thousand dollars, as set out in the assessment roll of the City for the year in which the application for such permit is made".

VII

REASONS FOR SUBMISSION

It is respectfully submitted that the Ordinances be amended as set out in VI above, for the following reasons:

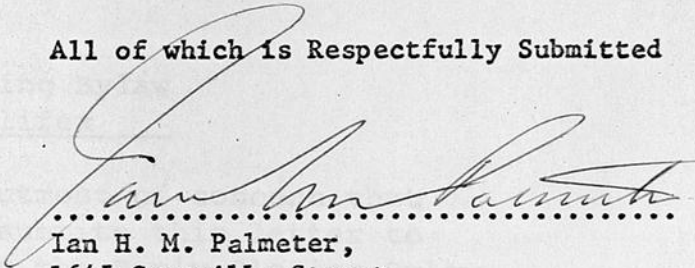
- (a) The amendments would recognize an existing situation which was not heretofore contemplated by the Ordinances.
- (b) The amendments would not affect in any way the present status of businesses.
- (c) The amendments could in no way be determined as discriminatory and are within the powers of City Council.
- (d) The amendments will not affect the small corner store type of grocery business which are presently protected by the Ordinances.

SCOTIA SQUARE

(e) The maximum business occupancy assessment of \$30,000.00 is suggested because of a possible general reassessment of the whole City in 1971 and some latitude should be allowed for improvements.

(f) It would definitely be in the public interest to allow these amendments.

All of which is Respectfully Submitted

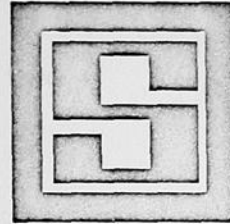


.....  
Ian H. M. Palmeto,  
1645 Granville Street,  
Halifax, Nova Scotia.

Solicitor for Provincial Distributors  
Limited, operator of "The Cove"

Halifax, Nova Scotia

April 22, A. D. 1969



April 28, 1969

Statement to:

City Council,  
Halifax, Nova Scotia

Dear Alderman:

Re: Early Closing Bylaw  
City of Halifax

It is with the utmost of concern that Halifax Developments Limited submits this letter to Halifax City Council regarding the Early Closing Bylaw presently in force. Our development, Scotia Square, is about to open the doors of its Retail Complex on October 1, 1969, and it is essential that, to ensure its full potential to our mutual benefit, City Council rescind the present early closing bylaw to allow shopping six days per week, both day and night.

Why?

1. We believe that the City of Halifax can no longer ignore the retail competition offered by her sister City - Dartmouth. It is estimated that over \$3,000,000 in sales is lost to Dartmouth because of their more liberal night shopping hours.

2. We believe that the entire Metropolitan area should be treated as one economic retail selling unit and no one area should gain a competitive advantage over the other.

The City of Dartmouth has shown a reluctance to enact retail hour bylaws because it has not been proven to them that open hours is harmful to the small merchant.

... 2

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3. We believe that retail stores should be looked at as a convenience to the shopping public and that all stores, within reason, should meet the demands expected by the public. It has been proven that the public expects and wants night shopping.

4. We believe that the present early closing bylaw is incompatible with the growing importance of the tourist industry in the City. Tourists mean retail dollars to this community.

5. We believe that the City of Halifax serves the entire province as a regional retail area. It becomes extremely difficult for this function to be meaningfully performed due to the early closing hours, taking into account travel distances and times.

6. We believe that with extended shopping hours, a minimum of 200 new employment opportunities will be made available to citizens in the area, thereby contributing to the economic health of Halifax.

Therefore, for the above reasons, we respectfully ask that the present store closing bylaw be rescinded.

Respectfully submitted,



W. B. Hardman  
General Manager

WBH:ss

THE ROBERT SIMPSON EASTERN LIMITED

HALIFAX, N. S.

OFFICE OF  
THE GENERAL MANAGER

April 23rd, 1969.

To: His Worship, The Mayor,  
and Aldermen of the  
City of Halifax.

Dear Sirs:

This letter responds to the City Clerk's letter of April 14th, 1969, inviting a submission of this Company with respect to the Early Closing Ordinance and the Lord's Day Ordinance.

Previous to their inclusion in the City on January 1st, 1969, the annexed areas, being then a portion of the Municipality of the County of Halifax, were not subject to any ordinance or regulation artificially restricting the operating hours of retail stores. Upon the annexed areas becoming part of the City the question arose whether the restrictive provisions of the City Ordinances No. 109 and No. 121 applied to retail merchants in the annexed areas. Not unnaturally a public outcry arose protesting the imposition of these restrictions on people living in the annexed areas. The Protestors applied to the Board of Commissioners of Public Utilities who, after hearing representations and examining the problem, issued an order suspending the operation of these Ordinances in the annexed areas until June 30th, 1969. Apparently this suspension was to afford ample time for re-examination of the situation by City Council and the Board reserves its right to order a further suspension if such action appears to the Board proper and desirable.

This Company has, at every opportunity, opposed artificial restrictions upon retail store operating hours. We reiterate our submission that such restrictions are wrong in principle, are an unwarranted interference with the liberty of the members of the public who desire to shop and are prejudicial to the economic welfare of the merchants in the areas in which closing restrictions are applied. In our view a retail merchant is engaged in a service industry. The times at which the service is available should be set to suit the convenience of the customers who wish to use the service, not the convenience of the merchant. Modern shopping patterns indicate that many customers desire to do their retail shopping at times when the breadwinner of the family is free of his working duties. This tendency requires that retail shops be open in late afternoon and evening hours when most customers are free of the obligations of attending to their own work. If the shopping public desire to use the stores during these off-hours it is our view that the merchants should be prepared to meet the demand. We are prepared to do so and would be doing so if we were not prevented by the provisions of Ordinance 121.

Apart from the foregoing general objection to any form of restriction, we submit, and we have submitted on earlier occasions, that it is unfair and inequitable to impose closing restrictions on merchants in a portion of an economic area while their competitors in other portions of the area are free to remain open when they please. Surveys we have conducted indicate that substantial numbers of Halifax residents visit the Dartmouth retail stores on the evenings when the Halifax shops are required to be closed and Dartmouth shops are open. Presumably these people transact some business during their visits. Such business is a direct loss to the retail merchants of Halifax. This form of discrimination is harmful to the Halifax merchant and in all fairness should not be allowed to persist.

We further submit that the proper criterion for consideration of the propriety of a shop closing ordinance is the welfare and convenience of the citizens as a whole. It seems to us obvious that the citizens of Halifax should be allowed to exercise their own judgment as to the times they prefer to do their shopping. This freedom of choice should not be subject to any paternalistic legislation of the City Council unless it is abundantly clear that such legislation is for the public benefit.

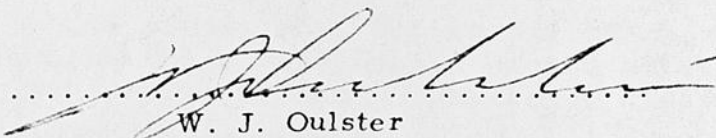
It is further submitted that the City Council ought not to exercise its power in this regard solely for the purpose of granting a preference to one class of merchant or to create an artificial protection for one class of merchant by making it difficult or impossible for the public to do their shopping at times which do not happen to suit that class of merchant.

In the past it has been said that one purpose of Ordinance 121 is to protect the people who work in the shops. If so, we submit this purpose is illfounded. Employees of retail merchants are now adequately protected by Federal and Provincial legislation with respect to minimum wages, holidays, vacations and hours of work. If any employee of a retail store in Halifax is now being abused it is because his employer is failing to comply with these existing laws and practices. The employee does not need the protection of the City Council by way of artificial restrictions on operating hours.

This Company respectfully submits that the proper solution of the present problem, having due regard to legitimate public interests, is to repeal Ordinance 121 so that operators of stores in the old City of Halifax will be placed on a comparable footing with the retail merchants of Dartmouth, the County and annexed areas.

All of which is respectfully submitted.

THE ROBERT SIMPSON EASTERN LIMITED

Per .....  .....  
W. J. Oulster

SUBMISSION TO: THE MAYOR AND MEMBERS OF COUNCIL OF THE CITY OF  
HALIFAX

ON BEHALF OF: TRITON CENTRES LIMITED (HALIFAX SHOPPING CENTRE)

Re: Early Closing By-Law

We filed a submission with you when the early closing by-law was initially considered. We do not wish to go into the matter in great length again at this time but do wish to place before you certain points of view which we still consider to be relevant.

It is, we feel, still fair to say that it is a basic principle of our society that the economic health of any business community depends upon relative freedom of competition among competing businesses and, additionally, that a person has the right to carry on his business in any manner he chooses provided it is not otherwise illegal. Restrictions on absolute freedom are naturally necessary but it surely must follow that such restrictions must meet the test of public good or public necessity.

Accordingly, we would suggest that in considering an early closing by-law (which is by its nature in restraint of trade and in restraint of the basic freedom inherent in our economic society), one must carefully examine the reasons for such a by-law to ensure that it meets the test of public good.

Historically we understand such by-laws were designed as a form of minimum working standards to ensure that employees were not required to work excessive hours. Other legislation, such as the Minimum Wage Act, now deals with this problem and to justify such a by-law one has to look for some other persuasive reason indicating that it is for the public good.

We would suggest that the public good in this instance must be viewed from two primary points of view, namely, (1) the economic life of the City of Halifax, and (2) the convenience of the buying public (since by their nature retail stores exist to make their living out of serving the buying public).

We would suggest that you should have great reservations that the interests of the City and the buying public are served by this by-law because:

1. Retail experience across this continent indicates a basic change in the buying habits of the public from the former buying by the housewife on a day



to day basis to the current practice of bulk shopping by both husband and wife on a weekly basis in the evening. This is the only time when many families can conveniently shop. Accordingly, under present day conditions customer convenience requires access to evening shopping.

2. Halifax cannot be considered alone as a single economic unit but must be considered as part of the whole area comprising Halifax, Dartmouth and the County. The restriction on business hours in Halifax only serves to force these people, and people from Halifax, to shop in the adjoining districts where no such restriction exists. This can only reflect unfavourably on the economic life of the City.

Rather than simply re-adjusting the public's buying habits to the shopping hours in the City there may well be re-adjustment of buying habits to purchasing outside of Halifax.

One cannot, of course, suggest absolute freedom and we would suspect no one would question that stores should be closed on Sunday and at some reasonable hour in the night but restrictions beyond that tend to become restrictions for the convenience of some merchants to the disadvantage of others.

As landlord of a large shopping centre in the City, we are concerned that our centre is placed at a competitive disadvantage to shopping centres in the City of Dartmouth and the County of Halifax which have no restrictions on opening hours. The loss of any business to the shopping centre in the long run constitutes a loss to the City and neither the centre, the City or the buying public is served by the restriction.

Respectfully submitted,

  
for TRITON CENTRES LIMITED (HALIFAX  
SHOPPING CENTRE)

April 29, 1969.

The Burden of Proof

In any community where the question of restricted shopping hours arises, it is always found that opinion on the matter is sharply divided. Some are in favour of freedom, others in favour of control.

SUBMISSION

It is important, OF course, to ask at the outset on whom the burden of proof should fall in a matter of this kind. ZELLER'S (NOVA SCOTIA) LIMITED who should establish their case, or is it up to those who favour control to demonstrate that there is a clear need for it?

THE MAYOR AND COUNCIL

OF

The business THE CITY OF HALIFAX and its sale at retail is a proper activity and no one IN a free country should be restrained from THE PROVINCE OF NOVA SCOTIA right to do, unless it is definitely shown that such a restriction is in the public interest.

It should not be necessary to justify freedom. We Halifax, N.S.  
April 21, 1969. try where its merits are supposed to be taken for granted. Nevertheless, there are times when those who would reduce the area of freedom are vociferous and appear to be numerous and it becomes prudent to recall its merits. What follows, therefore, is an explanation why freedom from control in the matter of shopping hours works to the benefit, not the harm, of merchants, their employees and the public alike.

The Burden of Proof

In any community where the question of restricted shopping hours arises, it is always found that opinion on the matter is sharply divided. Some are in favour of freedom, others in favour of control.

It is important, therefore, to ask at the outset on whom the burden of proof should fall in a matter of this kind. Is it those who favour freedom from regulation who should establish their case, or is it up to those who favour control to demonstrate that there is a clear need for it?

The business of selling merchandise at retail is a proper activity and no one in a free country should be restrained from doing what he has a lawful right to do, unless it is definitely shown that such a restriction is in the public interest.

It should not be necessary to justify freedom. We live in a country where its merits are supposed to be taken for granted. Nevertheless, there are times when those who would reduce the area of freedom are vociferous and appear to be numerous and it becomes prudent to recall its merits. What follows, therefore, is an explanation why freedom from control in the matter of shopping hours works to the benefit, not the harm, of merchants, their employees and the public alike.

and why the arguments for the reduction of shopping hours by government regulation, whether municipal or provincial, are mistaken and can only result in a disservice to those whom they mislead.

Canada has thrived on freedom of enterprise. Competition is basic to its way of life. It is not a mere by-product of its economic system but the mainspring of its development. Indeed, it is a grave offence, punishable at law, for persons to combine to prevent or lessen business competition. Those who advocate restricted shopping hours are loath to admit that they are trying to restrict competition in the retail trade. Yet this is just what they are attempting to do. They are endeavouring to impose on others, whether they like it or not, their own conception of when they think the trade should be conducted. Why? Because they don't like the idea of another merchant getting the business which they don't choose to go after. Not being interested in keeping open at those hours which don't suit them, they hope that by government regulation they can force all merchants to close up shop when they do.

Of course, uniformity of shopping hours is never advocated on these grounds because they are indefensible.

Better-sounding arguments are advanced. What are they?

#### ARGUMENTS IN FAVOUR OF UNIFORM STORE HOURS

There are only two basic arguments in favour of uniform store hours. Uniformity in this respect<sup>is</sup> advocated either

- (a) for the alleged protection of the retail worker; or
- (b) for the alleged protection of the merchant himself.

It is argued that if shopping hours are sufficiently restricted no retail employee can be overworked. It is also argued that uniform store hours protect those merchants who, in competition with each other, feel obliged to keep their stores open when it is actually uneconomic to do so. It is very hard to think of any justification for restricted shopping hours which is not, in effect, advanced on one or other of these two grounds.

#### PROTECTING THE RETAIL EMPLOYEE

In the olden days before there was any social legislation to safeguard the retail worker there may have been reason to resort to the limitation of shopping hours for this purpose. However, this was an indirect and unsatisfactory way to rectify the problem. It penalized the just and reasonable employer in the attempt to control the unjust and rapacious.

It has long since been recognized that if the aim is to protect the retail worker from those who would take advantage of him, then the way to do so is to enact legislation directly for this purpose. This has been done. All the Provinces of Canada have adopted social legislation. Minimum wages, maximum hours of work and vacations with pay are obligatory in every province, and a great many other Acts of progressive legislation exist to advance and protect the interests of the worker.

Today, therefore, early store closing is something to be considered entirely on its own merits and not as an indirect means of employee protection.

When the trend is for employment to be more and more restricted to those with highly technical qualifications the retail trade continues to provide job opportunities for persons with little or no prior training. It also offers excellent openings for women and, in particular, for those women who need employment but who cannot work regularly full-time. Any reduction of shopping hours reduces the need for just such employees. Evening shopping especially creates a demand for extra staff and to limit evening shopping is to deprive a great many persons who need this work and who would be happy to get it, of their rightful opportunities. It is ironic that this should be done for the alleged protection of the very persons whom it harms.

#### PROTECTING THE UNAGGRESSIVE

There is a mistaken conception entertained in some quarters that the amount of retail business in any community is a fixed quantity, and that if the law prevents the public from shopping on certain days or at certain hours, no merchant will be the loser, provided that all close up shop at the same time, for it is argued that the public will merely postpone its shopping till those days or hours when it can be done.

This is a highly fallacious argument. It would be true only if shopping were confined to those necessities that people could not possibly do without. Such is not the case. In a society enjoying the considerable affluence to which Canadians by their efforts have attained, shopping is not confined to bare necessities. The wants of the public have multiplied. There are many more things from which to choose than were available to our parents or grandparents. To make intelligent selections, customers appreciate the opportunity of browsing through the stores, of examining the goods offered, and of comparing values. As often happens, customers may find something different from or better than they originally intended to buy. This is the so-called "impulse" buying. Impulse is a poor word in this context because it seems to imply that the bulk of such purchases are hasty or frivolous. This is not so, for the Canadian shopper is a keen judge of values. It does mean, however, that but for the privilege of shopping, the customer cannot be sure of making the best selection, which may well be different from that which he or she originally intended.

If the public, or a considerable portion of it, finds it convenient to shop in the evening, and if there are merchants ready to offer this service, why should they be told that this cannot be done, or that it mustn't be done on those evenings they prefer? Why should the merchants who can profit from this trade be deprived of it? What benefit can the com-

munity derive from this reduction in its economic activity?

It is a poor answer to say that no one is the loser if shopping be confined to designated hours only. On the contrary, everyone is the loser. The merchant loses trade. The public is afforded less time within which to make a sound choice before spending its money. The circulation of money within the community is reduced, for on those evenings when shopping is permitted, people are in circulation and when people circulate so does money. Gasoline service stations, restaurants and the like, all do a better business on those evenings when the stores are open than they do when the town is dead.

#### THE SLACK PERIODS

It is often pointed out that there are slack-periods - certain hours of the day, or certain days of the week, when business is slow and when, for the amount of profit which is made, it would be cheaper to close up shop.

This may be true, but it is not equally true for all merchants at the same time. Whether it is better to stay open, in the hope of getting more business, or whether it is wiser to forego the extra business and close up shop is a business decision. This can only be made by the merchant himself and the Municipal Council cannot properly make it for him. As individuals vary in their personality and vitality, so do individual stores. The business of one may be exhausted at an early hour, while another can continue actively much longer.



In such a matter each merchant is the best judge of his own capacities and prospects. It is not in the interests of the retail trade, nor the community which it serves, to compel the store with ample goodwill to reduce its operations so as to conform with others that lack the same appeal.

#### THE MOTOR CAR IS CHANGING RETAIL TRADE

The habits of the shopping public change with the years, and the merchant must keep pace with them. The merchant exists to serve the public - not the public to serve the merchant.

The motor car which has affected so many facets of life, is altering shopping habits. This is inevitable in an automobile age. The family wants to go shopping in their car. The car is usually available in the evening whereas it is usually not during the day. To be able to shop in the evening is a family convenience.

To restrict evening shopping in favour of morning or afternoon shopping, discriminates against those whose family car cannot be used for this purpose during the day. Many fathers, perhaps most, need their car to go to work. They cannot take the family shopping in the morning or afternoon. That is when they earn their living. If they can only shop in the evening, why should they be told that the merchant who is willing to serve them at that time must not do so? Must shopping by car be the privilege of the "two-car family" only?

The quest for uniform store hours is not new. It recurs from time to time, and it is a natural result of the competition between the office and factory employees, whose working hours normally preclude their shopping during the day. It is an interference with their personal freedom whether they drive an automobile or not, and whether they have families or not, when there are merchants pleased to afford them the service of evening shopping, and it is decreed by legislation that they cannot have it.

The trend towards evening shopping is now so solidly developed that any community which endeavours to restrict it, merely drives shoppers out of town.

All over the country stores have sprung up, in some cases very large stores, close to towns and cities but just outside the municipal boundaries. This happens to those communities where the local merchants are forbidden by law from rendering the community the evening shopping which it is reasonable for it to expect. To prevent the flight of business to the places where it may be done, those who would limit store hours try to add as many communities as possible to the orbit where business is restricted. What does this show? It shows the strength of the demand for evening shopping. It shows that there is a large part of the public that wants it and which will go to considerable trouble to get it. Would it not be wiser to give the public the service which it demonstrates that it wants, instead of trying to stamp out a legitimate demand.

The quest for uniform store hours is not new. It recurs from time to time, particularly whenever the retail trade undergoes a period of change or evolution. We are in such a period now. There have always been those who, at times like this, are prone to run to the Government, be it Municipal, Provincial or Federal, for some way of reducing competition. One of such ways is to insist that your competitor does business only when you think it should be done, and, if he views the situation differently, then to have a law enacted that will deprive him of his initiative.

Government should be very wary of such appeals. Indeed, the imposition of uniform store hours, the attempt to reduce the hours of shopping, in particular, the hours of evening shopping is an invasion of personal liberty, an interference with freedom of enterprise, a discrimination between different classes of the shopping public, a certain means of killing an important part of business or of driving it out of town, and, indeed, a disservice in all respects to the community where it is attempted.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

BY

ZELLER'S (NOVA SCOTIA) LIMITED

*James G. Kendrick*  
President

Halifax, Nova Scotia  
April 21, 1969.

9 Edward Laurie Drive,  
Rockingham, Halifax, N.S.

April 23rd, 1969

Mr. R.H. Stoddard,  
City Clerk,  
City Hall,  
Halifax, N.S.

Dear Mr. Stoddard:

We acknowledge, with thanks, your letter of April 14th, 1969, stating that a public hearing will be held on April 29th at 8:00 p.m. concerning Store Hours in the City of Halifax.

We, as an Association, wish to be recorded as being very much in favour of unrestricted store hours. We have over the years operated on this basis and found that it has become a part of our way of life. To our knowledge, no one store has suffered because another remained open in the evening. For many residents in our suburban area the lack of rapid transportation during the day has demanded that some necessary shopping be done after 6:00 p.m.

The arrangement in our district has proven satisfactory to all and we feel that other areas of the City could benefit as well.

Yours truly,

WARD 10 COMMUNITY ASSOCIATION

*James McKenzie*  
f James McKenzie,  
Chairman

/kdm

# Downtown Halifax Business Association

P. O. BOX 761  
HALIFAX, N. S.

April 28, 1969.

His Worship the Mayor,  
and Members of City Council,  
City Hall,  
Halifax, Nova Scotia.

Dear Sirs:

RE: EARLY CLOSING BY-LAW

The approach of the Downtown Halifax Business Association to this problem is unchanged, since the last Public Hearing in regard to this matter. In fact, our opinion has been fortified by a recent independent survey conducted in the downtown area. A firm of management consultants were retained and over forty merchants were interviewed, some of whom are not members of our association. The results of the survey indicate clearly that over 95 per cent of the merchants are against being open at night.

It is important to note that the merchants consulted with their staff, who will be the persons most affected by a change in the By-Law. Therefore, this Association is most adamant in its approach that NO change be made to the existing By-Law.

The association feels that the By-Law must be fair to all merchants and therefore, applied in a uniform manner throughout the entire city of Halifax. It would be grossly unfair if merchants in Spryfield, for example, had an unfair advantage over merchants on Barrington Street.

We would prefer to see the By-Law enforced throughout the metropolitan area so that all merchandizers may compete on the same basis. Perhaps Legislation could

*"If Your Business Is DOWNTOWN - Downtown Is YOUR Business"*

April 28, 1969.

be obtained allowing the Regional Planning Commission to make By-Laws in regard to the Early Closing By-Law for enforcement throughout the metropolitan area. Thus, if it was the desire of the business community to remain open, for example an additional evening, then this new By-Law would be applied to both the cities of Halifax and Dartmouth, as well as the County of Halifax.


In accordance with the views of the majority of the other business associations in the City of Halifax, we would urge that NO change be made at this time in the Early Closing By-Law, and that the annexed areas not be given any special privileges in this matter. Since they are now part of the City of Halifax, it is only equitable that laws applied in the old city also be applied in the annexed area.

Thank you for your consideration.

Sincerely,

DOWNTOWN HALIFAX BUSINESS ASSOCIATION,

Per:

  
Allan J. Silverman, LL.B., M.T.P.I.C.  
President.

AS/sl



# SPRING GARDEN AREA Business Association

P. O. BOX 1602 HALIFAX, CANADA

April 21, 1969.

His Worship the Mayor,  
and Members of City Council,  
City Hall,  
Halifax, N. S.

Dear Sirs:

Re: Ordinance 121, Store Hours

The Halifax Retail Merchants Association was organized in 1967 for the purpose of asking the City to adopt a bylaw regarding store hours similar to the one which had previously been in effect for many years, but which had been declared null and void following K-Mart's defeat of a similar bylaw in Dartmouth the year before. That defeat was based, not on the principle of the bylaw, but on considerations of technical wording.

Counsel was engaged and assisted the City's own legal staff in drafting a new bylaw based on the City of Hamilton's bylaw which had previously been tested and found valid in the highest Ontario courts. Following our successful petition to the Nova Scotia Legislature for enabling legislation to permit Halifax to enact this kind of bylaw, which petition was signed by 169 Halifax retailers, the City did subsequently enact such a bylaw. There was nothing new in this bylaw; it was merely a continuation of a long-standing practice in the City of Halifax.

We regret that this issue has once again come before Council, and we wish to point out that the wish of the overwhelming majority of retailers in Halifax is that the bylaw continue in effect. We seek no change from the present situation except that the bylaw be enforced throughout the City.

Attached hereto is a copy of our submission in February, 1968, which sets forth our position as it still is today. We would like to emphasize some new points as well.

When all is said and done, the issue is really between the large and the small, or relatively small, independent single-store, owner-managed retailers. This latter group forms, and always has formed, the backbone of the business community from the point of view of total taxes paid, total number of people employed, and quality of service offered to the public. We believe it is positively and constructively in the public interest to enable this type of business to compete equally with the giants of the industry. We believe that without a bylaw they cannot do so. We do not seek favors, we do not seek protection from competition, and we do not seek an unreasonable limitation on the shopping public. We do believe that a bylaw will serve the public interest.



# SPRING GARDEN AREA Business Association

P. O. BOX 1602 HALIFAX, CANADA

April 21, 1969

-2-

His Worship the Mayor

Longer store hours mean higher operating costs. The only way these costs can be absorbed is through greater volume of sales, lower profits, or higher prices. One of these three things must happen. Let's take them one by one.

**Greater Sales:** We submit that in an area of relatively stable population, the retail pie is also relatively stable. Everyone can't increase sales, but with longer store hours the advantage is strongly in favour of the large chains with their extensive management hierarchy who can share the burden on a shift basis, their larger advertising capacity, their larger part-time personnel pools, and their larger financial capacity.

**Lower profits:** There is no more competitive business than retailing. Competition is the best protection the public has. Profits must be made if a business is to continue, but no one has suggested that retailers' profits are excessive, or even handsome. Retailing is a labor-intensive industry, meaning it is very subject to the pressure of costs on profits. Profits simply cannot be lowered, without at the same time causing an actual decrease in competition, which would be contrary to the public interest, both in terms of principle and also in terms of total employment.

**Higher prices:** We submit that this is the inevitable long term result of higher costs, which in turn come from longer store hours. The only alternative, which we feel is almost as contrary to the public interest, is that the number of retail outlets will diminish down to that number of relative giants (through failure or merger of medium-sized and smaller businesses) who can survive by each obtaining sufficient increased sales to support their added costs without increasing prices to the consumer. The very large, and the very small (of a purely neighbourhood character) will survive, but the broad middle range of retail outlets will be eliminated through inability to support the added burdens and costs of longer hours.

There is already evident a trend towards giantism in North American corporate life, a trend which is a cause of great concern to the U. S. and Canadian Governments, and which we do not believe best serves the public interest. It tends not to maintain or increase competition, but to decrease competition, and we believe competition (without favour or advantage to any sector, regardless of size) is in the public interest.

We have heard the argument from time to time that certain businesses will not locate in Halifax unless we get rid of the bylaw.





# SPRING GARDEN AREA Business Association

P. O. BOX 1602 HALIFAX, CANADA

April 21, 1969.

-3-

His Worship the Mayor.

We submit that if they think the market is good enough, they will come in anyway. If they do not think it is good enough, they will not come in anyway. That is, the presence or absence of a bylaw will not make the difference. Indeed, if it did make such a difference as they would have you believe, then it only adds more weight to our contention that wide open store hours would operate to their advantage vis-a-vis the retail community as a whole. In point of fact, these large chains attempt to upset bylaws wherever they go, but regardless of the result they then locate wherever they see a worthwhile market, with or without a bylaw, once the issue has been settled. There is nothing wrong with them doing this, but let us at least recognize it for what it is.

All laws are restrictive in one way or another, but they are deemed necessary or desirable in the public interest. So we believe it to be with this bylaw, and it ought not to be thought of as a "restriction on trade", anymore than say liquor licensing is a restriction on trade, unless our arguments are thought to be incorrect and that the public interest is better served with no regulation of store hours at all.

Respectfully submitted,

Peter J. Andrewes, Secretary,  
Halifax Retail Merchants Association.



# SPRING GARDEN AREA Business Association

P. O. BOX 1602 HALIFAX, CANADA

February 27, 1968

His Worship the Mayor  
and City Council  
City Hall  
Halifax, N.S.

Dear Sirs:                    Re: Ordinance 121, Store Hours

Regarding Ordinance No. 121 - "Store Hours", you have a situation in which the local merchants of Halifax are asking (unanimously, and when merchants are unanimous, it means they must consider the issue vital almost to their very existence) for the ability to compete equally and fairly with the large national chains. These are the merchants who have lived here all their lives, made their living here, bought their supplies and materials here, paid their taxes here, provided employment here, and always served their public well and satisfactorily.

Kmart etc. are acknowledged by-law busters. Why? Because they believe it will give them a competitive advantage over the local merchants. They have large management and part-time staff who can share the burden of the long hours. They do not pretend to offer specialty service or expert staff but rely on discount prices to attract business. They have tremendous pools of capital resources for advertising, and can afford to take losses, if necessary, in some local branch of their continental network in hopes of changing the shopping patterns of the local public to their own advantage. If they fail to do so, they need merely revert to two-night openings as was the case all along. That is, they can afford to outwait the local merchants, take losses for a while, and hope through large advertising and discount prices to create a pattern which never before prevailed.

If they are right, then where has their business come from? Either it is new business, which never existed before, which we consider to be unrealistic in a stable area such as Halifax (that is, the retail pie is only so big), or else they have taken that business away from the existing local merchants. If they are wrong, then they merely decide how long to persist with their experiment before returning to the situation as it formerly was, and write off the losses in that local branch as unfortunate. The point is, these companies have up to 200 branches, and can afford to play around like this.

.....2/



# SPRING GARDEN AREA Business Association

P. O. BOX 1602 HALIFAX, CANADA

- 2 -

But what of the local merchant, who has only one store, and depends on that for his living? While K-Mart is taking its loss in one of a multitude of outlets, can he afford to compete at a loss? He cannot. Very well, you say, all he has to do is stay closed these extra nights. But what is his position now? He would be staying closed in the knowledge that his huge national competitors are open and are spending thousands of dollars in advertising and discounts doing their very best to get people into their stores while he stays closed. Not a very realistic suggestion in a competitive business-like retailing.

Let us be quite clear about this. K-Mart etc. knows very well these things are true, and it is because of this that they go around trying to open all the time. In the U.S., they are even trying to open on Sundays, and have indeed succeeded in some States. It is not, gentlemen, because they are burning with a crusading desire to serve the public interest - it is because they believe they will get a competitive advantage over the local merchants. Usually they are right - if they are not, then not much harm is done relative to their total corporate size. And without a by-law, this turmoil will be perpetual, store hours will be chaotic, the public will be confused, and the situation will continually be subject to whatever the next maverick who comes along might do. There will always be somebody willing to try his hand at stealing a march on his competitors.

Let us be clear on something else. It is not the public which is clamoring for longer store hours, or wide open shopping. The public quite agrees that two nights a week is reasonable and perfectly satisfactory. Most every big city in this country has only two night-shopping - there's no public outcry anywhere about this, certainly not in Halifax. Do you think that all the local merchants and all the independents would be so foolish as to ask for something that would annoy the very public upon whom they depend for their living?

It is suggested that the bylaw is discriminatory. The trouble with that argument is that the supposed victims of this alleged discrimination are the very ones who want the bylaw. If it is so harmful to Eatons and Simpsons, for example, then how come they had the biggest Christmas seasons in their history during the very first year under the bylaw?

It is said the bylaw should be thrown out because it is not regional. Everyone would prefer that it should be regional. We think it will be. We have had only one try at it in Dartmouth, and we lost by the narrowest possible margin, one vote. We ask for the chance to try again.

.....3/



# SPRING GARDEN AREA Business Association

P. O. BOX 1602 HALIFAX, CANADA

- 3 -

Is democracy in Halifax, represented by a vote of 169 to 2 or 3, to be defeated by one vote in Dartmouth, and by one trial only?

We believe chaotic store hours and wide-open store hours will increase prices because it increases costs, unless these costs are recovered by much greater volume. You can't increase volume by making people buy more. You increase it by taking it away from other retailers. If the national chains succeeded, they would get this volume from the local merchants, and eventually competition would be actually reduced because there would be only a few giants left. If the national chains did not succeed, then they also, just like the smaller locals, would have to pass on the increased costs of longer hours to their customers. *We submit therefore that without a bylaw, either the small merchants are eliminated, or prices must increase. Are either of these alternatives in the public interest? We submit not.*

(1) The battle is between large, multi-store national chains and smaller local single store merchants and fellow citizens of Halifax.

(2) Wide-open store hours give every competitive advantage to the multi-store national chains. They know this, that's why they don't like bylaws.

(3) It is not the public who want wide-open store hours. They consider two nights perfectly reasonable and adequate.

(4) Wide-open store hours lead to increased costs, and therefore to increased prices.

(5) In the long run, wide-open store hours tend to concentrate power in the hands of a few giants, and actually reduce competition.

(6) Wide-open store hours would lead to chaotic conditions, and confuse the public, so that no one would know who was open when.

(7) Without a bylaw there would always be someone who would try to get a lead over his competitors by lengthening his hours, thereby setting off another chain of increasing confusion. The situation would always be subject to instability and uncertainty for the public.

(8) The bylaw provides fair and equal competition and reasonable shopping hours. Without a bylaw the situation is unfair and unequal for the local merchants.

.....4/



## SPRING GARDEN AREA Business Association

P. O. BOX 1602 HALIFAX, CANADA

- 4 -

(9) The virtually unanimous appeal by scores of local merchants for this bylaw should not be overruled by a handful of national chains, to whom Halifax is just another, and fairly small community of no particular interest to them.

(10) Is democracy in Halifax to be overruled by a one vote majority in Dartmouth? And that after only one attempt? *That is, should the city go along with the wishes of 2 or 3 large chains, against the wishes of all the rest?*

(11) Wide-open store hours would be a return to outdated hardship and work-practices for hundreds of employees. It is said that no one need work over 40 hours per week. Rubbish! What about all the Section Heads, Department Managers, Buyers, Floor Supervisors, Office Managers, Credit Managers, Merchandise Managers and all positions which carry responsibility and upon which the whole quality of a store depend? Are we to have two of everyone of these positions so they can take shifts? Who can pay the salaries for all this duplication? No - what happens is they all work longer hours. In only the largest stores can this kind of duplication be even contemplated, and even there, it is seldom done, because it is expensive. Sure, you can handle routine sales clerks by shiftwork, but what about everyone else? And what kind of service would you get with a store full of nothing but routine sales clerks? We have some local examples of this already!

(12) Since amalgamation is now a decided issue, and since all areas of the county within competitive range of the Halifax market will be within the City boundaries, the national chains are raising red herrings by suggesting that they cannot compete with one or two outlets which are across a bridge (return toll 50 cents) on the other side of another city across Halifax Harbour, especially since they have just had their biggest Christmas season ever.

The case is so obvious gentlemen, that I could weep with frustration if I fail to make you see it. What's wrong with a bylaw anyway? Everyone locally wants it - why can't we have it? Is this a democracy or isn't it? Why must we be sniped at and whipsawed all the time by these huge, impersonal, faceless corporations with their head offices in other places? Without a bylaw you will be signing the death-knell of the local merchant, and opting for the big corporations who come here from elsewhere and who have no more interest in Halifax than in Timbuktu, except insofar as the profit they can make here.

Yours very truly,

*Peter J. Andrewes*  
Peter J. Andrewes,  
Secretary, Halifax Retail Merchants  
Association.