



STEPS TO STARTING A BUSINESS

A guide to business regulations, licenses and other considerations

1.0 VISIT THE SMALL BUSINESS ENTERPRISE CENTRE

The Niagara Falls Small Business Enterprise Centre is your first stop for information on starting and growing your small business.

Resources Available Include:

- One-on-one business consultations (by appointment)
- Business name search and registration assistance
- Assistance with various licensing and registration needs
- Market research assistance
- Business plan development
- Business seminars, workshops and events
- Summer Company, Starter Company Plus and Futurpreneur Program access

2.0 PREPARE YOUR BUSINESS PLAN

Your business plan is one of the most important elements of your business start-up. It is also often a critical element when applying to a financial institution for financing; or a government funded program. Prepare your business plan in the start-up stage of your business, and revise it on an ongoing basis.

Why write a business plan?

- To define your business and give you a better understanding of the industry
- To show potential strengths, weaknesses, opportunities and threats of your business
- To identify your goals and give you focus
- To allow you to measure your success
- To serve as your company's resume
- To help obtain financing or attract investors

The bottom line – the purpose of a business plan is to improve the success rate of any venture.

3.0 ATTEND A BUSINESS SEMINAR, WORKSHOP OR EVENT

You can check out our current listing of events and register online:
www.niagarafalls.ca/businessevents

Please note that registration is required to ensure space is available. You can register online or directly with the Centre by calling 905-356-7521 extension 5130.

4.0 CHECK MUNICIPAL REGULATIONS

Municipalities across the Niagara Region will have specific regulations regarding business operation within their municipality. Ensure that you check with the various departments listed below for any regulations affecting your business.

A) LICENSING

Municipalities across the Niagara Region (and Province of Ontario) will license certain types of businesses. Each municipality will have a different licensing by-law and the types of business licenses will vary from municipality to municipality.

In Niagara Falls, you can contact Debra Jones in the Clerk's Department at 905-356-7521 extension 4283.

A complete listing of Municipal licenses in Niagara Falls can be found at:
niagarafalls.ca/city-hall/clerks/business-licences

NOTE: If required, your application will be circulated to the necessary departments, including Building, Fire, Police and Public Health.

B) ZONING/PLANNING

To ensure that the building, land or establishment where you will be operating your business is appropriately zoned, contact your municipalities zoning administrator. If you operate a home-based business, there is a home occupation by-law which you must adhere to. Sue Scerbo is the Senior Zoning Administrator at the City of Niagara Falls and can be contacted at 905-356-7521 extension 4239.

You may also want to have your lawyer and accountant evaluate any leases or purchase and sale agreements you are contemplating to ensure you are aware of all the legal and financial implications associated with your decision.

C) BUILDING

If you are installing or erecting a sign for your business, or making renovations to your business premise, make sure to check with your City Hall's Building department for any required building permits and inspections.

Building Services is responsible to ensure that all building construction governed by a building permit meets the minimum acceptable standard as required by statutory authority under the Building Code Act. This is accomplished through the processing of all building permits, the review of applications for compliance with the Ontario Building Code, and the site inspection of all construction projects.

Building Services is also responsible to ensure that minimum standards of property maintenance are enforced through the Property Standards By-law in order to protect the members of the public from situations that may be unsafe or aesthetically unacceptable. The Department responds to complaints from members of the public. Inspections are then required to confirm a by-law violation. In addition, the Building Division is responsible for the issuance of Sign Permits.

In Niagara Falls, the City's Building Department can be reached by telephone at 905-356-7521 extension 4001.

D) FIRE DEPARTMENT

As part of the building, zoning and licensing requirements, you may require inspection from the Fire Department. For further information, contact your local Fire Inspection Department. To contact the Niagara Falls Fire Inspection Department call them at (905) 356-1321.

5.0 REGIONAL and PROVINCIAL REGULATIONS

A) NIAGARA REGION BUSINESS LICENCING

As of June 1, 2019 certain business previously licensed by the NRPS will be licensed, inspected and enforced by the Niagara Region. This includes:

- Adult Entertainment
- Salvage Yards
- Scrap Metal Dealers and Collectors
- Auto Wrecking Yards
- Second Hand Stores
- Second Hand Goods Dealers
- TNC (Transportation Network Company, ie. RideShare)
- Vehicles for hire (including taxicabs, tow trucks, limousines, sightseeing shuttles and specialty vehicles)

Office Location
5853 Peer Street, 2nd floor
Niagara Falls
905-980-6000 ext. 6380

B) PUBLIC HEALTH DEPARTMENT

The Niagara Regional Public Health Department will inspect the equipment and conditions for certain businesses. For more information you can contact the Public Health Department at 905-356-1538 or visit: www.niagararegion.ca/health

- Food service (including restaurants, food sales establishments, refreshment vehicles, convenience store)
- Hairdressing salons and barber shops
- Tanning salons
- Tattoo and body piercing studios
- Water haulers
- Public pools

The Public Health department also offers the safe food handler safety and certification program: niagararegion.ca/living/health_wellness/food-safety/certification

C) PROVINCIAL LICENSES

Certain business may require special Provincial licenses. A partial list is provided below

- Day Care Services – Ministry of Children and Youth Services
 - 1-800-561-0568 | www.children.gov.on.ca
- Liquor/Cannabis Licenses – Alcohol and Gaming Commission of Ontario
 - 1-800-522-2876 | www.agco.ca
- Custom's Brokers – Canada Border Services Agency
 - 1-800-461-9999 | cbsa-asfc.gc.ca
- Travel Agents – Travel Industry Council of Ontario (TICO)
 - 1-888-451-8426 | www.tico.ca
- Music License – Performances of music in public require a license from SOCAN
 - 1-866-307-6226 | www.socan.ca
- Motor Vehicle Dealers – Ontario Motor Vehicle Industry Council
 - 1-800-943-6002 | omvic.on.ca

6.0 DECIDE ON THE FORM OF BUSINESS

There are 3 main business structures including:

SOLE PROPRIETORSHIP

Refers to an unincorporated business with one (sole) owner.

- The owner must be an individual. It is not a corporation.
- This is the easiest form of business to set up.

GENERAL PARTNERSHIP

Refers to an unincorporated business with 2 or more owners.

- The general partnership may consist of individuals. This is not the same as a limited partnership.

CORPORATION

An entity with rights and responsibilities as a *distinct person* under the law.

- A corporation is owned by the shareholders and managed by directors chosen by the shareholders.
- The owners of a corporation are not personally responsible for the debts of the corporation.
- The corporation is responsible for its debts.
- The purpose of a business corporation is to make a profit for its owners.
- A business corporation is distinguished by the use of the following legal elements within the corporate name: "Limited", "Incorporated" or "Corporation" or the corresponding abbreviations "Ltd.", "Inc." or "Corp."
- A corporation may operate under a name other than its legal corporate name by filing a Registration Form 2 under the Business Names Act. The operating name cannot have the legal elements of "Limited", "Incorporated", "Corporation", "Ltd.", "Inc." or "Corp." within the name.

7.0 REGISTER YOUR BUSINESS NAME

Registration of your business name is mandatory under the Business Names Act if you operate a business under a name other than your own.

- This registration is also required to open a business bank account.
- Registration costs \$60.00 and is valid for 5 years.
- Name Search is optional and costs \$8.00 per name searched.
- Registering your business name does NOT give you exclusive use of the name.

Online: <https://www.ontario.ca/page/ontario-business-registry>

In Person: Niagara Falls Small Business Enterprise Centre
4343 Morrison Street
905-356-7521 x 5130

If you choose to operate your business using your legal name (for example: John Smith) with no additional words in your business name, a business name registration is optional.

Most financial institutions will require you to provide a Certificate of Business Name Registration or Articles of Incorporation prior to opening a commercial bank account.

8.0 FEDERAL AND PROVINCIAL TAXES

A) HARMONIZED SALES TAX (HST)

The HST tax rate of 13% is comprised of Ontario's 8% portion, and a 5% federal portion.

You meet the CRA small supplier definition if you generate revenue of \$30,000 or less in the last four consecutive calendar quarters and in any single calendar quarter.

You can register voluntarily if your taxable sales are less than \$30,000, but once registered you must begin collecting and remitting the HST. There is **no charge** for this Business Number (BN).

Contact the Canada Revenue Agency for more information about claiming your input tax credits.

Canada Revenue Agency
32 Church Street, St Catharines
1-800-959-5525 | businessregistration.gc.ca

B) EMPLOYER HEALTH TAX (EHT)

If your business has a cumulative annual payroll in excess of \$450,000 or are considered an associated employer, you are required to register and remit Employer Health Tax. Contact the Ministry of Finance for more information.

Ministry of Finance – Tax Revenue Division
1-866-668-8297 | fin.gov.on.ca/en/tax/eht

C) CORPORATE INCOME TAX

If you have incorporated your business you will have to remit income tax to the federal government. In most cases, new corporations will receive a Business Number from Revenue Canada within 45 days of incorporating. For more information contact:

Canada Revenue Agency
32 Church Street, St Catharines
1-800-959-5525 | businessregistration.gc.ca

9.0 INSURANCE

Insurance needs for businesses vary greatly. It is best to choose an insurance agent or broker familiar with your size of business and, in particular, an agent familiar with your type of operation. If you don't have an insurance agent, you may wish to ask other business owners in your area to recommend one.

The following list is included to remind you not to overlook the complex areas of business insurance. It is best, however, to discuss your specific requirements with your insurance agent.

Basic insurance:

- Fire insurance (extended coverage on buildings and contents);
- Liability insurance (depending on the type of business);
- Burglary protection (theft coverage); and
- Dishonesty insurance (covers thefts by employees).

10. IMPORTING/EXPORTING

If you import goods into Canada or export goods to other countries, you should register for an import/export account number. This number is used to process customs documents. To avoid delays in releasing your goods at the border, open your account before you import or export goods.

Canada Revenue Agency
32 Church Street, St Catharines
1-800-959-5525 | businessregistration.gc.ca

Canada Border Services Agency
1-800-461-9999 | cbsa-asfc.gc.ca

11.0 INTELLECTUAL PROPERTY

There are 5 types of intellectual property including:

- **Trade-marks** are used to distinguish the goods or services of one person or company from those of another. Slogans, names of products, distinctive packages or unique product shapes are all examples of features that are eligible for registration as trade-marks.
- **Patents** cover new inventions (process, machine, manufacture, composition of matter), or any new and useful improvement of an existing invention;
- **Copyrights** provide protection for literary, artistic, dramatic or musical works (including computer programs), and three other subject-matter known as: performance, sound recording and communication signal;
- **Industrial designs** are the visual features of shape, configuration, pattern or ornament (or any combination of these features), applied to a finished article of manufacture;
- **Integrated circuit topographies** refer to the three-dimensional configuration of the electronic circuits embodied in integrated circuit products or layout designs.

Canadian Intellectual Property Office (CIPO)

1-866-997-1936 | cipo.gc.ca

12.0 EMPLOYEE REGULATIONS

PAYROLL ACCOUNT

You will need a CRA payroll account if hiring employees. All businesses are required to make payroll deductions from their employees for: Canada Pension Plan (CPP), Employment Insurance (EI) and Income Tax. For more information contact:

Canada Revenue Agency

32 Church Street, St Catharines
1-800-959-5525 | businessregistration.gc.ca

WORKPLACE SAFETY AND INSURANCE BOARD (WSIB)

- Most businesses in Ontario that employ workers (including family and sub-contractors) must register and make remittance to the Workplace Safety and Insurance Board (WSIB). It's the law.
- You will need to contact WSIB **within 10 days** of hiring your first full or part-time worker.
- Employers who do not register are subject to prosecution and penalties.

- Owners, partners and executive officers are not automatically covered under the WSIB insurance plan, but you can apply for optional insurance.
- Owners/operators in the construction industry require coverage if you are engaging in commercial work

Workplace Safety and Insurance Board
905-687-8622 | 1-800-263-2484 | wsib.on.ca

EMPLOYMENT STANDARDS

- The Employment Standards Act (ESA) provides for minimum terms and conditions of employment in most industries.
- The poster (now available in 20 languages), "What You Should Know About the Ontario Employment Standards Act", outlines employees' rights and employers' responsibilities at work and must be posted in most workplaces.

Ministry of Labour
1-800-809-4731 | labour.gov.on.ca