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April 15, 2002

To: City Clerk, Planning and Transportation Committee

From: City Clerk, Licensing Sub-Committee

Subject: **Exotic Dancers and Adult Entertainment Parlours**

Recommendations:

The Licensing Sub-Committee recommends that:

- (1) this matter be referred to the Commissioner of Urban Development Services with a request that she report to the Licensing Sub-Committee, in consultation with the Medical Officer of Health and the City Solicitor, on:**
 - (a) a review of the following sections of Schedule 32 of By-law No. 574-2000:**
 - Section 3, Clause (4) – review the possibility of the list being cumulative and include all operators and attendants providing service within a given year. Require Clubs to fax to Municipal Licensing and Standards Division a monthly updated list of all operators and attendants;**
 - Section 11 – regarding the Written Contract of Service;**
 - Section 15 – does this apply to a toilet stall or washroom?;**
 - Section 16 – how can this Section be better enforced?;**
 - Section 17 -**
 - Medical Officer of Health should clarify the definition of the word “sanitary”, and how this section pertains to operators, attendants as well as customers;**

- a minimum standard of toilet facilities as it applies to attendants should be recommended;
 - a provision that would require each attendant to be provided with a private locker which can be accessed at no charge to the attendant should be recommended;
 - Section 19 - to be rewritten so that it also applies to employees;
 - Sections 34 and 36 are generally violated – a review of enforcement provision regarding touching and unobstructed view of the main stage to be conducted;
 - address in her report the appropriate section in the by-law relating to charging of auxilliary fees;
- (b) the submissions of the Exotic Dancers Association of Canada and the Exotic Dancers Alliance of Ontario; and
- (2) the City Solicitor be requested to report back to the Licensing Sub-Committee with appropriate recommendations to present to the Provincial Government which would eliminate the need for exotic dancers to obtain separate business licenses in each municipality which presently results in an unfair financial burden when dancers participate in city-to-city tours.

Background:

At its meeting on April 9, 2002, the Licensing Sub-Committee gave consideration to the following material relating to Exotic Dancers and Adult Entertainment Parlours:

- Schedule 32 to By-law No. 574-2000 Relating to Owners and Operators of Adult Entertainment Parlours and to Attendants at Adult Entertainment Parlours, as requested by the Licensing Sub-Committee at its meeting on February 19, 2002;
- By-law No. 574-2000, Respecting the licensing, regulating and governing of trades, businesses and occupations in the City of Toronto. (Schedule 1 to the By-law is on file in the office of the City Clerk);
- (undated) Briefing Note from the Medical Officer of Health;
- Petitions signed by 314 persons, filed by Joseph W. Irving, Irving and Canto-Thaler, stating that no further regulation of adult entertainment parlour attendants is required under the City of Toronto By-law and that they believe that, rather than attempting to further regulate adult entertainment parlours, the resources would be better used to stop illegal acts of prostitution and indecency which are occurring in body rub parlours and to close down illegal body rub parlours. (Petition is on file in the City Clerk's Office);

- (undated) from Mary Taylor and J. Ould, Exotic Dancer's Association of Canada; and
- (April 9, 2002) from Rona Reid, Board Member, Exotic Dancers' Alliance of Ontario.

The following persons appeared before the Licensing Committee in connection with the foregoing matter:

- Joseph W. Irving, Irving and Canto-Thaler;
- Mary Taylor, Founder, Exotic Dancers Association of Canada;
- Rona Reid, Exotic Dancers Alliance of Ontario; and
- Terry Koumoudouros, House of Lancaster

SCHEDULE 32 TO BY-LAW No. 574-2000

Relating to Owners and Operators of Adult Entertainment Parlours and to Attendants at Adult Entertainment Parlours

1. In this Schedule:

- (1) “Owner” and “Operator” mean respectively an owner or operator of an adult entertainment parlour licensed as such or required to be licensed as such under clause (55) of section 2 of this By-law.
- (2) “Attendant” means a person licensed or required to be licensed under clause (56) of section 2 of this By-law.
- (3) “Services” means services designed to appeal to erotic or sexual appetites or inclinations, as defined in clause (1) of section 1 of this By-law.
- (4) “To provide” and “services designed to appeal to erotic or sexual appetites or inclinations” shall have the meaning given to them respectively in clause (1) of section 1 of this By-law.
- (5) “Adult entertainment parlour licensed under the *Liquor Licence Act*” means an adult entertainment parlour of the class defined as follows:

any premises or part thereof in respect of which a licence or permit has been issued and is in full force and effect pursuant to the provisions of the *Liquor Licence Act*, at which is offered services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

- (6) “Burlesque entertainer” means an attendant whose services are provided at an adult entertainment parlour licensed under the *Liquor Licence Act*.
2. For the purposes of this By-law, a licence applied for by or issued to a burlesque entertainer shall be referred to as a BURLESQUE ENTERTAINER LICENCE, but such persons shall comply with all provisions of the By-law applicable to attendants, except where otherwise specifically provided.
3.
 - (1) On every application by an individual person for an owner’s, operator’s or attendant’s licence or for the renewal thereof, the applicant shall attend in person and not by an agent at the offices of the Municipal Licensing and Standards Division and shall complete the prescribed forms and shall furnish to the Municipal Licensing and Standards Division such information as the Municipal Licensing and Standards Division may direct.
 - (2) In the case of an adult entertainment parlour owned or operated by a partnership, the attendance required under subsection (1) of this section shall be by one of the partners and in the case of an adult entertainment parlour owned or operated by a corporation such attendance shall be by an officer of the corporation.
 - (3) Every applicant for an attendant’s licence, and every individual person applying for an owner’s licence or operator’s licence shall submit with his application two passport-size photographs of his face, one of which photographs shall be attached to the licence, and the other shall be filed with the Municipal Licensing and Standards Division and upon application for renewal of any licence, the applicant shall furnish new photographs if required so to do by the Municipal Licensing and Standards Division.
 - (4) Every applicant for an owner’s licence shall, at the time of making his application, file with the Municipal Licensing and Standards Division a list showing the names of all operators and attendants providing services in his adult entertainment parlour and all such persons intended or expected by him to be employed or to provide services in his adult entertainment parlour and shall thereafter maintain a list showing at all times the names of all operators and attendants providing services in his adult entertainment parlour and such owner shall, upon a request made to him by the Municipal Licensing and Standards Division, any peace officer or by-law enforcement officer, produce the list, brought up to date as of the time of the request, to such officer.
 - (5) On every application for an owner’s, operator’s or attendant’s licence by an individual or by a corporation, the applicant shall state:

- (a) if the applicant is an individual, the date of birth; and
 - (b) if the applicant is a corporation, the date of birth of every shareholder or other person having a beneficial interest of any kind in the shares of the corporate applicant or in any of the corporations referred to in section 4 of this Schedule.
 - (6) Every applicant referred to in subsection (5) of this section, and every shareholder, partner or other person referred to in this section or in sections 4, 5 or 6 of this Schedule shall file with or produce to the Municipal Licensing and Standards Division proof of his age, if required to do so by the Municipal Licensing and Standards Division, and no such licence shall be issued unless the Municipal Licensing and Standards Division is satisfied that every such person is of the full age of eighteen years.
- 4.
- (1) Every corporation applying for an owner's or operator's licence shall file with the Municipal Licensing and Standards Division at the time of its application a copy of its letters of incorporation or other incorporating document, duly certified by the proper government official or department, together with an Annual Return in a form supplied by the Municipal Licensing and Standards Division, which Annual Return shall contain a list of all the shareholders of the corporation.
 - (2) Where the shares in a corporation applying for an owner's or operator's licence are held in whole or in part by another corporation, the corporation so applying shall file with the Municipal Licensing and Standards Division an Annual Return in a form supplied by the Municipal Licensing and Standards Division, which Annual Return shall contain a list of all of its shareholders, and if such Annual Return discloses that the shares in such other corporation are in turn held in whole or in part by a third corporation then the said applicant shall also file such an Annual Return in respect of such third corporation listing its shareholders, and so on until the names of all living persons are shown and identified as the shareholders of any and all corporations having an interest, direct or indirect, in the shares of the applicant corporation.
 - (3) All Annual Returns required by subsection (2) of this section shall be filed with the Municipal Licensing and Standards Division at the same time as the filing of the application for the licence.
 - (4) Every owner or operator which is a corporation shall, in every year, on or before the time at which it applies for the renewal of its licence, file with the Municipal Licensing and Standards Division an Annual Return on a form supplied by the Municipal Licensing and Standards Division.

- (5) Where a corporation is the holder of an owner's or operator's licence or licences, the corporation shall forthwith notify the Municipal Licensing and Standards Division in writing of all transfers of existing shares and of the issue of any existing or new shares of the capital stock of the corporation, and of any such transaction involving the shares of any corporation referred to in subsection (2).
 - (6) Where, as a result of the transfer of existing shares or by the issue of new shares of a limited company, the Municipal Licensing and Standards Division has reasonable grounds to believe that the limited company may not be entitled to the continuation of its licence in accordance with this by-law, the Toronto Licensing Tribunal may determine whether the licence or licences shall be revoked or have conditions placed on it.
 - (7) Where, by a transfer of existing shares or by an issue of new or existing shares, the controlling interest in a corporation holding one or more owner's or operator's licences is sold, transferred or acquired, such licence or licences shall be terminated forthwith and the Municipal Licensing and Standards Division may issue a new licence or new licences upon payment of the prescribed fee. The Toronto Licensing Tribunal may refuse to issue a new licence or licences if it determines that it is in the public interest so to do.
 - (8) Where the shares of a corporate owner or operator are held in whole or in part by another corporation, such owner or operator shall file with the Municipal Licensing and Standards Division at the same time as the owner or operator an Annual Return as provided in subsection (4) of this section and if the shares in such other corporation are in turn held in whole or in part by a third corporation, then such owner or operator shall likewise file such an Annual Return in respect of such third corporation and so on until the names of all living persons are shown and identified as the shareholders of any and all corporations having an interest, direct or indirect, in the corporate owner or operator.
 - (9) For the purpose of this section, "shareholder" and any words referring to the holding of shares includes all persons having a beneficial interest of any kind in the shares of the corporation.
5. (1) Persons associated in a partnership applying for an owner's or operator's licence shall file with its application to the Municipal Licensing and Standards Division a declaration in writing signed by all members of the partnership, which declaration shall state:
- (a) the full name of every partner and the address of his ordinary residence;

- (b) the name or names under which they carry on or intend to carry on business;
 - (c) that the persons therein named are the only members of the partnership; and
 - (d) the mailing address for the partnership.
 - (2) If any member of a partnership applying for a licence is a corporation, such corporation shall for the purposes of section 4 of this Schedule be deemed to be a corporation applying for an owner's or operator's licence and if such licence is issued to the partnership such corporation shall, for the purposes of the said section, be deemed to be a corporation which holds an owner's or operator's licence.
 - (3) It shall be the duty of every member of a partnership to advise the Municipal Licensing and Standards Division immediately in writing of any change in the membership of the partnership and of any other change in any of the particulars relating to the partnership or its business which are required to be filed with the Municipal Licensing and Standards Division.
 - (4) Where, by reason of any change in the membership of a partnership, the Municipal Licensing and Standards Division has reasonable grounds to believe that the partnership is not entitled to the continuation of its licence in accordance with this By-law, the Toronto Licensing Tribunal may, in its discretion, determine whether the licence or licences shall be revoked or terminated and whether or not a new licence should issue to the partnership as presently constituted.
6. (1) Every person applying for an owner', operator' or attendant' licence who carries on or intends to carry on his business in or relating to an adult entertainment parlour under a name or designation other than his own name or under his own name with the addition of the expression "and company" or some other expression indicating a plurality of members in the firm, shall, at the time of the making of his application, file with the Municipal Licensing and Standards Division a declaration, which declaration shall state:
- (a) his full name and the address of his ordinary residence;
 - (b) any name or designation under which he carries on or intends to carry on business, and the date when the name or designation was first used by him;

- (c) that no other person is associated with him in partnership;
 - (d) the date of his birth; and
 - (e) the mailing address for his business.
- (2) A person to whom this section relates shall notify the Municipal Licensing and Standards Division immediately of any change in any of the particulars required to be filed with the Municipal Licensing and Standards Division under subsection (1) of this section.
- 7.
 - (1) Every owner, operator or attendant applying for a licence must use his own legal name in making such application and subject to subsection (2) of this section no such licence shall be issued to any person in any name other than his own legal name.
 - (2) Every owner, operator or attendant intending to use some name or designation other than his own may, at the time of the issue of his licence, or at the time at which he files with the Municipal Licensing and Standards Division notice of intention to use such name or designation, have endorsed on his licence such name or designation.
 - (3) No owner, operator or attendant shall carry on business under any name or designation other than his own, unless he has filed with the Municipal Licensing and Standards Division a notice of his intention to use such name or designation and no person shall use any name or designation in respect of an adult entertainment parlour or of any trade, business or occupation carried on therein without first notifying the Municipal Licensing and Standards Division of such name or designation intended to be used and having such name endorsed upon his licence in accordance with subsection (2) of this section.
- 8. Every application for an owner's or operator's licence shall be submitted by the Municipal Licensing and Standards Division for a report to the Medical Officer of Health and to the Toronto Police Service and may also be referred to any other government official or functionary for a report, and where any such report is negative or unfavourable to the applicant, the applicant shall be furnished with a copy of such report and shall have the right to appear before the Toronto Licensing Tribunal for a hearing to determine whether or not the application should be granted notwithstanding such report.
- 9.
 - (1) No adult entertainment parlour may open for business or operate or be operated unless its owner is licensed as such under this By-law.
 - (2)
 - (a) Every person applying for an owner's licence shall file with the Municipal Licensing and Standards Division documentation

satisfactory to the Municipal Licensing and Standards Division demonstrating the applicant's right to possess or occupy the premises used by him as an adult entertainment parlour and if such person is not the registered owner or owner in fee simple of the property upon which the adult entertainment parlour is located, such person shall file with the Municipal Licensing and Standards Division at the same time a copy of his lease, if any, and of any other document constituting or affecting the legal relationship between the said applicant and the said registered owner or owner in fee simple of the real property.

- (b) For the purpose of this subsection, "registered owner" means the owner as registered pursuant to the *Land Titles Act* or the *Registry Act* as the case may be.
 - (3) A separate owner's licence shall be taken out in respect of each adult entertainment parlour.
 - (4) Where an owner does not personally operate his adult entertainment parlour, every person operating such adult entertainment parlour shall obtain a licence so to do, but nothing herein relieves such an owner from the requirement that he obtain a licence as owner of such adult entertainment parlour.
 - (5) An owner or operator may, subject to the provisions of this By-law, if his licence as an owner or operator is so endorsed by the Municipal Licensing and Standards Division, perform the services of an attendant in the adult entertainment parlour of which he is the owner or operator.
 - (6) An owner who operates his own adult entertainment parlour shall notify the Municipal Licensing and Standards Division of this fact at the time he obtains his licence and his licence may be endorsed accordingly upon payment of the appropriate licence fee, and he shall notify the Municipal Licensing and Standards Division and have the said endorsement amended before engaging any operator to operate his adult entertainment parlour.
10. (1) No owner of an adult entertainment parlour or premises shall permit any person other than a licensed operator to operate such adult entertainment parlour.
- (2) No owner or operator shall permit the provision of services upon or at his adult entertainment parlour or pursuant to the operation by him of an adult entertainment parlour by any person other than a licensed attendant or other person licensed or authorized by or under this By-law so to do.

- (3) No owner shall permit any person, other than an employee of such owner or a person with whom the owner has contracted, to operate his adult entertainment parlour or to provide services in his adult entertainment parlour.
 - (4) No attendant or other person shall provide services in any adult entertainment parlour unless the owner of the said adult entertainment parlour and the operator, if any, is duly licensed as owner or operator respectively under this By-law
 - (5) No operator not being the owner of an adult entertainment parlour shall operate the said adult entertainment parlour unless the owner of the said adult entertainment parlour is duly licensed as owner under this By-law.
 - (6) No operator may operate an adult entertainment parlour unless he first notifies the Municipal Licensing and Standards Division of the name of the owner whose adult entertainment parlour he intends to operate and has endorsed upon his licence the said owner's name accordingly, and every operator before operating any other adult entertainment parlour shall notify the Municipal Licensing and Standards Division of his intention so to do and have his licence endorsed accordingly.
11. A copy of every written contract of service, contract for services or other document constituting or pertaining to the relationship between owner and operator of an adult entertainment parlour or between owner or operator and an attendant providing services at an adult entertainment parlour, shall be filed with the Municipal Licensing and Standards Division and the original of any such document shall be made available for inspection at any time by the Municipal Licensing and Standards Division upon request, and shall be retained by the owner or operator for a period of six months after its termination.
12. Every owner, operator or attendant who changes his address shall, within two days after such change, attend at the offices of the Municipal Licensing and Standards Division and notify the Municipal Licensing and Standards Division of such change of address and produce his licence for the change to be entered thereon.
13. (1) No owner's licence shall be transferred, and if an owner sells, leases or otherwise disposes of his adult entertainment parlour or the premises or part thereof upon or in which an adult entertainment parlour is operated, to any person, his licence in respect of such adult entertainment parlour or premises shall, notwithstanding any other provision of this By-law, terminate.
- (2) Subject to subsections (4) and (5) hereof, the Toronto Licensing Tribunal may in its discretion issue a new owner's licence to the purchaser, lessee

or other person obtaining an interest in an adult entertainment parlour or the premises or part thereof upon or in which an adult entertainment parlour has been operated subject also to the following conditions:

- (a) That the new applicant qualify under all of the other provisions of this By-law, and that he comply with all of the requirements of this By-law relating to him;
 - (b) That the new applicant file with the Municipal Licensing and Standards Division the documents relating to ownership and to his right to possess or occupy the adult entertainment parlour, all as required by subsection (2) of section 9 of this Part;
 - (c) That the applicant and the vendor file with the Municipal Licensing and Standards Division an executed copy of a written agreement between the parties containing all the details of the dealings between the parties in respect of such adult entertainment parlour or premises;
 - (d) That the agreement contain a statutory declaration, in a form supplied by the Municipal Licensing and Standards Division, by both the parties and a further statutory declaration by the solicitor for the purchaser in a form supplied by the Municipal Licensing and Standards Division.
- (3) The making of a false or intentionally misleading recital of fact, statement or representation in any such agreement or statutory declaration required by subsection (2) hereof shall be deemed a violation of the provisions of this By-law.
- (4) Notwithstanding subsections (1) and (2) hereof, the Toronto Licensing Tribunal may in its discretion refuse to issue a licence or licences to a purchaser, lessee or other person obtaining an interest in an adult entertainment parlour in a transaction under this section when the Toronto Licensing Tribunal is of the opinion that it is not in the public interest, as determined by the Toronto Licensing Tribunal, that such new licence or licences should be issued, and the Toronto Licensing Tribunal shall, upon demand from any party to the transaction, deliver written reasons for such decision.
- (5) Upon the sale, lease or other disposition of an adult entertainment parlour, every operator's licence issued in respect of such adult entertainment parlour shall terminate, and the Municipal Licensing and Standards Division may, subject to the provisions of this By-law, permit the purchaser, lessee or other person obtaining an interest in such adult entertainment parlour to operate the adult entertainment parlour by an

endorsement to that effect upon an owner's licence issued to him or may issue a new operator's licence to any person previously licensed as an operator in respect of such adult entertainment parlour.

14. No premises or part thereof used as an adult entertainment parlour shall be used as a dwelling or for sleeping purposes.
15.
 - (1) No owner or operator shall permit the door to any room or cubicle where services are or may be provided, to be equipped or constructed with a locking device of any kind, or with any other device or structure which could delay or hinder anyone from entering or obtaining access to such a room or cubicle.
 - (2) No one may in an adult entertainment parlour provide any service in a room, cubicle or other enclosure with a door or other means of access which is equipped or constructed with a locking device of any kind or which is equipped or constructed in such a way as to permit the obstruction, hindrance or delay of any person attempting to gain entry thereto.
16.
 - (1) Every owner who operates his adult entertainment parlour business and every operator shall keep proper records and books of account of all business transacted in, by or in respect of the adult entertainment parlour operated by him, which books shall give the amount of gross receipts for all services provided in the said adult entertainment parlour, including all receipts for admission fees and other charges and receipts in respect of entry to or services provided in such adult entertainment parlour, the name and licence number of every attendant providing services in the said adult entertainment parlour including the date of commencement and the date of termination of such services, the amount of salary or commission paid to each attendant and all amounts paid by the owner to the operator, if any, or by the operator to the owner, in respect of such adult entertainment parlour or adult entertainment business.
 - (2) Every owner to whom subsection (1) relates and every operator shall keep such books and records as are required by that subsection for at least one year after the information required by that subsection is entered therein, and the Municipal Licensing and Standards Division shall at all times have access to such records.
 - (3)
 - (a) Upon the entry of the customer into an adult entertainment parlour or immediately before any services are provided in an adult entertainment parlour, the attendant or person who is to provide the services shall give to the customer an itemized bill for such services, listing the services to be provided and the price to be paid for each.

- (b) Where no charge or fee is paid or required to be paid for the provision of services in an adult entertainment parlour other than an admission fee or other charge or payment in respect of entry to such adult entertainment parlour, the delivery to the customer of a written receipt for such fee, charge or payment shall be deemed sufficient compliance with paragraph (a) of this subsection.
 - (4) Upon payment of the bill referred to in subsection (3), the customer shall be given a written receipt for the full amount paid.
 - (5) Every owner operating his own adult entertainment parlour and every operator of an adult entertainment parlour shall ensure that the bill and receipt required by subsections (3) and (4) are provided to every customer of the adult entertainment parlour operated by him and shall retain and keep a copy of each such bill and receipt for at least one year after the services referred to therein are performed, and the Municipal Licensing and Standards Division shall at all times have access to such copies.
17. Every owner who operates his own adult entertainment parlour and every operator of an adult entertainment parlour shall, in the operation of the adult entertainment parlour comply with, and ensure compliance with, the following regulations:
- (1) The premises shall be provided with adequate light and ventilation;
 - (2) The premises and all fixtures and equipment therein shall be regularly washed and kept in a sanitary condition;
 - (3) The premises shall be equipped with an effective utility sink;
 - (4) Adequate toilet and washroom accommodation shall be provided, and there shall be separate such rooms for males and females;
 - (5) Washrooms shall be equipped with:
 - (a) an adequate supply of hot and cold water;
 - (b) an adequate supply of liquid soap in a suitable container or dispenser;
 - (c) hot air dryers or individual clean towels for the use of each person using the washing facilities; and
 - (d) a suitable receptacle for used towels and waste material;

- (6) No washroom, toilet, sink or basin used for domestic purposes shall be used in connection with an adult entertainment parlour;
 - (7) In all shower-bath rooms, if any, and in all sauna-bath rooms, if any,
 - (a) the floors shall be disinfected at least once a week with a disinfecting solution approved by the Medical Officer of Health;
 - (b) all surfaces and attached accessories of the bath or shower enclosure must be self-draining;
 - (c) all showers must have removable cleanable drain covers; and
 - (d) floor surfaces both within and without the enclosures shall be of a non-slip type;
 - (8) Common foot baths shall not be provided on the premises; and
 - (9) Duckboards or cocoa matting shall not be used in the shower, bath or steam room and only liquid or powdered soap shall be used in the shower room.
18. No owner or operator shall permit any services to be given, performed, provided or received in any adult entertainment parlour in breach of any of the regulations contained in this By-law.
19. (1) Every owner and every operator of an adult entertainment parlour at which is provided services which involve or may involve the undressing of or changing of clothes by the customer, shall provide a service by which any customer may deposit his valuables or other property for safekeeping and any customer who presents his property for safekeeping shall be given a receipt specifying the nature of the property so entrusted.
- (2) Every owner referred to in subsection (1) and every operator, shall post and maintain in a conspicuous place in every room and cubicle in the adult entertainment parlour operated by him a notice drawing attention to the safekeeping service provided in accordance with subsection (1).
- (3) Every owner or operator shall take due care of all property delivered or entrusted to him for safekeeping and return it to its owner upon demand. Every attendant, immediately upon the termination of services referred to in subsection (1), shall carefully search the adult entertainment parlour for any property lost or left therein, and all property or money left in the adult entertainment parlour shall be forthwith delivered over to the person owning the same, or if the owner cannot at once be found, then to the

nearest police station, with all information in his possession regarding the same.

20. (1) Every owner and operator licensed under this By-law shall exhibit over the street door or in the lower front window of the premises in respect to which such person's licence is issued or in some other conspicuous place on the exterior of such premises satisfactory to the Executive Director or his or her designate, a sign issued by the Municipal Licensing and Standards Division bearing the words, "LICENSED ADULT ENTERTAINMENT PARLOUR No. " (inserting after "No." the owner's licence number), "Comments regarding this business may be made to the Municipal Licensing and Standards Division at 392-3082".
 - (2) Every owner and operator shall keep his licence or duplicate copy of such licence, issued in respect of an adult entertainment parlour exposed in a conspicuous place in every room and cubicle in the said premises and also prominently displayed on the exterior of the premises, at all times during the currency of the licence, and the Municipal Licensing and Standards Division shall issue duplicate copies of licences for such purpose.
 - (3) No person other than a licensed owner or operator may use the phrase "licensed", "Toronto-licensed", or any words indicating the provision of the services at an adult entertainment parlour in pursuance of or in connection with any business, trade, or occupation carried on in an adult entertainment parlour in the City of Toronto unless the owner of the premises and every person operating such business and every attendant engaged in providing services at such premises has been duly licensed so to do by the Municipal Licensing and Standards Division.
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21. (1) Every operator of an adult entertainment parlour and every owner who operates his own adult entertainment parlour shall file with the Municipal Licensing and Standards Division a copy of a list of all services provided at the said adult entertainment parlour and of the respective fees charged for services including admission fees and any other payment charged in respect of entry to the adult entertainment parlour, and, if any charge be based on a computation of time, the hourly rate shall be shown on such lists.
 - (2) No operator, owner or attendant shall charge, demand, ask for or require, or permit to be charged, demanded, asked for or required for any services, provided at an adult entertainment parlour any amount other than that set out in a list filed with the Municipal Licensing and Standards Division, or amendments thereto also filed with the Municipal Licensing and Standards Division.

- (3) No operator, owner or attendant shall provide services at or in respect of an adult entertainment parlour, or other than those permitted by endorsement by the Municipal Licensing and Standards Division on the licence of the owner of the adult entertainment parlour all as described on a list filed with the Municipal Licensing and Standards Division, or amendments thereto also filed with the Municipal Licensing and Standards Division.
 - (4) Every owner and every operator shall post a copy of the list of services and fees referred to in this section in a conspicuous place in the interior of the adult entertainment parlour owned or operated by him plainly visible to any person upon entering the said premises.
- 22.
 - (1) Every owner, operator and attendant providing services at an adult entertainment parlour or in attendance at an adult entertainment parlour in pursuance of a trade, business or occupation carried on by the owner, or operator of such adult entertainment parlour, shall, upon a request made to him by any peace officer, by-law enforcement officer, Medical Officer of Health, or public health inspector acting under the direction of the Medical Officer of Health, provide his name and residential address, and if he is licensed under this By-law in respect of any trade, business or occupation relating to such adult entertainment parlour, he shall produce his said licence.
 - (2) Notwithstanding subsection (1), this section does not require a burlesque entertainer to identify himself or produce his licence to a Medical Officer of Health or public health inspector.
- 23.
 - (1) Subject to this By-law, before there is carried on in any adult entertainment parlour any business, trade, or occupation in an adult entertainment parlour for which a licence is otherwise required by this By-law, the owner of the said adult entertainment parlour shall attend at the offices of the Municipal Licensing and Standards Division and shall apply to have his licence endorsed to permit such trade, business or occupation to be carried on in such adult entertainment parlour, and if the Municipal Licensing and Standards Division authorizes such endorsement, the said owner shall pay the licence fee, if any, required of him by the By-law for such a licence.
 - (2) No owner or operator shall permit any trade, business or occupation for which a licence is required under this By-law, to be carried on in an adult entertainment parlour owned or operated by him unless a description of the said trade, business or occupation is endorsed on the owner's licence as provided in this By-law and unless the owner and every other person required to be so licensed has paid the licence fee applicable to him.

- (3) Every person shall in carrying on or permitting the carrying on of any trade, business or occupation in an adult entertainment parlour comply with all of the requirements of the By-law relating thereto, including the requirement of licence, if any.
- 24. (1) No person under the age of eighteen may be or act as an owner or operator of an adult entertainment parlour or provide any services in an adult entertainment parlour.
- (2) No one may provide services in an adult entertainment parlour to a person under the age of eighteen years.
- (3) No owner or operator shall permit any person under the age of eighteen to enter or remain in any adult entertainment parlour owned or operated by him.
- (4) This section shall not be deemed to prohibit any person from entering or remaining in any premises licensed as an adult entertainment parlour except when services are being provided in such premises.
- 25. No owner or operator shall permit any person who appears to be intoxicated by alcohol or a drug to enter or remain in any adult entertainment parlour operated by him.
- 26. (1) No owner or operator shall, in respect of an adult entertainment parlour owned or operated by him, open such adult entertainment parlour for business or permit the same to be or to remain open for business or permit any services of any kind to be provided in the said adult entertainment parlour at any time between the hours of 1:00 o'clock in the forenoon of any day and 8:00 'clock in the forenoon of the same day.
- (2) Subject to subsection (1) of this section, every owner who operates his own adult entertainment parlour and every operator of an adult entertainment parlour shall file with the Municipal Licensing and Standards Division a schedule showing the hours of business to be observed by him in the carrying on of his operation of the adult entertainment parlour which schedule shall state specifically the opening and closing times of the said adult entertainment parlour for each day of the week.
- (3) No person shall permit an adult entertainment parlour owned or operated by him to be open for business at any time other than the times set forth in a schedule filed with the Municipal Licensing and Standards Division pursuant to subsection (2) of this section.

- (4) During the hours of business of an adult entertainment parlour set forth in the schedule filed with the Municipal Licensing and Standards Division in accordance with subsection (2), or at any time at which an attendant is in attendance at an adult entertainment parlour, it shall be the responsibility of the owner and of the operator, if any, to ensure that the door or doors or other principal means of access into the adult entertainment parlour by the public shall be kept unlocked and available so that anyone coming into the adult entertainment parlour from the street or other public place may enter therein without hindrance or delay.
 - (5) Either the owner or an operator licensed in respect of such owner's adult entertainment parlour shall be in attendance at such owner's adult entertainment parlour at all of the times referred to in subsection (4) of this section, and no owner or operator shall permit an adult entertainment parlour owned or operated by him to open for business, or remain open for business, or any attendant to enter or remain therein, or any service to be provided at such entertainment parlour unless this subsection is complied with.
 - (6) For the purposes of this section, so long as the time commonly observed in the City of Toronto is one hour in advance of standard time, the times mentioned in this section and in this Schedule shall be reckoned in accordance with the time so commonly observed and not standard time.
27. (1) No owner, operator or attendant shall take, consume or have a liquor or a drug in his possession in an adult entertainment parlour, nor shall the use of liquor or a drug by him be apparent while he is in an adult entertainment parlour.
- (2) For the purposes of subsection (1), the word "drug" shall be deemed to exclude patent medicines and prescription drugs required for medicinal purposes.
- (3) Notwithstanding subsection (1), every owner who operates his own adult entertainment parlour and every operator shall provide and maintain at all times at the adult entertainment parlour operated by him a first-aid kit equipped in a manner satisfactory to the Medical Officer of Health.
28. Every owner, operator and attendant shall, while engaged in his respective trade, business or occupation in an adult entertainment parlour, be neat and clean in his person and civil and well-behaved to members of the public with whom he is dealing.
29. No owner, operator or attendant shall use or permit to be used any camera or other photographic or recording device in, upon or at an adult entertainment parlour by

any person other than a peace officer, Medical Officer of Health or a public health inspector acting under his direction or a By-law enforcement officer.

30. Every person shall comply with the provisions of this By-law applicable to him whether or not he is licensed under this By-law.
31. Notwithstanding any provision in this Schedule, nothing herein permits the contravention of any provision in this By-law or in any other by-law of City Council.
32.
 - (1) Sections 14, 15, 16, 17, 19, 21, 25, 26, 27 and 29 of this Schedule do not apply to adult entertainment parlours licensed under the *Liquor Licence Act*.
 - (2) Every owner or operator applying for a licence in respect of an adult entertainment parlour included in the class of such parlours defined in subsection (6) of section 1 of this Schedule, shall file with or produce to the Municipal Licensing and Standards Division a copy of any licence or permit issued under the *Liquor Licence Act* in respect of such premises, and shall, after such licence has been issued to him, advise the Municipal Licensing and Standards Division in writing forthwith upon any suspension, cancellation, revocation or termination of such licence or permit or of any change in such licence or permit, or any of its terms.
33. The number of owners' licences which may be granted by the Municipal Licensing and Standards Division in respect of adult entertainment parlours shall be limited to 63.
34. No owner or operator shall, in respect of any adult entertainment parlour owned or operated by him, knowingly permit any attendant, while providing services as an attendant, to touch, or be touched by, or have physical contact with, any other person in any manner whatsoever involving any part of that person's body.
35. No attendant shall, while providing services as an attendant, touch or have physical contact with any other person in any manner whatsoever involving any part of that person's body.
36.
 - (1) No attendant shall provide or perform any services as an attendant in an adult entertainment parlour except while within the plain and unobstructed view of the main stage of any floor on which such services are being provided.
 - (2) Every owner or operator shall ensure that no attendant provides or performs any services as an attendant in an adult entertainment parlour except in accordance with subsection 1 of this section.

37. For the purposes of s.36 of this Schedule, where a floor or floors of an adult entertainment parlour is equipped with more than one stage, the owner or operator of such adult entertainment parlour shall, by filing a notice with the Municipal Licensing and Standards Division in the approved form, designate one of the stages as the main stage of such floor or floors.

Authority: Special Committee to Review the Report of the Toronto Transition Team Report No. 6, Clause No. 2, as adopted by City of Toronto Council on May 13 and 14, 1998; Planning and Transportation Committee Report No. 8, Clause No. 11, as adopted by City of Toronto Council on August 1, 2, 3 and 4, 2000

Enacted by Council: August 3, 2000

CITY OF TORONTO

BY-LAW No. 574-2000

Respecting the licensing, regulating and governing of trades, businesses and occupations in the City of Toronto.

WHEREAS City Council may, pursuant to the *Municipal Act*, as amended, and the *City of Toronto Act, 1997 (No.2)*, as amended, enact by-laws for the licensing, regulating and governing of trades, businesses and occupations in the City of Toronto; and

WHEREAS City Council may, pursuant to Ontario Regulation 214/96, made under the *Municipal Act*, make any changes it considers advisable to the name and membership of the Toronto Licensing Commission and may assume one or more of the powers of the Toronto Licensing Commission;

Now, therefore, the Council of the City of Toronto HEREBY ENACTS as follows:

I DEFINITIONS

1. For the purposes of this By-law:

- (1) (a) “Adult entertainment parlour” means any premises or part thereof in which is provided services appealing to or designed to appeal to erotic or sexual appetites or inclinations;
- (b) In this clause,
 - (i) “to provide” when used in relation to services includes to furnish, perform, solicit, or give such services in pursuance

of a trade, business or occupation and “providing” and “provision” have corresponding meanings;

- (ii) “services” includes activities, facilities, performances, exhibitions, viewing and encounters;
 - (iii) “services designed to appeal to erotic or sexual appetites or inclinations” includes,
 - (a) services of which a principal feature or characteristic is the nudity or partial nudity of any person;
 - (b) services in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy” or any other word or any other picture, symbol or representation having like meaning or implication is used in any advertisement;
 - (c) When used in reference to an adult entertainment parlour,
 - (i) “attendant” means any person other than a licensed owner or operator who provides services designed to appeal to erotic or sexual appetites or inclinations at an adult entertainment parlour;
 - (ii) “owner” means a person who alone or with others has the right to possess or occupy an adult entertainment parlour or actually does possess or occupy an adult entertainment parlour and includes a lessee of an adult entertainment parlour or of premises upon which an adult entertainment parlour is located; and
 - (iii) “operator” means a person who alone or with others operates, manages, supervises, runs or controls an adult entertainment parlour.
- (2) “Bake Shop” means a building, premises, workshop, room or place in which bread is made for sale or sold;

- (3) (a) “Body-rub” includes the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person’s body or part thereof but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario;
- (b) “Body-rub parlour” includes any premises or part thereof where a body-rub is performed, offered or solicited in pursuance of a trade, business or occupation, but does not include any premises or part thereof where the body-rubs performed are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario;
- (c) When used in reference to a body-rub parlours,
 - (i) “Owner” means a person who alone or with others has the right to possess or occupy a body-rub parlour or actually does possess or occupy a body-rub parlour, and includes a lessee of a body-rub parlour or premises upon which a body-rub parlour is located; and
 - (ii) “Operator” refers to any person who alone or with others operates, manages, supervises, runs or controls a body-rub parlour, and “operate”, “operation” and other words of like import or intent shall be given a corresponding meaning;
- (4) “Building cleaner” means every sandblaster and every other person who for gain uses chemicals or pressurized air, water, steam, sand or other abrasives to clean or restore the exteriors of buildings or other structures;
- (5) “City Council” means the Council of the City of Toronto;
- (6) “Building Renovator” means a person engaged in the business of altering, repairing or renovating buildings or structures or constructing radiation fallout shelters, and includes any person who solicits for such work, or who in any way advertises or holds himself out to the public as doing building renovations or as being a building contractor in renovation work, but does not include a building contractor whose principal business is the construction of buildings or structures;
- (7) “Cab” includes a taxicab and a livery cab;
(Amended by By-law 688-2000, adding clauses (a) and (b), to Subsection (7))
- (8) “Chief of Police” means the Chief of Police of the City of Toronto;

- (9) “Chimney Repairman” means a person engaged in the trade or occupation of repairing chimneys;
- (10) “City of Toronto” means the urban area defined as such in the *City of Toronto Act, 1997*;
- (11) “Commissioner” means the Commissioner of Urban Development Services of the City of Toronto;
- (12) “Dealers in Second-hand Goods” includes persons who go from house to house or along highways for the purpose of collecting, purchasing or obtaining second-hand goods;
- (13) “Drive-self Rental Car” means a motor vehicle used for hire for the conveyance of persons which is let out by the owner thereof to a customer and used and driven exclusively by the customer or his employee for the use of the customer but does not include a vehicle let out by the owner thereof for a period of one year or more to a person who takes exclusive possession thereof and drives the same either by himself or his employees and who does not let such vehicle out to any other person;
- (14) “Drive-self Cartage Vehicle” means any cartage vehicle rented by the owner thereof and used and driven exclusively by the hirer or his employee for his own personal use and not for any commercial or contractual use;
- (15) “Drive-self Rental Snowmobile” means a motor vehicle designed for use on snow having any combination of an endless belt track or tracks and a ski or skis that is used for hire for the conveyance of persons and is let out by the owner thereof to a customer;
- (16) “Electrical Contractor” means a person engaged in the business of contracting for the making and repairing of electrical installations, and includes any person who solicits for electrical work or who in any way advertises, or holds himself out to the public as doing electrical work or as being an electrical contractor;
- (17) “Electrical Work” includes any procedure or method described in the Electrical Safety Code, being Ontario Regulation 612/84, as amended, made under the *Power Corporation Act*, as amended;
- (18) “Executive Director” means the Executive Director of the Municipal Licensing and Standards Division, of the Urban Development Services Department, of the City of Toronto;

- (19) “Heating Contractor” means a person engaged in the business of installing warm air, hot water or steam heating equipment of any kind excepting the installation of oil tanks and oil and gas burners and includes any person who solicits for, or in any way advertises or holds himself out to the public as doing work involving the installation of warm air, hot water or steam heating equipment of any kind excepting the installation of oil tanks and oil and gas burners, or as being a heating contractor; and “heating work” has a corresponding meaning;
 - (20) “Holistic Centre” means any premises or part thereof in which holistic services are provided or offered;
 - (21) “Holistic Services” means any modality used as a tool for therapeutic and wellness purposes but does not include body rubs and does not include medical or therapeutic treatment performed or offered by persons otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario;
 - (22) “Livery Cab” means any automobile other than a taxicab, used for hire for the conveyance of passengers in the City of Toronto;
 - (23) “Master Electrician” means a person who is skilled in the planning, superintending and installing of wires, conduits, apparatus, fixtures or other appliances for the carrying on or using of electricity for light, heat or power purposes, who is familiar with the laws, rules and regulations governing the same, who has a regular place of business in the City of Toronto and who, himself, or by journeymen electricians in his employ, performs electrical work;
 - (24) “Master Plumber” means a person who is skilled in the planning, superintending and installing of plumbing, is familiar with the laws, rules and regulations governing the same, has a regular place of business in the City of Toronto and who, himself, or by journeymen plumbers in his employ, performs plumbing work;
 - (25) “Master Steam and Hot Water Heating Installer” means a person who is skilled in the planning and installation of steam, hot water, vapour and vacuum heating systems and equipment used in connection therewith, and in the superintending of such work;
 - (26) “Master Warm Air Heating Installer” means a person who is skilled in the planning and installation of all types of warm air heating systems, including air conditioning and ventilating systems in connection therewith, and in the superintending of such work;
- (Amended by By-law 778-2000, replacing Subsection (27))

- (27) “Medical Officer of Health” means the Medical Officer of Health of the City of Toronto;
(Amended by By-law 464-2001, adding Subsection (27.1))
- (28) “Municipal Licensing and Standards Division” means the Municipal Licensing and Standards Division of the Urban Development Services Department, of the City of Toronto, and includes employees thereof;
(Amended by By-law 464-2001, adding Subsections (28.1) and (28.2))
- (29) “Pawnbroker” means a person who exercises the trade of receiving or taking, by way of pawn or pledge, any goods for the repayment of money lent thereon;
- (30) “Pedicab” means a vehicle drawn, propelled or driven by human muscular power and includes a rickshaw, but does not include a bicycle as defined in the *Highway Traffic Act*;
- (31) “Person” includes a firm or corporation to whom the context can apply;
- (32) “Plumbing Contractor” means a person engaged in the business of contracting for the making and repairing of plumbing installations, and includes any person who solicits for plumbing work, or who in any way advertises, or holds himself out to the public, as doing plumbing work or as being a plumbing contractor;
(Amended by By-law 464-2001, adding Subsection (33.1))
- (33) “Plumbing” includes any procedure, method, matter or thing referred to or described in the *Building Code Act*, 1992, as amended, and “plumbing work” has a corresponding meaning;
- (34) “Public Garage” includes a parking station or a parking lot or a building or place where motor vehicles are hired or kept or used for hire or where such vehicles or gasoline or oils are stored or kept for sale, and a building or place used as a motor vehicle repair shop or for washing or cleaning motor vehicles, and an automobile service station other than as described in subsection 40 of section 2 of this By-law and a collision reporting centre;
- (35) “Salvage Yard” includes an automobile wrecking yard or premises;
- (36) “Second-hand Goods” includes waste paper, rags, bones, bottles, bicycles, automobile tires, old metal and other scrap material and salvage;
- (37) “School Bus” means a motor vehicle designed for carrying not more than nine passengers, used for hire for the transportation of children to or from school, other than a vehicle owned and operated by a board of education

or school board, or a taxicab as defined in *The Public Vehicles Act* in respect of which a licence has been issued by the Municipal Licensing and Standards Division;

- (38) “Special Sale” means any sale or intended sale at retail described by the use of any of the following words or expressions, or any enlargement, contraction or combination thereof:

bankrupt	moving out	fire
insolvent	selling out	smoke
trustee	lease expiring	water damage
receiver	closing out	creditor
liquidation	discontinuing	forced

or any other similar word or words that represent, hold out or advertise that any goods, wares or merchandise are to be disposed of in a manner that is not in the ordinary course of retail business, but notwithstanding anything herein contained, this By-law shall not apply to any sale by or under the authority of,

- (a) a receiver or trustee under the *Bankruptcy Act (Canada)* or a liquidator under the *Winding-Up Act (Canada)*;
 - (b) a court or receiver appointed by the court;
 - (c) a bailiff, sheriff, executor or administrator; or
 - (d) a receiver, liquidator or trustee under any general or special Act;
- (39) “Taxicab” means an Ambassador Taxicab, a Standard Taxicab and an Accessible taxicab;
- (40) “Taxicab Broker” means any person who accepts calls in any manner for taxicabs used for hire and which are owned by persons other than himself, his immediate family or his employer;
- (41) “Toronto Licensing Tribunal” means the Toronto Licensing Tribunal, re-named as such by this By-law under the authority of O.Reg. 214/96, made under the *Municipal Act*, as amended;
(Amended by By-law 464-2001, adding Subsection (41.1))
- (42) “Tow Truck” means a motor vehicle used for hire for towing or otherwise conveying in the City of Toronto vehicles as defined in the *Highway Traffic Act*, whether or not any such towed or conveyed vehicle is intact or in operable condition;

- (43) “Trailer” means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and capable of being used for the living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear is removed;
- (44) “Trailer Camp” means land in or upon which any trailer used for the living, sleeping or eating accommodation of persons therein is placed, located, kept or maintained;
- (45) “Transient Trader” includes any person commencing business who has not resided continuously in the City of Toronto for at least three months next preceding the time of his commencing such business there;
- (46) “Vehicle” means a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car;

II LICENCE REQUIREMENT

2. There shall be taken out by:

- (1) every auctioneer selling or putting up for sale goods, wares, merchandise or effects by public auction, provided that nothing in this By-law shall apply to a sheriff or bailiff offering for sale goods or chattels seized under an execution or distrained for rent;
- (2) every person operating a bake shop;
- (3) every person who owns a barber shop and every person who owns a hairdressing establishment;
- (4) every person who for hire or gain directly or indirectly keeps or has in his possession or on his premises any billiard, pool or bagatelle table, or who keeps or has any such table, whether used or not in a house or place of public entertainment or resort;
- (5) every bill poster, advertising sign painter, bulletin board painter, sign poster, and bill distributor, other than a person who works only as an employee of a person licensed pursuant to this section;
- (6) every person who keeps boats for hire;
- (7) every person who owns or operates a body-rub parlour;

- (8) every person other than a person licensed pursuant to subsection 7 hereof, who performs, offers or solicits a body-rub in, at or upon a body-rub parlour in the pursuance of a trade, business or occupation.
- (9) every owner and every driver of a cab;
- (10) the keeper of every store or shop (other than a hotel as defined by *The Municipal Act*) where tobacco, cigars or cigarettes are sold, or offered for sale, by retail;
- (11) every person who goes from house to house or along any street, whether public or private, for the purpose of collecting, purchasing or obtaining second-hand goods;
- (12) every drain contractor and every drain layer;
- (13) every person who carries on the business of teaching persons to operate motor vehicles and every driving instructor employed in such business;
- (14) every electrical contractor and master electrician;
- (15) every person who owns or keeps any exhibition of wax works, menagerie, circus-riding or other like show usually exhibited by showmen;
- (16) every person who owns or keeps a place where foodstuffs intended for human consumption are made for sale, offered for sale, stored or sold;
- (17) every person who goes from place to place or to a particular place with goods, wares or merchandise for sale, or who carries and exposes samples, patterns or specimens of any goods, wares or merchandise which are to be delivered within the municipality afterwards; but not including a person who hawks, peddles or sells goods, wares or merchandise (1) to wholesale or retail dealers in similar goods, wares or merchandise, or (2) if the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or his agent or employee having written authority so to do, in the municipality in which the grower, producer or manufacturer resides, or (3) if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of his own farm, or (4) if the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the municipality, or by his employee, or by his agent, or (5) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the municipality in respect of premises used for the sale of such goods, wares or merchandise;

- (18) every heating contractor, master steam and hot water heating installer and master warm air heating installer;
- (19) every person who carries on the business of installing insulation in buildings;
- (20) every person who owns or operates a laundry;
- (21) every person carrying on the business of making available to the public the use of laundretorias, washing machines or dryers, including coin-operated washing machines and dryers;
- (22) every person who sells fresh meat in quantities less than by the quarter carcass (except horse meat), or fresh fish;
- (23) every person who sells fresh horse meat in quantities less than by the quarter carcass;
- (24) every owner of a motor vehicle used for hire of one or more of the following classes: drive-self rental car; drive-self rental motorcycle; drive-self rental motor scooter; drive-self rental snowmobile;
- (25) every person who engages in the racing of motor vehicles or motorcycles or holds motor vehicle or motorcycle races;
- (26) every person who, for hire or gain, purchases or deals in old gold and other precious metals and in old jewellery or other articles for the purpose of smelting the same and recovering the gold therefrom;
- (27) every keeper of a shop or place where animals or birds for use as pets are sold or kept for sale;
- (28) every plumbing contractor, plumber and master plumber;
- (29) every person who exercises the trade of a pawnbroker;
- (30) every person who owns or operates a public address system, sound equipment, loud speaker or similar device when used on a highway, public lands or lands adjacent thereto, or when emitting sound thereto;
- (31) every person who owns or operates a public garage;
- (32) every proprietary club (as defined by the *Municipal Act*), which directly or indirectly keeps or has in its possession or on its premises any billiard, pool or bagatelle table;

- (33) every person who owns or keeps any place (other than an ice cream parlour in a hotel as defined by the *Municipal Act*) for the reception, refreshment or entertainment of the public;
- (34) every person who owns or operates and every person who drives or who assists in the sale of refreshments from a vehicle from which refreshments are sold for consumption by the public;
- (35) every owner or keeper of a salvage shop;
- (36) every owner or keeper of a salvage yard;
- (37) every driver of a school bus;
- (38) every owner of a shop, store or other place for the purchase, sale or exchange of second-hand goods;
- (39) every person, except those licensed under subsections (35), (36) or (38) of this section, who engages in the business of purchasing, selling, exchanging or otherwise dealing in second-hand goods in or from a yard, shop, store or other premises;
- (40) every owner or keeper of an automobile service station located or erected since the 25th day of June, 1928, within any defined area or areas or on land abutting on any defined highway or part of a highway in which area or areas or on which land the erection or location of garages to be used for hire or gain or gasoline and oil filling stations was on the said date or at any time thereafter prohibited by a By-law;
- (41) every owner and every driver of a horse-drawn vehicle used or kept for hire for the purpose of providing sightseeing tours in the City of Toronto;
- (42) every person who owns or keeps a roller skating rink or other place of like amusement, a merry-go-round, a switchback railway, a carousel or other like contrivance;
- (43) every owner or keeper of a swimming pool or public bath premises operated for profit;
- (44) every taxicab broker;
- (45) subject to the provisions of the *Theatres Act*, every person who owns or keeps for hire or gain an exhibition (other than those provided for by subsection (15) of this section) and exhibits same elsewhere than in a theatre, music hall, public hall or other place licensed under this

subsection, or who owns or keeps a theatre, music hall, bowling alley, moving picture show, public hall or any place of amusement;

- (46) every person who owns or keeps a trailer camp;
- (47) every owner and every driver of a tow truck;
- (48) every person who owns or keeps a trailer, except in a trailer camp, for thirty days or longer in any year;
- (49) every transient trader or other person whose name has not been entered on the assessment roll or is entered on it for the first time, in respect of business assessment for the current year, and who offers goods, wares or merchandise for sale by auction, conducted by himself, or by a licensed auctioneer or otherwise, or who offers them for sale in any other manner and every other person who, after the return of the assessment roll, commences to carry on any business in premises in respect to which he is liable for business assessment, but this paragraph shall not apply to the sale of the stock of a bankrupt or insolvent, within the meaning of any Bankruptcy or Insolvency Act in force in Ontario, nor to the sale of any stock damaged by or by reason of fire, which is being sold or disposed of within the City of Toronto if the business was being carried on in the City of Toronto at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock, nor shall this paragraph apply to the sale of a business to a bona fide purchaser who continues the same;
- (50) every person who owns or keeps a victualling house, ordinary or house where fruit, fish, oysters, clams or victuals are sold to be eaten therein (other than a restaurant or cafe in a hotel as defined by the *Municipal Act*);
- (51) every chimney repairman;
- (52) every person engaged in the business of altering, repairing or renovating buildings or structures or constructing radiation fallout structures, other than building contractors whose principal business is the construction of buildings or structures;
- (53) every building cleaner;
- (54) every person who conducts a special sale;
- (55) every owner and every operator of an adult entertainment parlour;
- (56) every attendant at an adult entertainment parlour;

- (57) every owner and every driver of a pedicab used or kept for hire;
- (58) every owner of a holistic centre;
- (59) every person other than a person licensed pursuant to subsection (58) hereof, who provides or offers holistic services;

(Amended by By-law 464-2001, adding Subsection (60))

a licence from the Municipal Licensing and Standards Division authorizing them respectively to carry on their several trades, businesses, and occupations in the City of Toronto for which licence the person obtaining the same shall pay to the Municipal Licensing and Standards Division at the time of taking out such licence the fee fixed by this By-law, and no person shall, within the City of Toronto, carry on or engage in any of the said trades, businesses or occupations until he or she has procured such licence so to do.

- 3. (1) Subject to subsection (2) of this section, subsection 2(9) shall apply to every owner and every driver of a cab engaged in the conveyance of goods or passengers from any point within the City of Toronto to any point outside the City of Toronto except where such conveyance is made to an airport owned and operated by the Crown in right of Canada situate outside the municipality by a cab bearing a valid and subsisting plate issued in respect of such airport under The Government Airport Concession Operations Regulations made under the *Department of Transport Act (Canada)*.
- (2) (a) In this subsection, a person with a disability is a person who has a persistent physical mental, psychiatric or sensory impairment.
- (b) Subsection (1) does not apply to the owner or driver of a cab engaged in the conveyance of:
 - (i) Children taking the cab both to and from nursery school, school or other full-time education institution; or
 - (ii) persons with disabilities from any point within the City of Toronto to any point outside of the City of Toronto,provided that:
 - (a) the conveyance is made pursuant to a written contract for the use of the cab, a copy of which contract has been filed with the Municipal Licensing and Standards Division at least 30 days before the day upon which the conveyance is made; and

- (b) the conveyance is made by a cab with respect to which there is a valid and subsisting licence issued under a By-law passed by a municipality under paragraph 1 of s.232 of the *Municipal Act*, as amended.

III TORONTO LICENSING TRIBUNAL

- 4.
 - (1) The Toronto Licensing Commission is re-named the Toronto Licensing Tribunal in English and Tribunal de Délivrance de Permis de Toronto in French.
 - (2) The Toronto Licensing Tribunal shall be composed of no more than seven (7) members who shall be appointed by City Council.
 - (3) No member of City Council may be appointed as a member of the Toronto Licensing Tribunal.
- 5.
 - (1) The Toronto Licensing Tribunal shall elect from among its members a Chair and a Vice Chair, which election shall take at the first meeting of the Tribunal following the appointment or re-appointment of the members, or so soon thereafter as such election can be held.
 - (2) If the Chair is absent or unable to act, then the Vice-Chair shall have all the powers and duties of the Chair.
- 6.
 - (1) Members of the Toronto Licensing Tribunal shall be appointed for terms coinciding with the term of City Council, and until their successors are appointed.
 - (2) The Chair and Vice-Chair shall be appointed for terms coinciding with the term of City Council, and until their successors are appointed.
 - (3) A person appointed to replace a member of the Toronto Licensing Tribunal before the member's term expires shall hold office for the remainder of the term.
 - (4) Members of the Toronto Licensing Tribunal are eligible for re-appointment.
- 7. The members of the Toronto Licensing Tribunal shall be paid such remuneration and expenses as may be fixed by City Council from time to time.
- 8. The Toronto Licensing Tribunal shall conduct the hearings and perform the duties that are assigned to it under this By-law.

9.
 - (1) The Toronto Licensing Tribunal may engage or retain persons who are not employees of the City of Toronto to provide expert or professional legal advice in connection with a hearing.
 - (2) A person engaged under subsection (1) shall be independent of the parties to the hearing.
 - (3) The nature of any advice, including legal advice, given by any person engaged under subsection (1) shall be made known to the parties and they may make submissions with respect to the advice.
10.
 - (1) A proceeding before the Toronto Licensing Tribunal shall be considered and determined by a panel of the Toronto Licensing Tribunal.
 - (2) A panel shall be composed of at least two (2) members appointed by the Chair.
 - (3) If a member is unable to serve on the panel after having been appointed to do so by the Chair but before the proceeding has commenced, the Chair or other member appointed by the Chair may serve on the panel in place of such member.

11. The Toronto Licensing Tribunal shall report bi-annually to the appropriate Committee of City Council in respect of any policy or administrative issue which the Toronto Licensing Tribunal wishes the said Committee to review and consider.

IV LICENCES, APPLICATIONS AND RENEWALS

12.
 - (1) On an application for a licence, or the renewal thereof, respecting any of the several trades, businesses and occupations mentioned in section 2 hereof, the applicant shall complete the prescribed forms and shall furnish to the Municipal Licensing and Standards Division such information as the Municipal Licensing and Standards Division may direct to be furnished.
 - (2) Every owner and every operator of a body-rub parlour applying for a licence pursuant to subsection 2(7), shall deliver to the Municipal Licensing and Standards Division with the application, payment in full, by cash or certified cheque, of the licence fee required by this By-law to be paid in respect of such licence.
 - (3) The payment required by subsection (2) shall, if the licence is granted, be applied toward the payment of the licence fee for the licence period in respect of which the licence is issued.
 - (4) The payment required by subsection (2) shall, if the licence is not granted, be returned to the applicant.

13. (1) The Municipal Licensing and Standards Division shall, upon receipt of an application for a licence, or the renewal thereof, make or cause to be made such investigations as may be necessary with respect to such application and shall:
 - (a) if the investigation or any other information available to the Municipal Licensing and Standards Division discloses reasonable grounds to believe that the applicant may not be entitled to the issuance or renewal of a licence on the grounds referred to in section 14, or by reason of any other provision of this By-law, forthwith cause notice of this fact to be sent by prepaid mail to the applicant at the address as shown on the application form; or
 - (b) subject to the provisions of this By-law, direct that the licence be issued or renewed.
- (2) A notice sent pursuant to clause 13(1)(a) shall include:
 - (a) a statement that the applicant may request a hearing of the application by the Toronto Licensing Tribunal by delivering a written request for a hearing to the Municipal Licensing and Standards Division within 30 days of the date of the notice sent pursuant to clause 13(1)(a); and
 - (b) a statement that if no request for a hearing is delivered by the applicant in accordance with clause (a) of this subsection, the application will not be granted.
- (3) Where the Municipal Licensing and Standards Division receives a request for a hearing from an applicant for a licence in accordance with clause 13(2)(a), the application for a licence shall be referred forthwith to the Toronto Licensing Tribunal for a hearing.
- (4) If, before the expiry of a licence, the applicant has applied for renewal of the licence and has remitted the prescribed fee, the licence shall be deemed to continue,
 - (a) until the renewal is granted; or
 - (b) if the licensee is served with a notice under clause 13(1)(a), until the time for requesting a hearing has expired and, where a hearing has been requested, until the Toronto Licensing Tribunal has made a disposition of such application.

14. (1) An applicant for a licence, or for the renewal of a licence is, subject to the provisions of this By-law, entitled to be issued the licence or renewal, except where,
 - (a) the conduct of the applicant affords reasonable grounds for belief that the applicant has not carried on, or will not carry on, his or her trade, business or occupation in accordance with law and with integrity and honesty; or
 - (b) there are reasonable grounds for belief that the carrying on of the trade, business or occupation by the applicant has resulted, or will result, in a breach of this By-law or any other law; or
 - (c) the applicant is a corporation and its conduct or the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that its trade, business or occupation has not been, or will not be, carried on in accordance with law and with integrity and honesty; or
 - (d) there are reasonable grounds for belief that the premises, accommodation, equipment or facilities in respect of which the licence is required have not complied, or will not comply, with the provisions of this By-law or any other law; or
 - (e) the conduct of the applicant or other circumstances afford reasonable grounds for belief that the carrying on of the business by the applicant has infringed, or would infringe, the rights of other members of the public, or has endangered, or would endanger, the health or safety of other members of the public.
- (2) Despite subsection 44(1) of this By-law, subsection 11(1) of By-law No. 20-85 of the former Municipality of Metropolitan Toronto shall continue to apply to proceedings commenced before February 3, 2000.
15. Notwithstanding any decision of, or statement by, the Toronto Licensing Tribunal, the Commissioner, the Executive Director, or any employee of the Municipal Licensing and Standards Division, respecting the granting of a licence or application therefor, no person shall be deemed to be licensed to carry on or engage in the trade, business or occupation for which such licence is required until he or she has paid the fee required by this By-law to be paid with respect to such licence and has received the physical licence, plate, or other evidence of the granting of such licence provided for in this By-law.
16. The Executive Director or his or her designate shall sign all licences issued pursuant to this By-law and his or her signature may be printed or mechanically

reproduced upon each licence issued, and such licence shall be in such form as the Executive Director may from time to time approve.

17.
 - (1) Where provision is made in this By-law for supplying or issuing a plate bearing an identifying number for use on a vehicle in respect of any class of licence, the Executive Director may authorize the issuance and use of an approved form of validation sticker on such plate in respect of any period for which a licence of such class is issued.
 - (2) A plate with a validation sticker affixed thereto in accordance with the provisions of this section is valid for the licence period for which the sticker was issued.
 - (3) Where the Executive Director has authorized the issuance and use of a validation sticker under subsection (1) in respect of any class of licence for any licence period:
 - (a) every person to whom a renewal licence of such class is issued shall:
 - (i) obtain such sticker from the Municipal Licensing and Standards Division at the time such licence is issued;
 - (ii) affix the sticker to the top right-hand corner of the plate issued by the Municipal Licensing and Standards Division for the vehicle in respect of which the licence is issued; and
 - (iii) maintain the sticker on the plate throughout the period for which the licence is valid.
 - (b) the use of a plate not validated in respect of any licence period for which such validation is required by this section shall be deemed not to constitute compliance with any provision of this By-law requiring a plate to be affixed to or maintained on a vehicle.
18.
 - (1) A person holding a licence issued pursuant to this By-law may make application for the renewal of such licence by completing and mailing to the Municipal Licensing and Standards Division by prepaid regular mail a renewal application on such form as the Executive Director may from time to time approve.
 - (2) Notwithstanding that a licence has been renewed, the Municipal Licensing and Standards Division may require the holder of a licence to file with the Municipal Licensing and Standards Division such certificates or other documentary evidence as may be required as evidence that such applicant satisfies the requirements of this By-law.

19. Where a person licensed under this By-law fails to renew his or her licence in accordance with the provisions of this By-law, any plate issued or supplied under this By-law in respect of such licence shall be returned to the Municipal Licensing and Standards Division and the plate shall remain with the Municipal Licensing and Standards Division until such time as the licence is renewed.
20.
 - (1) Every person obtaining a licence under this By-law, where the same applies to premises, shall keep his or her licence posted up in some conspicuous place on the premises in respect of which the licence is issued, and every person so licensed shall, when so requested by the Municipal Licensing and Standards Division, produce the licence for inspection.
 - (2) Every person obtaining a licence under this By-law, where the same applies to the occupation of such person, shall carry such licence with him or her when engaged in the occupation for which the licence is issued, and every person so licensed shall, when so requested by the Municipal Licensing and Standards Division, produce the licence for inspection.
21. Where two or more persons carry on or engage in partnership in any of the trades, businesses or occupations set out in section 2, the licence may be issued in the name of one partner only, but when the application for licence is made, the name and address of each member of the partnership shall be set out therein.
22.
 - (1) No person shall enjoy a vested right in the continuance of a licence and upon the issuance, renewal, transfer, cancellation or suspension thereof, the value of a licence shall be the property of City Council.
 - (2) No licence shall be transferred except in accordance with this By-law.
 - (3) No person licensed to carry on business under this By-law shall advertise or promote or carry on such business under any name other than the name endorsed upon the licence.
23. The licences for the several trades, businesses and occupations set out in Schedule 1 to this By-law shall be from the period commencing on the date of issuance or renewal of such licences, and unless they are sooner forfeited or revoked, shall in each case, expire in each year on the date set out opposite the same in column 3 of the said Schedule.
24. The respective sums of money set out in column 2 of Schedule 1 to this By-law opposite the respective descriptions of licences in column 1 of such Schedule 1 are hereby fixed as the amounts of the fee for such licences.

V GENERAL PROVISIONS

25. Every person applying for or holding a licence under this By-law shall, in such application or in carrying on or engaging in the trade, business or occupation in respect of which the licence is issued, observe, comply with, and be governed by the regulations set out in the respective Schedules to this By-law which relate to such person, and the said Schedules shall form part of this By-law.
26. The Municipal Licensing and Standards Division may at all reasonable times inspect as much of any house, place or premises as is used for the carrying on of any trade, business or occupation in respect of which any person has or is required to have a licence under this By-law, and may inspect any goods, articles, books, records and other documents of or relating to any such trade, business or occupation, and no person who has or is required to have a licence under this By-law shall obstruct or hinder the making of the inspection aforesaid, or cause or permit the same to be obstructed or hindered.

(Amended by By-law 440-2001, adding “and any person authorized by the Commissioner” after Municipal Licensing and Standards Division in the first line of Section 26.)

27. No person licensed under this By-law shall, because of race, colour, or creed, discriminate against any member of the public in the carrying on of the trade, business or occupation in respect of which the licence is issued.
28. No person licensed under this By-law shall, in respect of any blind person being guided or led by a dog,
 - (1) refuse to serve such person;
 - (2) refuse to permit such person to enter with such dog into or upon any place, premises, vehicle or thing to which the licence relates; or
 - (3) refuse to permit such person and such dog to remain in or upon such place, premises, vehicle or thing,

by reason only of the presence of the said dog.

29. No person licensed under this By-law shall in respect of any person with a disability,
 - (1) refuse to serve such person;
 - (2) refuse to permit such person to enter into or upon any place, premises, vehicle or thing to which the licence relates; or

- (3) refuse to permit such person to remain in or upon such place, premises, vehicle or thing,

by reason only of the presence of such disability.

30. (1) In this section and in section 31:

(a) “Eating or drinking establishment” means:

- (i) every place for the lodging, reception, refreshment or entertainment of the public;
- (ii) every place where food stuffs intended for human consumption are made for sale, offered for sale, stored or sold;
- (iii) every victualling house, ordinary, and house where fruit, fish, oysters, clams, or victuals are sold to be eaten therein; and
- (iv) any other place or premises or part thereof, named or described in section 2 of this By-law, where food or drink is served in pursuance of a trade, business or occupation;

whether or not any person is licensed or required to be licensed under this By-law for the carrying on of or engaging in any trade, business or occupation in respect of such eating or drinking establishment;

- (b) “Food or drink” includes any kind of victuals, refreshments, alcoholic and non-alcoholic beverages, and any other commodity intended for human consumption;
- (c) “To operate” includes to manage, supervise and otherwise be responsible for the control, management or supervision of an eating or drinking establishment or of any serving person employed or performing services therein, whether or not the person so operating such establishment is licensed or required to be licensed under this By-law;
- (d) “Serving person” includes a waiter, waitress, host, hostess, bartender, cook and every other person serving or making available food or drink in pursuance of a trade, business or occupation in an eating or drinking establishment, and every person involved in providing such services, whether or not any such person is licensed or required to be licensed under this By-law;

- (e) “Specified body areas” means:
 - (i) in the case of a female person, her breasts; and
 - (ii) in the case of all persons, the pubic, perineal and perianal areas and the buttocks;
 - (2) No serving person shall in any eating or drinking establishment in the City of Toronto serve or make available food or drink in pursuance of a trade, business or occupation or be involved in providing such services, except while wearing clean opaque clothing fully covering such person’s specified body areas.
 - (3) No person who operates an eating or drinking establishment shall permit any serving person in such establishment to serve or make available food or drink in pursuance of a trade, business or occupation or to be involved in providing such services unless such serving person is clothed in accordance with the provisions of subsection (2).
(Amended by By-law 778-2000, adding Section 30.1)
31. Every owner and every keeper of an eating or drinking establishment shall post and keep posted therein in every kitchen area and in every washroom provided for or normally used by members of the staff of such establishment a poster in a form approved by the Executive Director or his or her designate, describing procedures for assisting victims of choking.
32. (1) For the purposes of this section, “any action by way of threat or reprisal” means:
- (a) terminating or purporting to terminate any employment or other business relationship governed by the provisions of this By-law; and
 - (b) causing or purporting to cause pecuniary harm in respect of any business governed by the provisions of this By-law.
- (2) No person licensed under this By-law shall, by any means whatsoever in respect of the licensed business carried on by such person, take any action by way of threat or reprisal against any other person licensed under this By-law by reason only of such person’s participation in proceedings instituted under this By-law.
 - (3) No person licensed under this By-law shall, by any means whatsoever in respect of the licensed business carried on by such person, take any action by way of threat or reprisal against any other person licensed under this

By-law by reason only of such person's participation in the exercise of the authority of City Council to enact by-laws for the licensing, regulating and governing of businesses in the City of Toronto.

33. No person licensed under this By-law shall exhibit any show or performance of any kind, or sell or offer for sale any goods, wares or merchandise on the days of the holding of the Canadian National Exhibition or of any agricultural fair within the City of Toronto either within the grounds of such Exhibition or fair or within 274 metres therefrom; provided that this section shall not apply to a person who exhibits such show or performance or sells or offers for sale such goods, wares or merchandise under a proper concession from the Canadian National Exhibition Association or the operator of the agricultural fair authorizing him or her so to do, nor to a person who has a business premises and conducts a permanent business therefrom within the prohibited areas beforementioned.
34. If what is known as "Daylight Saving Time" has been generally adopted in the City of Toronto for any period of the year under any Statute, Order in Council, By-law, Resolution or Proclamation, whether the same is effective in law or not, such time shall be held to be the time referred to during such period in any reference to time in this By-law.
35. In this By-law, unless the context otherwise requires, words importing the singular number shall include the plural and words importing the masculine gender shall include the feminine.

VI TORONTO LICENSING TRIBUNAL HEARINGS

36. The Toronto Licensing Tribunal shall consider at a public hearing all applications for licences or renewal of licences referred to it pursuant to subsection 13(3) of this By-law, and the Toronto Licensing Tribunal may, subject to this By-law, grant the licence applied for or may refuse to grant such licence, or may grant the licence to the applicant upon such conditions as the Toronto Licensing Tribunal considers appropriate and as are authorized by law.
37. The Municipal Licensing and Standards Division may refer to the Toronto Licensing Tribunal for a hearing any matter in respect of which a licence may be refused, suspended, revoked or have conditions imposed on it pursuant to this By-law.
38. The Toronto Licensing Tribunal may, for any of the reasons set out in section 14 of this By-law,
 - (1) suspend or revoke any licence issued under this By-law;
 - (2) impose such conditions upon a licence as it considers appropriate and as are authorized by law; and

- (3) suspend a licence or continue the suspension of a licence where a hearing which has been commenced is for any reason adjourned, pending final disposition of the hearing.
- 39.
 - (1) Despite section 38 of this By-law, the Toronto Licensing Tribunal may, having regard to the conduct of the business by the licensee, suspend the passing of penalty and direct that the licence continue on such conditions as the Toronto Licensing Tribunal considers just and as are authorized by law.
 - (2) Where a licensee who is bound by conditions issued in accordance with subsection (1) of this section is found to have contravened those conditions or any provision of this By-law, in addition to any penalty that the Toronto Licensing Tribunal may impose in respect of that contravention, the panel of the Toronto Licensing Tribunal which issued the conditions may:
 - (a) impose any suspension or revocation of the licence that could have been imposed had the passing of penalty not been suspended; and
 - (b) impose such further conditions as the Toronto Licensing Tribunal considers just and as are authorized by law.
- 40. Upon suspension or revocation of a licence issued under this By-law, the licensee shall return to the Municipal Licensing and Standards Division the licence, and any plate or plates or any other evidence of such licence issued under this By-law, and the Municipal Licensing and Standards Division shall have access to any premises, vehicle or other property of the licensee for the purpose of receiving or taking the licence, plate, or other evidence of such licence and no person shall refuse to deliver the licence, plate, or other evidence of such licence to the Municipal Licensing and Standards Division or shall in any way prevent or hinder the receiving or taking of same.
- 41. Notice of the revocation of any licence may be given by the Municipal Licensing and Standards Division by registered letter, mailed to the address given by the licensee in his or her application for the licence, or by communication to the licensee in any manner whatsoever, and upon such notice, the licence revoked shall cease and terminate and be of no further effect.
- 42.
 - (1) The Municipal Licensing and Standards Division shall, prior to the commencement of any hearing before the Toronto Licensing Tribunal, give to the licensee or applicant at least seven (7) days notice of such hearing, mailed or delivered to the address last known to the Municipal Licensing and Standards Division.

- (2) The proceedings of the Toronto Licensing Tribunal shall be taken down and recorded by a court reporter.

VII PENALTIES

43. (1) Every person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.00.
- (2) Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed on the corporation is \$50,000.00.
- (3) Where a corporation contravenes any of the provisions of this By-law, every director or officer who concurs in such contravention is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.00.
- (4) Every person who contravenes the provisions of subsections 7 or 55 of section 2 and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.00 or to imprisonment for a term not exceeding one year or to both.
- (5) Where a corporation is convicted of an offence under subsection (4), the maximum penalty that may be imposed on the corporation is \$50,000.00.

VIII TRANSITIONAL PROVISIONS

44. (1) By-law No. 20-85 of the former Municipality of Metropolitan Toronto, being a By-law "Respecting the licensing, regulating and governing of trades, callings, businesses and occupations in the Metropolitan Area", as amended, is repealed.
- (2) Notwithstanding subsection (1), all licences heretofore issued pursuant to the said By-law No. 20-85 as amended, shall, during the period for which the same have been issued, remain in full force and effect unless for some other reason the same are terminated, suspended, forfeited or revoked, and subsection 1 shall not affect any offence committed against the said By-law No. 20-85, nor any penalty incurred in respect thereof, nor any investigation, legal proceeding or remedy thereunder.
- (3) Subject to subsection 14(2) of this By-law, any investigation or legal proceeding commenced under or in respect of the said By-law No. 20-85 prior to the enactment of this By-law shall be taken up and continued under and in conformity with this by-law.

45. (1) Subject to subsection (2) of this section, this By-law shall come into force on January 1, 2001.

(2) Section 4 of this By-law shall be deemed to have come into force on May 14, 1998.

ENACTED AND PASSED this 3rd day of August, A.D. 2000.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)

SCHEDULE 1 TO BY-LAW No. 574-2000

(Amended by By-law 667-2001, Schedule 1 is repealed and Schedule "A" is inserted)
Relating to Annual Fees for Licences

Column 1 Description of Licence	Column 2 Fee \$	Column 3 Expiry Date
Adult Entertainment Parlours:		March 31st or September 30th: no such licence to be issued for a period longer than six months
Owner who does not operate his own adult entertainment parlour:		
up to six months	1,658.00	
for renewal	1,609.00	
Owner who operates his own adult entertainment parlour:		March 31st or September 30th: no such licence to be issued for a period longer than six months
up to six months	3,315.00	
for renewal	3,217.00	
Operator at an adult entertainment parlour: up to six months	1,658.00	March 31st or September 30th: no such licence to be issued for a period longer than six months
for renewal	1,609.00	
Attendant at an adult entertainment parlour	186.00	September 30th
for renewal	85.00	September 30th
Auctioneers and other person selling or putting up for sale goods, wares, merchandise or effects by public auction:		
for initial licence	169.00	December 31st
for renewal	68.00	December 31st

Bake Shop:		
for initial licence	143.00	December 31st
for renewal	45.00	December 31st
Barber Shops:		
for initial licence	143.00	December 31st
for renewal	45.00	December 31st
Billiard Parlours:		
for initial licence	143.00	December 31st
for renewal	45.00	December 31st
Column 1	Column 2	Column 3
Description of Licence	Fee	Expiry Date
	\$	
Bill Posters, Advertising Sign Painters, Bulletin Board Painters, Sign Posters:		
for initial licence	169.00	December 31st
for renewal	68.00	December 31st
Bill Distributors:		
for initial licence	169.00	December 31st
for renewal	68.00	December 31st
Boats – Keepers of, for hire:		
for initial licence - first boat	143.00	December 31st
for renewal	45.00	December 31st
Body-rub Parlours:		
Owner		
for initial licence	3,289.00	September 30th
for renewal	3,191.00	September 30th
Operator		
for initial licence	3,289.00	September 30th
for renewal	3,191.00	September 30th
Owner/Operator		
for initial licence	6,577.00	September 30th
for renewal	6,381.00	September 30th
Person other than a licensed Owner or Operator performing, offering or soliciting Body-rubs in, at or upon a body-rub parlour		
for initial licence	186.00	September 30th
for renewal	85.00	September 30th
Bowling Alleys:		
for initial licence	143.00	December 31st
for renewal	45.00	December 31st

Column 1 Description of Licence	Column 2 Fee \$	Column 3 Expiry Date
Cabs:		
Taxicab Drivers		
for initial licence	442.00	September 30th
for renewal	96.00	September 30th
Taxicab Owners - for original licence:		
accessible taxicabs	387.00	September 30th
ambassador taxicabs-when issued to a cab driver on the waiting list	442.00	December 31, 2000
standard taxicabs - when issued upon the sale of a standard taxicab	3,763.00	For Plate Nos. 1-1399, September 30th
for renewal - standard taxicabs	871.00	For Plate Nos. 1400-2799, October 28th; and For Plate Nos. 2800 and higher, November 15th.
Livery Cab Owners:		
for initial licence - first vehicle	440.00	December 31st
for each additional vehicle	407.00	December 31st
for renewal	370.00	December 31st
Livery Cab Drivers:		
for initial licence	177.00	December 31st
for renewal	95.00	December 31st
Cigars or Cigarettes or Tobacco:		
for initial licence	163.00	December 31st
for renewal	65.00	December 31st
Collectors of Second-hand Goods		
for initial licence	117.00	May 31st
for renewal	47.00	May 31st

Column 1 Description of Licence	Column 2 Fee \$	Column 3 Expiry Date
Drain Contractors:		
for initial licence	169.00	December 31st
for renewal	68.00	December 31st
Drain Layers:		
for initial licence	169.00	December 31st
for renewal	68.00	December 31st
Driving Schools:		
to carry on the business of teaching persons to operate motor vehicles:		
With a vehicle:		
for initial licence	283.00	September 30th
for renewal	201.00	September 30th
For each additional vehicle		
for initial licence	234.00	September 30th
for renewal	201.00	September 30th
Without a vehicle:		
for initial licence	242.00	September 30th
for renewal	160.00	September 30th
For each instructor employed in such business:		
With a vehicle:		
for initial licence		
for renewal	283.00	March 31st
	201.00	March 31st
For each additional vehicle:		
for initial licence	243.00	March 31st
for renewal	201.00	March 31st
Without a vehicle:		
for initial licence	242.00	March 31st
for renewal	160.00	March 31st

Column 1 Description of Licence	Column 2 Fee \$	Column 3 Expiry Date
Electricians:		
Electrical Contractor:		
for initial licence	201.00	April 30th
for renewal	64.00	April 30th
Master Electrician:		
for initial licence	201.00	April 30th
for renewal	64.00	April 30th
Maintenance Master Electrician:		
for initial licence	201.00	April 30th
for renewal	64.00	April 30th
Exhibitions, Shows, Places of Amusement, Theatres and Otherwise:		
Places of Amusement		
for initial licence	143.00	December 31st
for renewal	45.00	December 31st
Circus when held in a place not licensed under this by-law:		
for each day of operation	143.00	
for renewal	45.00	
Carnival:		
up to 3 attractions or rides	143.00	
for renewal	45.00	
4 or more attractions or rides	143.00	
for renewal	45.00	
Moving Picture Theatres, Theatres,		
Music Halls and Concert Halls:		
for initial licence	143.00	December 31st
for renewal	45.00	December 31st
Public Halls:		
for initial licence	183.00	December 31st
for renewal	85.00	December 31st

Column 1 Description of Licence	Column 2 Fee \$	Column 3 Expiry Date
Foodstuffs:		
for each place where foodstuffs intended for human consumption are made for sale, offered for sale, stored or sold		
for initial licence	143.00	December 31st
for renewal	45.00	December 31st
Hairdressers' Shops:		
for initial licence	143.00	December 31st
for renewal	45.00	December 31st
Hawkers, Pedlars and Salesmen:		
with a motor vehicle or horsedrawn vehicle:		
for initial licence	143.00	December 31st
for renewal	45.00	December 31st
with a push cart or on foot:		
for initial licence	143.00	December 31st
for renewal	45.00	December 31st
for a helper on vehicle aforesaid:		
for initial licence	143.00	December 31st
for renewal	45.00	December 31st
Heating Contractor:		
for initial licence	169.00	December 31st
for renewal	68.00	December 31st
Master steam and hot water heating installer:		
for initial licence	169.00	December 31st
for renewal	68.00	December 31st
Master warm air heating installer	169.00	December 31st
for initial licence	68.00	December 31st
for renewal		

Column 1 Description of Licence	Column 2 Fee \$	Column 3 Expiry Date
Holistic Centre Owners:		
for initial licence	143.00	December 31st
for renewal	45.00	December 31st
Holistic Practitioners:		
for initial licence	143.00	December 31st
for renewal	45.00	December 31st
Horsedrawn Vehicles used or kept for hire for the purpose of providing sightseeing tours:		
for initial licence - first vehicle	117.00	March 31st
for each additional vehicle	68.00	March 31st
for renewal - each vehicle	47.00	March 31st
Drivers:		
for initial licence	117.00	March 31st
for renewal	47.00	March 31st
Insulation Installer:		
for initial licence	169.00	December 31st
for renewal	68.00	December 31st
Laundries:		
for each licence for a laundryman		
for each licence to a person who owns or operates a laundry:		
for initial licence	143.00	December 31st
for renewal	45.00	December 31st
Meat - Vendors of:		
to sell fresh meat, other than horse meat, in quantities less than the quarter carcass:		
for initial licence	143.00	December 31st
for renewal	45.00	December 31st
to sell fresh fish:		
for initial licence	143.00	December 31st
for renewal	45.00	December 31st
to sell horse meat only, in quantities less than the quarter carcass:		
for initial licence	143.00	December 31st
for renewal	45.00	December 31st

Column 1 Description of Licence	Column 2 Fee \$	Column 3 Expiry Date
Motor Vehicle Racing:		
to engage in racing of motor vehicles or motorcycles or holding motor vehicle or motorcycle races		
for initial licence	143.00	December 31st
for renewal	45.00	December 31st
Motor Vehicles - Used for Hire:		
Drivers:		
for initial licence	142.00	December 31st
for renewal	36.00	December 31st
Motor Vehicles - Used for Hire:		
Owner of drive-self rental car:		
for initial licence	117.00	December 31st
for renewal	47.00	December 31st
Owner of drive-self motorcycle:		
for initial licence	117.00	December 31st
for renewal	47.00	December 31st
Owner of drive-self rental motor scooter:		
for initial licence	117.00	December 31st
for renewal	47.00	December 31st
Owner of drive-self rental snowmobile:		
for initial licence	117.00	December 31st
for renewal	47.00	December 31st
Old gold, other Precious Metals and Old Jewellery:		
Dealers therein		
for initial licence	143.00	May 31st
for renewal	45.00	May 31st
Pawnbrokers:		
for initial licence	143.00	December 31st
for renewal	45.00	December 31st
Pedicab Owners		
for initial license - first vehicle	441.00	March 31st
for each additional vehicle	382.00	March 31st
for renewal - each vehicle	371.00	March 31st

Column 1 Description of Licence	Column 2 Fee \$	Column 3 Expiry Date
Pedicab Drivers		
for initial license	132.00	March 31st
for renewal	69.00	March 31st
Pet Shops:		
to keep a shop or place where animals or birds or both are sold or kept for sale:		
for initial licence	143.00	December 31st
for renewal	45.00	December 31st
Plumbers:		
Plumbing contractor:		
for initial licence	217.00	December 31st
for renewal	70.00	December 31st
Master plumbers:		
for initial licence	217.00	December 31st
for renewal	70.00	December 31st
Maintenance master plumber:		
for initial licence	217.00	December 31st
for renewal	70.00	December 31st
Person who for hire or gain, and proprietary clubs having or keeping one or more Billiard, Pool or Bagatelle Tables:		
for initial licence		
for renewal	143.00 45.00	December 31st December 31st
Public Address Systems:		
to own or operate a public address system, sound equipment or similar device:		
for initial licence	143.00	December 31st
for renewal	45.00	December 31st
Public Garages:		
Including automobile service stations:		
for initial licence	186.00	December 31st
for renewal	88.00	December 31st

Column 1 Description of Licence	Column 2 Fee \$	Column 3 Expiry Date
Refreshment, Places of:		
for each place for the reception or entertainment of the public, other than a standard hotel		
for initial licence	183.00	December 31st
for renewal	85.00	December 31st
Refreshment Vehicles:		
for initial licence - first vehicle	317.00	March 31st
for each additional vehicle	268.00	March 31st
for renewal - each vehicle	247.00	March 31st
for each driver of a refreshment vehicle:		
for initial licence	107.00	March 31st
for renewal	56.00	March 31st
for each assistant on a refreshment vehicle:		
for initial licence	107.00	March 31st
for renewal	56.00	March 31st
Renovators:		
Building renovators:		
for initial licence	204.00	December 31st
for renewal	92.00	December 31st
Chimney repairmen:		
for initial licence	204.00	December 31st
for renewal	92.00	December 31st
Building cleaners:		
to carry on business as a building cleaner:		
for initial licence	169.00	December 31st
for renewal	68.00	December 31st
for each building cleaner employed in such business:		
for initial licence	169.00	December 31st
for renewal	68.00	December 31st
School bus drivers:		
for initial licence	117.00	December 31st
for renewal	47.00	December 31st

Column 1 Description of Licence	Column 2 Fee \$	Column 3 Expiry Date
Second-hand goods and shops, salvage shops, salvage yards and dealers:		
for initial licence	143.00	May 31st
for renewal	45.00	May 31st
Special Sale:		
for each \$1,000.00 of cost price to owner		
for initial licence	11.00	30 days from date of issue
for renewal	3.00	
Additional 30 days Swimming Pool or Public Bath:		
for initial licence	143.00	December 31st
for renewal	45.00	December 31st
Taxicab Broker:		
for initial licence	78.00	September 30th
for renewal	31.00	September 30th
Tow Trucks:		
Owners:		
for initial licence - first vehicle	444.00	June 30th
for each additional vehicle	395.00	June 30th
for renewal	374.00	June 30th
Drivers:		
for initial licence	272.00	June 30th
for renewal	190.00	June 30th
Trailer Camp:		
per month per lot	21.00	
Trailer:		
for a trailer kept elsewhere than in a trailer camp		
for 30 days or longer in any year -		
per month	20.00	

Column 1 Description of Licence	Column 2 Fee \$	Column 3 Expiry Date
Transient Traders:		
in cities and towns	501.00	
persons who offer goods, wares or merchandise for sale by auction or otherwise, who are not on the assessment roll for business assessment for the current year or are on it for the first time		
for initial licence	143.00	
for renewal	45.00	
persons other than those included in the next two previous categories who, after the return of the assessment roll, commence to carry on business in premises in respect to which they are liable for business assessment	a sum computed by reference to the tax on such business assessment which the person would be required to pay for the current year in respect to the said premises in which he has commenced business if he had been previously assessed and made liable for such tax, and shall be either one- half the amount of such tax for the whole year or proportionate part of the same year after he commences business whichever is the greater	
Provided that the fee to be paid by a farmer resident in Ontario who offers for sale only the produce of his own farm, shall be	5.00	December 31st
Victualling House:		
for victualling house, ordinary or place where fruit, fish, oysters, clams or victuals are sold to be eaten therein		
for initial licence	183.00	December 31st
for renewal	85.00	December 31st

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BRIEFING NOTE

EXOTIC DANCERS AND VULNERABILITY TO SEXUALLY TRANSMITTED DISEASES

Issue/Background:

- After a tour of adult entertainment parlours on November 23, 2002, Councillor Moscoe requested a review of, and a response to, dancers' public health concerns regarding Schedule 32 to City of Toronto By-Law 574-2000, the by-law relating to owners, operators and attendants of Adult Entertainment Parlours.
- The potential area of public health concern with respect to this By-Law relates to the cleaning of surfaces. Section 17(2) of Schedule 32 requires the premises and all fixtures and equipment therein to be regularly washed and kept in a sanitary condition. Dancers are concerned about the risk of disease transmission via surfaces such as poles used during dance performances, as these surfaces are not being cleaned between dancers.
- A review and summary of the evidence regarding disease transmission associated with female exotic dancing was conducted by Toronto Public Health in December 2001. Specifically, an examination of the female dancer's vulnerability to Sexually Transmitted Diseases (STDs), within the broader socio-economic milieu and the organization of the "strip" or "exotic dancing" club was considered.
- There is paucity of published information on health concerns of exotic dancers. To date, the only study of exotic dancing that has been reported in Canada is by Eleanor Maticka-Tyndale (1999, 2000).
- Thus, comments in this briefing note are drawn from that study, and have been supplemented with other factual and inferential data from the epidemiological literature.

Key Points:

STD's in Exotic Dancing

- Eleanor Maticka-Tyndale (1999, 2000) reports a high rate of STD prevalence in her 1995 study of exotic dancers.
- 35% of the women reported a history of an STD, most notably gonorrhea, chlamydia and HPV.
- Although the sample is small and is not representative of the general population of exotic dancers, the prevalence rates are higher than the national average: Only 0.05% and 5.2%

of Canadian women aged 20-29 have had gonorrhoea and chlamydia respectively (Health Canada, 1996, quoted in Maticka-Tyndale, 1999).

- Such high rates may imply that there are some occupational and contextual factors that increase the vulnerability of exotic dancers to risks of STDs.
- The dancers interviewed reported they believed their exposure to risk came from: Genital contact with vaginal secretions of other dancers left on props, poles, furniture, and clothing
- Ejaculate deposited either on clothing or directly on their genitalia during lap dancing.

Potential for STD Transmission via Surfaces in Adult Entertainment Parlours

- Epidemiological evidence indicates a variety of potential or theoretical non-sexual transmission routes of STD and other viral or bacterial infections. For example, furniture, toilet seats or other contact or physical surfaces have been indicated as possible routes for transmission of hepatitis B & C through vaginal secretion or tainted blood deposited on such surfaces. However, the level of risk is minimal or non-existent as it depends on intensity of virus excretion and stability of the virus outside the host environment (Gershon, RR et al, 1990; Krieger H; Kimmig P, 1995; Mortimer PP. 1999; Sattar SA et al, 2001).
- Similarly, other studies have found that gonorrhoea, syphilis, molluscum contagiosum, herpes simplex virus, pubic lice and scabies can be transmitted via non-sexual routes such as fomites, fingers, non-sexual skin-to-skin contact (Adrian Mindel and Robin Tideman, 1999). For example, genital HPV (Types 1-4) and anogenital warts have been shown to be transmitted via fingers (Oriel, JD 1994; Fairley et al, 1995).
- With reference to HIV, an exhaustive review of 14 combined surveys with over 750 individuals with potential exposure through non-percutaneous, non-sexual modes of contact failed to find a single case of HIV-1 infection by such non-sexual modes (Gershon, RR et al, 1990). This indicates that such risk of transmission is remote.
- Such risk of non-sexual transmission is dependent on the fact that:
 - Sufficient quantity of live infectious viruses need to be transferred from the genitals to the hands and physical surfaces and vice versa, and
 - Some breach of the genital skin or mucosa may be necessary to allow entry and survival of the virus
- Both sequences of events are possible, though they may not occur in succession all the time. There is no strong evidence of disease transmission, however there is a theoretical risk. Thus, poles and furniture are potential, though unlikely, sources of STD transmission.

Vulnerability to STD Risk – The Contextual Factors

- Dancing, like other sexual or erotic labour – such as escort, call girl, peep show, exotic massage -- does not directly place women at risk (Maticka-Tyndale, 2000; Overs and Longo, 1997). However, when dancing extends to direct sexual contact with customers, dancers are at risk of infection.

- Although current regulations in Ontario prohibit lap dancing – which often could extend to coerced or consensual sexual encounters with customers -- there is evidence that the practice continues in some clubs (Maticka-Tyndale, 2000).
- The cultural stereotyping of exotic dancers as “easy catches” creates a favourable atmosphere for sexual harassment and assault in the clubs. Dancer reported that such assaults could take the form of touching of genitals, “poking” fingers into their vaginas, attempts to pull dancers onto exposed penises, and forced vaginal penetration (Maticka-Tyndale, 2000).
- In addition, many clubs do not have clear guidelines for sexual risk and safety related to the jobs of exotic dancers. Scattered evidence reported by Maticka-Tyndale (1999) indicates that some club owners may indirectly support lap dancing or “look away” in order to not lose wealthy customers who make and seek sexual gratification from the dancers.
- Furthermore, some of the dancers seek the financial rewards, gifts and other material benefits that accrue from consensual sexual relationships (masturbation, oral sex, and sexual intercourse) with their preferred customers.
- Dancer’s vulnerability to sexual risk and STD infection is further exacerbated by the fact that most of the dancers reported they took alcohol and drugs as a way of coping with the pressures associated with exotic dancing. Apart from the potential long-term adverse effects of alcohol and drugs on their health, it also lowers their inhibitions, enabling them to engage in voluntary and involuntary sexual acts with their customers (Maticka-Tyndale, 2000).
- The dancers reported that they dealt with the sexual and STD risk by using condoms with their clients. However, there is a different level of risk associated with their personal lives as the dancers indicated they rarely used condoms with their regular partners or boyfriends. Thus, they may still be at risk of STDs and may spread it through oral, coerced or unanticipated sexual encounters that take place during lap dancing, unless their partners are monogamous or engage in safer sex practices.
- In sum, the socio-cultural context of the strip clubs - existence of private rooms and expectations of managers, owners and clients – facilitates the provision of sexual services in such environments.

Challenge to Public Health Interventions

- The need for health promotion efforts in strip clubs is imperative, given:
 - The real risk of STD transmission via consensual and coerced sexual intercourse that have been reported in such clubs,
 - The general club “culture” that regard exotic dancers as sex objects, and the consequent expectation of sexual contact with them,
- The increasing use of alcohol and drugs by exotic dancers as a coping strategy to their occupational pressures and demands.

Recommendation for Changes to By-Law 574-2000 and Public Health Interventions

- Hygiene: Disinfecting of poles and other contact surfaces is recommended for dealing with the potential or theoretical risk of STD transmission via such surfaces. Cleaning of surfaces is currently required under Section 17(2) of Schedule 32 to By-Law 574-2000 which requires “the premises and all fixtures and equipment therein shall be regularly washed and kept in a sanitary condition.” However, this section does not apply if the premises has a Liquor License (Section 32(1) of Schedule 32). A request should be made of the City Legal Department for an opinion regarding repealing Section 32(1) to ensure that Section 17(2) is consistently applied to all adult entertainment parlours.
- Condom Use: Consistent and correct condom use has proven to be an effective STD prevention strategy in other sex work settings, and should be encouraged among exotic dancers (van Wesenbeeck, 1993). Such barrier methods, especially the female condom, are recommended for dealing with the risk of STD transmission via coerced or unanticipated sexual intercourse with clients. Toronto Public Health is currently conducting a research project on the use of the female condom.
- Counselling and Education on Broader Determinants of Health: As indicated earlier, drug use and alcohol consumption can adversely affect dancer’s general and mental health, and thus increase their vulnerability to diseases, including STDs. In addition, many club owners do not acknowledge that sexual encounters take place in their premises. It is therefore important to frame educational and other interventions (e.g., counselling) in terms of the broader determinants of women’s health. Such educational messages could include the benefits of safer sex practices by dancers with their clients in the clubs and within their personal sexual relations, routine screening for cervical cancer and sexually transmitted diseases and immunization against hepatitis B. Such interventions have been carried out in several clubs in Toronto and expansion of this outreach is currently being considered by Toronto Public Health.

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