

Authority: Emergency and Protective Services Committee Report No. 11 Clause No. 2, as
adopted by Council on October 28, 29 and 30, 1998
Enacted by Council: October 30, 1998

CITY OF TORONTO

BY-LAW No. 806-1998

To amend further Metropolitan Toronto By-law No. 20-85, a by-law “Respecting the licensing, regulating and governing of trades, callings, businesses and occupations in the Metropolitan Area”, a by-law of the former Municipality of Metropolitan Toronto.

The Council of The City of Toronto HEREBY ENACTS as follows:

1. Section 1 of By-law No. 20-85, a By-law “Respecting the licensing, regulating and governing of trades, callings, businesses and occupations in the Metropolitan Area”, as amended, being a by-law of the former Municipality of Metropolitan Toronto, is further amended by adding the following subsections:

1(24.1) “Holistic centre” means any premises or part thereof in which holistic services are provided or offered;

1(24.2) “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.

2. Section 2 of By-law No. 20-85, as amended, is further amended by adding the following subsections:

2(64) every owner of a holistic centre;

2(65) every person other than a person licensed pursuant to subsection (64) hereof, who provides or offers holistic services;

3. Schedule 1 to By-law No. 20-85, as amended, relating to annual fees for licences, is further amended by adding the following under the columns indicated and between the licence categories of “Heating Contractor” and “Horsedrawn Vehicles”:

Column 1 Description of Licence	Column 2 Fee \$	Column 3 Expiry Date
Holistic Centre Owners for initial licence	143	December 31st
Holistic Practitioners	143	December 31st

4. By-law No. 20-85, as amended, is further amended by adding the following schedule:

SCHEDULE 43 TO BY-LAW No. 20-85

Relating to Owners of Holistic Centres and Holistic Practitioners

1. In this Schedule:

(1) “Owner” means an owner of a holistic centre, licensed as such or required to be licensed as such under this By-law;

(2) “Holistic Practitioner” means a person licensed or required to be licensed under subsection 2(65) of this By-law;

2. (1) On every application for an owner's or a holistic practitioner's licence or for the renewal thereof, the applicant shall attend in person and not by an agent at the offices of the Commission and shall complete the prescribed forms and shall furnish to the Commission such information as the Commission may direct.

(2) In the case of a holistic centre owned by a partnership, the attendance required under subsection (1) of this section shall be by one of the partners and in the case of a holistic centre owned by a corporation such attendance shall be by an officer of the corporation.

3. Every applicant for a holistic practitioner's licence shall submit with the application two passport-size photographs, one of which photographs shall form part of the licence, and the other which shall be filed with the Commission, and upon application for renewal of any licence, the applicant shall furnish new photographs if required so to do by the Commission.

4. (1) Subject to section 5 of this Schedule, every applicant for a holistic practitioner's licence shall submit with the application a certificate, diploma or other documentation satisfactory to the Commission certifying that such applicant has, in respect of the holistic services intended to be offered or provided by such applicant, successfully completed a course of training at an educational institution in Canada that is, within the meaning of section 118.5 of the *Income Tax Act, R.S.C. 1985, c.1*, as amended,

- (a) a university, college or other educational institution providing courses at a post-secondary school level, or
- (b) certified by the Minister of Human Resources Development to be an educational institution providing courses, other than courses designed for university credit, that furnish a person with skill for, or improve a person's skills in, an occupation.

(2) Where an applicant does not have the documentation required under subsection (1), such applicant shall submit with the application evidence satisfactory to the Commission that the Applicant

- (a) has demonstrated himself or herself to be a member in good standing of a complementary health care organization; and
- (b) has demonstrated acceptance and practice of the procedures, practices and ethics of the complementary health care organization of which the applicant is a member.

(3) In this section:

- (a) “complementary health care organization” means an association, organization or institution demonstrated to be established for the purpose, and with the continuing intent, of ensuring safe and proper provision of one or more kinds of holistic services through:
 - (i) the admission to membership of persons qualified to provide such holistic services;
 - (ii) the promulgation and enforcement of a code of ethics respecting the provision of such holistic services;
 - (iii) maintaining, providing and recognizing measurable standards for practices and procedures in the provision of such holistic services; and
 - (iv) the communication of information relating to such holistic services.

(4) Demonstration of the nature and purpose of a complementary health care organization shall be made by filing with the Commission particulars in writing providing details of:

- (a) documentations or instruments creating the organization;
- (b) the names of its principals and officers, members and employees;
- (c) every kind of holistic service which is the subject matter or interest of the organization, and a full description of the nature of the service;
- (d) a short history summarizing the organization’s activities and achievements to date;
- (e) an outline of the procedures and practices pursued by the organization and its members;
- (f) a copy of the organization’s code of ethics;

- (g) the nature of the holistic services provided by the organization and its members, and of the qualifications required to provide every such service;
- (h) a list of criteria for membership in the organization, and a list of its members;
- (i) a list of course and qualifications recognized or provided by the organization; and
- (j) information confirming that the organization meets the requirements contained in subsection 4(3) of this Schedule.

(5) The filing of any record or document with the Commission referred to in subsection 4(4) of this Schedule may be made by the complementary health care organization in respect of its members.

5. (1) In this section, “proof of carrying on a trade, business or occupation as a holistic practitioner” means any document satisfactory to the Commission, including a lease or printed advertisement, which clearly specifies the type of holistic services provided by the applicant and the date or dates upon which such holistic services are or have been provided by the applicant.

(2) An applicant for a holistic practitioner’s licence who provides or performs holistic services at the date of the enactment of By-law No. 806-1998, may, instead of submitting the information or documents required by section 4 of this Schedule, submit to the Commission within 90 days of the enactment of By-law No. 806-1998, proof of carrying on a trade, business or occupation as a holistic practitioner.

6. Every applicant for a holistic practitioner’s licence shall file with or produce to the Commission proof of his or her age, if required to do so by the Commission, and no such licence shall be issued unless the Commission is satisfied that every such person is of the full age of eighteen years.

7. (1) Persons associated in a partnership applying for an owner's licence shall file with their application to the Commission a declaration in writing signed by all the members of the partnership, which declaration shall state:

- (a) the full name of every partner and the address of his or her 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 an owner's licence is a corporation, such corporation shall, for the purposes of this Schedule, be deemed to be a corporation applying for an owner's licence and if such licence is issued to the partnership such corporation shall, for the purposes of this schedule, be deemed to be a corporation which holds an owner's licence.

(3) It shall be the duty of every member of a partnership to advise the Commission 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 Commission, and the Commission 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.

8. (1) Every corporation applying for an owner's licence shall file with the Commission 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 a Return in a form supplied by the Commission, which Return shall contain a list of all of the shareholders of the corporation.

(2) Where the shares in a corporation applying for an owner's licence are held in whole or in part by another corporation, the corporation so applying shall file with the Commission a Return in a form supplied by the Commission, which Return shall contain a list of all of its shareholders, and if such 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 a 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) Every owner 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 Commission an Annual Return on a form supplied by the Commission.

9. Every applicant for an owner's licence shall, at the time of making the application, file with the Commission a list showing the names of all holistic practitioners employed by, or performing holistic services in, the holistic centre and all such persons intended or expected to be employed or to perform holistic services in the holistic centre.

10. (1) Where a corporation is the holder of an owner's licence or licences, the corporation shall forthwith notify the Commission 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), and the Commission may, in its discretion, determine whether the licence or licences shall be revoked.

(2) Where, by a transfer of existing shares, or by an issue of new shares, the controlling interest in a corporation holding one or more owner's licences is sold, transferred or acquired, such licence or licences shall be terminated forthwith, and the Commission may issue a new licence or new licences upon payment of the prescribed fee. The Commission may refuse to issue a new licence or licences if it determines that it is in the public interest so to do.

(3) 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.

11. (1) Every person applying for an owner's or holistic practitioner's licence who carries on or intends to carry on the business in or relating to a holistic centre under any name or designation other than his or her own name, shall, at the time of the making of the application, file with the Commission a declaration, which declaration shall state:

- (a) his or her full name and address of ordinary residence; and
- (b) any name or designation under which he or she carries on or intends to carry on business, and the date when the name or designation was first used by him or her.

(2) A person to whom this section relates shall notify the Commission immediately of any change in any of the particulars required to be filed with the Commission under subsection (1) of this section.

12. An application for an owner's licence may be submitted by the Commission for a report to the Medical Officer of Health and to the Chief of Police 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 Commission for a hearing to determine whether or not the application should be granted, notwithstanding such report.

13. An owner may, subject to the provisions of this By-law, provide holistic services in the holistic centre of which he or she is the owner if his or her licence as an owner is so endorsed by the Commission.

14. (1) No holistic centre may open for business or operate or be operated unless its owner is licensed as such under this By-law.

(2) No owner shall permit any holistic service to be provided or offered upon or at his or her holistic centre by any person other than a licensed holistic practitioner.

(3) No holistic practitioner shall provide or offer holistic services in any holistic centre unless the owner of the said holistic centre is duly licensed as an owner under this By-law.

15. Every owner or holistic practitioner who changes his or her address shall, within two days after such change, attend at the offices of the Commission and notify the Commission of such change of address.

16. (1) Every owner shall keep proper records and books of account of all business transacted in, by, or in respect of his or her holistic centre, which books shall give the amount of

gross receipts for all services performed or provided in the said holistic centre, the name and licence number of every holistic practitioner or other person performing services in the said holistic centre including the date of commencement and the date of termination of such services the amount of salary or commission paid to each holistic practitioner, in respect of such holistic centre or holistic centre business.

(2) Every owner shall keep all books and records as are required by subsection (1) for at least one year after the information required by that subsection is entered therein, and the Commission shall at all times have access to such records.

17. (1) Immediately before any holistic services are provided in a holistic centre, the holistic practitioner shall give to the customer an itemized bill for such services, listing the holistic services to be provided and the price to be paid for each.

(2) Upon payment of the bill referred to in subsection (1), the customer shall be given a written receipt for the full amount paid.

(3) Every owner shall ensure that the bill and receipt required by subsections (1) and (2) contain the name and Toronto licence number of the holistic practitioner who provided the holistic services and the name, address and Toronto licence number of such owner.

(4) Every owner shall ensure that the bill and receipt required by this section are provided to every customer of the holistic centre 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 Commission shall at all times have access to such copies.

18. Every owner shall ensure that all advertisements used in respect of such owner's holistic centre clearly states the number of the licence issued to such owner under this By-law.

19. Every owner shall, in respect of each holistic centre for which he or she holds a licence, procure a policy of insurance endorsed to the effect that the Commission will be given at least ten days' notice in writing of any cancellation, expiration or variation in the amount of the policy, and insuring, in at least the amount of \$1,000,000.00 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or the death of one or more persons, or from loss or damage to property resulting from any one accident. A certified copy or certificate of such policy shall be deposited with the Commission.

20. Every owner shall, in the operation of his or her holistic centre comply with, and ensure compliance with, the following regulations:

(1) The premises and the fixtures and equipment therein shall be regularly washed and be kept in a sanitary condition;

(2) Adequate toilet and washroom accommodation shall be provided, and 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;
 - (d) a suitable receptacle for used towels and waste material;
- (3) If showers or saunas are provided on the premises, the following regulations shall apply:
 - (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;
 - (d) floor surfaces both within and without the enclosures shall be of a non-slip type;
- (4) If bathtubs or whirlpool bath are provided on the premises, the following regulations shall apply:
 - (a) a grab-bar or other convenient support shall be provided unless the walls of the tub or whirlpool bath enclosure are 0.61 metres in height or higher;
 - (b) the bottom of the tub or whirlpool bath enclosure shall be of a non-slip type;
 - (c) the water serving all bathtubs, showers and hand basins used by patrons shall not have a temperature exceeding 49 degrees Celsius and shall be controlled by a device that regulates the temperature, and patrons shall not have access to this device;
- (5) Every table, mat or other surface upon which persons lie or sit while being given or provided with a holistic service shall be clean and in good repair, and shall have a top surface of impervious material;
- (6) Every table, mat or other surface referred to in subsection (5) hereof shall, before any person receives a holistic service thereon, be covered with a fresh, clean individual paper or cloth sheet;
- (7) Every sheet or towel shall, immediately after being used by any person, be deposited in a receptacle reserved for that purpose and shall not be utilized again for any purpose before being freshly laundered;

21. (1) Every owner shall provide a service by which any customer may deposit his or her valuables or other property for safekeeping and any customer who presents his or her property for safekeeping shall be given a receipt specifying the nature of the property so entrusted.

(2) Every owner and holistic practitioner shall take due care of all property delivered or entrusted to him or her for safekeeping and return it to its owner upon demand.

22. (1) Every owner shall keep his or her licence issued in respect of that holistic centre posted in a conspicuous place in the interior of the said premises at all times during the currency of the licence.

(2) Every holistic practitioner who provides or offers holistic services in a holistic centre shall keep his or her licence prominently displayed in the interior of such holistic centre at all times during the currency of the licence.

23. No person other than a licensed owner may use the phrase “licensed”, “Toronto-licensed”, “holistic service”, or “licensed holistic service” or any words indicating the offering of the services or facilities of a holistic centre in pursuance of or in connection with any business, trade, or occupation carried on in a holistic centre in the City of Toronto unless the owner of the premises and every holistic practitioner engaged in performing or offering holistic services in, upon or at such premises, has been duly licensed so to do under this by-law.

24. (1) Every owner shall file with the Commission a copy of a list of all services offered or provided in, upon or at his or her holistic centre, and of the respective fees charged for such services, and, if such charges be based on a computation of time, the hourly rate shall be shown on such list.

(2) No owner or holistic practitioner shall charge, demand, or request any payment for any services offered or performed in a holistic centre except in accordance with the list filed with the Commission under subsection (1).

(3) No owner or holistic practitioner shall offer or provide any holistic service in a holistic centre, or perform any services, except in accordance with the list filed under subsection (1).

(4) Every owner 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 holistic centre plainly visible to any person upon entering the said premises.

25. Every owner and holistic practitioner shall, upon a request made by the Commission or 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 or her name and residential address, and if licensed under this By-law, he or she shall produce his or her said licence.

26. No owner shall open his or her holistic centre for business or permit the same to be or to remain open for business or permit any holistic service or services of any kind to be provided or offered in the said holistic centre at any time between the hours of 10:00 p.m. and 7:00 a.m.

27. (1) No owner or holistic practitioner shall take, consume or have a liquor or a drug in his or her possession in a holistic centre, nor shall the use of liquor or a drug by such person be apparent while in a holistic centre.

(2) For the purposes of subsection (1) the word “drug” shall be deemed to exclude prescription drugs.

28. Every owner and holistic practitioner shall, while engaged in his or respective trade, business or occupation in a holistic centre be properly dressed, neat and clean in his or her person and civil and well-behaved to members of the public.

29. (1) In this section, “specified body areas” means:

- (a) in the case of a female person, her breasts; and
- (b) in the case of all persons, the pubic, perineal and perianal areas and the buttocks.

(2) No holistic practitioner shall, while providing services as a holistic practitioner, touch in any manner whatsoever the specified body areas of any person.

(3) No owner shall permit any holistic practitioner providing services as a holistic practitioner, to touch in any manner whatsoever, the specified body areas of any person.

(4) No holistic practitioner shall provide or offer to provide holistic services upon any person unless such person’s specified body areas are completely and opaquely covered.

(5) No owner shall permit any holistic practitioner to provide or offer to provide any holistic services upon any person unless such person’s specified body areas are completely and opaquely covered.

(6) No holistic practitioner shall provide or offer to provide any holistic services except while wearing clean, opaque clothing fully covering his or her specified body areas.

(7) No owner shall permit any holistic practitioner to provide or offer to provide any holistic services except while wearing clean, opaque clothing fully covering his or her specified body areas.

5. This by-law shall come into force on the date of its enactment.

ENACTED AND PASSED this 30th day of October, A.D. 1998.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)