

Authority: Policy and Finance Committee Report No. 5, Clause No. 11,
adopted as amended, by City of Toronto Council on June 22, 23 and 24, 2004
Enacted by Council: July 22, 2004

CITY OF TORONTO

BY-LAW No. 656-2004

**To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting the
operation of holistic centres and holistic practitioners.**

WHEREAS Section 150 of the *Municipal Act, 2001*, grants local municipalities the authority to license, regulate and govern any business wholly or partly carried on within the municipality for purposes of health and safety, consumer protection and/or nuisance control; and

WHEREAS the Council of the City of Toronto has determined that the current regulations governing holistic centres do not adequately address the problem of holistic centres conducting business as unlicensed and illegal body rub parlours or protect consumers and promote health and safety as fully as is desirable; and

WHEREAS ensuring that the owner of a building from which a holistic centre operates is aware of the type of business the holistic centre owner is licensed to operate and the hours the holistic centre is permitted to be open will help control the nuisance of unlicensed body rub parlours operating as holistic centres and will help protect consumers from holistic centres that are not operating in accordance with the law; and

WHEREAS holistic centre owners who are also licensed as practitioners are better able to ensure that their customers are receiving proper care, thereby promoting health and safety and consumer protection; and

WHEREAS minors are not competent to provide holistic services and therefore ensuring holistic centre owners and practitioners have attained the age of majority enhances the health and safety of holistic centre customers and protects consumers from holistic services offered by minors; and

WHEREAS patient records protect consumers using holistic centres and enhance the health and safety of such consumers by ensuring that all maladies and treatments are recorded for the sake of continuity and completeness of care; and

WHEREAS requiring staff of holistic centres to wear appropriate clothing promotes the health and safety of holistic centre customers by promoting sanitary conditions and professionalism, and promotes the health and safety of holistic centre employees by discouraging sexual advances that could lead to a hostile working environment;

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

1. Article XI of Chapter 545, Licensing, of the City of Toronto Municipal Code is amended by adding the following sections and subsections:

§ 545-160.1. Applicant for owner's licence to provide letter from owner of building from which holistic centre will operate.

Every applicant for a holistic owner's licence shall file with the Municipal Licensing and Standards Division a letter in a form approved by the Executive Director and signed by the owner of the building from which the holistic centre will operate, confirming that the owner of the building knows that the holistic centre owner will be operating a holistic centre from the building and that the owner of the building is aware of the hours of operation for holistic centres set out in this Article.

§ 545-160.2. Owners of holistic centres to be licensed as holistic practitioners.

Every applicant for a holistic centre owner's licence shall hold a valid holistic practitioner's licence or, in the case of a corporation, the officers and directors of the corporation shall hold valid holistic practitioners' licences.

§ 545-163.1. Minimum age of holistic owner.

- A. Every applicant for a holistic owner's licence shall file with or produce to the Municipal Licensing and Standards Division proof of his or her age, in a form acceptable to the Executive Director, 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 the applicant is of the full age of 18 years.
- B. Where the applicant for a holistic owner's licence is a partnership, any or all partners shall file with or produce to the Municipal Licensing and Standards Division proof of his or her age, in a form acceptable to the Executive Director, 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 all partners are of the full age of 18 years.
- C. Where the applicant for a holistic owner's licence is a corporation, any or all directors and officers of the corporation shall file with or produce to the Municipal Licensing and Standards Division proof of his or her age, in a form acceptable to the Executive Director, 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 all directors and officers of the corporation are of the full age of 18 years.

§ 545-173A.1.

Every owner shall keep a patient record, in a form approved by the Executive Director, for every visit of every person for whom holistic services have been provided, documenting the condition that is the subject of the holistic service and the nature of the holistic service provided.

2. Article XI is further amended by:

- A. Amending § 545-163 to add the phrase, “in a form acceptable to the Executive Director,” after the word “age,” and before the words “if required to do so.”
- B. Deleting § 545-170.
- C. Amending § 545-173B by deleting the phrase “Subsection A” and by adding the words “Subsections A and A.1” in its place.
- D. Amending § 545-186F by adding the phrase “, including a smock or other similar covering normally worn by health care providers,” after the word “clothing” and before the word “fully”.
- E. Amending § 545-186G by adding the phrase “or any other staff employed at the holistic centre” after the word “practitioner” and before the phrase “to provide” and by adding the phrase “, including a smock or other similar covering normally worn by health care providers,” after the word “clothing” and before the word “fully”.

ENACTED AND PASSED this 22nd day of July, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)