

Authority: Planning and Transportation Committee Report No. 6, Clause No. 6,
adopted as amended, by City of Toronto Council on July 19, 20, 21 and 26, 2005
Enacted by Council: July 26, 2005

CITY OF TORONTO

BY-LAW No. 719-2005

To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting holistic centres and 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 many illegitimate enterprises and unqualified people have obtained holistic licences, taking advantage of holistic practitioners' and centres' status as an emerging health profession, hurting their reputation and putting consumers and public health and safety at risk by engaging in illegal, unregulated activities or activities for which they are not qualified; and

WHEREAS the City of Toronto undertook an extensive consultation process to determine how best to ensure that only legitimate, qualified applicants receive holistic licences and that only legitimate holistic services are offered in licensed holistic centres; and

WHEREAS to prevent illegitimate enterprises and unqualified people from obtaining licences through fraudulent means, the City of Toronto has decided that the originals of any documents required to obtain a licence must be submitted in person when applying for a holistic practitioner or centre licence; and

WHEREAS to allow proper law enforcement and to prevent illegal services from being offered or obtained, the City of Toronto has decided that holistic centres shall not be constructed so as to hinder investigation while allowing doors to be locked for the safety and security of practitioners and clients; and

WHEREAS to enhance professionalism and to help prevent illegal services from being offered or obtained, while still allowing legitimate practitioners access to the parts of the client's body necessary for proper treatment, the City of Toronto has decided that certain standards of dress must be maintained and specified areas of the body may not be exposed or touched; and

WHEREAS the City of Toronto has decided that certain other amendments to the regulations concerning holistic practitioners and holistic centres are required to allow legitimate practitioners and centres to properly conduct business;

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

1. Section 545-1 of Article I is further amended by deleting the definition for "HOLISITIC SERVICES" and replacing it with the following:

HOLISTIC SERVICES – Any modality used as a tool for therapeutic and wellness purposes, but does not include:

- A. Body-rubs as defined by this chapter;
 - B. 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;
 - C. Traditional Chinese Medicine or Acupuncture as defined by this chapter.
2. Chapter 545 is further amended by deleting the term “complementary health care organization” wherever it appears and replacing it with the term “professional holistic association”.
3. Section 545-158 of Article XI is amended by adding the following sentence to the end of the definition of “OWNER”:

For greater certainty, an owner does not include a single practitioner operating in compliance with the relevant zoning by-laws who treats clients in his or her private residence or who makes off-site calls to treat clients.

4. Section 545-159 is amended by adding the following subsection:
- C. On every application for an owner’s or a holistic practitioner’s licence or for the renewal thereof, the applicant shall file, submit or present for inspection as required by the Municipal Licensing and Standards Division the originals of all documents that are required to be filed with or submitted to the Municipal Licensing and Standards Division.
5. Section 545-160.1 is deleted and replaced with the following:

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

Upon signing a lease agreement respecting the property from which a holistic centre will operate, every holistic owner and every applicant for a holistic owner’s licence shall forthwith file with the Municipal Licensing and Standards Division a copy of the lease and a copy of a letter enclosing a copy of this Article and Article I and demonstrating that owner of the building from which the holistic centre will operate has been informed of the nature of the owner’s business.

6. Subsection 545-161C is amended by deleting the word “an” at the beginning of the definition and replacing it with the phrase: “A registered not-for-profit” and adding the phrase: “with a board of directors that is elected by its member practitioners,” after the word “institution” and before the word “demonstrated”.
7. Subsection 545-174D is amended by deleting the phrase: “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”.

8. Section 545-177 is amended by adding the following subsections:
- H. No premises in which a holistic centre is located shall be constructed or equipped so as to hinder or prevent the enforcement of this chapter.
 - I. Holistic practitioners working in a holistic centre may lock the doors of the centre or a treatment room while working with a client for their mutual security and safety, provided that whenever the doors are locked the time at which the doors will be unlocked shall be posted in a manner clearly visible from outside the holistic centre and the door must be unlocked by the posted time.
9. Subsection 545-184B is amended by adding the following phrase after the word “drugs” and before the period: “and the word “liquor” shall be deemed to exclude ethanol-based herbal medicines or ethanol used exclusively for the purpose of preparing herbal medicines”.
10. Sections 545-185 and 545-186 are deleted and replaced with the following:

§ 545-185. Appearance and behaviour of owners and practitioners.

A. Definitions.

For the purposes of this section and § 545-186, the following term shall have the meaning indicated:

SPECIFIED BODY AREAS:

- (1) The breasts in the case of an owner or practitioner;
 - (2) The areolae in the case of a client; and
 - (3) The genitals and the anus in the case of all people.
- B. Every owner and every holistic practitioner, while engaged in his or her trade, business or occupation, shall be:
- (1) Dressed in a professional manner, in opaque clothing that is conducive to the holistic services being provided and that completely covers his or her specified body areas;
 - (2) Neat and clean in his or her person and dress; and
 - (3) Civil and well-behaved to members of the public.

§ 545-186. Touching specified body areas prohibited; clients, owners and practitioners to cover specified body areas.

- A. No holistic practitioner shall, while providing services as a holistic practitioner, touch in any manner whatsoever the specified body areas of any person or allow his or her specified body areas to be touched.

- B. 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 or allow a practitioner's specified body areas to be touched.
- C. 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.
- D. 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.

ENACTED AND PASSED this 26th day of July, A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)