

Authority: Planning and Transportation Committee Report No. 10, Clause No. 9,
as adopted by City of Toronto Council on December 5, 6 and 7, 2005
Enacted by Council: December 7, 2005

CITY OF TORONTO

BY-LAW No. 1056-2005

To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting holistic centres, holistic practitioners and professional holistic associations.

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 unqualified people have obtained holistic licences on the basis of their purported status as members of emerging holistic professions, damaging the reputation of holistic professions and putting consumers and public health and safety at risk by engaging in illegal activities, unregulated activities, or in holistic activities which they are not qualified to perform; and

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

WHEREAS the consultation process revealed that the current regulation which permits individuals to obtain licences by submitting educational documentation has resulted in licences being issued to many unqualified persons who engage in illegal and unregulated activity, and that fraudulent educational documents are easily obtained; and

WHEREAS the City of Toronto has decided that eliminating the option of presenting educational documentation and requiring all applicants to present proof that they are members in good standing of a professional holistic association will prevent many unqualified people from obtaining holistic practitioner's licences; and

WHEREAS to prevent unqualified people from obtaining licences by filing fraudulent documentation, the City of Toronto has decided that the originals of any documents required to obtain a licence or the renewal of a licence must be submitted in person, and where required documents are not in the English language, an original certified translation of the document must be submitted; and

WHEREAS the City of Toronto has decided that the current provision in Chapter 545 grandfathering applicants for holistic practitioner's licences who provided or performed holistic services when the licence requirement was first enacted is no longer necessary or appropriate;

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

1. Section 545-158 of Toronto Municipal Code Chapter 545, Licensing, is amended by adding the following definition in alphabetical order:

PROFESSIONAL HOLISTIC ASSOCIATION — A registered not-for-profit organization, listed in Appendix L of this chapter and demonstrated pursuant to Subsection 545-161B 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:

- A. The admission to membership of persons qualified to provide such holistic services;
 - B. The promulgation and enforcement of a code of ethics respecting the provision of such holistic services;
 - C. The maintenance, provision and recognition of measurable standards for practices and procedures in the provision of such holistic services;
 - D. The communication of information relating to such holistic services;
 - E. The establishment of a disciplinary system that follows the principles of due process; and
 - F. The election of a board of directors, comprised of a majority of holistic practitioner members in good standing, that is duly elected by all holistic practitioner members in good standing.
2. Sections 545-161 and 545-162 of Chapter 545 are deleted and replaced with the following:

§ 545-161. Application requirements; documentation concerning professional holistic associations.

- A. Every applicant for a holistic practitioner's licence or renewal thereof shall submit with his or her application documentation satisfactory to the Municipal Licensing and Standards Division establishing that the applicant is a member in good standing of a Professional Holistic Association, which documentation shall include:
 - (1) A document issued by a Professional Holistic Association and signed by the Registrar or other duly authorized Officer of the Professional Holistic Association which states, to the satisfaction of the Municipal Licensing and Standards Division:
 - (a) the name and membership number (if applicable) of the applicant;
 - (b) the holistic modality or modalities practised by the applicant; and
 - (c) that the applicant is a member in good standing of the Association as of the application date or renewal date as shown on the licence renewal notice.

- (2) All records or documents referred to in Subsection 545-161B, provided that an applicant for a renewal shall only be required to file the records or documents if the information contained within them has changed since they were previously filed by the licensee.
- B. Demonstration of the nature and purpose of a Professional Holistic Association shall be made by an applicant by filing with the Municipal Licensing and Standards Division in writing:
 - (1) Documentation or instruments creating the organization as a registered not-for-profit corporation;
 - (2) The names of its principals, officers, and employees;
 - (3) A description of how the Board of Directors is selected and how often, as well as the date of the last appointment to the Board, and a current list of the Board of Directors;
 - (4) A list of 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;
 - (5) Particulars of the qualifications the organization requires its member holistic practitioners to hold in order to provide every such service;
 - (6) A short history summarizing the organization's activities and achievements to date;
 - (7) A current copy of the organization's governing by-laws, regulations, and procedures;
 - (8) A current copy of the organization's code of ethics;
 - (9) A current copy of the organization's complaints and disciplinary process;
 - (10) A list of criteria for membership in the organization; and
 - (11) A current list of courses and qualifications recognized or provided by the organization.
- C. Where the original language of any of the documentation in Subsection A or B is not English, the applicant shall provide an original certified translation of every such document to the Municipal Licensing and Standards Division at his or her own expense.
- D. The records or documents required to be filed pursuant to Subsection A or B may be photocopies of the originals if the licensee attends in person at the offices of the Municipal Licensing and Standards Division and submits both the original and photocopied documents for inspection.
- E. The filing of any record or document with the Municipal Licensing and Standards Division referred to in Subsection A, B or C may be made by a Professional Holistic Association in respect of its members.

§ 545-162. Transition.

- A. An applicant who has applied for a holistic practitioner's licence prior to December 7, 2005 shall not be required to submit the documents required by Subsections 545-161A and B until the date of first application for the renewal of the licence.
 - B. No person who holds a licence as a holistic practitioner on December 7, 2005 and whose licence expires within three months after December 7, 2005 shall be required to submit the documents required by Subsections 545-161A and B upon first application for the renewal of his or her licence, but such person shall submit such documents upon application for all subsequent renewals.
 - C. Every person who holds a licence as a holistic practitioner on December 7, 2005 and whose licence expires more than three months after December 7, 2005 shall submit the documents required by Subsections 545-161A and B upon application for the renewal of his or her licence and upon each subsequent application for renewal.
3. Chapter 545 is further amended by adding the following as Appendix L:

**APPENDIX L TO CH. 545
LIST OF PROFESSIONAL HOLISTIC ASSOCIATIONS**

- 1. The Therapeutic Touch Network of Ontario
- 2. Shiatsu Therapy Association of Ontario
- 3. Healing Touch Association of Canada, Inc.
- 4. Canadian Federation of Aromatherapists
- 5. Association of Massage Therapist and Wholistic Practitioners (AMTWP)
- 6. The Ontario Herbalist Association
- 7. Ontario Polarity Therapy Association
- 8. Trager Canada
- 9. Reflexology Registration Council of Ontario (RRCO)
- 10. Canadian Reiki Association
- 11. International Association of Rubenfeld Synergists
- 12. Examining Board of Natural Medicine Practitioners
- 13. Shiatsu Diffusion Society

ENACTED AND PASSED this 7th day of December, A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)