



## STAFF REPORT ACTION REQUIRED

### Review of Adult Entertainment Club Regulations - Amendments to Toronto Municipal Code Chapter 545

<b>Date:</b>	March 4, 2013
<b>To:</b>	Licensing and Standards Committee
<b>From:</b>	Executive Director, Municipal Licensing and Standards
<b>Wards:</b>	All
<b>Reference Number:</b>	P:\2013\Cluster B\MLS\LS13007

#### SUMMARY

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The purpose of this report is to amend the Adult Entertainment Club (AEC) regulations under Toronto Municipal Code, Chapter 545, Licensing, Article XXXII. The recommendations proposed will finalize the review of regulations while considering the needs and rights of the entertainers, the general public and the industry as a whole.

The amendments to the by-law include new and revised provisions concerning operators, designated managers, installation and use of cameras and photographic equipment and additional standards with respect to private performance areas.

All AEC owners and operators, the Adult Entertainment Association of Canada (AEAC) and all licensed entertainers were invited to participate in the consultations. Staff also consulted with Toronto Public Health, Legal Services, Toronto Building, the Information & Technology Division, Toronto Fire Services, Toronto Police Services, the Alcohol and Gaming Commission of Ontario and the Ontario Ministry of Labour.

#### RECOMMENDATIONS

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**The Executive Director, Municipal Licensing and Standards recommends that:**

1. City Council adopt the proposed amendments to the Toronto Municipal Code, Chapter 545, Licensing, Article XXXII, as set out in Appendix A of the report, including:
  - a. implementing a new licensing category of Designated Managers;

- b. permitting cameras in Adult Entertainment Clubs for security purposes; and
  - c. adding ventilation and size standards with respect to private performance areas.
2. The proposed amendments in Recommendation 1 are effective July 1, 2013.

Public notice has been given in a manner prescribed in the Toronto Municipal Code, Chapter 162, Notice, Public.

### **Financial Impact**

The proposed licensing regime for designated managers in Adult Entertainment Clubs will result in increased revenue on a per-licence basis. It is estimated that an average of thirty-two (32) to forty-eight (48) Designated Manager's licenses will be issued annually (an average of two to three licences per Adult Entertainment Club). As of January 17, 2013, there were sixteen (16) licensed clubs. The proposed fees are similar to the fees applicable to the entertainers and they reflect the cost-recovery model. The proposed application fee is \$360.69, and the renewal fee is \$254.00.

The estimated additional revenue to the Municipal Licensing and Standards Division is \$11,542 to \$17,313 in the first year of issuance of licences to Designated Managers, and \$8,126 to \$12,192 annually thereafter. The estimated revenue for 2013 is \$5,771 to \$8,657.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

### **DECISION HISTORY**

At its meeting of October 19, 2012, the Licensing and Standards Committee recommended that:

- a. City Council refer the definition of "operator" to the Executive Director, Municipal Licensing and Standards to consult further with the industry and to submit a report to the Licensing and Standards Committee as soon as possible on the structure of operator licensing and applicable fees.
- b. City Council refer the provision permitting cameras and photographic equipment to the Executive Director, Municipal Licensing and Standards to consult further with the industry and to submit a report to the Licensing and Standards Committee as soon as possible with options governing the installation, regulation, and/or use of cameras or photographic and recording devices within Adult Entertainment Clubs, including consideration of restricting cameras to the entrances and exits of these establishments.
- c. City Council direct the Executive Director, Municipal Licensing and Standards to undertake a further review, in consultation with the industry, of additional standards related to the private areas, including ventilation and

size, and report back to the Licensing and Standards Committee as soon as possible.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.LS16.1>

## **ISSUE BACKGROUND**

Adult Entertainment Clubs (formerly known as Adult Entertainment Parlours) and entertainers are required to be licensed under Toronto Municipal Code Chapter 545, Licensing, Article XXXII ("By-law"). The provisions set out in the By-law are enacted for the protection of the health, safety and well-being of the entertainers, the club owners, the patrons, and the general public, and in consideration of consumer protection as well as the economic, social and environmental well-being of the City of Toronto.

As of January 17, 2013, there were 16 valid Adult Entertainment Club licenses in the City of Toronto and 1,409 valid entertainer's licences.

On October 30, 2012, City Council adopted several amendments to the By-law following a comprehensive review of the regulations governing the industry. The changes to the By-law applied to "no-touch" and "unobstructed-view" provisions, By-law terminology, construction standards for private performance areas, provisions to address working conditions of the entertainers, new definitions, licensing of security personnel and health and safety posters.

## **COMMENTS**

The recommendations in this report propose amendments to the By-law that address concerns with respect to the accountability and adequate screening of persons who are in charge of daily operations in the Adult Entertainment Clubs. The objective of the amendments is to eliminate and/or reduce the health and safety risks to the entertainers, consumers and other staff. The amendments also take into consideration the apparent need for security cameras in the Clubs while taking into account the rights of the entertainers, the public and staff to be protected from unauthorized recording and distribution of the material. Furthermore, the amendments aim to ensure that the standards of private performance areas contribute to the health and safety of the entertainers and patrons.

## **Summary of Consultations**

The issues of the use and installation of cameras, as well as the licensing of shift managers was discussed during the consultations held in the summer of 2012, leading to the report to the Licensing and Standards Committee on October 19, 2012.

Further consultations were held with club owners and with the AEAC in the fall of 2012 and in the winter of 2013. All licensed and active club owners and operators were invited to the meetings. The representative of the AEAC and one club owner who attended this

meeting raised concerns with respect to licensing of shift managers as designated managers. Generally, they felt that the responsibility for hiring, screening and managing the conduct of club managers ultimately rests with club owner.

In the fall of 2012 and in the winter of 2013 a total of four consultation sessions were held with the entertainers. All licensed entertainers were invited to the meetings, except those individuals who had declined participation in advance. All licensed entertainers were also mailed a survey. The entertainers generally agreed that the cameras added to the safety in the club, but that adequate measures must exist to protect the footage from unauthorized access, use and distribution. There was considerable agreement amongst the survey responders that washrooms, change rooms and private rooms/booths/cubicles should not be under camera surveillance. However, the entertainers were divided on the issue of whether cameras should be permitted to record their performance on the stage. The entertainers who opposed the cameras on the stage primarily cited concerns about their privacy, possibility of the footage being acquired by unauthorized persons, and fear of having their occupation exposed to their family and friends. The entertainers who accepted the cameras on the stage pointed out that the performance occurs in public and that, as such, there should be no reasonable expectations of privacy. With respect to the ventilation and sizes of private performance areas, the entertainers generally had no concerns. (See Appendix B for all of the survey respondent data).

During the consultations in the summer of 2012, the entertainers reported they are frequently reluctant to contact the authorities to report an assault or any other misconduct committed by patrons or management/employees of the club. The main reasons for this reluctance to report were the fear of losing the privilege to work in a particular club and the lack of adequate protection from management. Entertainers expressed concerns with “inadequate”, “ill-suited” management and reported harassment, including sexual harassment, from management.

Consultations were held with Toronto Public Health (TPH), Toronto Building and Toronto Fire Services, as well as with the Ontario Ministry of Labour staff who weighed in on the issue of ventilation and size concerning private performance areas (see Appendix C for response from TPH). There are no specific requirements with respect to room sizes under any City of Toronto by-law or in any provincial legislation. Ventilation standards are addressed in the Ontario Building Code. It should be further noted that section 545-378 of the Adult Entertainment Club by-law also stipulates that “*The premises shall be provided with adequate light and ventilation*”.

Consultations were held with staff from the City of Toronto's Information & Technology Division concerning the electronic security measures with respect to the material/footage obtained by the cameras and other recording devices installed in the clubs. Staff suggested a number of measures that were incorporated in the proposed amendments.

Consultations were held with members of Toronto Police Services (TPS). Toronto Police confirmed that security cameras installed in the clubs can assist in the investigation of

criminal matters and that, generally, the owners of the clubs co-operate with the Police and produce the material/footage on demand.

## **Summary of Amendments**

### **1. Licensing of Designated Managers**

The information obtained during the consultations with the industry indicates that each club has, on average, two (2) to three (3) shift managers who oversee the daily operation of the club. While the overall responsibility of operating a club lies with the owners and operators, shift managers play an important role in supervising and controlling the activities within the club on a shift basis. They have direct impact on the manner the business is being conducted, particularly when the owner/operator is absent.

Currently, owners, operators, and entertainers are subject to the City of Toronto licensing regime, and the security personnel must be licensed under the Ontario *Private Security and Investigative Services Act*. The licensing regime ensures the proper screening of licences and documentation, including a criminal record, and contributes to the reduction of health and safety risks associated with providing and receiving services at the club. These licensing measures aim to offer increased protection to the entertainers, other club workers and patrons. Accordingly, staff propose to implement the licensing of clubs' shift managers as Designated Managers to further enhance such protection.

The proposed application fee is \$360.69 and the proposed annual renewal fee is \$254.00. These fees are equivalent to the fees calculated for entertainers, as the licensing process and the enforcement process are comparable. The application requirements include two pieces of identification, police check (criminal record check), proof of eligibility to work in Canada, and a photograph to be taken at the licensing office for the purpose of issuing a photo card along with a licence. A criminal record check is subsequently required every fourth licence renewal.

#### *Municipal Purpose for Licensing Designated Managers*

The City of Toronto's authority to pass by-laws originates from the City of Toronto Act. The City may pass by-laws to establish business licensing regimes for many purposes including health, safety and well-being of persons; economic, social and environmental well-being of the City; and protection of persons and property, including consumer protection.

The main objective of the Adult Entertainment Club by-law is to protect the health and safety and well-being of persons, to protect persons and property, and to protect the economic, social and environmental well-being of the City. It is in the public interest to introduce a regulatory framework where the objective is to hold the individuals who oversee the day-to-day activities in an entertainment establishment accountable to ensure the health and safety of the entertainers, as well as consumers, and other staff working in the clubs. While hiring the designated managers and the assessment of their applicable professional skills rest with the club owners and operators, the City's role will be to

ensure the documentation and criminal records of individuals whose primary responsibilities are to oversee a vulnerable group of other licensees (entertainers) are adequately evaluated.

## **2. Use and Installation of Cameras, Recording, or Photographic Equipment Devices**

Currently, cameras or other photographic or recording devices are not permitted in the club, except if used by a peace officer, Medical Officer of Health, a public health inspector, or a by-law enforcement officer. Information received from the clubs and several entertainers suggests that most, if not all clubs have cameras installed within the premises for security and insurance purposes. Staff propose to amend the by-law to permit the use and installation of cameras, recording, or photographic equipment devices to improve security and safety in the clubs. However, to address concerns with respect to privacy and protection of recorded material, staff propose the following measures designed to ensure that only authorized persons gain access to the footage/material:

- use and installation of recording, or photographic equipment devices not to be permitted in washrooms and change rooms;
- signs should be posted notifying patrons, entertainers, and staff of the presence of the cameras, and such signs must be legible and clearly visible to anyone approaching the area;
- any recorded footage or other material obtained from any camera, recording, or photographic device installed or used in the club shall not be disclosed, distributed or made available in any manner other than to the Medical Officer of Health, a Public Health Inspector or to a peace officer and the Municipal Licensing and Standards Division, or for training employees of the adult entertainment club, or as required for any law enforcement process and or any insurance claim in relation to the operations of the adult entertainment club;
- any footage or other material shall be adequately protected physically and electronically against loss or theft as well as unauthorized access, disclosure, copying, use or modification;
- any footage and other material to be accessible only to an owner, operator, or licensed Designated Manager;
- an owner must file with Municipal Licensing and Standards a privacy and security plan outlining: (i) the measures in place to restrict access to the footage or other material obtained from any camera, recording, or photographic device; (ii) a process to securely destroy footage or material within reasonable time from its creation unless such footage or material is required for legal or insurance purposes; and (iii) the retention period for the footage or material; and

- entertainers to be informed, in writing, of the locations of where security cameras and any other photographic or recording devices are present.

### **3. Additional Standards for Private Performance Areas**

Comprehensive ventilation standards are included in the Ontario Building Code (see Appendix C for other guidelines on ventilation). To ensure that these standards are also incorporated in the By-law with the objective of enhancing health and safety of the entertainers, patrons, and other club workers, staff propose to include provisions that the premises, including all private rooms, booths and cubicles be ventilated in accordance with the Ontario Building Code regulations or any other applicable statutes, regulations, or by-laws.

The requirement that a private performance area be of a certain size is not specifically covered by any legislation. Although the entertainers have generally no concerns with respect to the size of the private rooms; the information received from the entertainers during the consultations revealed that the private performance areas were where the entertainers felt most vulnerable. Staff propose an amendment to the By-law to include adequate clearance between occupants and between occupants and furniture, walls, partitions, or any other fixture, object, or thing to allow for unrestricted movement between the occupants. The main objective of such amendment is to protect the health and safety of the entertainers who frequently find themselves in close proximity with the patrons within the confines of a private room, cubicle, or booth. To achieve this objective, staff recommend that the interior of all private rooms, booths and cubicles where services are provided allow for adequate clearance between occupants and between occupants and furniture, wall, partition, or any other fixture, object, or thing to allow for unrestricted movement of and comfortable distance between the occupants.

During the review of the standards for the private performance areas, it was noted that the proposed construction standards requires a revision to ensure that the intent of the provision is maintained. The proposed provision, as amended at the October 19, 2012 meeting of the Licensing and Standards Committee, reads as follows:

*“All private rooms, private booths or cubicles, must have no more than three sides; or have one side constructed of non-opaque material such as glass or plexiglass. When services are being provided, the view into any private rooms, private booths or cubicles must not be obstructed by any means and must permit an unobstructed view of the interior to anyone in its immediate vicinity and in all lighting conditions.”*

The above specifications may permit a construction of a private room, booth, or cubicle in a manner where the one non-opaque side abuts another private room, booth, or cubicle, contrary to the intent of the by-law. Accordingly, staff propose to amend the abovementioned provision, as follows:

*All private rooms, private booths or cubicles, must have no more than three sides; or have one side constructed of non-opaque material such as glass or plexiglass. When one*

*side is constructed of non-opaque material, such side may not abut another private room, private booth or cubicle or directly front a wall or another solid obstruction. When services are being provided, the view into any private rooms, private booths or cubicles must not be obstructed by any means and must permit an unobstructed view of the interior to anyone in its immediate vicinity and in all lighting conditions.*

This amendment will eliminate the possibility where the requirement of one side being transparent can be circumvented by installing such wall between two adjacent rooms, booths, or cubicles. It was also to ensure that such side is not directly fronting a wall or another solid obstruction in keeping with the intent of the provision to have the interior visible when services are being provided.

## **CONTACT**

Carleton Grant  
Director, Policy and Strategic Support  
Municipal Licensing and Standards  
Tel: 416-338-5576  
Email: cgrant@toronto.ca

## **SIGNATURE**

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Tracey Cook  
Executive Director  
Municipal Licensing and Standards

## **ATTACHMENTS**

Appendix A – Proposal to Amend Municipal Code, Chapter 545, Article XXXII  
Appendix B – The Entertainers’ Survey Results  
Appendix C – Ventilation and Room Size in Adult Entertainment Parlours – Health and Comfort Considerations



**APPENDIX A  
PROPOSAL TO AMEND MUNICIPAL CODE, CHAPTER 545, ARTICLE XXXII**

<b>SUBJECT</b>	<b>CURRENT</b>	<b>PROPOSED</b>
<b>OPERATOR - DEFINITION</b>	A person who alone or with others operates, manages, supervises, runs or controls an adult entertainment parlour	A person who manages, supervises, runs or controls all operations of an adult entertainment club.
<b>DESIGNATED MANAGERS – DEFINITION, REQUIREMENTS AND DUTIES</b>	None	<p><u>Definition:</u></p> <p>DESIGNATED MANAGER - a person authorized by the owner of an adult entertainment club to manage, supervise, or control daily or shift operations of a club on behalf of an owner or operator.</p> <p><u>Requirements:</u></p> <p>Every designated manager shall obtain a licence from Municipal Licensing and Standards and shall adhere to all applicable licensing requirements under Chapter 545, Article I (General Licensing Provisions) and Article XXXII (Adult Entertainment Clubs).</p> <p>Every designated manager shall pay the prescribed licensing fees: application fee of \$360.69, and a renewal fee of \$254.00.</p> <p>Every designated manager who changes his or her address shall, within two days after such change, notify the Municipal Licensing and Standards Division of such change of address.</p> <p>An owner, in his or her adult entertainment club, or operator or Designated Manager, in the adult entertainment club where he or she is employed, may have his or her licence endorsed by the Municipal Licensing and Standards Division to perform services as an entertainer.</p>

SUBJECT	CURRENT	PROPOSED
		<p><u>Duties:</u></p> <p>No designated manager shall permit any services to be given, performed, provided or received in any adult entertainment club in breach of any of the regulations contained Chapter 545.</p> <p>Every designated manager shall, upon a request made to him or her by any peace officer, by-law enforcement officer, Medical Officer of Health, or public health inspector provide his or her name and residential address, and his or her Designated Manager's Licence.</p> <p>No designated manager shall permit any person under the age of 18 to enter or remain in any adult entertainment club managed, supervised, run or controlled by him or her.</p> <p>No designated manager shall permit any person who appears to be intoxicated by alcohol or a drug to enter or remain in any adult entertainment club managed, supervised, run or controlled by him or her.</p> <p>No designated manager shall permit an adult entertainment club managed, supervised, run or controlled by him or her 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.</p> <p>During the hours of business of an adult entertainment club , or at any time at which an entertainer is in attendance at an adult entertainment club, it shall be the responsibility of the owner, of the operator and of the designated manager if any, to</p>

SUBJECT	CURRENT	PROPOSED
	<p>No owner, operator or attendant shall take, consume or have liquor or a drug in his or her possession in an adult entertainment parlour, nor shall the use of liquor or a drug by him or her be apparent while he or she is in an adult entertainment parlour.</p> <p>Every designated manager shall, while engaged in his or her business in an adult entertainment club, be neat and clean in his or her person and civil and well-behaved to members of the public with whom he or she is dealing.</p>	<p>ensure that the door or doors or other principal means of access into or out of the adult entertainment club by the public shall be kept unlocked and available so that anyone coming from the street or other public place may enter therein without hindrance or delay.</p> <p>Subject to the provision below, either an owner, or an operator licensed in respect of such owner's adult entertainment club, or a licensed designated manager shall be in attendance at the adult entertainment club at all times during hours of operation.</p> <p>Notwithstanding the above provision, an owner, or operator, or a designated manager may, in case of an emergency and on a temporary basis, appoint another employee of the club to supervise the daily operations in the owner's, operator's or designated manager's absence.</p> <p>No owner, operator, designated manager or attendant shall consume liquor, nor shall the use of liquor or any drug impair his or her ability to manage or operate the adult entertainment club or offer services under this Chapter.</p> <p>DELETE</p> <p>No designated manager shall use or permit to be used any camera or other photographic or recording device in, upon or at an adult entertainment club, other than</p>

<b>SUBJECT</b>	<b>CURRENT</b>	<b>PROPOSED</b>
		<p>in accordance with Chapter 545.</p> <p>No designated manager shall permit any entertainer to provide services in any area that has not been approved as a designated entertainment area by the Executive Director of Municipal Licensing and Standards or his or her designate.</p> <p>No designated manager in respect of any adult entertainment club managed, supervised, run or controlled by him or her shall</p> <p>(i) permit any entertainer to touch, sit, or rest on, or make any physical contact with the covered, partially covered, or uncovered breasts, buttocks, genital, pubic, anal and perineal areas of a patron or any other person when providing services at the adult entertainment club</p> <p>(ii) permit any employee or patron to touch, sit, or rest on, or make any physical contact with the covered, partially covered, or uncovered breasts, buttocks, genital, pubic, anal and perineal areas of any entertainer or any other person.</p> <p>No designated manager shall permit any portion of the premises, where services are provided or received to be fully obstructed from the view of any patrons, entertainers or security personnel.</p>
<p><b>REGULATION OF USE AND INSTALLATION OF CAMERAS, RECORDING OR PHOTOGRAPHIC DEVICES</b></p>	<p>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 or her direction or a by-law enforcement officer.</p>	<p>A. No owner or operator or entertainer shall use or permit to be used any camera or other photographic or recording device in, or at an adult entertainment club by any person other than a peace officer, Medical Officer of Health or a public health inspector or a by-law enforcement officer.</p>

SUBJECT	CURRENT	PROPOSED
		<p>B. Subject to Subsection (E), Subsection (A) shall not apply to cameras installed for security purposes in areas other than washrooms and change rooms.</p> <p>C. When using camera equipment for security purposes, every owner or operator shall ensure that signs are posted in conspicuous locations, including all entrances to the adult entertainment club and in each designated entertainment area to notify all occupants of the presence of security cameras, and such signs must be legible and clearly visible to anyone approaching.</p> <p>D. Nothing in Subsection (A) shall preclude an entertainer from using a camera or other photographic or recording device, outside of the operating hours of an adult entertainment club, for the purpose of recording his or her own performance or practice.</p> <p>E. No owner or operator shall disclose, distribute or make available or allow any person to disclose, distribute or make available any information recorded by a camera, recording, or photographic device installed or used in the adult entertainment club other than for training employees of the adult entertainment club, or as required for any law enforcement process and or any insurance claim in relation of the operations of the adult entertainment club.</p> <p>F. Every owner shall ensure that any information recorded by a camera, recording, or photographic device installed or used in his or her adult entertainment club is adequately protected, both physically and electronically, against loss</p>

SUBJECT	CURRENT	PROPOSED
		<p>or theft as well as unauthorized access,</p> <p>disclosure, copying, use or modification and, subject to Subsection (G) that such footage and material is accessible only to him or her or operator, or a licensed Designated Manager.</p> <p>G. Notwithstanding Subsection (E) and (F), the Medical Officer of Health, a Public Health Inspector, a peace officer and the Municipal Licensing and Standards Division may be given access, upon demand, to any camera, recording, or photographic device installed or used in the adult entertainment club, and to view, and copy any recorded information obtained from such camera, recording, or photographic device, for the purpose of inspection or investigation under this Chapter or any other law.</p> <p>H. Notwithstanding Subsection (E), (F), and (G) the Municipal Licensing and Standards Division shall be given access, upon demand, to any camera, recording, or photographic device installed or used in the adult entertainment club, and to view, and copy any recorded information obtained from such camera, recording, or photographic device for the purpose of inspection or investigation in relation to the use and installation of such camera, recording, or photographic device</p> <p>I. At the time of an application for or upon demand by the Executive Director of Municipal Licensing and Standards or his or her designate, every owner must file a privacy and security plan outlining</p> <p>(i) the measures in place to restrict access to the footage or other material obtained from any camera, recording, or photographic device;</p>

SUBJECT	CURRENT	PROPOSED
		<p>(ii) a process to securely destroy footage or material within reasonable time from its creation unless such footage or material is required for legal or insurance purposes; and</p> <p>iii) the retention period for the footage or material.</p> <p>J. Municipal Licensing and Standards Division must be advised, in writing, within 7 days before any changes are made to the a privacy and security plan referred to in Subsection (I)</p> <p>K. If there are any changes to the security plan referenced in subsection (I), an owner shall file the new plan with the Municipal Licensing and Standards Division</p> <p>L. Before engaging an entertainer to provide services, and/or before adding new or changing the locations of existing cameras, an owner or operator must inform each entertainer, in writing, of the presence of security cameras or any other photographic or recording devices in designated areas of the club.</p>
<p><b>ADDITIONAL STANDARDS FOR PRIVATE ROOMS/BOOTH/CUBICLES</b></p>	<p>None</p>	<p><u>Ventilation:</u></p> <p>The premises, including all private rooms, booths and cubicles shall be provided with adequate light and shall be ventilated in accordance with the Ontario <i>Building Code Act, 1992</i> and its regulations, or any other applicable statues, regulations, or bylaws.</p>

SUBJECT	CURRENT	PROPOSED
		<p><u>Size:</u></p> <p>The interior of all private rooms, booths and cubicles where services are provided shall allow for adequate clearance between occupants and between occupants and furniture, walls, partitions, or any other fixture, object, or thing to allow for unrestricted movement between the occupants.</p> <p><u>Additional construction standards</u></p> <p>All private rooms, booths or cubicles must have no more than three sides or have one side constructed of non-opaque material such as glass or plexiglass. When only one side is open or constructed of non-opaque material, such side may not abut another private room, booth or cubicle or be placed within 4 feet of a wall or other solid obstruction. When services are being provided, the view into any private rooms, private booths or cubicles must not be obstructed by any means and must permit an unobstructed view of the interior to anyone in its immediate vicinity in all lighting conditions.</p>



## APPENDIX B

### THE ENTERTAINERS' SURVEY RESULTS

All licensed entertainers were mailed a survey.

Staff have concerns with respect to the authorship and the validity of some of these surveys; therefore, the survey results are being reported both including and excluding these surveys (see tables below for detailed survey results).

The handwriting on approximately 37 surveys and envelopes seem to have been completed by only four or five individuals. Most of these surveys arrived in envelopes appearing to be of the same type and have nearly the same or similar answers to most questions that appear to support the position of the AEAC and the club owners.

#### Total surveys returned – 66

Licence status	Number of responses	
	All surveys	Questionable surveys excluded
yes, in Toronto	48	26
yes, in Toronto, and in another municipality	17	2
no	1	1

In your opinion, should the club shift managers be licensed by the City?	Number of responses	
	All surveys	Questionable surveys excluded
yes	12	12
no	46	12

#### Why yes/why not?

##### Non-questionable surveys (29):

- Yes, absolutely, because they have access to our private information

- To keep organized/known criminals out of the industry
- Dancers/managers/security - license, waitress/bartenders - smart serve
- It allows for them to be identified
- So they can act professionally, be trained (in business skills), to avoid any criminals or mobs to get advanced in this position or any other "characters" or they likely may act like pimps!
- I don't think people should be licensed
- No, because they are not contract employees/sole proprietors
- They know what to do
- They are qualified as is
- Grab cash somewhere else, stop taking it from the working people
- [Yes] Because this would eliminate random people from having authority
- No one should be licensed
- No need
- [Yes] To know who is here and who they are
- To keep them honest
- why do we have to be licensed, wouldn't hurt if they had to be as well
- so they know all the policies and regulations
- They will be more professional with entertainers. Because it's business of choice for all who are interested in dancing and performing in public. Keeps things professional for our city, for our licensing office and whoever wants to protect our entertainers
- [No] Because the club needs a license to operate. No need for managers to have license
- Yes, because I feel we might be treated better if the managers had to be licensed like we do
- [No] It is very expensive for them
- Get rid of the dancer licence too!!!

#### Questionable surveys (37):

- No license for anyone at all
- No purpose for licences
- Licenses are pointless
- No need for licenses
- No licenses at all
- No need for licences - too much regulation
- No one should be licensed
- No licences
- Licenses not needed for bar staff
- No licence for anyone
- No one should be licensed
- Not necessary
- Only doctors or police men should be licensed
- They are good as they are
- There should be no licensing period
- I shouldn't be licensed, so why should a manager need to be licensed

- I shouldn't be licensed, why should managers be licensed?
- No need for licences
- NO LICENCES!
- I shouldn't be licensed, so why would I think they should
- Licences don't make any sense
- Licences are not needed
- NO ONE SHOULD BE LICENSED
- No licences for anyone, no need
- Licences are a waste of time
- NO LICENSED FOR ANYONE!
- Why? The [illegible] not like police or something like that, so no licences
- No one should need a licence, except doctors, people that do work can cause death
- It's fine as is
- This job doesn't require a license! Only dangerous jobs should have a licence
- I don't think dancers should need a license to dance
- Bar is licensed, why does employees need to be licensed

In your opinion, security cameras/photographic equipment should NOT be installed in what areas within the club?	Number of responses (multiple answers possible)	
	All surveys	Questionable surveys excluded
washrooms	54	26
change rooms	54	26
stages	13	13
patron seating areas	8	7
private rooms/booths/cubicles	48	23
any area where the performance takes place	19	16
entrances and exits from the club	2	2
let the management decide where the security cameras should be installed	18	6
there should be no cameras/photographic equipment on the premises at all	2	2

What are your concerns, if any, about the presence of the cameras/photographic equipment within the clubs?	Number of responses (multiple answers possible)	
	All surveys	Questionable surveys excluded
I do not have any concerns.	45	11
Unauthorized person(s) can gain access to the camera footage.	15	15
The footage/photo can be posted on the internet.	16	15
My family, friends, another employer, etc. can learn about my occupation/place of work against my wishes.	14	13
It is an invasion of privacy.	12	12
My customers might not like being videotaped/photographed.	12	11
Other:	0	0

**What types of measures should/could be put in place to ensure that the security camera footage is protected from unauthorized access and sharing?**

Non-questionable surveys (29):

- Handled only by the security people
- I do not agree with the use of cameras in adult establishment, or in any public place
- It can only be installed at the entrances and exits
- It needs to be against the law for them to be viewed by anyone other than managers or police
- No security camera in the VIP, on stage, or where customers are seated, totally invade of privacy.
- Depending on the location of cameras. Cameras should only monitor customer entrance and exit of club
- If it's only used in police investigative efforts
- Only owner has access (keys) to the security cameras
- Don't know, don't think that the clubs post club footage on internet. Customers and entertainers would quit going there.
- I'm not sure of the options, but I would generally say to not to allow the footage to be removed from the premises. In-house security only.
- under lock and key, passwords, alarms
- Expert installation
- Qualified people operating cameras
- Security camera footage should only be accessed by authorized personnel (i.e. managers)
- Don't install

- Not a concern really
- If camera system is installed properly by a qualified person there is no issue!
- Only people who know how to use cameras should operate them
- Recording at doors and bar only - other areas just monitored
- Digital - locked and coded access
- To be installed only around club, by entrances, supervised by the club staff carefully!

Questionable surveys (37):

- Installed properly
- Properly installed and monitored by management
- The recording should be locked up
- Install safe
- Properly monitored, used for emergency situations
- I trust the people I work for to do what is in my best interest
- Aren't there already laws about invasion of privacy and the like?
- Managers to look after to ensure safety of system
- NO CONCERN
- Monitored properly and monitored by qualified staff
- Professionally installed/monitored by management
- Proper installation
- The owners lock up the video
- Properly managed by security and management

Do you feel that cameras contribute to your safety at the adult entertainment club(s) where you work?	Number of responses	
	All surveys	Questionable surveys excluded
yes	54	17
no	9	9
I'm not sure.	3	3

(a) What are your concerns, if any, respecting the size of private rooms/cubicles/booths?	Number of responses	
	All surveys	Questionable surveys excluded
They are generally of an adequate size and are comfortable.	58	21
They are generally too small.	7	7

**Suggestions for improvement:**

Non-questionable surveys (29):

- The cubicles should be more private, more comfortable, more clean, more curtained, wider, but no video cameras or any recording devices at all, it's not good!
- Enough room for a black leather love seat and a table. Booths are outdated: for table dances
- Make them bigger
- I'd like to see more rooms that hold groups so I can perform for larger groups at once
- A little bigger with short, thin carpeted ridges along the wall so not only do our feet not touch the dirty ground but allow more control
- The chairs/couches should be kept up to date though. Some places have springs sticking out and staples, etc... that have cut me before
- More private
- More comfortable seats in VIP
- They need to be more private and more comfortable
- Not enough space to move around and needs more bouncers presence.

Questionable surveys (37):

No comments

What are your concerns, if any, respecting the ventilation in private rooms/cubicles/booths?	Number of responses	
	All surveys	Questionable surveys excluded
I have NO concerns about the ventilation in the private performance areas	59	22
I have concerns about the ventilation in the private performance areas	4	4

**Suggestions for improvement**

Non-questionable surveys (29):

- Keep them warm
- I think they are ok
- It's always too hot or too cold. There should be some "standard" temperature range
- Maybe a bit more air conditioning in VIP to keep it cool and comfortable
- The temperature shall be ambient, not too cold, not too hot, clean, fresh filtered air, it's important in a public and private environment, when people gather together!

Questionable surveys (37):

No comments

**Additional comments:**

Non-questionable surveys (29):

- This is a great p/t job that, unfortunately, has negative social connotations. So there should be no cameras recording our presence. The bouncers do a great job ensuring our safety - I have never had a problem. I would suggest classing up both the men's and the dancers' dress code
- The plumbing in some of these clubs is old and the drains smell like sewage taps drip or don't turn off and i'm scared to drink the water because the pipes seem so old. Also, some clubs are reluctant to offer water to patrons because they want to "sell" bottled water even if the guy has bottle service. I find that breaches "smart serve" standards.
- Club owners should be effectively penalized for non-payment of dancers' wages
- Lower your licensing fees to \$100 because revenue for BE has dropped significantly
- Can you give us a chance to not to be stressed by all thus new rules, regulation, which not making our business easier or more productive? Why this business is not regulated in terms of clubs having memberships, so they can select the quality of clients which are coming in, not let anyone out there from the streets to harass, insult or intimidate us, be able to work stress free and have some peace??

Questionable surveys (37):

No additional comments

## APPENDIX C

### Ventilation and Room Size in Adult Entertainment Parlours (AEPs) Health and Comfort Considerations

**Prepared by:** Barbara Lachapelle, Toronto Public Health, Environmental Response Team

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Indoor environments are considered to be a significant source of exposures to various substances. A great variety and number of chemicals are present indoors, and the small physical scale of indoor spaces limits the dilution which can lead to relatively high concentrations. Although AEPs are considered a workplace under the Ontario Occupational Health and Safety Act (OHSA) they are also public places frequented by customers. A cursory review of relevant literature did not reveal any studies assessing indoor air quality (IAQ) in AEPs, however, there is an abundance of general guidance for maintaining good air quality in indoor environments.

#### Ventilation Standards and Guidelines

Indoor air quality is closely related to ventilation. With the assumption that outdoor air is less contaminated than indoor air, ventilation allows for removal and dilution of contaminants that have been generated indoors. A search of relevant literature and industry sources revealed there are no regulated standards specifically for ventilation in AEP private rooms. However, there are either standards or guidelines for general ventilation of dwellings that is necessary to achieve acceptable indoor air quality.

In the City of Toronto, the Toronto Municipal Code Property Standards (629-39 Ventilation) prescribes that if a system of mechanical ventilation is used in a dwelling, the system should be capable of completely changing the air in all rooms at least once an hour. This standard does not consider occupancy or the designation of the room.

One of the most authoritative sources on ventilation is the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE). Since 1973, the ASHRAE Standard 62, Ventilation for Acceptable Indoor Air Quality, has prescribed ventilation rates based primarily upon controlling carbon dioxide (CO<sub>2</sub>) levels from human metabolism. ASHRAE Standard 62-1999 specified that maintaining a ventilation rate of 7.5 L/s per person will yield a CO<sub>2</sub> concentration of 700 parts per million (ppm) above the outdoor background level – a level within acceptable health and comfort limits. These ventilation rates are based on human occupancy, with default values for occupants per unit of occupiable floor area given based on the maximum number of expected occupancy.



### Room size

A cursory review of relevant literature did not reveal any specific standards or guidelines for AEPs room sizes. Having said that, room size (i.e. the square area of occupiable floor space) is closely related to the number of occupants, and ventilation rates that are necessary to maintain good air quality. Additional factors such as air infiltration and exchange rates will have a significant impact on the retention time of contaminants in indoor air. Many of these factors are highly variable and will differ greatly from room to room.

## **Chemical and Physical Parameters of Importance for IAQ in AEPs**

### Carbon Dioxide (CO<sub>2</sub>)

CO<sub>2</sub> is a colourless, tasteless, and odourless gas and it is a product of respiration and combustion. In IAQ investigations, CO<sub>2</sub> levels are used as a surrogate measurement of how well the indoor air is diluted with fresh or outdoor air. CO<sub>2</sub> is commonly accepted as an indicator of the effectiveness of the ventilation system. In Ontario, the ambient concentration of CO<sub>2</sub> is approximately 340 parts per million (ppm), however, that is subject to significant spatial and temporal variations.

There are several standards and guidelines for acceptable CO<sub>2</sub> concentrations. ASHRAE recommends a maximum indoor CO<sub>2</sub> concentration of 700 ppm above the outside air concentration to maintain comfort. The Health Canada's *Exposure Guidelines for Residential Indoor Air Quality* recommends 3500 ppm as an acceptable long-term exposure range for indoor air. Ontario Ministry of Labour set the CO<sub>2</sub> time weighted average limit (TWA) at 5,000 ppm.

\*\*\*\*\*A note on occupational standards → most occupational standards are usually set much higher than health benchmarks. In setting occupational standards, regulators often assume the worker to be a healthy individual that is voluntarily exposed to the substances he or she works with. Furthermore, these standards often consider economic benefits, as well as feasibility and cost of control measures necessary to control exposures.

### Carbon Monoxide (CO)

CO is a colourless, odourless gas. Sources of CO in indoor air include gas and oil appliances, tobacco smoke, and the infiltration of CO in polluted outdoor air. When a person becomes exposed to CO, it combines with haemoglobin and reduces the oxygen supply to body tissues. Health Canada prescribes the residential maximum exposure limits for CO as 25 ppm for 1 hour averaging time and 10 ppm for a 24 hour averaging time. Ontario Ministry of Labour set the CO time weighted average limit (TWA) at 25 ppm.

### Thermal Comfort (Temperature and Humidity)

"Thermal comfort" means that a person feels comfortable, they are neither too cold nor too warm. The season, relative humidity, clothing and activity level of building occupants may affect what temperature they perceive as comfortable. In general, in summer temperatures of 23-28°C are recommended for comfort, while in the winter when humidity is closer to 30%, recommended temperatures are 20-25°C.

Humidity describes the moisture content in the air and it is expressed as percent relative humidity (%RH). When RH is kept at approximately 50% workers tend to have fewer respiratory problems and generally feel better. Humidity lower than 20% causes discomfort by drying out mucous membranes, contributing to skin rashes.

There are further standards and guidelines for IAQ parameters such as nitrogen dioxide, sulphur dioxide, VOCs, formaldehyde, particulate matter, noise, odours, etc. However, these substances are not likely to be an issue of concern at AEPs.

### Conclusion

There are many chemical and physical parameters that have an impact on IAQ. In adult entertainment parlours these IAQ variables can be further influenced by the time of the day, the occupancy of the room, and the activities taking place in that room. At present time, a cursory review of literature did not reveal any studies specifically assessing IAQ in AEPs. Based on the potential variability of IAQ parameters and lack of relevant studies, it is difficult to make any inferences about IAQ in AEPs at current time. However, general indoor air quality standards and guidelines can be the basis for determining appropriate air quality for AEPs and form the basis for further review and study.

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