

**To: Toronto City Council and Council Members  
Licensing and Standard Committee and Members  
Audit Committee and Members  
Executive Director, Municipal Licensing and Standards (MLS)  
Director of Bylaw enforcement, Municipal Licensing and Standards (MLS)**

RE: MLS policies and practices in regard to holistic health practitioners and related businesses

**Date: April 10, 2018**

**Background of practitioners working in holistic centers**

Holistic Practitioner Alliance is formed by the holistic practitioners and members who concern about the rights and working condition of holistic centers in Toronto. The majority of Holistic Practitioner Alliance members are newcomer Canadians from Asia, who've faced employment challenge due to language barriers, lack of Canadian work experience and academic credentials not being recognized; barriers to access in the Canadian job market.

Yet, holistic practitioners continue to work hard to make ends meet. Not only do holistic practitioners engage in the profession to earn an income for themselves and their families, their professional knowledge and skills also provide momentary relief and enhance emotional and physical well-being of clients. Furthermore, licensed holistic centre owners and practitioners contribute to the Canadian economy by creating jobs and paying taxes, and generate city revenue via licencing fees and municipal taxes.

All along, this community has worked quietly in small businesses and have maintained a collaborative relationship with the Municipal Licensing and Standards (MLS) and By-law enforcement officers. However, since 2012, changes in policies of holistic centres resulted in excessive, unnecessary and discriminative inspections and prosecutions which lead to increasing abuse, misconduct and human rights violation by bylaw enforcement officers (including MLS bylaw enforcement officers and police ) as well as rapidly increase of the number of inspection and unreasonable charges and fine.

**The harassment, abuse, misconduct and human rights violation of bylaw enforcement officers and police**

- 1. Rapid increase of investigation and prosecution:** The number of “visits” to the holistic centre has increased from “569” visits in 2013 to “1780 “ visits of holistic centres in 2016, a 212% increase. The number of visits to “holistic practitioners” has increased from 611 visits in 2013 to 2585 visits in 2016<sup>1</sup>, a 323% increase. Starting in 2018, the enforcement division budget will increase \$682,000 annually to cover the cost of hiring 5 new bylaw enforcement officers targeting 410 holistic centres and 25 body rub parlors. Holistic centers now comprise a quarter of total MLS visits to businesses in 2016, disproportionately and unfairly targeting holistic centers with MLS scrutiny and prosecution compared to other categories businesses in the city
- 2. Misconduct and Human Rights violations by bylaw enforcement officers:** The practitioners are treated disrespectfully, without dignity and with the assumption of criminality during inspections. For example, by-law officers have asked practitioners to entertain them by dancing or singing and been told to strip their clothing and display their underwear during inspections.
- 3. There is no clear guideline or standard of By-law enforcement being provided or to prevent abuses of power from by-law enforcers.** Due to language barriers, holistic practitioners are unsure of their own legal rights and often do not receive clear and accessible information on the limits to an officer’s power. This leads to situations of unlawful behaviours and practices by MLS enforcement officers, such as interfering with their right to leave and their right to remain silent and using tickets to “punish” those who challenge their authority.

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<sup>1</sup> Reply form City of Toronto, FOI request, Number of visits did bylaw officers (2012-2017(Oct))

Practitioners and owners are often fined by minor and unreasonable charges; tiny scratches under the work beds even when beds are workable and covered by towels; not being able to open private client room doors immediately for investigations when they have clients on site; investigations three-times or more a week disturbing their business; searching for personal belongings without a warrant or reason; being treated as a criminal and barring them from using the washroom during their investigations (not even to take their license); by-law officers going into private client rooms without knocking on the door.

- 4. By-law enforcement officers often break the City of Toronto Sanctuary City policy** directing city officials not to inquire about an individual's immigration status, by collaborating with the CBSA and checking the ID of the practitioners.

### **Problems of By-law**

The bylaws relating to holistic centers is problematic, it increases likelihood of abuse of law enforcement and endangers the safety of the practitioners. It does not consider the realities of the situations on site: difficulty of recording each client's personal detailed information; blurry and subjective definitions of "unprofessional clothing", requiring licenses with the personal information, such as address and legal name, to be displayed on the wall, increasing the risks of practitioners being targeted and risking their safety; regulation to leave doors unlocked when working alone increasing their risks of being sexual assaulted, rubbed, threatened, or violated by strangers, etc.

### **Demands**

Holistic Practitioner Alliance has collected around 100 signatures for this petition, demanding job protection and reasonable by-law enforcement. In the past, the practitioners were excluded from the consultation. We urge for the demands of:

1. End discriminatory and targeted inspections and prosecutions on holistic centers and practitioners (including defunding and disbanding a special bylaw enforcement division to target holistic centers.)

2. End abuses of power, misconduct and human rights violations by law enforcement (including municipal bylaw enforcement officers and police). Ensure By-law officers interact with practitioners in a non-discriminatory and respectful manner.
3. Conduct a comprehensive consultation with holistic centers and practitioners to formulate suggestions for amending relevant By-laws and regulations. The consultation should not have the preposition of increasing the bylaw enforcement since the bylaw enforcement is already problematic, abusive and discriminatory. The consultation process to review the licensing of Body Rub Parlours and Holistic Centres should be based on a framework that protects the rights, health and safety of practitioners, as well as justice and fairness to the businesses.
4. We also strongly urge the council to **remove the proposal of a moratorium on new applications from holistic practitioner licenses from members of the five professional holistic associations** in question, since there has been **no due process, no public consultations, and no comprehensive review for this proposal.**

Holistic Practitioners Alliance

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Attachment:

Petition: End Discrimination and Targeted Prosecutions on Holistic Centres and practitioners in Toronto