

April 23, 2018

Dear Councillors:



Re: Unfair municipal bylaw enforcement of holistic health centres

The Canadian HIV/AIDS Legal Network is a human rights organization that promotes the human rights of people living with, at risk of or affected by HIV or AIDS, in Canada and internationally, through research and analysis, litigation and other advocacy, public education and community mobilization.

We are writing to express our concern with disturbing reports of inappropriate conduct and abuses of power by bylaw enforcement officers from the Municipal Licensing and Standards division (MLS) of the City of Toronto. In particular, we note reports from our colleagues at the Coalition Against Abuse by Bylaw Enforcement, the Holistic Centre Alliance and Butterfly: Asian and Migrant Sex Workers Network of bylaw enforcement officers employing municipal bylaws to single out certain holistic health centers for scrutiny and to harass these holistic health centers and their employees in ways that endanger their safety and disrupt their business.

As our colleagues have reported, holistic practitioners have been targeted with excessive and discriminatory inspections and prosecutions. Their research has revealed that the number of MLS visits to holistic centers has rapidly increased by 212% since 2013; in 2016, holistic centers comprised one-quarter of total MLS visits to businesses. Between 2014 and 2017, MLS also issued 1604 charges of “non-compliance” to holistic centers, yet only 900 (or 56%) of charges have led to a conviction and the majority have been minor infringements, ranging from scratch marks on a massage bed to business cards that do not display a license number. This number will undoubtedly grow, as the budget of the municipal bylaw enforcement division will increase by \$682,000 annually to cover the cost of hiring five new bylaw enforcement officers to solely monitor 410 holistic centres and 25 body rub parlours.

Harassment has been reported to include humiliating and dehumanizing treatment, arbitrary detention and unwarranted searches of practitioners’ personal items. Officers have also been reported to harass and intimidate customers. When practitioners have reported such misconduct, they have not been permitted to file a complaint. This misconduct has serious repercussions. By undermining community trust in law enforcement, practitioners—many already marginalized by race, language barriers and immigration status—will be more hesitant or fearful of seeking help from law enforcement when they experience violence or other situations of danger.

Furthermore, the MLS adopted the Auditor General’s report “Review of the Municipal Licensing and Standards Division’s Management of Business Licences — Part Two: Holistic Centres” and implemented a moratorium on the issuance of new licenses to holistic practitioner applicants who are members of five professional holistic associations (PHAs) with no due process or public consultation with holistic practitioners, professional health associations or the public. At its root,

the process to review the licensing of body rub parlours and holistic centres was flawed. Rather than being based on a framework that protects the rights, health and safety of practitioners, the Auditor General and MLS staff reports drew conclusions that were based on misleading information, including unfounded allegations of human trafficking in holistic centres and a sweeping claim that the five PHAs (for which a moratorium was subsequently imposed) were linked with 98% of bylaw charges, without also clarifying that the vast majority of holistic practitioners (86.28%) are members of these five PHAs.

Therefore, we urge the Mayor and City Councillors to take action to **stop the misuse of municipal bylaws to target holistic centres and practitioners** and to **investigate and end police and bylaw enforcement officer misconduct**. We also urge City Councillors to **reverse the moratorium on the issuance of new licenses to holistic practitioner applicants** associated with the five restricted PHAs until a comprehensive consultation and review of the current holistic bylaw policy has been conducted. This consultation should be undertaken with the meaningful participation of owners, practitioners and other relevant stakeholders of holistic centres and body rub parlours.

We look forward to hearing from you.

A handwritten signature in black ink that reads "Sandra Ka Hon Chu". The signature is written in a cursive, flowing style.

Sandra Ka Hon Chu
Director of Research and Advocacy