

NOEL D. GERRY
BARRISTER & SOLICITOR

1120 Finch Avenue West
Suite #601
Toronto, Ontario
M3J 3H7

Tel: 416-972-1161
Fax: 416-900-6077
Cell: 416 720-1492
Email: gerrylaw@rogers.com

Via email: gglc@toronto.ca

May 17, 2019

General Government and Licensing Committee
City of Toronto, Council
10th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON
M5H 2N2

Dear Mr. Chair and Members of the General Government and Licensing Committee

Re: Comprehensive Review of Body-Rub Parlour Regulations

I am making this submission on behalf of twenty-two of the twenty-five licensed body-rub parlour owners in the City of Toronto. A list of my clients is attached to this letter as Schedule "A".

My clients support the proposed approaches being considered in Report for Action GL5.2 and in particular support proposed amendments to the current Municipal Code provisions governing body rub parlours that relate to hours of operation and security cameras. There is no opposition among the licensed body rub parlour owners that I represent to the overall approach of eliminating holistic licensing and increasing the cap on body rub parlours, provided that the current zoning restrictions on the location of body rub parlours remain in place. My clients also support the safety and anti-human trafficking measures that are being proposed.

However, my clients believe that three essential and necessary amendments that would increase safety and/or modernize the regulations have been left out of Report for Action GL5.2 and that these items should be considered and addressed when the matter returns in the fourth quarter of 2019.

1. Allowing Advertising on the Internet

While there may be justifications for regulating signage or prohibiting the distribution of flyers, there is no rationale for prohibiting advertising on the internet. The provisions that prohibit advertising were drafted before the internet existed. Clearly, body rub parlours should be permitted to have their own websites and post advertisements on the internet. No harm can flow to the public from this method of advertising. I am not aware of any other regulated business that has such a restriction.

2. Permitting the Locking of Doors used as the Principal Means of Access

This is an important safety issue. The owners, operators, managers, attendants and customers of body rub parlours would be safer if licensed owner/operators were permitted to control access to their business premises. This is about preventing robberies, assaults and drunken and disorderly conduct. There is plenty of evidence from my clients to suggest that being mandated to leave their doors open has made everyone involved less safe.

3. Removing the requirement that attendants be properly dressed

Attached to this letter as Schedule "B" is an excerpt from the City of Toronto Act that shows that body rub parlours are categorized as adult entertainment establishments. Notwithstanding that designation, the current Municipal Code provisions governing body rub parlours contain a requirement that body rub parlour attendants be "properly dressed". This language is antiquated and the requirement flies in the face of the adult entertainment designation given in the governing legislation.

My clients would also request that staff revisit their consideration of the hours of operation of body rub parlours. The rationale advanced in Report for Action GL5.2 for suggesting a closing time of 1:00 a.m. is that adult entertainment parlours that do not have a liquor licence must also close at that time and that type of business is similar to a body rub parlour and thus their hours of operation should coincide. The problem with that line of argument is that in reality there are no licensed adult entertainment parlours without liquor licences currently operating in the City of Toronto. All of the adult entertainment parlours that are currently licensed by the City have liquor licences and thus enjoy an exemption from any regulation of their hours of operation. These adult entertainments parlours (colloquially known as "strip joints") are in direct competition with body rub parlours in the category of adult entertainment establishments. Body rub parlours must pay \$13,614.31 for their licence but are hampered by regulations that do not allow them to compete in business with other adult entertainment establishments. My clients request that they be given the same opportunity to compete and earn income as their competitors

in the same legislative category by having no regulated hours of operations.

My clients are grateful that staff and this Committee are taking the time to give these issues due consideration.

Yours truly,

A handwritten signature in cursive script that reads "Noel Gerry".

Noel D. Gerry

SCHEDULE "A" – CLIENT LIST

Operating Name	Licence Holder	Address
A & R Massage Studio	A & R Body Care Ltd.	3631 Dundas Street West
Alpha Care Spa	2587019 Ontario Inc.	1270 Finch Avenue West, Unit 1
Ambassador Spa	2556100 Ontario Inc.	1270 Finch Avenue West, Unit 14
Elite Retreat	Elite Retreat Inc.	852 The Queensway
Flirt Spa	2252344 Ontario Inc.	1003 Finch Avenue West
Flirt 2 Spa	2101173 Ontario Inc.	3680 Victoria Park Avenue, Unit 1
I & P Studio	I & P Studio Corp	Currently relocating
Josephine's Spa	1541790 Ontario Inc.	280 Brown's Line
Minx Spa	2405490 Ontario Ltd.	3598 Dufferin Street
Muse Spa	1786424 Ontario Inc.	1290 Finch Avenue West, Unit 13
Palladium Spa	1610729 Ontario Limited	800 Petrolia Road, Unit 16
Perla Spa	2332980 Ontario Inc.	3670 Victoria Park Avenue, Unit 2A
Platinum Spa	2501170 Ontario Inc.	1230 Sheppard Avenue West, Unit 2
Pure Spa	2420797 Ontario Inc.	32 Mobile Drive
Pure Pleasure Spa	1133520 Ontario Inc.	2300 Finch Avenue West, Unit 59 & 60
Royal Tease Gentlemen's Spa	Royal Tease Gentlemen's Spa Inc.	155 Toryork Drive, Unit 13
Secrets Massage Spa & Gentlemen's Club	2435941 Ontario Inc.	370 Brown's Line
Seduction Spa	2549915 Ontario Inc.	4801 Keele Street, Unit 45
Studio 9	2501354 Ontario Inc.	77 Kincourt Street, Unit 85A
Sunshine Spa	2265205 Ontario Inc.	1290 Finch Avenue West, Units 4 & 5
Taboo Massage	2537967 Ontario Inc.	1170 Sheppard Avenue West, Unit 4
Vivid Spa	2300943 Ontario Inc.	4801 Steeles Avenue West, Unit 3

SCHEDULE "B" – EXCERPT FROM CITY OF TORONTO ACT

Restrictions re adult entertainment establishments

Premises

92(2) Any premises or any part of them is an adult entertainment establishment if, in the pursuance of a business,

- (a) goods, entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations are provided in the premises or part of the premises; or
- (b) body-rubs, including the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person's body, are performed, offered or solicited in the premises or part of the premises, but does not include premises or part of them where body-rubs performed, offered or solicited are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered to do so under a statute of Ontario. 2006, c. 11, Sched. A, s. 92 (2).