

REASONS FOR DECISION OF THE TORONTO LICENSING TRIBUNAL

Date of Hearing: June 23, 2016

Panel: Moira Calderwood, Chair; (Hedy) Anna Walsh and Cezary Paluch, Members

Re: 2435941 Ontario Inc., o/a Secrets Massage Spa & Gentlemen's Club
Sascha El-Abiad, President]
Applicant for a Body Rub Parlour Licence (Application No. B532346)

Counsel for Municipal Licensing and Standards: Ms. Brennagh Smith

Counsel for Applicant: Mr. Joseph Irving

Counsel for I & P Studio Corp.: Mr. Michael Figol

Brief Background

1. Rented premises at 370 Brown's Line, Toronto, Ontario, were operating as a body-rub parlour. I&P Studio Corp., owned by Ms Maria Isabel Hernandez Salgado (we will refer to the corporation as "I&P" and the individual as "Ms Hernandez Salgado") operated the body rub parlour under Body Rub Parlour Licence No. B38-3617437, issued by Municipal Licensing and Standards of the City of Toronto (we will refer to it as "MLS.")
2. It came to the attention of Mr. Sascha El-Abiad that the premises at 370 Brown's Line appeared to be vacant. Mr. El-Abiad was interested in running a body-rub parlour at 370 Brown's Line.
3. Mr. El-Abiad's numbered company, 2435941 Ontario Inc., operating as Secrets Massage Spa & Gentlemen's Club (we will refer to this entity as "Secrets") eventually brought an application related to a body rub parlour licence for the premises at 370 Brown's Line. This application was the subject of a hearing before the Toronto Licensing Tribunal on June 23, 2016.

Preliminary Issue

4. Before the full hearing on Secrets' application could proceed, the Tribunal had to decide whether I&P had standing as a party at the hearing. Counsel for I&P and counsel for MLS took the position that it did. Counsel for Secrets took the position that it did not.

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5. The Tribunal ruled I&P had standing at the hearing.
6. The question of I&P's standing raised the issue of whether Secrets was bringing an application for a *new* body rub parlor licence, or was seeking to effect a *transfer* of I&P's licence to Secrets.
7. If the former, it would be difficult to see why I&P should have standing. Counsel for Secrets argued that this was an application for a new licence.
8. Several factors, however, led the Tribunal to conclude that Secrets' application was, in fact, a transfer application. (This issue arose again in the full hearing, and we will come back to it later in these reasons).
9. Ms Hernandez Salgado was sworn, and testified for the purposes of determining the question of standing. (It was later agreed that Ms Hernandez Salgado's testimony would be used only for the purpose of determining standing). Her testimony established:
 - she owns I &P, she holds Body Rub Parlour Licence No. B38-3617437, and she formerly operated a body rub parlour at 370 Brown's Line
 - she had to leave Canada to deal with family matters in another country; she left and returned more than once
 - she left the 370 Brown's Line premises in the care of another person
 - when she returned to Canada, that person had abandoned the premises, leaving behind Ms Hernandez Salgado's furniture, equipment, and other effects
 - she did not make any agreement to sell the licence and still holds it to this day.
10. On cross-examination by counsel for Secrets, Ms Hernandez Salgado acknowledged:
 - She entered into an agreement, represented by a handwritten document (Exhibit 1), purporting to sell I&P to a third party.

The document states, "Only business not Licence included" and provides for "monthly rent of Body-rub Licence." The document provided a closing date of July 29, 2013.
11. In the view of the Tribunal, the existence of this document did not show that Ms Hernandez Salgado had ceased to hold Body Rub Parlour Licence No. B38-

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3617437. Rather, the document attempted to exclude sale of the licence from any sale of the business.
12. The Tribunal noted, further, that documentation completed when Mr. El-Abiad applied for a licence set out the requirements for an applicant seeking a transfer, and that the MLS Report leading to this hearing, which has been available to Mr. El-Abiad since April 2016, also clearly refers to a transfer of the licence from I&P to Secrets.
13. Given that this was, therefore, a transfer application, the Tribunal was of the view that:
- I&P (as current licence-holder) has a direct interest in the outcome of the proceedings
 - I&P is in a position to raise issues that other parties (i.e., MLS and Secrets) may not have knowledge of and thereby raise
 - The public interest is served if the current licence-holder participates in a hearing respecting transfer of the licence. To rule otherwise would lead to holding a transfer hearing in a vacuum.

Adjournment Request

14. Counsel to Secrets sought an adjournment of the hearing, stating that, on May 12, 2016, when the Tribunal held adjournment proceedings, he understood that the June 23, 2016 hearing would be restricted to the issue of standing. Counsel to Secrets did not provide a transcript of the May 12, 2016 proceedings. He added that he wishes to seek Judicial Review of the Tribunal's order that Ms Hernandez Salgado had standing at the hearing.
15. Counsel to MLS noted that a Notice of Hearing was delivered to Secrets indicating that a full hearing would proceed on June 23, 2016. Tribunal staff confirmed that such notice was issued on June 3, 2016. Counsel to MLS further stated that a party's intention to judicially review an interim order is not a basis to adjourn the full hearing, noting that any application for judicial review would be premature at this stage.
16. The Tribunal, upon consideration, accepted that notice of a full hearing (not a partial hearing related to standing only) had duly been served on Secrets. No further information was before us with respect to what may have been said on May 12, 2016. We were not of the view that any right to judicially review the Tribunal's decision would be affected by continuing with a full hearing.

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17. The Tribunal therefore considered it was appropriate to proceed with the hearing on June 23, 2016.

The Issues

18. As noted in the reasons respecting the preliminary matter, an issue in this case was whether Secrets was bringing an application for a new body rub parlor licence, or was seeking to effect a transfer of I&P's licence to Secrets.
19. The other issue in this hearing was whether Secrets had fulfilled all the requirements such that the Tribunal could grant the application and issue a body rub parlor licence.

Evidence

Documentary Evidence

20. Documentary evidence, consisting of 18 exhibits, was entered at this hearing. These are enumerated and described in Appendix 1 to this decision.

Testimony

21. Testimony in this hearing was provided by Mr. Ian Redfearn, Supervisor, MLS, and by Mr. El-Abiad. Both witnesses were sworn or affirmed. Both witnesses were cross-examined. Other potential witnesses were excluded from the hearing room while these witnesses testified.

Review of facts

22. The City of Toronto limits the number of body rub parlour licences available to 25 (testimony of Mr. Redfearn).
23. On September 29, 2014, Mr. El-Abiad first attended the offices of MLS to inquire about obtaining a body-rub parlour licence for the premises at 370 Brown's Line. (Mr. El-Abiad's testimony; memo of MLS Manager Mr. Mucha, Exhibit 4). Mr. Mucha's computerized memo of the meeting states, "They [i.e., Mr. El-Abiad and a second person] were informed that the licence is still owned by the current owner and until they [i.e., the current owner] inform us in writing or until it is cancelled due to non-renewal they [i.e., Secrets] cannot operate." Mr. Mucha's memo notes that he seized the physical licence for the 370 Brown's Line premises.
24. Mr. El-Abiad signed a lease with the landlord of 370 Brown's Line dated September 30, 2014. (Exhibit 5)

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25. On October 29, 2014, Mr. El-Abiad returned to the offices of MLS and provided information alleging that in 2013, Ms Hernandez Salgado had sold I&P, operating the body rub parlour at 370 Brown's Line premises, to a third party. Mr. Mucha documented that meeting in handwritten notes (Exhibit 10) and in a computer memorandum (Exhibit 4). Mr. Mucha's computer memo of that meeting notes, "Licence coded 201." Mr. Redfearn testified that Code 201 means "Accept payment – do not renew" and later described this as putting a "stop" on a licence. Mr. Mucha's handwritten note from that meeting states, "Manager [i.e., Mr. Mucha] advised Mr. El-Abiad that we can't just cancel a licence based on vacant premises if the licence is still valid until Jan/2015." Mr. Redfearn said essentially the same thing in his testimony.
26. Mr. El-Abiad is certain that Mr. Redfearn was present at the October 29, 2014 meeting with himself and Mr. Mucha. Mr. Mucha's handwritten note references Mr. Redfearn. Mr. Redfearn, however, had no memory of attending such a meeting, and was therefore unable to answer questions about what might have been said. Mr. Redfearn's agenda page for October 29, 2014 (Exhibit 13) did not contain an entry relating to such a meeting. The Tribunal is of the view that we do not need to resolve this factual issue, because the key points from that meeting (that Mr. El-Abiad submitted the handwritten document contained in Exhibit 1 and that Mr. Mucha informed Mr. El-Abiad that I&P's licence remained valid) are documented and do not appear to be in dispute. We were not of the view that Mr. Redfearn's inability to recall a particular meeting vitiated his credibility as a witness on other points in this matter. On the contrary, Mr. Redfearn appeared to be sincere and truthful in stating that he did not remember such a meeting.
27. On January 28, 2015, Mr. El-Abiad attended the counter at MLS and, with an MLS clerk, completed and signed a Business Licence Application seeking a body rub parlour licence for 370 Brown's Line (Exhibit 2). Mr. El-Abiad described giving information to the counter clerk, who typed it in and generated the document. This application form notes that the application is for "continuous use" and sets out the previous licence number as B38-3617437 and the previous licence holder as I&P. At the time of the application, MLS provided Mr. El-Abiad with a list of outstanding documentation and requirements needed to complete the transfer application process (Exhibit 3). In his testimony, Mr. El-Abiad acknowledged receiving that document on January 28, 2015.
28. Mr. Redfearn testified that the MLS computer system will not allow a counter clerk to generate a new application for a body rub parlour licence, as the City has restricted the number of such licences to 25, and the computer will not accept an application for a hypothetical 26th licence. (We note here that in submissions, counsel to Secrets suggested that the MLS computer system may not have any

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- such restriction. He did not, however, establish this in cross-examination of Mr. Redfearn, or lead any evidence on that point. We are satisfied that Mr. Redfearn's evidence on this point can stand and, in any event (as we note later), we are not of the view that this detail is determinative in the hearing.)
29. On November 9, 2015, Mr. Mucha wrote to Secrets, care of its counsel, and to I&P, care of its counsel, advising that MLS intended to refer to the matter to the Tribunal (Exhibit 10). Mr. El-Abiad acknowledged receiving that document from his counsel at some later date, he thought in December 2015.
30. On December 2, 2015, MLS wrote to Secrets at the Brown's Line address, listing documents that remained outstanding with respect to the application (Exhibit 6). Mr. El-Abiad stated that he did not receive this letter, as he rarely went by the Brown's Line premises and as there was no mail slot or receptacle there. He testified that he received it only with disclosure related to the Tribunal hearing.
31. On February 18, 2016, counsel to Secrets wrote to Mr. Mucha's staff, stating in part:
- Mr. Mucha's letter [of November 2015] clearly states that a report would be prepared and forwarded to the Tribunal. It is now February 16, 2016 and we have heard nothing from Mr. Mucha or anyone else regarding a hearing at to the Tribunal. Waiting almost 90 days to receive the Report and set a date for the hearing is outrageous. (Exhibit 7)
32. MLS generated a report dated April 4, 2016 (Exhibit 14). The matter came to the Tribunal on May 12, 2016, and was adjourned to June 23, 2016.

Information as to whether this was an application for a new licence, or for a transfer of the existing licence

33. As noted, this issue was discussed at the preliminary stage. It was fleshed out further during the full hearing.
34. MLS' report (Exhibit 4) sets out, at page 1, a list of eleven items which Secrets had to submit to complete the application respecting the body rub parlour licence. Mr. Redfearn testified that the list of 11 items refers to an application for continued use of an existing licence, and that if this had been an application for a new licence, the list would not have included a Sales Agreement (requirement v). He described the reason for requiring a floor plan, i.e., so that MLS' enforcement division can vet it before the licence issues. He stated that if an application is for a new licence, the applicant must file a Preliminary Property Review (PPR) dealing with zoning issues. The list of eleven necessary items does not include a PPR.

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35. Mr. Redfearn acknowledged in cross-examination by counsel for Secrets that he was not present when Mr. El-Abiad filled in his application on January 28, 2015, and that he therefore had no knowledge of what communications may have transpired between the counter clerk and Mr. El-Abiad. He stated that when a licensee abandons premises, the licence would eventually be administratively cancelled.
36. Mr. Redfearn reviewed the information in the Report respecting charges and convictions against Mr. El-Abiad or entities that he controls. The Tribunal will not set this evidence out in detail because we did not ultimately find it necessary to consider this issue (given our conclusion that the application was not complete).
37. As noted, Mr. Redfearn remained firm in cross-examination that he had no memory of attending a meeting with Mr. Mucha and Mr. El-Abiad on October 29, 2014. He did not have personal knowledge of how MLS obtained the handwritten document signed by Ms Hernandez Salgado (Exhibit 1) although he observed that this document might explain why Mr. Mucha would have applied "Code 201" to I&P's licence.
38. During cross-examination, Mr. Redfearn explained that MLS' December 2, 2015 letter to Secrets (Exhibit 6) was computer-generated and that the computer would have automatically selected the applicant's business address (i.e., 370 Brown's Line). By contrast, the November 9, 2015 letter from MLS to Secrets (contained in Exhibit 10) was, he stated, not computer-generated but rather was prepared by Mr. Mucha. Mr. Redfearn did not know why this letter was addressed to the applicant care of counsel.
39. In further cross-examination (by counsel to I&P) Mr. Redfearn reiterated that if one of the City's 25 body rub parlour licences became available, an applicant for a new licence would have to provide a PPR. He is not aware of Mr. El-Abiad's submitting a PPR and he would not have looked for one, as he did not consider this an application for a new licence. Mr. Redfearn agreed, in cross-examination, that Mr. Mucha's handwritten note from November 29, 2014 (part of Appendix 4) stated that MLS would undertake an investigation and contact the current licensee (i.e., I&P).
40. In his testimony, Mr. El-Abiad acknowledged that Mr. Mucha advised him in the fall of 2014 that they could not operate a body rub parlour until they got a licence. He recalled that Mr. Mucha stated the previous licence would not be renewed as the holder did not have premises at which to run a body rub parlour. Mr. El-Abiad stated that the City would not allow someone to apply for a body rub parlour licence if no licences were available.

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41. Mr. El-Abiad stated that a couple of days after completing and signing the application (Exhibit 2), he noticed problems with it. He attended MLS about 25 times in four months, but could not get information. MLS “guided” him regarding what to do and told him that this was a new application, not a transfer application. He followed MLS’s lead. He did not need to submit a PPR because the appropriate zoning was already in place. Eventually, he hired a lawyer to help with the application process.
42. Mr. El-Abiad testified with respect to charges and convictions against him and the entities that he controls. Again, we will not set this evidence out in detail because it was ultimately not relevant in this hearing.

Information with respect to outstanding requirements

43. There is no dispute that, along with the application on January 28, 2015, Mr. El-Abiad submitted items iv, vii and viii on the list of eleven items (respectively: a Lease Agreement, the Articles of Incorporation and the Annual Return for a Limited Corporation (Appendix 5), although the latter was not notarized, as is required).
44. With respect to item i, Provincial Business Name Registration, Mr. El-Abiad stated in cross-examination that he has this, but has not submitted it to MLS.
45. With respect to item ii, List of Attendants/Practitioners, on the day of the Tribunal hearing, Mr. El-Abiad produced a copy of a body rubber’s licence and accompanying letters (Exhibit 15) in an effort to fulfil this requirement. Mr. El-Abiad agreed in cross-examination that he had not previously submitted this information to MLS.
46. With respect to items iii, List of Services, and vi, Schedule of Rates, Mr. El-Abiad stated that if he had been given a chance to do so, he could have taken a pen and paper at any of the numerous times he attended MLS offices, and written up and submitted such lists on the spot. He said he never got an opportunity to do this, although he was ready, willing and able to do so.
47. With respect to item ix, Floor Plan, Mr. El-Abiad first submitted this at the Tribunal hearing (Exhibit 16), stating that he had paid to have it prepared approximately seven months ago.
48. With respect to item x, Business Plan, Mr. El-Abiad acknowledged in his testimony that he did not submit this. In cross-examination, Mr. El-Abiad asked if

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- there was a form related to this requirement, and stated he could have submitted this with guidance from an MLS clerk.
49. With respect to item xi, List of Managers, Mr. El-Abiad stated that he would have been the manager, and could have submitted this list at any time.
50. Mr. El-Abiad told the Tribunal that he got “the run-around” when attending MLS on numerous occasions, and was never able to submit all the documentation and the fees to complete his application, although he was ready to do so. He stated that he has incurred expenses respecting the property (rent, insurance, hydro, etc.) but was not able to make any progress in his application for the licence.
51. Mr. El-Abiad acknowledged in cross-examination by counsel to MLS that he received “no promises” from MLS but that he entered into the lease for 370 Brown’s Line, reasoning that if Ms Fernandez Salgado did not have premises to run a body rub parlour, I&P’s licence would expire. He stated that he believed that MLS would not accept an application for a licence if there was no opportunity to grant one.
52. In further cross-examination, by counsel to I&P, Mr. El-Abiad reiterated that he was ready to submit all outstanding documentation and pay outstanding fees, but MLS clerks would not deal with him. He eventually hired counsel to help him with furthering his application process.
53. Mr. El-Abiad stated that he knew, as he owns holistic centre licences, that if a holistic centre is not occupied for some months, it remains zoned as a holistic centre, and a subsequent applicant can apply for continued use. He asserted that Ms Hernandez Salgado sold the business to a third party, that the third party abandoned it, that Ms Hernandez Salgado returned but that he had taken over the premises.
54. Mr. El-Abiad agreed that MLS had not said that he would be able to obtain the 25th body parlour licence, if it became available.
55. In response to questions from Tribunal member Dr. Walsh, Mr. El-Abiad stated that he considered Secrets’ application to be a new application, not an application to “take over” I&P’s licence. He said that he recognized that he could not obtain a body rub parlour licence without premises, which was why he rented the premises at 370 Brown’s Line. He was interested in that specific location as the zoning was already in place.

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Analysis and Conclusions

56. Article XXXI of chapter 545 of the *Toronto Municipal Code* (we will refer to this by-law as “the Code”) governs Body-Rub Parlours.
57. §545-340 E of the Code provides:
- Notwithstanding anything in this section, the Toronto Licensing Tribunal may not approve the issuance of any licence except as permitted by § 545-361 of this article.
- § 545-361, in turn, provides:
- The number of owners' licences which may be issued pursuant to this chapter in respect of body rub parlours shall be limited to 25.
58. The above provisions relate to what was referred to in this hearing as issuance of a “new” licence. If all 25 available licences have already been issued, the Tribunal may not approve the issuance of any further body rub parlour licence. (We note in passing that the existence of this provision renders moot the issue of what MLS’ computer system may or may not do if staff try to generate a 26th application. Regardless of how MLS operationalizes this limit, the limit is imposed by the Code.)
59. The evidence before us satisfies us that all 25 body rub parlour licences were issued at the time Mr. El-Abiad submitted his application. Mr. Redfearn testified that the licence associated with I&P, while coded “201” and under an administrative “stop,” remained valid. The Tribunal is aware that the status of that licence is to be the subject of a future Tribunal hearing. As at the date of this hearing, though, that licence remained valid. The Tribunal would add here that while MLS’ November 2015 correspondence to I&P and to Secrets stated that their matters would be heard together, ultimately, MLS decided not to proceed in that manner. We are aware of no rule or provision that would require MLS to bring specific applications before the Tribunal at the same time, although there may be circumstances where it would be expedient to do so.
60. Given all of the above, there was no “new” (26th) licence for Mr. El-Abiad/Secrets to assume and, that being the case, §545-340 E of the Code operates to remove from the Tribunal any power to approve an application for a “new” licence.
61. Subsequent provisions of the Code relate to what was referred to throughout the course of this hearing as the “transfer” of a licence. (We note that this terminology is not precisely accurate, as §545-340 A of the Code states that no owner’s licence shall be transferred, then sections B through F go on to set out a

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scheme whereby one licence terminates and the Tribunal issues a new licence to the purchaser, lessee, etc. who has assumed the same premises).

62. The relevant subsections of §545-340 are:

- B. Subject to Subsections D and E hereof, the Toronto Licensing Tribunal may in its discretion issue a new owner's licence to the purchaser, lessee or other person obtaining an interest in a body rub parlour or the premises or part thereof upon or in which a body rub parlour has been operated, subject also to the following conditions:
- (1) That the new applicant qualify under all of the other provisions of this chapter, and that he or she comply with all of the requirements of this chapter relating to him or her;
 - (2) That the new applicant file with the Municipal Licensing and Standards Division the documents relating to ownership and to his or her right to possess or occupy the body rub parlour, all as required by § 545-335B of this article;
 - (3) That the applicant and the vendor file with the Municipal Licensing and Standards Division an executed copy of a written agreement between the parties containing all the details of the dealings between the parties in respect of such body rub parlour or premises; and
 - (4) That the agreement contain a statutory declaration, in a form supplied by the Municipal Licensing and Standards Division, by both the parties and a further statutory declaration by the solicitor for the purchaser in a form supplied by the Municipal Licensing and Standards Division.
- ...
- D. Notwithstanding Subsections A and B hereof, the Toronto Licensing Tribunal may, in its discretion, refuse to issue a licence or licences to a purchaser, lessee or other person obtaining an interest in a body rub parlour in a transaction under this section when the Toronto Licensing Tribunal is of the opinion that it is not in the public interest, as determined by the Toronto Licensing Tribunal, that such new licence or licences should be issued, and the Toronto Licensing Tribunal shall, upon demand from any party to the transaction, deliver written reasons for such decision.

63. The Tribunal finds that the conditions set out under § 545-340 B are not fully met. Most significantly, there is no evidence before us to suggest that the parties (in this context, Mr. El-Abiad/Secrets and Ms Fernandez Salgado/I&P) have executed a written agreement containing details of the dealings between them in respect of the subject body rub parlour or premises. On the contrary, the evidence before us is that these parties have not entered into any agreement.

64. Nor has the applicant fulfilled all the further, administrative requirements, including those set out in the list numbered (i) to (xi) on the first page of Report 6597. Mr. El-

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Abiad raised some issues as to whether he had notice of those requirements. Even accepting (without deciding) that he never received the December 2015 letter which MLS mailed to 360 Brown's Line, there is no question that Mr. El-Abiad was advised, in writing, of outstanding requirements on several occasions, including:

- the day he filed the application (January 28, 2015)
- via letter dated November 9, 2015, addressed to counsel
- via disclosure of Report 6597 at some point prior to the first hearing of this matter, May 12, 2016.

65. Under these circumstances, the Tribunal cannot find that the applicant was not on notice that he had to fulfill a variety of requirements in order to complete his application.

66. The applicant did not fulfil the requirements. Therefore, under § 545-340 B, the Tribunal cannot issue to Secrets a licence for the premises which I&P formerly operated as a body rub parlour 370 Brown's Line.

67. In the alternative, the Tribunal would exercise its discretion under §545-340 D of the Code, which provides:

Notwithstanding Subsections A and B hereof, the Toronto Licensing Tribunal may, in its discretion, refuse to issue a licence or licences to a purchaser, lessee or other person obtaining an interest in a body rub parlour in a transaction under this section when the Toronto Licensing Tribunal is of the opinion that it is not in the public interest, as determined by the Toronto Licensing Tribunal, that such new licence or licences should be issued, and the Toronto Licensing Tribunal shall, upon demand from any party to the transaction, deliver written reasons for such decision.

68. The City, through MLS, has an administrative system in place for what will happen if one of the City's 25 body rub parlour licences should become available. Under §545-340 D, it is in the hands of the Tribunal to determine the public interest, and we determine that the public interest in this context is in the existence of an administrative system under which MLS deals with any of the 25 body rub parlour licences which becomes available.

69. The public interest would not be served by a situation in which any party wishing to run a body rub parlour could observe that premises are vacant, step in and rent the premises (thereby reducing the previous licence holder's opportunity to retain their licence) then, absent any agreement with the existing licence-holder, obtain the licence when it expires, lapses, or is cancelled by MLS or by the Tribunal. Such a chaotic system of licence succession would create unfairness and instability that would not be in the public interest.

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Appendix 1: Exhibits

Exhibit #	Description	Reference to Report 6597	Other Reference
1	Handwritten document dated July 23, 2013, signed by Ms Hernandez Salgado	Report page 30; Appendix 4, page 6 of 16	
2	MLS Business Licence Application, Corporate, dated January 28, 2015	Report page 7; Appendix 2, page 1 of 3	
3	Attachments to MLS Business Licence Application, Corporate, dated January 28, 2015	Report pages 8 and 9; Appendix 2, pages 2 and 3 of 3	
4	MLS computerized memoranda dated September 29, 2014 and October 29, 2014	Report pages 5 and 6; (Appendix 1, page 1 of 2, and Appendix 1, page 2 of 2)	
5	Commercial Lease Agreement signed by Mr. El-Abiad, dated September 30, 2014; Certificate of Incorporation and Articles of Incorporation for 2435941 Ontario Inc.; Annual Return for Corporation 2435941 Ontario Inc.	Report pages 10 to 24; Appendix 9	
6	Letter dated December 2, 2015 to Secrets from MLS	Report pages 41 to 42; Appendix 5	
7	e-mail dated February 18, 2016, from Mr. Irving to MLS staff	Report page 43, Appendix 6	
8	Entries from "ICON" computer system	Report pages 46-95; Appendix 8	
9	Chart generated by MLS, and supporting documentation	Report pages 96-103; Appendix 11	
10	Correspondence dated November 9, 2015, with	Report pages 25-40, excluding page 30; Appendix 4	

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Exhibit #	Description	Reference to Report 6597	Other Reference
	attachments, to I&P and to Secrets from MLS		
11	MLS computer system memorandum dated April 25, 2016	-----	Obtained by Mr. Redfearn
12	MLS computer system memorandum dated May 18, 2016	-----	Obtained by Mr. Redfearn
13	Copy of Mr. Redfearn's agenda for Wednesday October 29 [2015]	-----	Obtained by Mr. Redfearn
14	MLS report 6597, authored by Mr. Terry Van Elswyk	Report pages 1-4	
15	Body-rubber licence of Ms SD, and accompanying letters dated December 20, 2015 and May 11, 2016	-----	Submitted through Mr. El-Abiad
16	Floor plan for 370 Brown's Line	-----	Submitted through Mr. El-Abiad
17	e-mail dated February 23, 2016, from Mr. Mucha to Mr. Irving	Report page 44; Appendix 6	
18	Email dated March 3, 2016 from former counsel to I&P to Mr. Mucha	Report page 45; Appendix 7	

DECISION

70. The Tribunal denied Secrets' application for a body rub parlour licence.

Decision of the Tribunal: Re: 2435941 Ontario Inc., o/a Secrets Massage Spa & Gentlemen's Club

June 23, 2016

Originally Signed

Moira Calderwood, Chair
Panel Members, Dr. (Hedy) Anna Walsh and Cezary Paluch concurring

[Reference: Minute No. 101/16]

Date Signed: August 11, 2016