

April 22, 2021

Mayor John Taylor and Town of Newmarket Council Members,

My deputation at the Committee of the Whole on May 3-2021 will guide you in making the legally-appropriate decision in the matter of the existence of body rub parlours in Newmarket.

It is based on Bill C-36, known as the *Protection of Communities and Exploited Persons Act*. Be advised that it received Royal Assent on November 6, 2014. For your review of Bill C-36, I've attached the Department of Justice's document – FACT SHEET.

Bill C-36 came into being as a result of a legal challenge to the constitutionality of the prostitution laws in place in 2013. The Court ruled that they were unconstitutional and gave the Minister of Justice, Peter MacKay, 12 months to introduce new laws. He did. Parliament passed Bill C-36.

The Supreme Court of Canada articulated its position that Bill C-36 treats prostitution as a form of sexual exploitation that disproportionately and negatively impacts on women and girls. And to that effect, I quote from the Supreme Court's findings: ***"Prostitution reinforces gender inequalities in society at large by normalizing the treatment of primarily women's bodies as commodities to be bought and sold. In this regard, prostitution harms everyone in society by sending the message that sexual acts can be bought by those with money and power. Prostitution allows men, who are primarily the purchasers of sexual services, paid access to female bodies, thereby demeaning and degrading the human dignity of all women and girls by entrenching a clearly gendered practice in Canadian society."*** End of quote.

As a result, the Department of Justice added sections to Canada's Criminal Code. One such addition is Section 286.2.

It is very important that Council understand the definition of 'Receiving Material Benefit Offence', as it speaks of the men who make money from the purchase of sex in the BRPs, erotic spas and bogus wellness centers that they, of course, operate. And so, I quote from the Department's document: ***"Receiving a financial or other material benefit obtained by or derived from the commission of the purchasing offence."***

As for its implications, I will, once again, quote the Department's document: ***"It is illegal to earn money by owning, managing or working for a commercial enterprise, such as a strip club, massage parlour or escort agency, knowing that sexual services are purchased there."*** End of quote.

Let's put the jail terms and fines aside for now.

Instead, let's focus on the legislative implications of Bill C-36 that should have taken place at the provincial and municipal levels.

Provincially, in early 2015, what should have happened in the Legislature is the tabling of revisions and amendments to the Ontario Municipal Act of 2001 in order to align itself with the new sections of the Criminal Code. Specifically, the deletion of section 154 (page 69), pertaining to adult entertainment venues, and the addition of a section that reflects the illegality of earning money by owning, managing or working in now-illegal commercial enterprises.

Fact is the Wynne government did no such thing. Had this been done, we would not be discussing the 'To-Be-Or-Not-To-Be-Involvement-With-BRPs-Questions-&-Options?' put forward by Mr. Flynn Scott, Manager of Regulatory Services.

Let's focus FURTHER on the community and political implications should you decide to do any of the following:

- a) hide/camouflage the existence of BRPs by creating new classifications or renaming existing ones that, nevertheless, continue to enable the purchase and sale of sexual services (deceitfully and illegally); and
- b) maintain the public existence of BRPs, as per Question #5 published in the Town's Body Rub Parlour Survey - Phase 2- entitled Reviewing Potential Options, which asks: "***Do you believe the Town of Newmarket should allow businesses to offer any form of massage that appeals to sexual appetites? For greater clarity, this does not include the purchase or sale of sex, but does include massages that are erotic in nature.***".

To assist all concerned, I refer you to two definitions of the word 'erotic'. One is from the Oxford dictionary as an adjective, and I quote: "*relating to or tending to arouse sexual desire or excitement*".

The second is from Vocabulary.com. Its meaning as an adjective is as follows: "*giving sexual pleasure; sexually arousing*".

That said, if the male in question is paying for this 'erotic-in-nature' massage and his condition is described as:

- sexually aroused, and/or
- excited with sexual desire, then he is buying sex which is illegal to do so.

This, also, means that the 'erotic-in-nature' massage option could, in effect, expose the masseuse to a potential sexual assault by a sexually-aroused customer who is seeking full relief from his sexual state of mind.

In closing, Marnie Hill on behalf of the Council of Women Against Sex Trafficking in York Region and I, on behalf of Parents Against Child Trafficking – Markham & Richmond Hill, strongly recommend that the Town **REFRAIN** from legitimizing the commercial services of massages and personal wellness services "*that appeal to sexual appetites or are erotic in nature*".

Instead, we ask you to focus on preventing all sexual activity taking place in commercial enterprises, licensed or otherwise, in your municipality.

It is the LAW!

Thank you.



Robert Vallée

Board Chair & CEO

Parents Against Child Trafficking - **PACT-Markham & Richmond Hill**

and

Council of Women Against Sex Trafficking in York Region - **CWASTYR**

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Make York Region the FIRST ZONE in Ontario FREE from Human Trafficking & Sex Exploitation!