



Personal Wellness Establishments

Special Committee of the Whole

June 16, 2021



AGENDA

01

Background

02

Consultation

03

Proposed Licensing Framework for PWEs

04

Zoning Considerations & Implications

05

Staff Recommendations & Next Steps



Background: Goals of this review

- 1) To adopt a licensing framework which empowers the Town to take action against unlawful businesses within our community
 - This includes any business operating contrary to the Criminal Code of Canada

- 2) To modernize Town by-law regulations for the purpose of ensuring reputable businesses are able to operate and conduct business safely and responsibly through a licensing framework

Background: How did we get here?



2002

Licensing By-law
2002-151
Schedule 7



2019

Regulatory
Review
Workshop



2020

Information
Report
2020-39



Feb 2021

Virtual
Public
Information
Centre



Mar 2021

Council
Workshop



May 2021

Committee
of the Whole

Consultation: How & when were stakeholders engaged?



January 2021

Online Survey #1

Letters to stakeholders



February 2021

Public Information Centre

Letters to stakeholders



February 2021

Online Survey #2

Letters to stakeholders



March 2021

Council Workshop

One-on-one meetings

Letters to stakeholders



April 2021

Emails and letters to stakeholders

One-on-one meetings



May 2021

Email, telephone, letter submissions to stakeholders

One-on-one meetings

Additional Feedback Received

- ◆ Strong recommendation from one advocacy group to change the classification name from PWE to something never used prior by other municipalities

- ◆ **Rationale:**
 - Stigma associated to PWE term remains
 - Belief that businesses will obtain licence under false pretenses

Proposed Licensing Framework for PWEs:

- ◆ Definitions
- ◆ Application Requirements
- ◆ General Regulations
- ◆ Specific Regulations
- ◆ Enforceability

What is a Personal Wellness Establishment?

“Personal Wellness Establishment” means any premises or part thereof where an **Alternative Massage** is performed, offered, or solicited in pursuance of a business;

“Alternative Massage” means any massage that is not provided by persons licensed, or registered as a regulated health professional under the laws of the Province of Ontario, by the College of Massage Therapists as registered massage therapists or massage therapists to provide medical or therapeutic in nature, nor is it designed to appeal to erotic appetites or inclinations;

“Personal Wellness Attendant” means any Person who performs, offers, or solicits an Alternative Massage at a Personal Wellness Establishment;

Application Requirements

Section 3: General Regulations

- Must apply for and obtain a business licence
- Must comply with all federal, provincial, and municipal laws
- Advertising requirements

Section 6: Application and Renewal

- General requirements for the applicant

Section 7: Suspension, Cancellation, and Refusal

- Failure to act in accordance with the law and with integrity and honesty
- Ability to post a notice on unlicensed premises

Application Requirements

Section 8.6(1)

- Submit a floor plan showing the location of every room

Section 8.6(2)

- Submit a **declaration** with property owner being informed of the nature of business conducted

Application Requirements

Section 8.6 (3)(a)

- Submit a list of all Attendants affiliated with the business and include:
 - Proof of age
 - Proof of eligibility to work in Canada
 - Government issued photo I.D.
 - A list of services being offered (matching qualifications)

Section 8.6 (3)(b)

- Submit a certificate, diploma, or other documentation from an accredited educational institution in Canada, as it relates to the services being offered (by each Attendant)

Application Requirements

Section 8.6 (3)(c)

- Where no accredited educational institution in Canada offers such training for Personal Wellness Attendants, the following shall be submitted:
 - I. The name and membership number (if applicable) of the Personal Wellness Attendant
 - II. The Alternative Massage modality or modalities practiced by the Personal Wellness Attendant
 - III. Proof satisfactory to the Manager that the Personal Wellness Attendant is a member in good standing of the association
 - IV. Any other relevant documentation upon the request of the Manager

Application Requirements

Section 8.6 (4)

- Prior to issuing a business licence, the Manager may require:
 - I. An interview with the Owner or Attendant(s) to ensure they are qualified
 - II. An onsite inspection to verify the details of the application
 - III. The application be referred to YR Public Health, YRP, or any Town department for the purpose of providing non-binding input

Requirements of the Business Owner

Section 8.6 (5)(a)

- Ensure list of attendants is kept up to date with Licensing Division

Section 8.6 (5)(b)

- Keep a record of every alternative massage that has been performed and the list shall:
 - include the name of attendant providing service
 - be kept for 1 year, and be produced upon request
 - ~~include a medical pre-screening form~~

Section 8.6 (5)(c)

- include a medical history pre-screening form

Section 8.6 (5)(d) & (e)

- Ensure no sexual services are being provided
- That attendants are fully clothed

Requirements of Business Owner

Section 8.6 (6)

- Ensure business name is included on all advertisements

Section 8.6 (7)

- Only operate between 8am-10pm

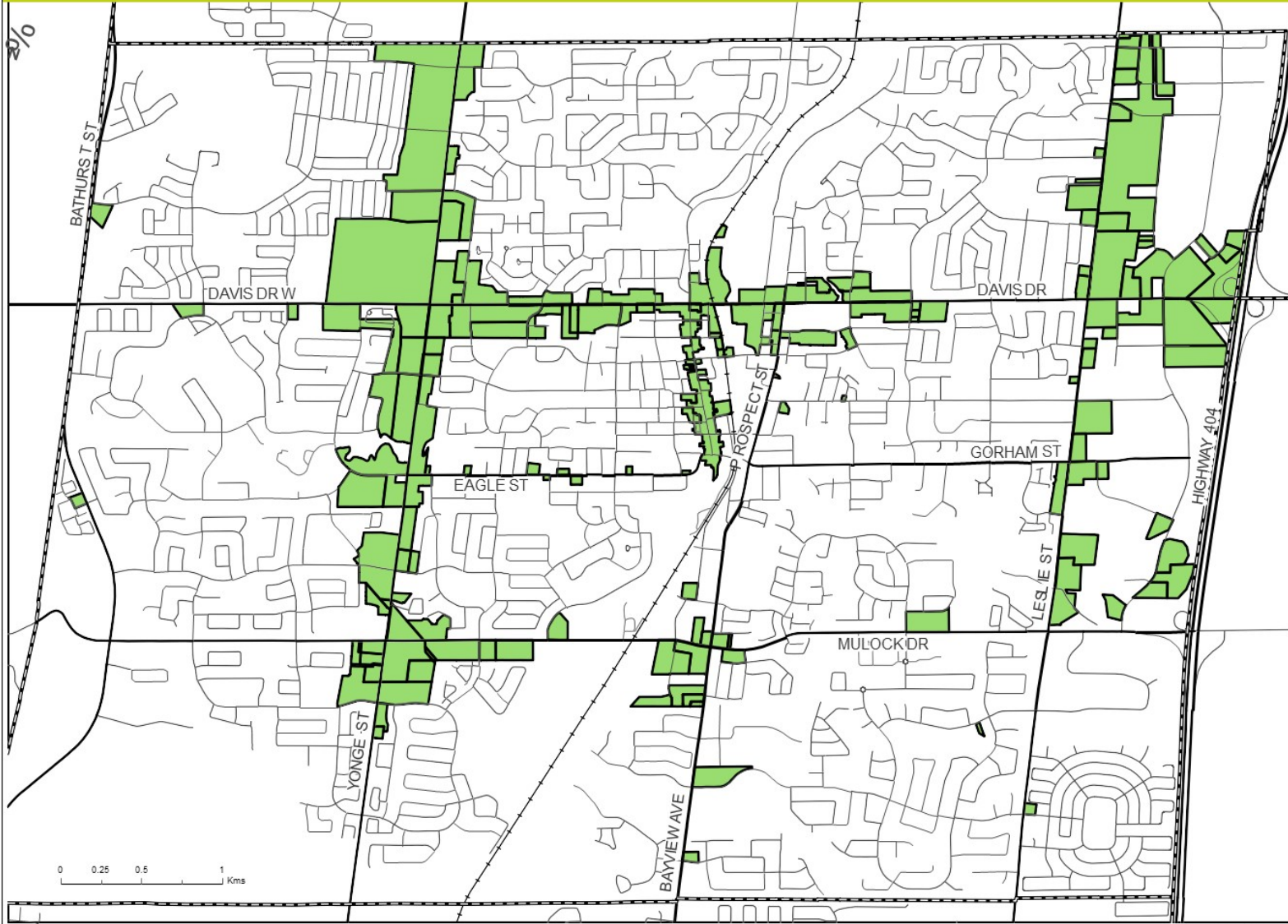
Section 8.6 (8)

- Only permit customers to enter through a ~~primary~~ **principal** entrance as identified by floor plan submitted through application

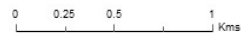
Zoning Implications & Considerations

- Amend Zoning By-law 2010-40 and Urban Centres Zoning By-law 2019-06 to repeal the definition of BRP and any reference to BRPs
- Introduce a new definition for Personal Wellness Establishments and permit them in all Urban Centre zones, all Mixed Use zones, the Mixed Employment (EM) zone, as well as in the following Commercial zones:
 - Convenience Commercial (CC)
 - Service Commercial (CS)
 - Retail Commercial (CR-1 and CR-2)

Town of Newmarket - Site Availability for Personal Service Businesses



- Zoning By-Law Permitted Zones for Personal Service Businesses
- Major Road
- Road
- Future Road
- Railway
- Municipal Boundary



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Zoning Considerations & Implications

Rationale:

- Personal Service Shops are permitted in the proposed zones
- Feedback received from local business owners that their business practices offer a combination of both classifications
- ***Phase Two:*** When Personal Service Shops are brought forward for a proposed licensing framework, we do not want to create impacts to our existing business community

Zoning Considerations & Implications

- Amending the Town's zoning by-laws will take time due to statutory processes
- Licensing framework is proposed to take effect at the same time that a future proposed amendment to the Zoning By-laws for Personal Wellness Establishments is deemed effective

Staff Recommendations & Next Steps

While awaiting zoning amendments to take effect, staff will begin the administrative process re: licensing implementation plan.

This will include:

- Preparing application forms, waivers, and documentation templates
- Further consultation with businesses that may be impacted by new legislation
- Establishing a small, informal working group with any and all interested stakeholders to discuss an implementation and rollout plan
- Preparing supporting documentation and educational information to be utilized during the application interview process
- Further strengthening community partnerships

Next Steps

- 1) Adopt the proposed amendments to Business Licence By-law 2020-31
- 2) Provide direction for Planning to proceed with a statutory public meeting for proposed zoning amendments
- 3) Once zoning amendments are finalized, the licensing framework will take effect
- 4) Based on the proposed timelines re: zoning, licensing will begin for the 2022 calendar year

Questions?

