

# **Attachment #1:**

## **Additional Stakeholder & Community Feedback Received**

### **Local Business Feedback**

- Businesses should be performing health screenings prior to performing services, but concerns were raised over privacy concerns
- Licensed businesses should be required to post their business licence
- Support for Personal Wellness Establishment licence classification was heard from many local businesses to help to legitimize industry
- No businesses were identified to have employees with no training
- There was significant confusion over what the difference between a Personal Wellness Establishment was compared to a Personal Service Shop.
- Cautions were received that educational institutions that are not accredited may not be credible
- Concerns were raised over home occupations, and that the licensing of Personal Wellness Establishments could push unlicensed services out of store fronts and into residential areas
- It was noted that the alternative massage industry has been hurt by the COVID-19 Pandemic, and as a result businesses do not have the resources to spend large amounts of money on a licensing process.
- Concerns were raised that Personal Wellness Establishments were being licensed prior to Personal Service Shops
- Strong support for the Town to request information to ensure landlords are aware of the services offered within business
- Support was received for the Town to ease zoning restrictions for Personal Wellness Establishments to mirror those of Personal Service Shops

- Concerns were raised from businesses who operate within proximity to Body-Rub Parlours.

## Local Resident Feedback

I support banning Erotic Massage. These type of establishment take advantage of women and girls and have no place in Newmarket or anywhere.

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We are in favour of banning erotic massage parlours. We don't want them in our town. It is not something we want our youth to grow up thinking is acceptable for themselves or others.

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Thanks for consulting on massage business. Myself and family have been residents of Newmarket for over 30 years and support the rule change whole heartedly. Thanks

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I would support, welcome and approve a bylaw that would enforce, ban and shut down body run/erotic 'massage parlors'.

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I am opposed to this type of store opening in Newmarket (or surroundings).

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Let the owners and clients move to a big city and practice their wares there. This is a family/children oriented area and this type of behavior does not belong.

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I hope the council will do the most ethical thing and pass the bylaw to ban erotic massage parlours.

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They should definitely be banned. I didn't realize that they are allowed. In this time of people not knowing if they can feed their family or pay required expenses, what a disgusting waste of money.

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As a resident of a community that had an erotic massage business, I am in support of establishing a new bylaw that allows only regulated health professionals to provide massage services to clients.

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I am in full support of a proper vetting process conducted by town officials, York Region Public Health or York Regional Police for applicants wishing to open up a massage/spa business to ensure that erotic massage businesses stay out of the community.

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Once again during this high stress period of the pandemic, everybody seems to be outraged about something and not at all reluctant to shout their message from the rooftops under the guise of saving us all physically or morally.

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Whether it is the anti-vaccers, the anti-mascers or any other nut claiming the moral high ground for him/herself ...now seems to be the time to vent their anger and spleen

So why not pick on eastern style medical practices like Holistic massage, Tai Chi, Shiatsu, Acupuncture etc.

Most of the practitioners of these eastern disciplines are not accredited or acknowledged by western medicine which basically depends on drastic chemical and surgical intervention to try to cure us....not always successfully.

Most of the practitioners of eastern style massage therapy are not accredited RMT certificate holders BUT that does not make them sex workers... far from it.

Most of these people have had years of training and experience outside Canada, are highly proficient and are just trying to earn a living in a country which appears to do nothing but put barriers in their path to earn an honest living. The same seems to be true for highly skilled doctors who come from "non-western " countries and cannot become licensed here and even if they do get an Ontario licence, they are still discriminated against when trying to join hospital staff.

The bylaw defining any holistic massage establishment as "EROTIC" is just simply wrong and above all discriminatory

How and where and with what financial resources are recently arrived practitioners of eastern holistic massage supposed to obtain accreditation from an institution which doesn't even exist.

Of course there may be the odd massage establishment where some sexual activity takes place but if it does, it happens in a controlled and safe environment for the personnel.

Also, why pick on massage establishments only. Why not include all of the Motels and Hotels around town and the vicinity ??? Ask any motel owner what goes on during lunch breaks and weekends.

Canadian law has been notoriously disingenuous when it comes to the topic of SEX !

We are far behind most western countries not only in our puritanical attitudes but also in protecting women.

Banning massage parlours while appeasing Bible thumping moralists will not stamp out the odd sexual encounter. It will, however, drive it underground, allow the criminal element to take control of it , and above all, put women into a greater risk situation.

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Erotic massage should be banned. We, the residents and the council, have the opportunity to set the tone for the character of our town while Newmarket is growing.. Lets do the right thing. It ia always easier to do the right thing at the beginning than to undo a wrong decision.

Making the right decisions for many aspects, such as building new residences, expanding Southlake, considering our green space, global warming and weather our infrastructure can

handle expansion while the town of Newmarket is growing will have a similar impact. Please consider not to grow Newmarket to a point that it loses its character, the green spaces that are left and still available and put more people and housing in an area that will become too cramped. It is not only housing that needs to be considered but also the social impact of being overcrowded.

The more people, the more green space we will need for that moment to just go out and breathe without having to travel out of town. Covid has made us even more aware of the importance of outdoor space.

Overcrowding, lack of healthy and good entertainment spaces, wrong decisions with regards to the type of businesses allowed, may bring the violence and criminality we see in the bigger centres.

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Hello,

I agree with the bylaw:

Language was added to the motion that this would include a full prohibition on any business related to sexual activity.

Under this model, anyone who wants to open a massage business of any kind needs to have some kind of training. Anyone who can't meet those requirements would not be able to get a business licence, and there would need to be a vigorous vetting process to stop unqualified businesses from attempting to sneak into this classification.

Thanks for the opportunity to voice my opinion,

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I totally agree with council on changing the massage by-law to prevent sex workers from working in Newmarket!

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Hello, I am writing this e-mail to voice my concerns about the proposition of the new bylaw in Newmarket regarding massage/"body rub" parlors.

I feel that the attitudes our Mayor, John Taylor, and our Deputy Mayor Tom Vegh are approaching this subject with are unfair and biased. It seems to me as though both Taylor and Vegh are entirely apathetic to the struggles of sex workers in our community. While I am wholly in favour of implementing regulations that would benefit and protect workers, I don't think our Mayor/Deputy Mayor feel the same way. Sex workers are already facing disproportionate rates

of violence, and this bylaw would likely drive many businesses underground, where there is even less security for them.

Deputy Mayor Tom Vegh has expressed that he "really just [wants] to drive [sex work] out of our town", and Taylor has said that he "[doesn't] want to send a message to our community that prostitution or sex work is acceptable." I would like to remind these two that sex work is a legitimate occupation. It is no less valid than any other, and the fact that our community leaders do not see it as such quite honestly seems motivated by nothing other than misogyny towards a primarily female-associated occupation. People who do this type of work deserve far more than being treated as outcasts or criminals, when they are simply offering a service that will always be in demand. "Driving it out" of our town is just not realistic, and I must say Vegh and Taylor are kidding themselves if they think that it is possible to eradicate an entire profession from Newmarket.

I urge our Mayor and Deputy Mayor to think more critically about this issue, and why it really is that it bothers them so much. Finally, I have to ask if this is really such a pressing issue right now. We are currently still in the midst of a pandemic which has led to high rates of financial instability, food insecurity and mental health problems. I don't see how, when we are facing all these crises, it makes sense to focus in on sex work in massage parlors, of all things. Is now really the time to be making things harder for a group of workers who may not be able to even find any other form of employment? Please remember that they are people just as you and I are, people that need to feed themselves and their families.

Thank you,

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I feel that massage with a sexual component is not only needed but should be allowed, especially as we've been in lock down for over a year.

There is nothing wrong with it between consenting adults and if it's managed and regulated, it would be much safer for all involved. It will continue underground if not addressed.

The sex trade has been going on for ever and will never go away. It's just much safer if it's licenced and the workers have full health care coverage.

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Yes they should be licensed. We don't need to turn our town into a Blue Light District.

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We totally agree that there needs to be proper bylaws banning non medical establishments. Our daughter is a registered Massage Therapist and had to work extremely hard. She has a thriving business and these other massage parlours are giving the professional ones a bad name. It is time there was a stand taken against these parlours.

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I'm fully in support of the towns proposed By Law banning Erotic Massage in our town. As a former resident of Richmond Hill I remember the problems that resulted to the community when the Fantasia Club was allowed to operate in Richmond Hill years ago . While this is not the same kind of operation that this By Law is intended to control it will reduce the risk of other disgusting activity occurring anywhere in this town. Why can we not be a leader in preventing this type of "Business" from ever starting up. It will just lead to many other problems that Newmarket does not need to deal with.

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Please do not allow licensing in Newmkt for these erotic massage parlours.

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All massage parlors should be banned,they just promote a criminal element

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thank you for reaching out and providing me the opportunity to share a few additional thoughts regarding the proposed direction for 'Personal Wellness Establishment' licensing:

General:

- One of the key issues in this space is the fact that regardless what you name the category, it does not prevent the owners from shutting down and changing their business model to some other form but still providing the same illegal service as before - tanning salon, nail salon, etc. These places may or may not fall under 'personal wellness' unless they are specifically listed. I would encourage you and your team to expand the definition to ensure such alternative "wellness businesses" don't start popping up.

Licensing applications - additional recommendations:

- Review by YRP is great, but should be mandatory.
- Passport & nicknames/aliases should also be required to be submitted - this is critical because many will attempt to use different names. Also documentation of entitlement to work in Canada if passport not available.
- Email addresses and web pages should be submitted
- Application should be required to be in person, and be done independently NOT through an agent. Applicants should speak english well enough to process the license. \*\*The requirement to speak English is not meant as a restriction for performing business, but in this business that requires extra precautions to protect people from being exploited, it

allows for better assessment on trafficking potential. If languages other than English are used, a certified translation can be provided at the applicant's expense.

- Previous addresses & dates for the last 5 years should be required, as well as employment history for the last 5 years
- Business license history should be submitted - whether any license was suspended or denied is important, including reason for & description of businesses
- There should be a signed statement from the business owner + the building owner (if they're leasing) stating that sexual services will not be offered or provided in any form (including online pornography, in offsite locations, etc.), as well as forced/coerced work or trafficking of others will not be utilized in conjunction with the license
- Anyone applying for a licence must first complete an information course that provides an overview of all the employment standards, regulations, and laws that apply to this type of work so that they know their rights and responsibilities
- Renewal requirement for license every 2 years - what is the protocol for this? In person renewal, etc.

Operation additional recommendations:

- All rooms used for patron services must have a transparent or translucent window (with specified dimensions). Purpose: to prevent owners/operators from making the claim they are unaware that the workers are performing services that contravene the bylaws during an inspection
- To reduce the chance of trafficking occurring in any establishment, workers, operators and owners must meet with an inspector \_\_\_/year (alone and away from the licensed establishment) for discussion to determine they are not being trafficked. Must be in possession of passport at the time.
- A list of services available and the cost associated with them should be posted in an open public place onsite and with the licensing department - no services other than those posted are allowed
- No part of the premises should be used as a dwelling or for sleeping. No worker, operator or owner may reside at the place of business.

Thank you for the opportunity. Any questions, let me know.

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Comments from Robert Vallee of Parents Against Child Trafficking – Markham & Richmond Hill and Marnie Hill of the Council of Women Against Sex Trafficking in York Region in the matter of the Personal Wellness Establishments Committee of the Whole meeting on June 16 -2021 at 2:00pm

**Additions and modifications based on the PWE PPT slides presented by Flynn Scott**

- Overall impression: you skirted the issue of Body Rub Parlours by focusing on legitimate establishments. The information delivered in the YouTube video did not deliver the message that the Council’s intent is to make it clear that BRPs that sell sex are not welcome in Newmarket.
- Alternative massage -- need to clearly state that this means massages that are not of a sexual nature. Include a full list of Alternative Massage services allowed by the Town. Not naming them leaves this wide open to abuse as “alternate” treatments could lead to fraudulent claims of legitimacy. Other modalities can be added to the list later once they are vetted.
- There needs to be random inspections, much like they are conducted with food service establishments to ensure PWEs are compliant with the newly established license requirements. A certificate on the front door like the ones posted on restaurants indicating Pass / Fail would give the citizens of Newmarket confidence the spa is legitimate.
- Add sizeable financial penalties to the owners/operators to act as a deterrent, in addition to the use of suspension or cancellation of the licence because the owner/operator will complain to their ward councillor who will, in turn, pressure the Manager to NOT cancel or suspend the licence.
- As for Section 8.6 (3) (a)..regarding “proof of eligibility to work in Canada”, make the owner/operators aware of and abide by the Government of Canada’s Immigration and Citizenship guidelines. The guidelines are: “There are 2 types of work permits: open work permits and employer-specific work permits:
  - Open work permits allow you to work for any employer in Canada, **except for an employer** who is listed as ineligible on the Government of Canada’s list of employers who have failed to comply with the conditions, or **who regularly offers striptease, erotic dance, escort services or erotic massages.**
  - Employer-specific work permits allow you to work according to the conditions on your work permit, which include:
    - the name of the employer you can work for,
    - how long you can work, and
    - the location where you can work (if applicable)

**For both work permits, the Town’s Manager – Regulatory Services will benefit from enforcing the aforementioned guidelines.**



- As for Section 8.6 (3) (b) Attendant’s certificate validity must be confirmed by the Town’s **legal representative**, not by Town staff.
- As for Section 8.6 (3)(c) Attendant with no accredited training certification program in Canada wants to work in Newmarket? **No way**. This must not to be left to the discretion of the Town Manager. DELETE Section 8.6 (3)(c).
- As for Section 8.6 (4) Manager may require...an interview... prior to issuing a licence. Change to **‘will require... for all 3 requirements.’**
- As for Section 8.6 (8) Customer entrance is by front door only and it **must remain unlocked** during business hours.
- As for Section 8.6 (5)(b) Records of alternative massages performed in each establishment be ELECTRONICALLY filed with the Town by the operators/owners on an agreed-upon and regular schedule
- We are confused re F. Scott’s reference to Osteopath as there are a number of legitimate Osteopathic Schools in Canada and should be a basic requirement for anyone providing Osteopathic services.

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