

Report to Community and Protective Services Committee

To: Chair and Members
Community and Protective Services Committee
From: Scott Mathers, MPA, P. Eng., Deputy City Manager,
Planning and Economic Development
Subject: Business Licensing By-law Amendment to Schedule 2
Adult Entertainment Body-rub Parlour - 609 Clarke Road
Date: Public Participation Meeting: September 12, 2023

Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following actions be taken:

- a) That the attached proposed by-law (Appendix “A”) **BE INTRODUCED** at the Municipal Council meeting to be held on September 26, 2023, to amend By-law No. L.-131-16, being “*A by-law to provide for the Licensing and Regulation of Various Businesses*” to reduce the number of Adult Entertainment Body-rub Parlour Owner licences authorized under this By-law from six (6) to five (5) and to delete “Map 6 – 609 Clarke Road” from Schedule 2A of the By-law.

Executive Summary

This report proposes amendments to the Business Licensing By-law to delete the Adult Entertainment Body-Rub Parlour location at 609 Clarke Road (Schedule 2A, Map 6) from the By-law, and to reduce the number of Adult Entertainment Body-rub Parlour Owner licences authorized under this by-law from six (6) to five (5).

Analysis

1.0 Background Information

1.1 Linkages to the 2023-2027 Strategic Plan

Safe London for Women, Girls, and Gender-Diverse and Trans People:

Reducing the number of Adult Entertainment Body-rub Parlour locations, and licenses, is directly linked to the goal of creating a “Safe London for Women, Girls, Gender-Diverse and Trans People.”

Well Run City:

Proactively bringing this proposal to Council, based on the requirements of Schedule 2, Section 4.2 of the Business Licensing By-law, demonstrates Civic Administration’s commitment to improved governance processes and to creating trust and confidence in municipal government.

1.2 Municipal Purpose

The Municipal Act, 2001 is the main statute governing the creation, administration, and government of Ontario municipalities. Subsection 10(2) 6) of the Municipal Act, provides that a municipality may pass by-laws respecting: health, safety, and wellbeing of persons. These provisions may serve as the municipal purpose of the attached (draft) amendment.

1.3 Site History and Licence Information

The subject property - 609 Clarke Road - is a one storey industrial commercial plaza that is zoned Restricted Service Commercial/Light Industrial RSC1/RSC3/RSC4/LI7, and it permits a wide range of uses in that combination zone. The building is on the northwest corner of Culver Drive and Clarke Road. In 2001 the premises was approved for an 'Adult Entertainment Services Parlour' use (renamed 'Adult Entertainment Body-rub Parlour'), and the location has operated under different names, by different licensees, since then. The unit was not visible from Clarke Road but was located at the westernmost end of the plaza, facing Culver Drive.

The most recent operating name for the Body-Rub Parlour was Sweet City. In April of 2022, Owner and Operator licenses were issued by the City and in December of 2022 both licences were suspended for 14 days, and subsequently revoked, due to public safety concerns. No appeal was made regarding the Revocation of the two separate licences.

2.0 Discussion and Considerations

2.1 Limitation on Number of Licenses and Locations

On January 31, 2023, the Adult Entertainment Body-Rub Parlour Licence at 609 Clarke Road in London expired (linked to the revocation of the licences in December of the previous year) and no applications have been submitted to renew, despite reminder letters and emails. The premises has not been operating since the licences were revoked in December 2022.

In the By-law, there are two separate elements to consider when making changes regarding Adult Entertainment Body-Rub Parlours. The first is the "Limitation of Locations" outlined in Section 3.0 and defined visually by Schedule 2A, and the second is Section 4.0 "Limitation on Number of Licences".

As Schedule 2, Section 4.0, Subsection. 4.2 of the Business Licensing By-law states, "*The total number of Adult Entertainment Body-Rub Parlour Owner licences shall be reduced as licences expire without renewal or as the Owner licences are otherwise surrendered or revoked until there are five (5) Adult Entertainment Body-Rub Parlour Owner licences.*"

Because the licence at 609 Clarke Road was revoked, and no renewal application has been made, Civic Administration recommends the following actions be taken to achieve this reduction in the number of Owner licences, required by Subsection 4.2:

Hold a Public Meeting

As per Section 9.6 of the Business Licensing By-law, before an amendment to Schedule 2A of this By-law is passed (adding or removing a defined area or location), the Community and Protective Services Committee (CPSC) shall hold at least one meeting that is open to the public for the purpose of affording an opportunity to the requester and any other person who attends the meeting to make submissions in respect of the request. This report is presented to the Committee as background for the requisite meeting.

Delete Map 6 – 609 Clarke Road

The deletion of Map 6 – 609 Clarke Road from Schedule 2A has the effect of reducing the physical number of Adult Entertainment Body-Rub Parlour locations (Maps) from six (6) to five (5). Therefore, the subject site would no longer be a "defined area or location" within the By-law.

Amend Section 4.1

Currently, Section 4.1 of the By-law states that "*...the total number of Adult Entertainment Body-Rub Parlour Owner licences authorized under this By-law is limited to six (6) and not more than one (1) licence shall be issued with respect to each defined area or location shown on Schedule 2A of this By-law.*" Civic Administration

recommends amending this to reduce the number of licences from “six (6)” to “five (5)”. Amending this section will therefore reduce the number of potentially available Owner licences.

A letter was sent to both the property owner and former licensee, informing them that a Public Participation meeting is being held on September 12, 2023 at the Community and Protective Services Committee, to receive delegations and comments regarding proposed amendments to Schedule 2 of the Business Licensing By-law to delete Map 6 (609 Clarke Road) from the by-law and to reduce the number of authorized Adult Entertainment Body-Rub Parlour licence locations from six (6) to five (5).

Committee Recommendation, Council Decision

As Per Section 9.7 of the Business Licensing By-law, the Community and Protective Services Committee shall recommend to the Municipal Council whether to make an amendment to Schedule 2A of this By-law. Municipal Council shall make the final decision whether to amend Schedule 2A of this By-law.

3.0 Financial Impact/Considerations

3.1 There are no financial impacts from the recommended actions, aside from a modest reduction in Staff time, including partner compliance agencies, for collecting and reviewing the necessary licence renewal documents, inspecting the premises, and monitoring activity on the site to ensure compliance.

Conclusion

The Adult Entertainment Body-Rub Parlour Owner and Operator Licenses at 609 Clarke Road were suspended and revoked in December 2022, and subsequently expired on January 31, 2023. There was no appeal of the revocation of the licences, there has been no attempt to renew either licence by the previous owner or operator, and the premises has been closed since the licences expired.

The recommended amendment removes the subject property as a permitted location and reduces the number of Adult Entertainment Body-Rub Parlour locations in the Business Licensing By-law from six to five.

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Submitted by:	Nicole Musicco, Manager, Policy & Special Operations, Municipal Compliance
Reviewed & Concurred by:	Orest Katolyk, MPL, MLEO(C), Director, Municipal Compliance
Recommended by:	Scott Mathers, MPA, P. Eng., Deputy City Manager, Planning and Economic Development

Appendix "A"

Bill No. _____
2023

By-law No. - _____

A by-law to provide for the Licensing and Regulation of Various Businesses.

WHEREAS subsection 5(3) of the *Municipal Act, 2001* provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act, 2001* or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 5, Economic, social and environmental well-being of the municipality; in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property; in paragraph 11 Business Licensing;

AND WHEREAS pursuant to the provisions of Part IV of the *Municipal Act, 2001*, as amended, a municipality may pass by-laws for licensing, regulating and governing businesses;

AND WHEREAS subsection 151(1) of the *Municipal Act, 2001* provides that, without limiting sections 9 and 10 of the Act, a municipality may provide for a system of licences with respect to a business and may:

- (a) prohibit the carrying on or engaging in the business without a licence;
- (b) refuse to grant a licence or to revoke or suspend a licence;
- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
- (e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;
- (f) license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and,
- (g) require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any part of a system of licenses established by the municipality.

AND WHEREAS the Municipal Council for The Corporation of the City of London considers it necessary and desirable for the public to exercise its licensing powers for the purposes of:

- (a) Health and safety including health and safety of service providers and consumers and patrons; and/or
- (b) Nuisance control; and/or
- (c) Consumer protection; and/or
- (d) Suppressing conditions conducive to crime;

AND WHEREAS section 23.2 of the *Municipal Act, 2001* permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS the Municipal Council for The Corporation of the City of London is of the opinion that the delegation of legislative powers under this by-law to the Licence Manager and the Hearings Officer including without limitation the power to issue, revoke, suspend and impose conditions on a licence and prescribe operational standards to be imposed on licensees, including without limitation operational standards such as signage requirements, advertising requirements, hours of operation and records that are to be kept by licensees and the form and content thereof, are powers of a minor nature having regard to the number of people, the size of geographic area and the time period affected by the exercise of the power in accordance with subsection 23.2(4) of the *Municipal Act, 2001*;

AND WHEREAS subsection 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees and charges on persons:

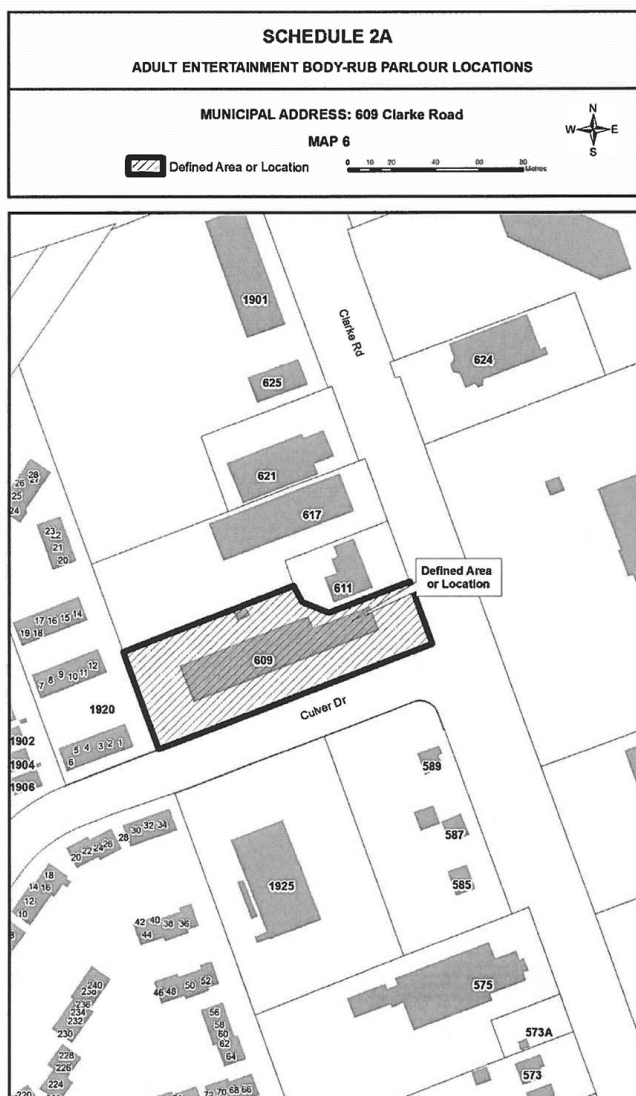
- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and,
- (c) for the use of its property including property under its control.

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts the following amendments to the Business Licensing By-law:

Schedule 2 – Adult Entertainment Body-Rub Parlour

Delete Map 6 from Schedule 2A – Adult Entertainment Body-Rub Locations (see below)

DELETE: MUNICIPAL ADDRESS: 609 Clarke Road - MAP 6



4.0 LIMITATION ON NUMBER OF LICENCES

Amend section 4.1 of the Licensing By-law by replacing the existing sentence with the following:

- 4.1 Subject to section 4.2 the total number of Adult Entertainment Body-Rub Parlour Owner licences authorized under this By-law is limited to five (5), and not more than one (1) licence shall be issued with respect to each defined area or location shown on Schedule 2A of this By-law.