

PUBLIC PARTICIPATION MEETING COMMENTS

11. Business Licensing By-law Review – Adult Live Entertainment Parlour, Adult Entertainment Body-rub Parlour, Unsolicited Motor Vehicle Towing and Storage

- M. Walker, London Abused Women's Centre – see attached submission.
- Member of the public on behalf of N. Sayers – see attached submission.
- C. Vitsentzatos, Vitsentzatos & Vitsentzatos – indicating that he is the counsel for the three adult establishments in the City of London; thanking Orest Katolyk for the opportunity to have a meeting to discuss the concerns of the three stakeholders in London; stating that there are still three issues he would like to raise as a result of the new proposed by-law; noting that the stakeholders are still opposed to the licensing of the operators due to the fact that the licensing mechanism is not clear and the requirement for the licensing is not evident and there has been no information provided to the stakeholders as to why an operator needs to be licensed when there is staff on-site; stating that there is no other industry or business that requires an operator to be licensed and the concern is that it will raise the tax on business as opposed to enumerating one of the three Municipal concerns that the by-law is there to focus on; indicating that another concern the stakeholders have relates to the prohibition in 7.6, the no-touch by-law; noting that Orest Katolyk indicated success in enforcement but that does not necessarily translate into any of the three Municipal purposes for the by-law to be in existence; noting that the City acknowledges in the introduction that it is an integral part of the business of the stakeholders yet it imposes a regime that seems to be contrary to what the Municipal purposes are; noting that the prohibition sets up business and entertainers for failure as it is unclear as to its implication and it provides for an arbitrary enforcement mechanism; indicating that the stakeholders proposed in a letter to Mr. Katolyk, dated August 21, 2017, alternative language but it was not proposed to Council and he asks that Council or Committee consider it; indicating that the last concern the stakeholders have is that in terms of the regulations it appears that the regulations haven't been provided in its full nature; noting that he is wondering if there is a full by-law that will be disclosed at a future date but it makes it difficult for the stakeholders to make submissions if they do not have the complete by-law and complete regulations that apply to it.
- Theresa R. Simone, Barrister at Law – indicating that she is appearing as counsel on behalf of the operators and the entertainers in relation to the three adult entertainment establishments in the City of London and that she was part of the consultation that took place in June and had provided written submissions in relation to their understanding of what was proposed in relation to this by-law and what the concerns of the operators and entertainers were in relation to specifically to the two items that have just been discussed and put before the Committee, the licensing of the operators which is a new category of licensing; indicating that many of the establishments have been operating for a number of years and all of them have put into place mechanisms for the control of the establishment and operating and also for the maintenance and also for the necessary review of the persons that attend within the establishments; stating that the fact that a licensing fee has been introduced for the operators does not provide a substantial enforcement benefit to the City nor does it provide any benefit to the establishments; indicating that over the years, each one of the enforcement groups have developed a rapport with these establishments and each of them have recognized over the years how to liaise with each other in terms of the necessary enforcement of the by-law; indicating that there is no power within the Municipality to license an individual, that licensing within the Municipal Act is with respect to a business and it is their argument that there is no power to license an individual within the establishment; indicating that the no-touch provision has not been amended whatsoever and this is disappointing due to the fact that the potential touching that exists and that is recognized by the City as being a service participated in by the entertainer and the patron; noting that the no-touch provision, as it stands, is unworkable and presents potential for arbitrary enforcement by the enforcement officers or the police; stating that you cannot have a recognition that touching does take place in a by-law and then put in a full prohibition of no touching whatsoever; stating that the no-touch prohibition not only contradicts the City's own observations of what constitutes a service by an entertainer in an adult entertainment establishment, it also creates an absolute liability offense; stating that it is an overly broad provision; indicating that as it is an absolute provision, and married to the penalty provision, which allows for imprisonment, they submit that it is unconstitutional and would further submit that the provision as a whole right of prohibition is also unconstitutional;

noting that she met with Mr. Katolyk and put forward a provision that has been used in other municipalities; indicating that the operators and entertainers are independent workers and they travel throughout the province of Ontario from establishment to establishment and are not employed by any of the establishments and there is no employment control mechanism over these individuals, so while the City of London may impose a complete prohibition, another Municipality has no prohibition; noting that for the women travelling from jurisdiction to jurisdiction, it creates confusion and it is an inconsistency; stating that the final matter is that they do not have the full by-law and they would like an opportunity to review all of the further regulations with the point of view of having further discussions; indicating that with regards to the enforcement provisions they have also submitted that the penalty itself must be proportionate to the offense; stating that they have asked for the penalty provision to be reviewed with respect to the disproportionality of the penalties.

- P. Lombardi, Siskinds, LLP – see attached submission.