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FILE NO. 856508

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September 12, 2017

Community and Protective Services Committee
The Corporation of the City of London
Building Division, Room 708
300 Dufferin Avenue
London, ON N6A 4L9

To Whom it May Concern:

Re: Business Licensing Review - Adult Entertainment Establishment

We have been retained to represent numerous body rub parlours located throughout the City of London with respect to the changes being proposed by the City of London ("City") to By-law L-6 being a by-law to provide for the licensing and regulation of various businesses including but not limited to Adult Entertainment Establishments ("By-law").

We met with City representatives and previously provided our comments to the City in our earlier letter dated August 24, 2017. We have reviewed the revised by-law and set out our Client's concerns with the City's proposed revisions to the By-law below.

Unfortunately, due to the meeting being televised it is difficult for our Client and its independent contractors to attend the meeting in opposition of the by-law changes due to concerns relating to the protection of their indent and fear of bias and unfair prosecution.

CATEGORIZATION OF ADULT ENTERTAINMENT

We agree with the provision of the two categories of adult entertainment: live entertainment and body rub parlours. Each category is defined and regulated separately which is supported by our Client.

LICENSING

We also support the change to remove the requirement for separate licenses for separate locations. This allows for one licenced operator to oversee and manage several locations. The proposed change also appropriately clarifies the role of the licensed operator which is

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to ensure compliance with the by-law regulations and for operational oversight of each facility.

SUBSTITUTION OF LOCATION

The proposed by-law appears to give the City broad authority to delete, substitute or add a new location for an existing location, or to add a new location entirely. Any change, substitution or deletion of existing locations that are currently permitted would render the existing locations legal non-conforming. We agree with the public consultation process set out in section 9.6 for new locations. However, the City should not be able to unilaterally delete an existing location on its own initiative.

REGULATIONS PRESCRIBING OPERATIONAL STANDARDS

We are concerned about the allegations that have been made by the City and the public with respect to Body-Rub Parlours. There appears to be an unwarranted and unsubstantiated inference that late night criminal activity occurs at Body-Rub Parlours. These allegations are being made absent any factual evidence in support of such an allegation. We can advise that our Client has gone, and continues to go, to great lengths to ensure the safety of its operations at all times. Any prescribed operational standards should be subject to extensive public consultation with those involved in the industry.

ADVERTISING REQUIREMENTS

Our client conforms with the City's sign by-law requirements and any other applicable policies relating to advertising. Section 6.0 as current drafted is overly broad in its scope and application. The current advertising restrictions in force appropriately manage Body-Rub Parlours.

It is unclear as to what advertising restrictions are being proposed by the City and what media that these standards will apply. It remains our position that the City has no authority over the internet, websites and other social media. We ask the City to specify what form of media it is proposing to restrict advertising and what restrictions will be applied.

OPERATIONAL STANDARDS

Any operational standards for Body-Rub Parlours being proposed by the City should relate to health and safety of those working and visiting Body-Rub Parlours. Any operational



standards should be developed in consultation with the industry. No rationale has been provided by the City to restrict the hours of operation of a Body Rub Parlour. As opposed to restricting the hours of operation for Body Rub Parlours we recommend that the City impose a minimum staffing requirement. For example: the City should require a minimum of 2 staff members be on-site between the hours of 10 a.m. to 7 p.m.; a minimum of 3 staff members be on-site between the hours of 12 a.m. and 9:59 a.m. and from 7 p.m. to 11:59 p.m. Staff should include both the attendants, management, receptionist or a company representative.

For safety purposes a panic alarm should be required in every massage room in a Body Rub Parlour. This is currently implemented at many of the Body Rub Parlours overseen by our Client. In the event the panic button is pushed it: creates a loud piercing alarm that sounds throughout the business; results in a flashing strobe light outside of the massage room; and, causes all staff on site to enter into the massage room. When a panic alarm is pushed it also alerts the on-duty manager's cell phone of the alarm.

We have been advised by our Client that to date the only time a panic alarm has been activated at a Body-Rub Parlour overseen by our client is when a customer accidentally activated the alarm.

RECORD OF ATTENDANTS

It needs to be recognized that the privacy of the attendants providing services to Body Rub Parlours is paramount to the industry. The attendants are independent operators and provide services when they choose at the location they choose.

The City has not provided any rationale in support of its request for a record of all attendants. If such a list were provided to the City it would be governed by the *Municipal Freedom of Information and Protection of Privacy Act* and as a result could be subject to public disclosure violating the privacy of the attendants.

Our Client is extremely concerned that any release of the list could potentially result in harassing or discriminating behaviour by the public against the attendants. We question the basis upon which the City is relying to require such a record.



OPERATIONAL PROTOCOL RECOMMENDATIONS

Our client has reviewed the proposed revisions to the licensing by-law and has recommended that the following operational protocols be implemented for Body-Rub Parlours as part of the operational standards:

- Minimum staffing requirements;
- Installation of panic alarms in every massage room;
- Access to a shower in every massage room;
- Posting of signs on the entrance door indicating "18+ To Enter";
- Prohibition of the use of electronic devices on the premises and signage indicated "No Cameras Permitted"; and
- Limited access, ensuring that when all of the attendants are providing services and the receptionist and/or manager is not available, the front door is locked and the public is unable gain access to the Body Rub Parlour.

We ask that you provide us with a copy of the by-law for review and comment prior to the matter being referred to a further public participation meeting to repeal and replace the current Business Licensing By-law as instructed by Municipal Council on December 19, 2016. Please contact the undersigned if you have any questions or would like to discuss in more detail.

Yours truly,

Siskinds LLP



Per:

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