

Body Rub Business Operator Instructions

Please note: Body Rub Operator must come in person with below required documents. Please book your appointment online
No walk-ins permitted at this time.

<https://www.brampton.ca/EN/Online-Services/Skip-the-line/Pages/appointment-booking.aspx>

Requirements for obtaining a Body Rub Operator Licence:
PARTIAL APPLICATIONS WILL NOT BE ACCEPTED

1. **Licence Application Form** (Attached)

This form must be completed and signed by the applicant.

2. **Personal Identification**

The identification presented must confirm that the applicant for the licence is the person shown on the identification. This identification must confirm the full birth name, unless legally changed in which case the requisite *Change of Name Certificate* must be provided, current address and date of birth of the applicant.

Examples of acceptable pieces of personal identification are:

- Driver's Licence
- Passport (valid)
- Birth Certificate (original or certified copy)

3. **Proof of Eligibility to work in Canada**

One of the following must be provided:

- Canadian Birth Certificate (original or certified copy)
- Canadian Passport (valid)
- Canadian Citizenship Card (original)
- Canadian Immigration Documents (original or certified copy)

4. **Criminal Record Check**

Date of completed *Search* must not be older than thirty (30) days from the date of licence application.

There is a separate charge for this service.

5. **Fee** - \$923.00 * **NO CASH PAYMENTS AT THIS TIME**

Expiry Date - April 30th of every year

SCHEDULE 2

RELATING TO BODY-RUB BUSINESSES

DEFINITIONS

1. In this Schedule:
 - (1) “Attendant” means any person who performs, offers, and solicits a Body-rub for gain or reward;
 - (2) “Body-rub” includes the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person’s body or part thereof, but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario;
 - (3) “Body-rub Business” is included in the definition of “Adult Entertainment Parlour” in the Municipal Act, 2001, and includes any premises or part thereof where a Body-rub is performed, offered or solicited in pursuance of a trade, calling, business or occupation but does not include any premises or part thereof where the Body-rubs performed are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario;
 - (4) “Operator” means a proprietor, or any other Person who alone or with others, operates, manages, supervises, runs or controls a Body-rub Business;
 - (5) “Owner” includes a person who, alone or with others, owns or controls the trade, calling, business or occupation carried on at a Body-rub Business or who directs the activities of an Operator and “Owner” includes a person who is the tenant or licensee in respect of the premises which are utilized as a Body-rub Business.
 - (6) “Public Spa” means a hydro-massage pool, containing an artificial body of water that is intended primarily for therapeutic or recreational use, that is not drained, cleaned or refilled before use by each individual and that utilizes hydrojet circulation, air induction bubbles, current flow or a combination of them over the majority of the pool area, as defined in Ontario Regulation 428/05 under the *Health Protection and Promotion Act*, 1990, c.H.7.

LICENSING REQUIREMENTS OF OWNERS

2. In addition to the general licensing provisions contained in this By-law, every Applicant for a new Body-rub Business Owner’s or Operator’s Licence shall attend the Licence Issuer’s Office in person and shall submit:
 - (1) A Criminal Record Search dated within 30 days of the Application or Licence renewal, conducted by the Police Services where the Applicant resides or from an approved provider of criminal record checks in Canada, for the Owner where the Owner is an individual; for each partner where the Owner is a partnership, and for each director of the corporation where the Owner is a corporation;
 - (2) Proof of property ownership satisfactory to the Licence Issuer and if not the registered owner of the property, shall submit a copy of his/her lease and any other document affecting the legal relationship between the Applicant and the registered owner of the real property;
 - (3) For the purposes of subsection (4), “registered owner” means the owner as registered pursuant to the *Land Titles Act*, R.S.O. 1990, CHAPTER L.5 or the *Registry Act*, R.S.O. 1990, CHAPTER R. 20 as the case may be;

- (4) Each Owner shall, if performing a Body-rub, be licensed as an Attendant pursuant to the provisions of this By-law;
- (5) A Separate Owner's Licence shall be taken out in respect of each Body-rub Business.
- (6) No person under the age of 18 may be or act as an Owner of a Body-rub Business or provide any services in a Body-rub Business.
- (7) Where an Owner does not personally operate the Body-rub Business, every Person operating such Body-rub Business shall obtain a Licence to do so, but nothing herein relieves the Owner from the requirement that he or she obtain a Licence as owner of said Body-rub Business.

LICENSING REQUIREMENTS OF OPERATORS

3. In addition to the general licensing provisions contained in this By-law, every Applicant for a new Body-rub Business Operator's Licence shall attend the Licence Issuer's Office in person and shall submit:
 - (1) A completed Application accompanied by the appropriate fee;
 - (2) A Criminal Record Search dated within 30 days of the Application or Licence renewal, conducted by the Police Services where the Applicant resides or from an approved provider of criminal record checks in Canada for Each Operator;
 - (3) Proof of status of Canadian Citizenship, immigration status or other valid work authorization;
 - (4) Each Operator shall, if performing a body-rub, be licensed as an Attendant pursuant to the provisions of this By-law;
 - (5) No person under the age of 18 may be or act as an Operator of a Body-rub Business or provide any services in a Body-rub Business.
4. For greater certainty, a separate Operator's Licence is not required for each Body-rub Business in which the Operator works.

LICENSING REQUIREMENTS OF ATTENDANTS

5. Every Applicant for a Body-rub Attendant's Licence shall attend the Licence issuer's Office in person and shall provide:
 - (1) A completed Application accompanied by the appropriate fee;
 - (2) A Criminal Record Search dated within 30 days of the Application or Licence renewal conducted by the Police Services where the Applicant resides or from an approved provider of criminal record checks in Canada;
 - (3) A photograph taken by the Licensing staff;
 - (4) Proof of status of Canadian Citizenship, immigration status or other valid work authorization;
 - (5) Proof age in the form of at least 2 of the following valid original documents, one of which must contain a photo: birth certificate, Provincial Driver's Licence, current passport and permanent residency card.
 - (6) Where an Attendant applies for renewal of a Licence, no proof of age is required.
6. An Attendant shall not:
 - (1) Provide Body-rubs at a Premises that is not licensed as a Body-rub Business under this By-law;

- (2) Provide any Services in the Body-rub Business unless the licensed Owner or Operator is in attendance;
 - (3) Hold, receive or handle any cash or currency used or received in connection with the Body-rub Business or hold any customer's money or belongings, and every Owner or Operator shall, during business hours, provide a person for such purposes, which person shall not during the period in which he or she is employed, provide any Body-rubs.
7. Every Attendant shall carry his or her Licence at all times while working as an Attendant.
 8. For greater certainty, a separate Attendant's Licence is not required for each Body-rub Business in which an Attendant provides services.

REGULATIONS CONCERNING OWNERS AND OPERATORS

9. Every Owner and Operator shall:
 - (1) Ensure that there is posted in a prominent location at the entrance to the Body-rub Business, a sign indicating that no person under the age of 18 years may enter or remain in the Body-rub Business;
 - (2) Ensure that no Body-rubs are provided at the Body-rub Business other than in accordance with the requirements of this By-law;
 - (3) Ensure that only the Services of a licensed Attendant are used;
 - (4) Ensure there is in attendance at the premises of a licensed Body-rub Business at all times, an Owner or Operator who does not provide Body-rubs;
 - (5) Enter into a written contract for Services between every Operator and every Attendant at a Body-rub Business and such contracts shall be made available to the Licence Issuer, Inspector or Police, upon request for inspection at any time during business hours of the Body-rub Business and during all times when Body-rubs are provided, and shall be retained by the Owner or Operator for a period of 6 months after the termination or completion of such contracts;
 - (6) Ensure that every Body-rub or other Service performed in a Body-rub Business shall be given an individual room or cubicle but no Owner or Operator shall cause or permit the door or other means of access to any room or cubicle where the Body-rubs are or may be provided to be equipped or constructed with a locking device of any kind, or with any other device or structure which could delay or hinder anyone from entering or obtaining access to such room or cubicle;
 - (7) Ensure that each door to every room or cubicle where Body-rubs are or may be provided, has a window that is a minimum 4 cm by 4 cm at a height of 1.5 metres in the middle of the door and remains unobstructed at all times.
10. An Owner or Operator shall not:
 - (1) Permit any individual under the age of 18 years to enter or remain in the Body-rub Business or any part thereof;
 - (2) Employ or otherwise use the Services of individuals under the age of 18 years.

SERVICES PROVIDED

11. Every Owner or Operator of a Body-rub Business shall:

- (1) File with the Licence Issuer, a copy of a list of all Services offered, performed or solicited in, upon or at the said Body-rub Business and of the respective fees charged for such Services and, if such charges are based on a computation of time, the hourly rate shall be shown on such list;
- (2) Not charge, demand, ask for or require, or permit to be charged, demanded, asked for or required for any Services offered, performed or solicited in, upon or at a Body-rub Business, any amount other than that set out in a list filed with the Licence issuer, or amendments thereto, also filed with the Licence issuer;
- (3) Not allow any person licensed as an Attendant to offer, perform or solicit a Body-rub in, upon, at or in respect of a Body-rub Business, or perform any Services thereon, other than Body-rubs and other Services permitted by endorsement by the Licence Issuer on the Licence of the Owner of the Body-rub Business, all as described on a list filed with the Licence Issuer or amendments thereto also filed with the Licence Issuer;
- (4) Post a copy of the list of Services and fees referred to in this section in a conspicuous place in the interior of the Body-rub Business owned or operated by him or her, plainly visible to any person upon entering the said Premises;
- (5) Provide in respect of the Body-rub Business, a Service by which any customer may deposit his or her valuables or other property for safekeeping and any customer who presents his or her property for safekeeping shall be given a receipt specifying the nature of the property so entrusted;
- (6) Take due care of all property delivered or entrusted to him or her for safekeeping and return it to its owner upon demand; and
- (7) Ensure that every Attendant immediately upon the termination of the Services of performing a Body-rub shall carefully search the Body-rub Business for any property lost or left therein, and all property or money left in the Body-rub Business shall be forthwith delivered over to the person owning same, or if the owner cannot at once be found, then to the nearest police station with all information in his or her possession regarding same.

RECORDS

12. Every Owner or Operator of a Body-rub Business shall:

- (1) Keep proper records and books of account of all business transacted in, by or in respect of the Body-rub Business, which books shall give the amount of gross receipts for all Services performed or provided in the said Body-rub Business; the name and licence number of every Body-rub Attendant or other person performing the Services of the said Body-rub Business, including the date of commencement and the date of termination of such Services.
- (2) Every Owner to whom subsection (1) relates and every Operator shall keep such books and records as are required by that subsection for at least 1 year after the information required by that subsection is entered therein.
- (3) Upon payment, the customer shall be given a written receipt for the full amount paid;
- (4) Ensure that the receipt required by subsection (3) above, be provided to every customer of the Body-rub Business operated by him or her and shall retain and keep a copy of each such bill and receipt for at least 1 year after the Services referred to therein are performed.

REGULATIONS FOR OPERATION OF BODY-RUB BUSINESSES

13. Every Owner who operates his or her own Body-rub Business and every Operator of a Body-rub Business shall, in the operation of the Body-rub Business, comply with, and ensure compliance with the following regulations:

- (1) The premises shall be provided with adequate lights and ventilation;
- (2) The premises and the fixtures and equipment therein shall be regularly washed and be kept in a sanitary condition;
- (3) The premises shall be equipped with an effective utility sink;
- (4) Adequate toilet and washroom accommodation shall be provided, and there shall be separate such rooms for males and females and no Body-rubs or other services may be provided in any washroom or in any room containing a toilet;
- (5) Washrooms shall be equipped with:
 - An adequate supply of toilet paper;
 - An adequate supply of hot and cold water;
 - An adequate supply of liquid soap in a suitable container or dispenser;
 - Hot air dryers or individual clean towels for the use of each person using the washing facilities;
 - A suitable receptacle for towels and waste materials.
- (6) Adequate shower-bath rooms shall be provided and in all sauna-bath rooms, if any:
 - (a) The floors shall be disinfected at least once a week or as frequently as required to ensure cleanliness, with a disinfecting solution approved by the Medical officer of Health;

- (b) All surfaces and attached accessories of the bath or shower enclosure must be self-draining;
 - (c) All showers must have removable, cleanable drain covers; and
 - (d) Floor surfaces both within and without the enclosures shall be of a non-slip type.
- (7) If bath tubs or whirlpool baths are provided on the premises, they must be drained, cleaned and refilled after each use and the following regulations shall apply:
- (a) A grab-bar or other convenient support shall be provided unless the walls of the tub or whirlpool bath enclosure are 0.61 metre in height or higher;
 - (b) The bottom of the tub or whirlpool bath enclosure shall be of a non-slip type; and
 - (c) The water serving all bathtubs, showers and hand basins used by patrons shall not have a temperature exceeding 40 degrees Celsius and shall be controlled by a device that regulates the temperature, and patrons shall not have access to this device.
 - (d) A total volume of air change of 10 times per hour shall be provided for all tub, shower or bath rooms.
- (8) Common foot baths shall not be provided on the premises;
- (9) Duck-boards or cocoa matting shall not be used in the shower, bath or steam room/sauna and only liquid or powdered soap shall be used in such rooms;
- (10) A notice shall be posted advising all patrons that a cleansing shower or bath must be taken by every person immediately prior to any Body-rub being performed on such person;
- (11) Every person, immediately after taking a shower/bath shall be provided with a fresh, clean, single use and disposable pair of slippers.
- (12) Every table, mat or other surface upon which persons lie or sit while being given or provided with a Body-rub thereon, shall be covered with a fresh, clean, individual paper or cloth sheet;
- (13) Every cloth sheet or towel shall, immediately after being used by any person, be deposited in a receptacle reserved for that purpose and shall not be utilized again for any purpose before being freshly laundered;
- (14) All massage or Body-rub appliances and any other article or device applied to a customer's body for or in connection with Body-rubs, shall be cleansed and disinfected after each individual use with a disinfecting solution satisfactory to the Medical Officer of Health, and no such appliance, article or device shall be used or available for use in a Body-rub Business unless it is so constructed as to be readily capable of being so cleansed or disinfected.
- (15) A first aid kit shall be provided and maintained at all times equipped in accordance with *the Workplace Safety and Insurance Act 1997*, SO 1997, c.16.

14. Public Spas must be in compliance within Ontario Regulation 428/05 under the *Health protection and Promotion Act*, 1990.

15. An Owner and/or Operator and/or Attendant shall not:

- (1) Perform or permit to be performed a Body-rub in any Body-rub Business by or upon any person whom he or she has reasonable cause to suspect

has been exposed to or is suffering from any communicable disease, including any communicable skin disease;

- (2) Permit persons whom he or she has reasonable cause to suspect have been exposed to communicable diseases and persons who are suffering from such diseases to enter into the Body-rub Business operated by him or her;
- (3) Permit any person, except a person holding a valid Attendant's Licence to perform any Body-rubs at a Body-rub Business;
- (4) Use or permit any person to use a camera or other photographic or other electronic recording device, except where the use of the camera or other device is used by a public authority for the enforcement of the law or where the camera is located at the main entrance to the Body-rub Business and is used for security purposes only;
- (5) Permit any person to loiter, create a disturbance or cause undue noise while on the licensed premises;
- (6) Install or use any type of warning device or signaling system to alert staff or customers that the Licence Issuer, Inspector, By-law Enforcement Officer or Police are in attendance;
- (7) Construct or equip the premises of the Body-rub Business so as to hinder or prevent the enforcement of the By-law;
- (8) Advertise or cause or permit to be advertised a Body-rub Business in any way or by any means, or publish anything, erect, post or maintain any sign, notice or any other publication or device relating to or drawing attention to the Body-rub Business, except as specifically permitted under this By-law;
- (9) Offer or allow a Service designed to Appeal to Erotic or Sexual Appetites or Inclinations;
- (10) Permit any food or beverage to be prepared or consumed in the rooms, cubicles where Body-rubs are performed but shall be prepared or consumed in a room used exclusively for that purpose.

SIGNS AND ADVERTISING

16. A Person shall not advertise a Body-rub Business by way of a sign unless the sign:

- (1) Is erected on the property where the Body-rub Business is located;
- (2) Contains only readable text which shall be free from any words or slang referring to any part of the human body or the word nude, naked, topless, bottomless, sexy or any other word or picture, symbol or representation having like meaning or implication; has no animation, flashing lights or is designed to revolve on an axis;
- (3) For the purpose of this section, "animation" shall mean any motion of a display or part thereof, whether by mechanical action or the flashing on and off of its lights;
- (4) Is in compliance with the City's Sign By-law as amended.

ALCOHOL AND DRUGS

17. An Owner, Operator, Attendant or other person shall not:

- (1) Provide a Body-rub or any other Service or Services in a Body-rub Business to a person who is or who appears to be intoxicated by alcohol or a drug or to any person whose appearance or condition provides

reasonable cause to believe that the provision of such services to such person may cause illness or injury to him or her;

- (2) Permit any person who appears to be intoxicated by alcohol or a drug to enter or remain in any Body-rub Business operated by him or her;
- (3) Take, consume or have alcohol or a drug in his or her possession in a Body-rub Business, nor shall the use of alcohol or a drug by him or her be apparent while he or she is in a Body-rub Business;
- (4) For the purposes of this section, the word “drug” shall be deemed to exclude patent medicines and prescription drugs required for medicinal purposes.

APPEARANCE AND BEHAVIOUR OF OWNERS, OPERATORS AND ATTENDANTS

18. Every Owner, Operator and Attendant shall, while engaged in his or her respective trade, business or occupation in a Body-rub Business, shall be neat and clean in his or her person and civil and well behaved to members of the public with whom he or she is dealing.

CHANGE OF ADDRESS OF OWNER, OPERATOR OR ATTENDANT

19. Every Owner, Operator or Attendant who changes his or her address shall, within 2 days after such change, attend at the office of the Licence Issuer and notify the Licence Issuer of such change of address and produce his or her Licence for the change to be entered thereon.

INSPECTIONS

20. Upon request made by the Licence Issuer, Inspector, or Police:
- (1) Every Owner, Operator, Attendant or employee of an Owner or Operator, shall provide his/her name and residential address;
 - (2) Every Owner, Operator, agent or employee of an Owner or Operator shall produce the Owner's Licence;
 - (3) Every Attendant shall produce his or her Licence.

Body Rub Operator Licence Application

Licensing - Administration
2 Wellington Street West
Brampton, ON L6Y 4R2
Tel: (905) 874-2580
Fax: (905) 874-2119

Expiry: _____
Fee: _____
File#: _____
New:
Renewal:

Applicant Information:

Name: _____

Permanent Address: _____

Telephone Number:(____) - ____ - _____

Preferred Mailing Address: _____

Employment Location: _____

Requirements:

Personal Identification: _____

Proof of Eligibility to work in Canada: _____

Criminal Record Search: _____
(Date Signed)

Payment Options:

In Person:

Cheque Debit Credit Card -   

APPLICANT'S DECLARATION

This application is hereby made for a licence in accordance with the information shown above. I agree to conform to the regulations and applicable schedules as set out in the City of Brampton Licensing By-Law.

The "Licensee" shall indemnify, defend and hold harmless the City of Brampton from, and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever resulting from, arising out of, or relating to the activities of the "Licensee" or its officers, employees, subcontractors, or agents under this licence.

Date: _____ Applicant's Signature: _____

The personal information on this form is collected under authority of Section 150 of the Municipal Act, SO 2001, c. 25 and the City of Brampton Licensing By-law. The information will be used for the purpose of issuing the required type of licence. Questions about the collection of personal information should be directed to the City of Brampton Freedom of Information and Privacy Co-ordinator 2 Wellington ST W, Brampton, ON