

ARTICLE XI  
**Holistic Centres and Holistic Practitioners**

**§ 545-158. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**HOLISTIC PRACTITIONER** — A person licensed or required to be licensed under § 545-2A(59) of this chapter.

**OWNER** — An owner of a holistic centre, licensed as such or required to be licensed as such under this chapter. For greater certainty, an owner does not include a single practitioner operating in compliance with the relevant zoning by-laws who treats clients in his or her private residence or who makes off-site calls to treat clients. **[Amended 2005-07-26 by By-law No. 719-2005]**

**PROFESSIONAL HOLISTIC ASSOCIATION** — A registered not-for-profit organization, listed in Appendix L of this chapter and demonstrated pursuant to § 545-161B to be established for the purpose, and with the continuing intent, of ensuring safe and proper provision of one or more kinds of holistic services through: **[Added 2005-12-07 by By-law No. 1056-2005]**

A. The admission to membership of persons qualified to provide such holistic services;

<sup>86</sup> Editor's Note: See R.S.O. 1990, c. M.45.

- B. The promulgation and enforcement of a code of ethics respecting the provision of such holistic services;
- C. The maintenance, provision and recognition of measurable standards for practices and procedures in the provision of such holistic services;
- D. The communication of information relating to such holistic services;
- E. The establishment of a disciplinary system that follows the principles of due process; and
- F. The election of a board of directors, comprised of a majority of holistic practitioner members in good standing, that is duly elected by all holistic practitioner members in good standing.

**§ 545-159. Application to be filed in person.**

- A. On every application for an owner's or a holistic practitioner's licence or for the renewal thereof, the applicant shall attend in person and not by an agent at the offices of the Municipal Licensing and Standards Division and shall complete the prescribed forms and shall furnish to the Municipal Licensing and Standards Division such information as the Municipal Licensing and Standards Division may direct.
- B. In the case of a holistic centre owned by a partnership, the attendance required under Subsection A of this section shall be by one of the partners, and in the case of a holistic centre owned by a corporation, such attendance shall be by an officer of the corporation.
- C. On every application for an owner's or a holistic practitioner's licence or for the renewal thereof, the applicant shall file, submit or present for inspection as required by the Municipal Licensing and Standards Division the originals of all documents that are required to be filed with or submitted to the Municipal Licensing and Standards Division. [Added 2005-07-26 by By-law No. 719-2005]

**§ 545-160. Applicant to supply photographs.**

Every applicant for a holistic practitioner's licence shall submit with the application two passport-size photographs, one of which photographs shall form part of the licence, and the other which shall be filed with the Municipal Licensing and Standards Division, and upon application for renewal of any licence, the applicant shall furnish new photographs if required so to do by the Municipal Licensing and Standards Division.

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**§ 545-160.1. Applicant for owner's licence to provide letter from owner of building from which holistic centre will operate.**

**[Added 2004-07-22 by By-law No. 656-2004; amended 2005-07-26 by By-law No. 719-2005]**

Upon signing a lease agreement respecting the property from which a holistic centre will operate, every holistic owner and every applicant for a holistic owner's licence shall forthwith file with the Municipal Licensing and Standards Division a copy of the lease and a copy of a letter enclosing a copy of this Article and Article I and demonstrating that owner of the building from which the holistic centre will operate has been informed of the nature of the owner's business.

**§ 545-160.2. Owners of holistic centres to be licensed as holistic practitioners.**

**[Added 2004-07-22 by By-law No. 656-2004]**

Every applicant for a holistic centre owner's licence shall hold a valid holistic practitioner's licence or, in the case of a corporation, the officers and directors of the corporation shall hold valid holistic practitioners' licences.

**§ 545-161. Application requirements; documentation concerning professional holistic associations.**

**[Amended 2005-07-26 by By-law No. 719-2005; 2005-12-07 by By-law No. 1056-2005]**

- A. Every applicant for a holistic practitioner's licence or renewal thereof shall submit with his or her application documentation satisfactory to the Municipal Licensing and Standards Division establishing that the applicant is a member in good standing of a professional holistic association, which documentation shall include:
- (1) A document issued by a professional holistic association and signed by the registrar or other duly authorized officer of the professional holistic association which states, to the satisfaction of the Municipal Licensing and Standards Division:
    - (a) The name and membership number (if applicable) of the applicant;
    - (b) The holistic modality or modalities practised by the applicant; and
    - (c) That the applicant is a member in good standing of the association as of the application date or renewal date as shown on the licence renewal notice.
  - (2) All records or documents referred to in § 545-161B, provided that an applicant for a renewal shall only be required to file the records or documents

if the information contained within them has changed since they were previously filed by the licensee.

- B. Demonstration of the nature and purpose of a professional holistic association shall be made by an applicant by filing with the Municipal Licensing and Standards Division in writing:
- (1) Documentation or instruments creating the organization as a registered not-for-profit corporation;
  - (2) The names of its principals, officers, and employees;
  - (3) A description of how the Board of Directors is selected and how often, as well as the date of the last appointment to the Board, and a current list of the Board of Directors;
  - (4) A list of every kind of holistic service which is the subject matter or interest of the organization, and a full description of the nature of the service;
  - (5) Particulars of the qualifications the organization requires its member holistic practitioners to hold in order to provide every such service;
  - (6) A short history summarizing the organization's activities and achievements to date;
  - (7) A current copy of the organization's governing by-laws, regulations, and procedures;
  - (8) A current copy of the organization's code of ethics;
  - (9) A current copy of the organization's complaints and disciplinary process;
  - (10) A list of criteria for membership in the organization; and
  - (11) A current list of courses and qualifications recognized or provided by the organization.
- C. Where the original language of any of the documentation in Subsection A or B is not English, the applicant shall provide an original certified translation of every such document to the Municipal Licensing and Standards Division at his or her own expense.
- D. The records or documents required to be filed pursuant to Subsection A or B may be photocopies of the originals if the licensee attends in person at the offices of the Municipal Licensing and Standards Division and submits both the original and photocopied documents for inspection.
- E. The filing of any record or document with the Municipal Licensing and Standards Division referred to in Subsection A, B or C may be made by a professional holistic association in respect of its members.

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**§ 545-162. Transition.**

**[Amended 2005-12-07 by By-law No. 1056-2005]**

- A. An applicant who has applied for a holistic practitioner's licence prior to December 7, 2005, shall not be required to submit the documents required by § 545-161A and B until the date of first application for the renewal of the licence.
- B. No person who holds a licence as a holistic practitioner on December 7, 2005, and whose licence expires within three months after December 7, 2005, shall be required to submit the documents required by § 545-161A and B upon first application for the renewal of his or her licence, but such person shall submit such documents upon application for all subsequent renewals.
- C. Every person who holds a licence as a holistic practitioner on December 7, 2005, and whose licence expires more than three months after December 7, 2005, shall submit the documents required by § 545-161A and B upon application for the renewal of his or her licence and upon each subsequent application for renewal.

**§ 545-163. Minimum age of holistic practitioner.**

**[Amended 2004-07-22 by By-law No. 656-2004]**

Every applicant for a holistic practitioner's licence shall file with or produce to the Municipal Licensing and Standards Division proof of his or her age, in a form acceptable to the Executive Director, if required to do so by the Municipal Licensing and Standards Division, and no such licence shall be issued unless the Municipal Licensing and Standards Division is satisfied that every such person is of the full age of 18 years.

**§ 545-163.1. Minimum age of holistic owner.**

**[Added 2004-07-22 by By-law No. 656-2004]**

- A. Every applicant for a holistic owner's licence shall file with or produce to the Municipal Licensing and Standards Division proof of his or her age, in a form acceptable to the Executive Director, if required to do so by the Municipal Licensing and Standards Division, and no such licence shall be issued unless the Municipal Licensing and Standards Division is satisfied that the applicant is of the full age of 18 years.
- B. Where the applicant for a holistic owner's licence is a partnership, any or all partners shall file with or produce to the Municipal Licensing and Standards Division proof of his or her age, in a form acceptable to the Executive Director, if required to do so by the Municipal Licensing and Standards Division, and no such licence shall be issued unless the Municipal Licensing and Standards Division is satisfied that all partners are of the full age of 18 years.

- C. Where the applicant for a holistic owner's licence is a corporation, any or all directors and officers of the corporation shall file with or produce to the Municipal Licensing and Standards Division proof of his or her age, in a form acceptable to the Executive Director, if required to do so by the Municipal Licensing and Standards Division, and no such licence shall be issued unless the Municipal Licensing and Standards Division is satisfied that all directors and officers of the corporation are of the full age of 18 years.

**§ 545-164. Application for owner's licence by partnerships and corporations; notification of changes in partnership.**

- A. Persons associated in a partnership applying for an owner's licence shall file with their application to the Municipal Licensing and Standards Division a declaration in writing signed by all the members of the partnership, which declaration shall state:
- (1) The full name of every partner and the address of his or her ordinary residence;
  - (2) The name or names under which they carry on or intend to carry on business;
  - (3) That the persons therein named are the only members of the partnership; and
  - (4) The mailing address for the partnership.
- B. If any member of a partnership applying for an owner's licence is a corporation, such corporation shall, for the purposes of this article, be deemed to be a corporation applying for an owner's licence, and if such licence is issued to the partnership, such corporation shall, for the purposes of this article, be deemed to be a corporation which holds an owner's licence.
- C. Every member of a partnership shall advise the Municipal Licensing and Standards Division immediately in writing of any change in the membership of the partnership and of any other change in any of the particulars relating to the partnership or its business which are required to be filed with the Municipal Licensing and Standards Division.
- D. Where, by reason of any change in the membership of a partnership, the Municipal Licensing and Standards Division has reasonable grounds to believe that the partnership is not entitled to the continuation of its licence in accordance with this chapter, the Toronto Licensing Tribunal may, in its discretion, determine whether the licence or licences shall be revoked or terminated and whether or not a new licence should issue to the partnership as presently constituted.

**§ 545-165. Filing of incorporating document and annual returns.**

- A. Every corporation applying for an owner's licence shall file with the Municipal Licensing and Standards Division at the time of its application a copy of its letters

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of incorporation or other incorporating document, duly certified by the proper government official or department, together with an annual return in a form supplied by the Municipal Licensing and Standards Division, which annual return shall contain a list of all of the shareholders of the corporation.

- B. Where the shares in a corporation applying for an owner's licence are held in whole or in part by another corporation, the corporation so applying shall file with the Municipal Licensing and Standards Division an annual return in a form supplied by the Municipal Licensing and Standards Division, which annual return shall contain a list of all of its shareholders, and if such annual return discloses that the shares in such other corporation are in turn held in whole or in part by a third corporation, then the said applicant shall also file such an annual return in respect of such third corporation listing its shareholders, and so on until the names of all living persons are shown and identified as the shareholders of any and all corporations having an interest, direct or indirect, in the shares of the applicant corporation.
- C. Every owner which is a corporation shall, in every year, on or before the time at which it applies for the renewal of its licence, file with the Municipal Licensing and Standards Division an annual return on a form supplied by the Municipal Licensing and Standards Division.

**§ 545-166. Applicant for owner's licence to submit list of holistic practitioners.**

Every applicant for an owner's licence shall, at the time of making the application, file with the Municipal Licensing and Standards Division a list showing the names of all holistic practitioners employed by, or performing holistic services in, the holistic centre and all such persons intended or expected to be employed or to perform holistic services in the holistic centre.

**§ 545-167. Transfer of shares and issue of new shares in corporations holding owner's licence; termination of licence upon transfer of controlling interest.**

- A. Where a corporation is the holder of an owner's licence or licences, the corporation shall forthwith notify the Municipal Licensing and Standards Division in writing of all transfers of existing shares and of the issue of any existing or new shares of the capital stock of the corporation, and of any such transaction involving the shares of any corporation referred to in Subsection C.
- B. Where, as a result of the transfer of existing shares or by the issue of new shares of a limited company, the Municipal Licensing and Standards Division has reasonable grounds to believe that the limited company may not be entitled to the continuation of its licence in accordance with this chapter, the Toronto Licensing Tribunal may determine whether the licence or licences shall be revoked or have conditions placed on it.

- C. Where, by a transfer of existing shares, or by an issue of new shares, the controlling interest in a corporation holding one or more owner's licences is sold, transferred or acquired, such licence or licences shall be terminated forthwith, and the Municipal Licensing and Standards Division may issue a new licence or new licences upon payment of the prescribed fee. The Toronto Licensing Tribunal may refuse to issue a new licence or licences if it determines that it is in the public interest so to do.
- D. For the purpose of this section, "shareholder" and any words referring to the holding of shares includes all persons having a beneficial interest of any kind in the shares of the corporation.

**§ 545-168. Name or designation of business.**

- A. Every person applying for an owner's or holistic practitioner's licence who carries on or intends to carry on the business in or relating to a holistic centre under any name or designation other than his or her own name shall, at the time of the making of the application, file with the Municipal Licensing and Standards Division a declaration, which declaration shall state:
  - (1) His or her full name and address of ordinary residence; and
  - (2) Any name or designation under which he or she carries on or intends to carry on business, and the date when the name or designation was first used by him or her.
- B. A person to whom this section relates shall notify the Municipal Licensing and Standards Division immediately of any change in any of the particulars required to be filed with the Municipal Licensing and Standards Division under Subsection A of this section.

**§ 545-169. Review of application for owner's licence by Medical Officer of Health, Chief of Police and other officials.**

An application for an owner's licence may be submitted by the Municipal Licensing and Standards Division for a report to the Medical Officer of Health and to the Chief of Police and may also be referred to any other government official or functionary for a report; and where any such report is negative or unfavourable to the applicant, the applicant shall be furnished with a copy of such report and shall have the right to appear before the Toronto Licensing Tribunal for a hearing to determine whether or not the application should be granted, notwithstanding such report.

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§ 545-170. (Reserved)<sup>87</sup>

**§ 545-171. Owners and practitioners to be licensed.**

- A. No holistic centre may open for business or operate or be operated unless its owner is licensed as such under this chapter.
- B. No owner shall permit any holistic service to be provided or offered upon or at his or her holistic centre by any person other than a licensed holistic practitioner.
- C. No holistic practitioner shall provide or offer holistic services in any holistic centre unless the owner of the said holistic centre is duly licensed as an owner under this chapter.

**§ 545-172. Notification of change of address.**

Every owner or holistic practitioner who changes his or her address shall, within two days after such change, attend at the offices of the Municipal Licensing and Standards Division and notify the Municipal Licensing and Standards Division of such change of address.

**§ 545-173. Bookkeeping requirements; access to records.**

- A. Every owner shall keep proper records and books of account of all business transacted in, by, or in respect of his or her holistic centre, which books shall give the amount of gross receipts for all services performed or provided in the said holistic centre, the name and licence number of every holistic practitioner or other person performing services in the said holistic centre, including the date of commencement and the date of termination of such services, the amount of salary or commission paid to each holistic practitioner, in respect of such holistic centre or holistic centre business.
  - A.1. Every owner shall keep a patient record, in a form approved by the Executive Director, for every visit of every person for whom holistic services have been provided, documenting the condition that is the subject of the holistic service and the nature of the holistic service provided. **[Added 2004-07-22 by By-law No. 656-2004]**
- B. Every owner shall keep all books and records as are required by Subsections A and A.1 for at least one year after the information required by that subsection is entered therein, and the Municipal Licensing and Standards Division and any person

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<sup>87</sup> Editor's Note: Former § 545-170, Provision of holistic services by owners of holistic centres, was repealed 2004-07-22 by By-law No. 656-2004.

designated by the Commissioner shall at all times have access to such records.  
[Amended 2004-07-22 by By-law No. 656-2004]

**§ 545-174. Bill and receipt to be provided; copies to be retained.**

- A. Immediately before any holistic services are provided in a holistic centre, the holistic practitioner shall give to the customer an itemized bill for such services, listing the holistic services to be provided and the price to be paid for each.
- B. Upon payment of the bill referred to in Subsection A, the customer shall be given a written receipt for the full amount paid.
- C. Every owner shall ensure that the bill and receipt required by Subsections A and B contain the name and Toronto licence number of the holistic practitioner who provided the holistic services and the name, address and Toronto licence number of such owner.
- D. Every owner shall ensure that the bill and receipt required by this section are provided to every customer of the holistic centre. [Amended 2005-07-26 by By-law No. 719-2005]

**§ 545-175. Advertisements to include licence number.**

Every owner shall ensure that all advertisements used in respect of such owner's holistic centre clearly state the number of the licence issued to such owner under this chapter.

**§ 545-176. Insurance requirements.**

Every owner shall, in respect of each holistic centre for which he or she holds a licence, procure a policy of insurance endorsed to the effect that the Municipal Licensing and Standards Division will be given at least 10 days' notice in writing of any cancellation, expiration or variation in the amount of the policy, and insuring, in at least the amount of \$1,000,000 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or the death of one or more persons, or from loss or damage to property resulting from any one accident. A certified copy or certificate of such policy shall be deposited with the Municipal Licensing and Standards Division.

**§ 545-177. Regulations for operation of holistic centres.**

Every owner shall, in the operation of his or her holistic centre, comply with, and ensure compliance with, the following regulations:

- A. The premises and the fixtures and equipment therein shall be regularly washed and be kept in a sanitary condition.

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- B. Adequate toilet and washroom accommodation shall be provided and shall be equipped with:
- (1) An adequate supply of hot and cold water;
  - (2) An adequate supply of liquid soap in a suitable container or dispenser;
  - (3) Hot air dryers or individual clean towels for the use of each person using the washing facilities; and
  - (4) A suitable receptacle for used towels and waste material.
- C. If showers or saunas are provided on the premises, the following regulations shall apply:
- (1) The floors shall be disinfected at least once a week with a disinfecting solution approved by the Medical Officer of Health;
  - (2) All surfaces and attached accessories of the bath or shower enclosure must be self-draining;
  - (3) All showers must have removable cleanable drain covers; and
  - (4) Floor surfaces both within and without the enclosures shall be of a non-slip type.
- D. If bathtubs or whirlpool baths are provided on the premises, the following regulations shall apply:
- (1) 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;
  - (2) The bottom of the tub or whirlpool bath enclosure shall be of a non-slip type; and
  - (3) The water serving all bathtubs, showers and hand basins used by patrons shall not have a temperature exceeding 49 degrees Celsius and shall be controlled by a device that regulates the temperature, and patrons shall not have access to this device.
- E. Every table, mat or other surface upon which persons lie or sit while being given or provided with a holistic service shall be clean and in good repair, and shall have a top surface of impervious material.
- F. Every table, mat or other surface referred to in Subsection E hereof shall, before any person receives a holistic service thereon, be covered with a fresh, clean individual paper or cloth sheet.

- G. Every 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.
- H. No premises in which a holistic centre is located shall be constructed or equipped so as to hinder or prevent the enforcement of this chapter. **[Added 2005-07-26 by By-law No. 719-2005]**
- I. Holistic practitioners working in a holistic centre may lock the doors of the centre or a treatment room while working with a client for their mutual security and safety, provided that whenever the doors are locked the time at which the doors will be unlocked shall be posted in a manner clearly visible from outside the holistic centre and the door must be unlocked by the posted time. **[Added 2005-07-26 by By-law No. 719-2005]**

**§ 545-178. Safekeeping of valuables belonging to customers.**

- A. Every owner shall provide 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.
- B. Every owner and holistic practitioner shall take due care of all property delivered or entrusted to him or her for safekeeping and return it to its owner upon demand.

**§ 545-179. Display of licences.**

- A. Every owner shall keep his or her licence issued in respect of that holistic centre posted in a conspicuous place in the interior of the said premises at all times during the currency of the licence.
- B. Every holistic practitioner who provides or offers holistic services in a holistic centre shall keep his or her licence prominently displayed in the interior of such holistic centre at all times during the currency of the licence.

**§ 545-180. Advertisement of holistic services by licensed owners and practitioners only.**

No person other than a licensed owner may use the phrase “licensed,” “Toronto-licensed,” “holistic service,” or “licensed holistic service” or any words indicating the offering of the services or facilities of a holistic centre in pursuance of or in connection with any business, trade, or occupation carried on in a holistic centre in the City of Toronto unless the owner of the premises and every holistic practitioner engaged in performing or offering holistic services in, upon or at such premises has been duly licensed so to do under this chapter.

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**§ 545-181. List of services and fees.**

- A. Every owner shall file with the Municipal Licensing and Standards Division a copy of a list of all services offered or provided in, upon or at his or her holistic centre, and of the respective fees charged for such services, and, if such charges be based on a computation of time, the hourly rate shall be shown on such list.
- B. No owner or holistic practitioner shall charge, demand, or request any payment for any services offered or performed in a holistic centre except in accordance with the list filed with the Municipal Licensing and Standards Division under Subsection A.
- C. No owner or holistic practitioner shall offer or provide any holistic service in a holistic centre, or perform any services, except in accordance with the list filed under Subsection A.
- D. Every owner shall post a copy of the list of services and fees referred to in this section in a conspicuous place in the interior of the holistic centre plainly visible to any person upon entering the said premises.

**§ 545-182. Owners and practitioners to provide name, address and licence upon request.**

Every owner and holistic practitioner shall, upon a request made by the Municipal Licensing and Standards Division or any peace officer, by-law enforcement officer, Medical Officer of Health, or public health inspector acting under the direction of the Medical Officer of Health, provide his or her name and residential address, and if licensed under this chapter, he or she shall produce his or her said licence.

**§ 545-183. Hours of operation.**

**[Amended 2005-12-07 by By-law No. 1016-2005]**

No owner shall open his or her holistic centre for business or permit the same to be or to remain open for business or permit any holistic service or services of any kind to be provided or offered in the said holistic centre except between the hours of 8:00 a.m. and 9:00 p.m.

**§ 545-184. Drugs and liquor.**

- A. No owner or holistic practitioner shall take, consume or have a liquor or a drug in his or her possession in a holistic centre, nor shall the use of liquor or a drug by such person be apparent while in a holistic centre.
- B. For the purposes of Subsection A, the word “drug” shall be deemed to exclude prescription drugs and the word “liquor” shall be deemed to exclude ethanol-based

herbal medicines or ethanol used exclusively for the purpose of preparing herbal medicines. **[Amended 2005-07-26 by By-law No. 719-2005]**

**§ 545-185. Appearance and behaviour of owners and practitioners.**

**[Amended 2005-07-26 by By-law No. 719-2005]**

A. Definitions.

For the purposes of this section and § 545-186, the following term shall have the meaning indicated:

**SPECIFIED BODY AREAS:**

- (1) The breasts in the case of an owner or practitioner;
- (2) The areolae in the case of a client; and
- (3) The genitals and the anus in the case of all people.

B. Every owner and every holistic practitioner, while engaged in his or her trade, business or occupation, shall be:

- (1) Dressed in a professional manner, in opaque clothing that is conducive to the holistic services being provided and that completely covers his or her specified body areas;
- (2) Neat and clean in his or her person and dress; and
- (3) Civil and well-behaved to members of the public.

**§ 545-186. Touching specified body areas prohibited; clients, owners and practitioners to cover specified body areas.**

**[Amended 2004-07-22 by By-law No. 656-2004; 2005-07-26 by By-law No. 719-2005]**

- A. No holistic practitioner shall, while providing services as a holistic practitioner, touch in any manner whatsoever the specified body areas of any person or allow his or her specified body areas to be touched.
- B. No owner shall permit any holistic practitioner providing services as a holistic practitioner to touch in any manner whatsoever the specified body areas of any person or allow a practitioner's specified body areas to be touched.
- C. No holistic practitioner shall provide or offer to provide holistic services upon any person unless such person's specified body areas are completely and opaquely covered.

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- D. No owner shall permit any holistic practitioner to provide or offer to provide any holistic services upon any person unless such person's specified body areas are completely and opaquely covered.