

SCHEDULE 7
to City of Guelph By-law Number (2009)-18855

[Amended By (2010)-18949; (2012)-19396]

HOLISTIC SERVICES

The provisions of this Schedule shall apply in respect of Holistic Services.

INTERPRETATION

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings;
 - (a) "Energy or Life-Force Therapies" include but are not limited to the laying on of hands, and therapeutic non-touch;
 - (b) "Establishment" means any Premise in which any Holistic Service is Provided, and includes all of the Premise in which an Owner has an interest;
 - (c) "Herbal or botanical therapies" means an attempt to improve health through the use of herbs or plants;
 - (d) "Holistic Service" means any Service that is a complementary or alternative healing modality including, but not limited to:
 - Energy or Life-Force Therapies;
 - Herbal/Botanical Therapies; and,
 - Physical Therapies;but does not include:
 - Psychological Therapies;
 - Services which are only mobile in nature and Provided on a voluntary, without fee, basis; or
 - Medical or therapeutic treatment performed, offered or solicited and performed or offered by persons duly qualified, licensed or registered to do so under a statute of Ontario;
 - (e) "Hours of Operation" when used in this By-law in relation to a Holistic Services Establishment, means the hours of operation as set out on the Business Licence issued to the Owner for the Holistic Services Establishment;
 - (f) "Massage" includes the kneading, manipulating, rubbing, massaging, touching, or stimulating by any means, of a person's body or part thereof;
 - (g) "Operator" means a Person who, alone or with others, manages, supervises, runs or directs the operation of a Holistic Services Establishment, or who directs the activities of a Practitioner, and "Operate" and "Operating" shall have corresponding meanings;
 - (h) "Owner" means a Person who, alone or with others, owns or controls a Holistic Services Establishment or who directs the activities of an Operator, and "Own" and "Owning" shall have corresponding meanings;
 - (i) "Operator Licensee" means any Person who holds a Business Licence as an Operator of a Holistic Services Establishment;
 - (k) "Owner Licensee" means any Person who holds a Business Licence as an Owner of a Holistic Services Establishment;

- (l) "Photo Identification Tag" means the card issued by the City as part of the Business Licence with the photo of the Licensee made from passport size photos provided by the Applicant;
- (m) "Physical Therapies" means therapies designed to improve health or relieve stress and which involve the manipulation, or touch of the body and include, but are not limited to, aromatherapy, colonic irrigation, hydrotherapy, lymphatic drainage, Massage, reflexology, and shiatsu;
- (n) "Practitioner" means a person who Provides or offers to Provide any Holistic Service;
- (o) "Practitioner Licensee" means any Person who holds a Business Licence as a Practitioner in relation to any Holistic Services Establishment; and,
- (p) "Psychological therapies" means any Service that is a complementary or alternative healing modality, primarily dealing with behaviour modification and treated through mental and/ or mind-body control.

BUSINESS LICENCES REQUIRED [Amended By (2012)-19396]

- 2. (a) All Owners, Operators and Practitioners are to be individually licensed, except where the Owner and Operator is one in the same and they may apply for a combined license as an Owner and Operator, and except where the Owner, and Practitioner is one in the same and they may apply for a combined license as an Owner and Practitioner; and except where the Operator, and Practitioner is one in the same and they may apply for a combined license as an Operator and Practitioner; and except where the Owner, Operator and Practitioner is one in the same and they may apply for a combined license as an Owner, Operator and Practitioner.
- (b) Without limiting any other provision of this Schedule or the By-law,, every Business Licence issued for an Owner, Operator or Practitioner of a Holistic Services Establishment is only valid for a single Holistic Services Establishment at a single location and, as such, each Business Licence shall indicate the location of the Holistic Services Establishment for which the Business Licence is valid.
- (c) All Business Licences issued to an Operator or Practitioner of a Holistic Services Establishment are valid only for the time during which the Business Licence issued to the Owner of the Holistic Services Establishment is valid. If the Business Licence issued to the Owner ceases to be valid at any time, the Business Licence(s) issued to the Operator(s) and Practitioner(s) shall also cease to be valid.
- (d) No Business Licence issued to an Owner, Operator or Practitioner of a Holistic Services Establishment is transferable or assignable and if any Licensee ceases to maintain an interest or employment in the Holistic Services Establishment to which his or her Business Licence applies, then, notwithstanding any other provision of this By-law, such Business Licence shall be deemed to be revoked.
- (e) Every Operator Licensee or Practitioner Licensee of a Holistic Services Establishment shall inform the Issuer of Licences within fifteen (15) days of terminating their employment with any Owner Licensee or Holistic Services Establishment.
- (f) Where a Holistic Services Establishment and a Personal Service Establishment occupy the same premises, and are under the same ownership, and are operated as one business, both licenses are required

and all the conditions in both schedules shall apply. However, only the greater of the two inspection fees and licence application fees shall be required to be submitted to the City.

APPLICATION REQUIREMENTS [Amended by By-law (2011)-19262]

3. Except in the case where the Owner and Operator is one and the same, or where an Owner and Practitioner are one and the same, no application for a Business Licence for an Operator or Practitioner of a Holistic Services Establishment shall be accepted until a Business Licence has been issued to the Owner of the said Holistic Services Establishment.
4. (a) In addition to all other requirements of this By-law, every Owner and Operator of a Holistic Services Establishment, and every Practitioner in a Holistic Services Establishment, shall submit as part of their application for a Business Licence or for renewal thereof, one (1) valid piece of Identification of the Applicant.

(b) Where the applicant is a partnership or corporation, Identification shall be provided by the person attending on behalf of the partnership or corporation to submit the application.
5. In addition to all other requirements of this By-law:
 - (a) every Practitioner in any Holistic Services Establishment shall submit the following as part of their application for a Business License or for renewal thereof:
 - (i) 2 passport issued photographs to be used by the City in providing the Applicant with a City issued photo identification tag, upon issuance of the Business Licence;
 - (ii) evidence satisfactory to the Issuer of Licences that:
 - a. the Practitioner is a member in good standing in a Holistic Services association or regulatory body relevant to the Holistic Service they intend to provide, as listed on Appendix "A" to this Schedule, or an equivalent association or regulatory body that has been approved by the Issues of Licences, including contact information for such association or regulatory body; or
 - b. the Practitioner holds a diploma relating to a program which:
 - i. includes as part of the curriculum the Holistic Service(s) they intend to provide; and
 - ii. if required by law, is a program approved by the Ontario Ministry of Training, Colleges and Universities
 - (iii) copy of professional liability insurance related to the Holistic Service(s) for which they are permitted to practice; and,
 - (iv) written authorization from the Owner stating that they will be employed as a Practitioner in the Owner's licensed Holistic Services Establishment.
 - (b) every Operator of any Holistic Services Establishment shall submit the following as part of their application for a Business License or for renewal thereof:
 - (i) 2 passport issued photographs to be used by the City in providing the Applicant with a city issued photo identification tag, upon issuance of the Business Licence; and

- (ii) written authorization from the Owner stating that they will be employed as an Operator in the Owner's licensed Holistic Services Establishment.
- 6. Every Applicant for a Business Licence for an Owner, Operator or Practitioner of a Holistic Services Establishment shall appear in person at the Office of the Issuer of Licences to submit the application, provided that:
 - (a) in the case of a Holistic Services Establishment Owned by a partnership such appearance shall be made by one of the partners, provided that the application for a Business Licence has been signed by all of the partners; and,
 - (b) in the case of a Holistic Services Establishment Owned by a corporation, such appearance shall be made by an officer of the corporation, provided that the application for a Business Licence has been signed by the authorized signing officers of the corporation.
- 7. Without limiting any other provision of this Schedule or the By-law, no Business Licence shall be issued to the Owner of a Holistic Services Establishment until the Floor Plan is approved by the Issuer of Licences

APPLICATION RESTRICTIONS

- 8. An application for a Business Licence for a Practitioner or Operator of a Holistic Services Establishment may not be made by a partnership or corporation.

HOURS OF OPERATION

- 9. (a) Holistic Services Establishments may only be open for business between the hours of 8:00 a.m. and 10:00 p.m.
- (b) Notwithstanding sub-section 9(a) of this Schedule, every Owner Licensee and Operator Licensee shall ensure that the Holistic Services Establishment that they Own or Operate is not open for business, and that no Goods or Services are Provided in such Establishment, outside of the Hours of Operation.
- (c) Notwithstanding sub-section 9(a) of this Schedule, no Practitioner Licensee shall Provide any Goods or Services in a Holistic Services Establishment, outside of the Hours of Operation.

REQUIRED SIGNAGE

- 10. Every Owner Licensee and Operator Licensee shall ensure that:
 - (a) a list of all Services Provided by the Holistic Services Establishment and a fees list for those Services, are posted in a conspicuous location within the Establishment and clearly visible to all persons entering any Principal Entrance of the Holistic Services Establishment as identified in the Floor Plan; and,
 - (b) only those Services set out in the posted list of Services required in sub-section 10(a) of this Schedule, are Provided in the Holistic Services Establishment, and only the fees set out on the fees list, required in sub-section 10(a) of this Schedule, are charged for the respective Services.

PHOTO IDENTIFICATION

11. Every Operator Licensee and Practitioner Licensee shall make available for inspection, upon request by any person, his or her photo identification tag.

OPERATIONAL REQUIREMENTS

12. Every Owner Licensee and Operator Licensee shall ensure that:
 - (a) no Adult Entertainment Goods or Adult Entertainment Services are Provided in the Holistic Services Establishment;
 - (b) every Practitioner operating in the Holistic Services Establishment is Licensed;
 - (c) no Practitioner or other person within the Holistic Services Establishment is Nude in any portion of the Establishment except for in the washrooms, showers, shower washrooms and sauna baths as identified on the Floor Plan;
 - (d) every Practitioner remains a member in good standing of a Holistic Services association or regulatory body as listed on Appendix "A" to this Schedule, or of an equivalent association or regulatory body that has been approved by the Issuer of Licences;
 - (e) the Holistic Services Establishment is at all times in compliance with the Health Protection and Promotion Act, R.S.O.1990, c. H.7, and regulations thereto, as amended from time to time, and any successor thereof;
 - (f) no Practitioner Provides Goods or Services in any room, cubicle, enclosure, partitioned area or other space within the Holistic Services Establishment that is not designated as a room for such use on the Floor Plan; and,
 - (g) no persons other than staff enter the Holistic Services Establishment except through a Principal Entrance as identified in the Floor Plan.
13. Every Owner Licensee shall ensure that:
 - (a) every Operator acting in the Holistic Services Establishment is licensed; and,
 - (b) a list of all operators and practitioners acting in the Holistic Services Establishment is provided to the Issuer of Licences within 7 days of the issuance of the Business Licence to the Owner.
14. Every Practitioner Licensee shall:
 - (a) maintain at all times, a membership in good standing in a Holistic Services association or regulatory body listed in Appendix "A" hereto, or in an equivalent association or regulatory body that has been approved by the Issuer of Licences;
 - (b) maintain in effect professional liability insurance to cover their provision of Holistic Services as a Practitioner; and
 - (c) only Provide the Services that are posted in the Holistic Services Establishment pursuant to sub-section 10(a) of this Schedule and shall only charge the fees for such Services that are indicated on the fees list posted in the Holistic Services Establishment as required by sub-section 10(a).

15. No Practitioner Licensee shall:

- (a) Provide any Goods or Services in any room, cubicle, enclosure, partitioned area or other space within the Holistic Services Establishment that is not designated as a room for such use on the Floor Plan;
- (b) be Nude in any portion of the Holistic Services Establishment except for in the washrooms, showers, and shower washrooms as identified in the Floor Plan;
- (c) Provide any Adult Entertainment Good or Adult Entertainment Service in the Holistic Services Establishment; or,
- (d) Provide any Goods or Services in any room cubicle, enclosure, partitioned area or other space within the Holistic Services Establishment, when the access to such room, cubicle, enclosure, partitioned area or other space is obstructed or when the door to such room, cubicle, enclosure, partitioned area or other space contains a lock, locking mechanism or any other device designed to delay or hinder anyone from entering or obtaining access to such area.

DESIGN OF PREMISES

16. Every Owner Licensee of a Holistic Services Establishment shall ensure that:

- (a) the Holistic Services Establishment is designed in accordance with the licence application documents, and the provisions of this Schedule, and in accordance with all other applicable legislation, including City By-laws, in effect from time to time; and
- (b) all washrooms, showers, shower-washrooms, and sauna baths identified on the Floor Plan, are separate and apart from, and not contained within the rooms in which Services are Provided.

17. Every Owner Licensee and Operator Licensee shall ensure that:

- (a) all doors or other means of access to every room cubicle, enclosure, partitioned area or other space within the Holistic Services Establishment, other than washrooms and shower-washrooms, are unobstructed and that such doors or other means of access do not contain any lock or device of any kind that could delay or hinder anyone from entering or obtaining access to such area;
- (b) during the Hours of Operation of the Holistic Services Establishment, every Principal Entrance as identified in the Floor Plan is unlocked and accessible so that anyone may enter therein without hindrance or delay; and,
- (c) no part of the Holistic Services Establishment contains any furniture which is commonly used for sleeping purposes, except that Service area(s) as designated on the Floor Plan, may be provided with a treatment table, examination table, or seating as required for consultation or treatment purposes only.

18. Every Owner Licensee and Operator Licensee shall ensure that:

- (a) every contact surface, equipment, fixture, table, mat and any other surface upon which any person lies, sits or otherwise contacts while being Provided any Service in the Holistic Services Establishment is in good repair and is constructed of impervious material that is able to be readily cleaned and sanitized after each customer's use;

- (b) every contact surface, equipment, fixture, table, mat and any other surface upon which a Person lies, sits or otherwise contacts while being Provided any Services in the Holistic Services Establishment is cleaned in accordance with Provincial Infectious Diseases Advisory Committee "Best Practices for Cleaning, Disinfection and Sterilization" dated March 2006 and amended from time to time;
- (c) every contact surface as set out in sub-section 18(a) of this Schedule is covered with a clean individual paper or cloth sheet that is replaced after each customer;
- (d) all linens are laundered after each use;
- (e) clean and used or soiled linens are kept separate at all times;
- (f) the Holistic Services Establishment is equipped with adequate toilet and washroom accommodations pursuant to the Ontario Building Code Act, 1992, S.O. 1992, c. 23, and regulations thereto, as amended from time to time, and any successor thereof, and that those facilities are available and accessible to staff and clients at all times;
- (g) the facilities set out in sub-section 18(f) of this schedule are equipped at all times with:
 - (i) a hand washing basin that has a supply of hot and cold water;
 - (ii) liquid soap in a dispenser;
 - (iii) hot air dryers or clean single service towels or disposable paper towels; and
 - (iv) and a receptacle for used towels and waste material;
- (h) in all shower-bathrooms and all sauna-bath rooms within the Holistic Services Establishment:
 - (i) the floors are disinfected at least once a day with a disinfecting solution in accordance with the Provincial Infectious Diseases Advisory Committee "Best Practices for Cleaning, Disinfection and Sterilization" dated March 2006 and amended from time to time;
 - (ii) the showers and sauna baths have removable cleanable drain covers; and
 - (iii) all floor surfaces both inside and outside of such enclosures are of a non absorbent and non-slip type;
- (i) the Holistic Services Establishment is equipped with a first-aid kit with all items set out in Appendix "B" to this Schedule and that such kit is readily accessible by all staff of the Holistic Services Establishment at all times;
- (j) except for Service areas and washrooms, shower rooms and sauna baths as designated on the Floor Plan, all window openings in the Holistic Services Establishment shall be uncovered, transparent clear glass only and the view through the windows to the interior of the Establishment shall remain unobstructed; and
- (k) no Service is visible from outside the Holistic Services Establishment.

HOME OCCUPATIONS - EXCEPTIONS

19. Where a Holistic Services Establishment is operated as a home occupation as defined in the Zoning By-law, subsection 18(j) of this Schedule does not apply.

APPENDIX "A"

to Schedule 7 – HOLISTIC SERVICES of City of Guelph By-law Number (2009)-18855

LIST OF PROFESSIONAL HOLISTIC ASSOCIATIONS AND BODIES

1. The Therapeutic Touch Network of Ontario
2. Shiatsu Therapy Association of Ontario
3. Healing Touch Association of Canada, Inc.
4. Canadian Federation of Aromatherapists
5. Association of Massage Therapist and Wholistic Practitioners (AMTWP)
6. The Ontario Herbalist Association
7. Ontario Polarity Therapy Association
8. Trager Canada
9. Reflexology Registration Council of Ontario (RRCO)
10. Canadian Reiki Association
11. International Association of Rubenfield Synergists
12. Examining Board of Natural Medicine Practitioners
13. Shiatsu Diffusion Society
14. Canadian Examining Board of Health Care Practitioners Inc.
15. Shiatsu Society of Ontario
16. World Peace and Natural Health Association
17. Feldenkrais Guild of North America
18. The Iridologists Association of Canada
19. International Organization of Nutritional Consultants
20. Canadian Hand Reflexology and Holistic Association
21. Health and Healing Holistic Association
22. The Japanese Shiatsu & Holistic Medicine Society of Canada
23. Shiatsu Therapists Alliance (Toronto)
24. International Aromatherapists and Tutors Association Canada Inc.
25. International Council of Ayurvedic Physicians Inc.
26. Preventative Health Services Group
27. National Association of Holistic Health Practitioners

APPENDIX "B"

**to Schedule 7– HOLISTIC SERVICES
of City of Guelph By-law Number (2009)-18855**

First Aid Kit Requirements

- A current copy of St Johns Ambulance or the Canadian Red Cross Society First Aid Manual
- One dozen safety pins
- Twenty four adhesive dressings individually wrapped
- Twelve sterile gauze pads - each seventy five millimeters square
- Four rolls of 50mm gauze bandage
- Four rolls of 100mm gauze bandage
- Four sterile surgical pads suitable for pressure dressings individually wrapped
- Six triangular bandages