



LICENSING BY-LAW

Consolidation of By-law 120-2005

Amended by: 153-2005, 69-2006, 95-2007, 20-2008, 25-2008, 102-2008, 117-2008 and 29-2009.

**NOTE: This consolidation is prepared for convenience only.
For accurate reference the original by-laws should be reviewed.**



By-Law 120-2005
of The Corporation of the City of Oshawa
of The Corporation of the City of Oshawa

being a by-law to license, regulate and govern certain businesses in the City of Oshawa.

IT IS ENACTED as a by-law of The Corporation of the City of Oshawa by its Council as follows:

1. This by-law may be known as the “Licensing By-law”.
2. In this by-law, unless a contrary intention is indicated:

“Acquisition” means the process by which one comes into possession of a good by any means including, without limitation, by means of purchase, receipt, trade, taking in exchange or holding. “Acquire” has a corresponding meaning;

“Adult Entertainment Parlour” means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations;

“Amusement Device” means a machine, contrivance, structure or vehicle used to entertain people by moving them or by causing them to be moved;

“Amusement Machine” means any mechanical or electronic machine or device intended for use as a game or source of entertainment or amusement offered for use by the public or by any person and shall include a pinball machine, television game, shooting gallery or other similar machine or device including an automatic machine or slot machine that dispenses as prizes one or more free games, but shall not include any machine used only for the purpose of vending merchandise or services or playing recorded music or any billiard, pool or bagatelle table or any machine that would render the premises a common gaming house within the meaning of The Criminal Code of Canada;

“Applicant” includes a person seeking a licence, or renewal of a licence or a person whose licence is being considered for revocation or suspension;

“Attendant”, in reference to an Adult Entertainment Parlour, means any person other than an Owner or Operator who provides Services designed to appeal to erotic or sexual appetites or inclinations at an Adult Entertainment Parlour;

“Auctioneer” shall mean a person who sells or puts up for sale goods, wares, merchandise or effects by public auction, but shall not include a sheriff or bailiff offering for sale goods or chattel seized under execution of distraint for rent;

“Automobile Service Station” means a building or place where gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, sparkplugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased, or washed, or have their ignition adjusted, tires inflated or batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed;

“Bed and Breakfast Establishment” means a dwelling unit in which not more than three bedrooms are made available for the temporary accommodation of travellers, to whom meals may be furnished, but does not include a hotel or lodging house;

“Bedroom” means a room or area within a Rental Unit used, designed, equipped or intended for sleeping; (20-2008)

“Billiard Hall” includes an establishment where pool, billiards, bagatelle and similar games are offered to the public for hire or gain;

"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 so to do under the laws of the Province of Ontario and also does not include Sexual Contact;

“Body Rub Attendant” means any person who performs, offers or solicits a Body Rub;

“Body Rub Owner” means a person who, alone or with others, has the right to possess or occupy a Body Rub Parlour or actually does possess or occupy a Body Rub Parlour and includes a lessee of a Body Rub Parlour or premises upon which a Body Rub Parlour is

located. The terms "own", "ownership", and words of like import or intent shall have corresponding meanings;

"Body Rub Parlour" includes any premises or part thereof within the geographic limits of the City 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;

"Building" means any structure consisting of a roof supported by walls or columns which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals, goods, chattels or equipment and includes a carport; (20-2008)

"Carnival" means an exhibition, display, event or amusement show which may include the operation of one or more Amusement Devices or midway style attractions;

"Chief of Police" means the Chief of Police of the Regional Municipality of Durham or the Deputy Chief acting in place of the Chief;

"City" means The Corporation of the City of Oshawa;

("Clerk" deletion) (20-2008)

"Committee" means the Committee of Council to which Council has delegated the responsibility of handling licensing matters;

"Council" means the Council of The Corporation of the City of Oshawa;

"Deal" means Acquisition or Disposition. "Dealing" has a corresponding meaning;

"Designated Driving Service Provider" means each Person who, for payment of a salary, a fee or for any other consideration, operates a Motor Vehicle owned by another Registered Motor Vehicle Owner for the purpose of moving or causing to be moved the Motor Vehicle from a location within

Oshawa or to a destination within Oshawa but does not include a “Driver” while operating a “Taxicab” as those two terms are defined by the City’s Taxicab Licensing By-law.

(102-2008)

“Disposition” means the loss of possession of a good by any means including, without limitation, by way of sale, lease, trade or exchange. “Dispose” has a corresponding meaning;

“Fire Chief” means the Fire Chief of the City of Oshawa Fire Services or the Deputy Fire Chief acting in place of the Chief;

“Director” means the City’s Director, Municipal Law Enforcement and Licensing Services;

(20-2008)

“Food Shop” means any place where food stuffs intended for human consumption are made for sale, offered for sale, stored or sold, but does not include a licensed Refreshment Vehicle or a Bed and Breakfast Establishment;

“Gross Floor Area - Residential” means the area of a floor, measured to the inside of all outside walls enclosing any floor or part of a floor that complies with all applicable law for the shelter, accommodation or enclosure of persons, above which is a clear height of at least two (2) metres and excluding the area of any garage, porch, veranda, sun room or stairwell;

(20-2008)

“Health Unit” means the Durham Regional Health Unit;

“Hearings Officer” means a person from time to time appointed by Council pursuant to the Hearings Officer By-law;

(25-2008)

“His” shall be read with such changes of number or gender as the context requires;

“Holding Area” means that part of a Second Hand Shop in which Second Hand Goods are retained and not offered or displayed for purposes of a Disposition;

“Keeper” includes any one or more of the following persons:

- (a) the owner of a place;
- (b) the occupier of a place;

- (c) one who assists or acts on behalf of the owner or occupier of a place;
- (d) one who has the care or management of a place; and,
- (e) one to whom a licence is issued pursuant to this By-law;

In this definition of "Keeper", "place" means any location from which a trade is carried on;

"Landlord" includes:

- i) each owner of a Rental Unit;
 - ii) each person who permits occupancy of a Rental Unit; and
 - iii) the heirs, assigns, personal representatives and successors in title of a person referred to in clauses i) and ii);
- (20-2008)

"Large Public Hall" means a Public Hall for which the maximum permitted occupant load set out on the Public Hall licence exceeds 650 persons but does not include a Public Hall for which the Corporation of the City of Oshawa, a provincial government, a School Board or the Federal Government is a Keeper;

"Lot" means a parcel of land which is:

- i) shown as a lot or block on a registered plan of subdivision; or
 - ii) described in a single Transfer/Deed of Land of legal effect registered in the Land Registry Office or the Land Titles Office for the Land Registry Division of Durham;
- (20-2008)

"Main Stage" means, in relation to an Adult Entertainment Parlour, the principle setting, scene or area upon which performances, services or an event or a series of events are presented, exclusive of patron seating areas;

"Manufacturer" means any person who, by labour, art or skill transforms raw or prepared materials into some kind of finished product or article of trade;

"Mechanical Car Wash" means a public garage that provides facilities for cleaning a motor vehicle by moving the vehicle through a series of cleaning events;

"Medical Officer of Health" means the Medical Officer of Health of the Durham Regional Health Unit or his representative;

“Motor Vehicle” means an automobile, truck or other vehicle propelled or driven otherwise than by muscular power, including a motorcycle, but not including a motorized snow vehicle or a farm tractor or other self-propelled machinery primarily intended for farming or construction purposes;

“Motor Vehicle” includes an automobile or any other device for the transportation of Persons or goods propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self propelled implement of husbandry or road building machine within the meaning of the *Highway Traffic Act*. (102-2008)

“Officer” means each person authorized by section 10 of this By-law to inspect; (25-2008)

“Operator”, in reference to an Adult Entertainment Parlour, means a person who, alone or with others, operates, manages, supervises, runs or controls an Adult Entertainment Parlour, and shall be an individual and not a partnership or corporation. The terms "operate", "operation" and words of like import or intent have corresponding meanings;

“Outdoor Food Preparation Facility” means any outdoor place owned or operated by a holder of a Food Shop Licence where food stuffs intended for immediate human consumption are made for sale, offered for sale, stored or sold;

“Owner”, in reference to an Adult Entertainment Parlour, means a person who, alone or with others, has the right to possess or occupy an Adult Entertainment Parlour or actually does possess or occupy an Adult Entertainment Parlour and includes a lessee of an Adult Entertainment Parlour or of premises upon which an Adult Entertainment Parlour is located. The terms “own”, “ownership”, and words of like import or intent shall have corresponding meanings;

“Pawnbroker” is as defined in section 1 of the *Pawnbrokers Act*;

“Peddler” shall mean a person who goes from place to place, or to a particular place, with goods, wares or merchandise for sale, or who carries and exposes samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the City afterwards.

Without limiting the generality of the foregoing, the term "hawker" shall have an identical meaning;

"Person" includes an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate, a natural person, and "Persons" has a corresponding meaning;

"Place of Amusement" means a building or part of a building within which three or more amusement machines are available to the public;

"Provide" when used in relation to Services at Adult Entertainment Parlours, includes to furnish, perform, solicit, or give such services in pursuance of a trade, calling, business or occupation. The terms "providing", "provision" and words of like import or intent shall have corresponding meaning;

"Public Garage" includes an automobile service station, a parking station or a parking lot or a building or place where motor vehicles are hired or kept or used for hire or where such vehicles or gasoline or oils are stored or kept for sale, and a building or place used as a motor vehicle repair shop or for washing or cleaning motor vehicles;

"Public Hall" means a building or a part of a building, including a portable building, together with patios and decks, if any, with a capacity of over 150 persons that is offered for use or used as a place of public assembly, but does not include a theatre for the purposes of the *Theatres Act* or that part of a building used solely for religious purposes;

"Refreshment Vehicle" includes any vehicle which is used for the storage or preparation of food or drink intended for immediate consumption by the public;

"Registered Motor Vehicle Owner" means the person shown to be the owner of a Motor Vehicle according to the records maintained by the Registrar of Motor Vehicles for the Province of Ontario and includes a lessee of a Motor Vehicle pursuant to a written lease contract.

“Rent” includes the amount of any consideration paid or required to be paid or given by or on behalf of a Tenant to a Landlord or the Landlord’s agent for the right to occupy a Rental Unit and for any privilege, accommodation or thing that the Landlord provides for the Tenant in respect of the occupancy of the Rental Unit; (20-2008)

“Rental Area” means each Lot that abuts or is accessed from any of the roads or parts of roads specified in section 9 of Schedule “K” to this Licensing By-law as depicted in the sketch in section 10 of Schedule “K” to this Licensing By-law provided that in the event of any conflict between the said sections 9 and 10, the said section 9 shall prevail; (20-2008)

“Rental Property” includes each Building containing a Rental Unit and the Lot on which the Rental Unit is situate; (20-2008)

“Rental Unit” means a Building or part of a Building

- i) consisting of one or more rooms;
- ii) containing toilet and cooking facilities; and
- iii) designed for use as a single housekeeping establishment; (20-2008)

“Second Hand Dealer” means a person Dealing in Second Hand Goods;

“Second Hand Dealer – Salvage” means a person Dealing in Second Hand Goods exclusively for the purpose of wrecking, dismantling, and recycling such goods prior to their Disposition;

“Second Hand Goods” includes goods Acquired from a person who is not a Manufacturer or a Wholesaler;

“Second Hand Shop” means the premises or the parts of the premises from or upon which a Second Hand Dealer is licensed to Deal in Second Hand Goods;

“Security Guard” means a person whose sole responsibility is to guard or patrol a Public Hall for the purpose of protection persons and property within and around the Public Hall;

“Self Car Wash” means a public garage that provides the necessary car wash equipment, but requires the vehicle to be washed manually, except that the requirement for this type of facility

shall not apply to a bay contained within a service station where the floor area is not designed or solely used for car washing purposes;

“Services”, in reference to an Adult Entertainment Parlour, includes activities, facilities, performances, exhibitions, viewing and encounters, but does not include the exhibition of film approved under the *Theatres Act*;

“Services designed to appeal to erotic or sexual appetites or inclinations”, in reference to an Adult Entertainment Parlour, includes:

- (a) services of which a principal feature or characteristic is the nudity or partial nudity of any person; and,
- (b) services in respect of which any one or more of the words “nude”, “naked”, “topless”, “bottomless”, “sexy”, “table dancing”, “lap dancing”, or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement;

“Sexual Contact” includes the kissing, fondling, or sucking of breasts or genitalia, digital penetration, fellatio, cunnilingus, masturbation, ejaculation or intercourse;

“Stationary Mechanical Car Wash” means a public garage that provides facilities for cleaning a vehicle while the vehicle remains stationary;

“Tenant” includes a person who pays Rent in return for the right to occupy a Rental Unit and includes the person’s heirs, assigns (including subtenants) and personal representatives;

(20-2008)

“Trade” includes business, calling or occupation and “carrying on a trade” shall include any act of:

- (a) selling any goods or services; and,
- (b) soliciting business or offering or exposing goods or services for sale or hire;

“Vehicle Waiting Line” shall be a series of vehicle waiting spaces having a common centre line;

“Vehicle Waiting Space” shall be an area twenty-two feet (22’) in length and eight feet (8’) in width providing an area where a vehicle may be stopped prior to entering a mechanical car wash, a stationary mechanical car wash or a self car wash, and shall be located on lands forming part of and contiguous with the car wash operation;

“Wholesaler” means a person in the business of selling goods to persons other than the end users or end consumers of such goods. “Wholesale” has a corresponding meaning.

3. Licensing Requirements

- (a) For every trade set out in Schedule “A” of this by-law, there shall be taken out by every person carrying on such trade a licence from the City authorizing him to carry on his trade and no person shall, either directly or indirectly, carry on a trade, either for profit or not, for which a licence is required by this by-law without first having obtained a licence therefore. Failure by such a person to comply with this section constitutes an offence.
- (b) A person who receives a licence for a trade set out in Schedule “A” to this by-law must comply with the regulations set out in all other schedules to this by-law, as applicable to the trade being carried on. Failure to comply with the regulations in the applicable Schedule(s) constitutes an offence.
- (c) An agent, trustee or representative of persons carrying on a trade in the City for which a licence is required shall also be personally liable for the compliance of his principal, beneficiary or persons he represents in connection with this by-law. Failure by such a person to comply with this section constitutes an offence.
- (d) A licence shall be obtained for each location from which a trade is carried on, provided that a warehouse incidental to the conduct of a trade and used only for such purpose shall not be considered a separate location of the trade. Failure to comply with this section constitutes an offence.
- (e) Licences issued pursuant to this By-law are conditional on compliance by the licensee with all municipal by-laws, including, but not limited to, the Zoning By-law and Property

Standards By-law, and compliance with all Provincial and Federal Laws and Regulations.

4. Procedure

- (a) An application for a licence or renewal of a licence shall be made at the office of the Director on the form prescribed and the Director may prescribe any information to be given therein and other necessary papers to be completed or submitted by the applicant in conjunction with his application.

Without limitation, the Director may require an applicant to provide each applicant's name, address, telephone number, facsimile transmission number and e-mail address.

(25-2008)

- (b) The Director may require affidavits in support of an application.
- (c) Before issuance of a licence or renewal of a licence, the Director shall cause an investigation to be made by the Chief of Police, the Medical Officer of Health, the Department of Development Services of the City or by Fire Services of the City, as applicable to the class and status of licence.
- (d) If the investigation discloses that:
- (1) the applicant's premises or place of trade are the object of an order to comply made under the Property Standards By-law, or an order made under current building codes or discloses non-compliance with the Zoning By-law or any parking requirements of the Corporation;
 - (2) the applicant's premises or place of business requires corrective action pursuant to an order of the Medical Officer of Health to ensure the safety or health of the public;
 - (3) the applicant's premises or place of business requires corrective action pursuant to an order of the Fire Chief to ensure the fire safety;
 - (4) the applicant is incompetent in a manner that affects the safety, health or welfare of the public;
 - (5) the applicant has been found to have discriminated against a member of the public contrary to The Human Rights Code;

- (6) the applicant has previously had his licence or any certificate of qualifications under *The Apprenticeship and Tradesmen's Qualifications Act*, suspended or revoked;
- (7) the applicant is indebted to the City in respect of fines, penalties, judgments or any another amounts owing, including awards of legal costs and disbursements and including outstanding property taxes and late payment charges against all properties owned by the applicant in any capacity (legally, beneficially or otherwise) and, where the applicant is a corporation, against all properties owned by an officer, or shareholder of the applicant, where such amounts outstanding are, cumulatively, \$10,000 or more; or, (69-2006)

(7.1) notwithstanding the preceding clause 4(d)(7), the applicant is indebted to the City in respect of an administrative penalty imposed pursuant to section 16.1; or, (25-2008)

- (8) the applicant is in breach of this or some other City by-law or law of Ontario or Canada.

The Director shall submit the application and all investigative reports to the Committee and no licence shall be granted except on order of Council, but in any other case, the Director may grant the licence of the applicant. (29-2009)

- (e) In considering an application under clause 4(d), Council may impose any conditions it sees fit as a requirement of obtaining, continuing to hold or renewing a licence, including any condition which would otherwise contravene any other provisions of this or any other law. (29-2009)
- (f) Except as otherwise herein provided, licences shall be issued for a period of one year and shall come into effect on January 1 of each calendar year and expire on December 31.
- (g) If the facts and conditions are the same, the Director may renew the licence.
- (h) No Person shall be Licensed by the Director if that Person has been convicted of an offence, for which a pardon has not been granted, pursuant to any one or more of Parts V (Sexual Offences), VIII (Offences Against Persons) or IX (Offences Against Property) of the Criminal Code of Canada R.S.C. 1985 c. C-46, as amended.

- (i) In the event that an applicant has been convicted of a criminal offence other than those listed in section 4(h), he or she may be issued a new licence at the discretion of the Director.
- (j) An applicant who has been denied a Licence by the Director pursuant to section 4(h) or 4(i) may request that his application be heard by the Committee to request that Council, in its discretion, issue the Licence in question. Upon request, the Director shall refer the matter to the Committee. The Committee shall hold a hearing in the presence of the applicant, and the rules in section 14 apply with necessary modifications. (29-2009)

5. Licence Fee

The fee for obtaining a licence or renewal of a licence shall be as set out in Schedule "A" attached hereto and forming part of this by-law and the City's General Fees and Charges By-law. No fee is refundable except in the event that a licence is revoked in which case the licensee is entitled to a refund of a part of the licence fee proportionate to the unexpired part of the term for which it was granted.

6. Duplicate Licence

A duplicate licence may be issued by the Director to replace any licence previously issued which has been lost, stolen or destroyed.

7. Posting Licences

- (a) Where a licensee carries on business or trade from a fixed place of business, the licensee shall post the licence obtained under this by-law in a conspicuous place at such fixed place of business and every person so licensed shall, when requested by any person authorized by Council, produce the licence for inspection. Failure by a licensee to comply with this section shall constitute an offence.
- (b) Where the licensee travels from place to place to perform his trade, he shall carry his licence with him when engaged in the occupation for which the licence is issued and every person so licensed shall, when so requested by any person authorized by Council,

produce the licence for inspection. Failure by a licensee to comply with this section shall constitute an offence.

- (c) Where a licensee is issued a plate obtained under this by-law bearing an identifying number, the licensee shall securely affix the plate to the rear of the vehicle for which it was issued in a conspicuous position. Failure by a licensee to comply with this section constitutes an offence.

8. Partnerships and Corporations and Unincorporated Associations

- (a) A partnership, corporation, association or combination thereof shall be considered as a single applicant for any one trade at one place of business.
- (b) On any application by a partnership, the licence shall be issued in the name under which business is carried on by the applicant. The names and addresses of all partners shall be listed on the application form.
- (c) Any application by a corporation shall contain the names and addresses of the officers and directors of the corporation.
- (d) A change in composition of the members of a partnership or in the officers and/or s of a corporation shall be reported to the Director within fifteen days. Failure to comply with this section constitutes an offence.

9. Change of Address

Each applicant or, where a licence has been issued, each licensee shall advise the Director of any change in any information provided pursuant to paragraph 4(a) of this By-law by providing to the Director notice of such change within fifteen (15) days of the date of such change.

Failure to comply with this section constitutes an offence. (25-2008)

10. Inspection During Reasonable Times

The Director, the Chief of Police, the Medical Officer of Health, the Fire Chief or any person acting under these persons or any person authorized by Council may at reasonable times during business hours inspect:

- (a) any premises or place where a trade which is subject to this by-law is carried on or any such person has reasonable or probable grounds to believe such a trade is being carried on;
- (b) any goods, equipment, books, records or documents used or to be used by the applicant or licensee under this by-law; and,
- (c) it constitutes an offence to obstruct or permit the obstruction of such inspection.

11. No Transfer

It constitutes an offence to transfer or assign a licence issued under this by-law.

12. No Vested Right

No person shall enjoy a vested right in the continuance of a licence and upon issuance, renewal, cancellation or suspension, a licence shall remain the property of the City.

13. Licensees to Use Name on Licence

It shall constitute an offence for a person licensed to carry on a trade under this by-law to advertise or carry on such trade under any other name than the one endorsed on his or her or its licence.

14. Revocation and Suspension

- (a) Council may revoke, suspend, impose any conditions upon, or refuse to issue or renew any licence to any person under this by-law. (29-2009)
- (b) Council may, in exercising the discretion mentioned in paragraph 14(a), consider any matter raised under paragraphs 3(e), 4(d), 4(i) or any other matter that relates to the general welfare, health or safety of the public. (29-2009)
- (c) Hearing by Committee
 - (1) Council shall not make a decision under paragraph 14(a) without first affording the person or applicant the opportunity to be heard before the Committee. (29-2009)
 - (2) After such opportunity to be heard is afforded the person or applicant, Council may make any decision in respect of which the hearing was held or the opportunity for hearing afforded without holding a further hearing or affording further opportunity for a hearing in such matter. (29-2009)
 - (3) Where the Committee conducts a hearing in respect of any matter in this subsection, the rules set out in *The Statutory Powers Procedure Act* shall apply to the Committee and those sections do not apply to Council in the exercise of its power of decision in respect to such matter. (29-2009)

(d) Report by Committee

(1) At the conclusion of the hearing conducted by the Committee mentioned in paragraph 14(c), the Committee shall, as soon as practicable, make a written recommendation, if any, to Council with reasons on the merits of the application in respect of which the hearing has been conducted.

(2) After considering the report of the Committee, Council may thereupon in respect of such application do any act or make any decision that it might have done, passed or made had it conducted the hearing itself.

(e) A decision by Council to revoke, suspend or refuse a licence shall be effective when notice of the decision has been given to the person or applicant. (25-2008), (29-2009)

14.1 Notices

(a) Any notice pursuant to this By-law may be given in writing in any of the following ways and is effective:

i) on the date on which a copy is delivered to the person to whom it is addressed;

ii) on the fifth day after a copy is sent by registered mail to the person's last known address;

iii) upon the conclusion of the transmission of a copy by facsimile transmission to the person's last known facsimile transmission number; or

iv) upon the sending of a copy by e-mail transmission to the person's last known e-mail address. (25-2008)

(b) For the purpose of paragraph 14.1(a) of this By-law, the person's last known address, last known facsimile transmission number and last known e-mail address shall be deemed to include those provided pursuant to paragraph 4(a) of this By-law as they may be changed pursuant to section 9 of this By-law. (25-2008)

14.2 Exemptions

- (a) The Director may exempt any person from all or any part of the Licensing By-law where the Director is satisfied that the granting of the exemption would maintain the general intent and purpose of the Licensing By-law. (25-2008)
- (b) The Director may impose such conditions as the Director determines are appropriate in relation to an exemption granted by the Director. (25-2008)
- (c) Where a person is denied an exemption by the Director or is dissatisfied with any condition imposed by the Director in relation to an exemption, the person may request a review by the Hearings Officer of the Director's denial or condition in accordance with this paragraph 14.20. (25-2008)
- i) The person's right to request a review expires on the tenth (10th) day after notice of the Director's decision is given to the person at which time the Director's decision is final and not subject to review.
 - ii) The hearing of the review request under clause 14.20i) shall not be scheduled until the person has paid the fee from time to time prescribed by the City's General Fees and Charges By-law.
 - iii) The person shall be given seven (7) days' notice of the date, time and place of the hearing of the review request under clause 14.20i).
 - iv) The Hearings Officer shall not make a determination with respect to a review request under clause 14.20i) unless the Hearings Officer has given each of the person and the Director an opportunity to be heard.
 - v) The Hearings Officer may affirm the Director's decision or, alternatively, may exempt the person from all or any part of the Licensing By-law where the Hearings Officer is satisfied that affirming the Director's decision or granting an exemption would maintain the general intent and purpose of the Licensing By-law.
 - vi) The Hearings Officer may impose such conditions as the Hearings Officer determines are appropriate in relation to an exemption granted by the Hearings Officer.
 - vii) The decision of a Hearings Officer and any condition imposed by the Hearings Officer in relation to an exemption granted by the Hearings Officer are final and not subject to review. (25-2008)

15. Schedules Shall Apply

Every person applying for or holding a licence under this by-law shall be subject to all relevant regulations contained in the schedules hereinafter set out and such schedules form part of this by-law.

16. Penalties

- (a) Every Person who contravenes any of the provisions of this By-law, including those contained in any of its schedules, save and except those provisions as set out in Schedule 'B' and every or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000. (153-2005)
- (b) Where a corporation is convicted of an offence under subsection 16(a) the maximum penalty that may be imposed on the corporation is \$50,000 and not as provided in that subsection.

16.1 Administrative Penalties

- (a) Each person who contravenes any provision of this By-law, including any provision of its Schedules, shall, upon issuance of a penalty notice in accordance with this section 16.1, be liable to pay to the City an administrative penalty in the amount of \$250. (25-2008)
- (b) An Officer who finds that a person has contravened any provision of this By-law, including any provision of its Schedules, may issue a penalty notice addressed to the person. (25-2008)
- (c) The penalty notice shall be given to the person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information: (25-2008)
- i) Particulars of the contravention;
 - ii) The amount of the administrative penalty;
 - iii) Information respecting the process by which the person may exercise the person's right to request a review of the administrative penalty; and

iv) A statement advising that an administrative penalty will, unless cancelled or reduced pursuant to the review process, constitute a debt of the person to the City.

(d) No Officer may accept payment of an administrative penalty. (25-2008)

(e) A person who receives a penalty notice may request a review of the administrative penalty by the Hearings Officer in accordance with this paragraph 16.1(e). (25-2008)

- i) The person's right to request a review expires on the tenth (10th) day after the penalty notice is given to the person.
- ii) The person's right to request that the Hearings Officer extend the time to request a review expires on the twentieth (20th) day after the penalty notice is given to the person at which time the administrative penalty shall be deemed to be affirmed.
- iii) The person shall be given seven (7) days' notice of the date, time and place of the hearing of a review request under clause 16.1(e) i) or an extension request under clause 16.1(e)ii).
- iv) The Hearings Officer shall not make a determination with respect to a review request under clause 16.1(e)i) or an extension request under clause 16.1(e)ii) unless the Hearings Officer has given each of the person, the Director and the Officer who issued the penalty notice an opportunity to be heard.
- v) The Hearings Officer may affirm the administrative penalty or extend the time to request a review of an administrative penalty.
- vi) The Hearings Officer may cancel or reduce the administrative penalty or may extend the time for payment of the administrative penalty only where the Hearings Officer is satisfied that doing so would maintain the general intent and purpose of the Licensing By-law and that

(1) there is reason to doubt that the person contravened the Licensing By-law;

(2) the person took all reasonable steps to prevent the contravention; or that

(3) the cancellation, reduction or extension of the time for payment is necessary to relieve undue financial hardship.

vii) The decision of a Hearings Officer is final and not subject to review including review by any Court.

- (f) The Director may at any time cancel, reduce or extend the time for payment of an administrative penalty, including any late payment fee imposed pursuant to the General Fees and Charges By-law. (25-2008)
- (g) An administrative penalty that is deemed to be affirmed pursuant to clause 16.1(e)ii) or that is affirmed or reduced or in respect of which the time for payment has been extended pursuant to clause 16.1(e)v) or paragraph 16.1(f) constitutes a debt to the City of each person to whom or to which the penalty notice was given. (25-2008)
- (h) Where a person has paid an administrative penalty that is then cancelled or reduced pursuant to clause 16.1(e)v) or paragraph 16.1(f), the City shall refund the amount cancelled or reduced. (25-2008)
- (i) Where an administrative penalty is paid within fifteen (15) days after the date that it becomes due and payable, no person to whom the penalty notice was given shall be liable for an offence in respect of the contravention described in the penalty notice. (25-2008)
- (j) Where a person makes a review request under clause 16.1(e)i) or an extension request under clause 16.1(e)ii) and fails to appear at the time and place scheduled for a hearing of the request, the person shall pay to the City an administrative fee as from time to time prescribed by the General Fees and Charges By-law. (25-2008)
- (k) Where an administrative penalty is not paid within fifteen (15) days after the date that it becomes due and payable, each person to whom the penalty notice was given shall pay to the City a late payment administrative fee as from time to time prescribed by the General Fees and Charges By-law. (25-2008)

16.2 Delegation

- (a) "For the purpose of subsection 23.2(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, it is the opinion of Council that the powers delegated to the Hearings Officer and to the Director pursuant to this By-law are of a minor nature". (25-2008)

17. General

- (a) By-law 100-2000, as amended, is repealed on the day this by-law comes into force and effect.
- (b) In the event that any previous by-law is inconsistent with this by-law, this by-law shall prevail.
- (b.1) The obligations imposed by this By-law are in addition to obligations otherwise imposed by law or by contract. (20-2008)
- (c) Reference to the repealed by-law number in any document shall be deemed to be reference to this by-law.

18. Severability

In the event any provisions of this by-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

19. Effective Date

By-law approved this twenty-fourth day of October, 2005.

SCHEDULE "A" TO BY-LAW 120-2005

LICENCE TRADES AND FEES

TRADE	LICENCE FEE	REGULATIONS
Adult Entertainment Parlour Owner	\$3,000 per annum	see Schedule "B"
Adult Entertainment Parlour Operator	\$1,000 per annum	
Adult Entertainment Parlour Attendant	\$250 per annum	
Auctioneer	\$80 per annum	N/A
Billiard Hall	\$150 per annum	see Schedule "C" (117-2008)
Body Rub Owner/Operator	\$1500 per annum	see Schedule "O"
Body Rub Owner who does not operate	\$1400 per annum	see Schedule "O"
Body Rub Operator other than Body Rub Owner	\$100 per annum	see Schedule "O"
Body Rub Attendant	\$100 per annum	see Schedule "O"
Bowling Alley	\$120 per annum	see Schedule "D" (117-2008)
Carnival	\$120 per day	see Schedule "E" (117-2008)
Designated Driving Service Provider	\$125 per annum	See Schedule "N" (102-2008)
Food Shop	\$150 per annum	N/A
Short Term Food Shop	\$30 per day	N/A
Outdoor Food Preparation Facility	No Charge	see Schedule "F"
Lodging Houses		(By-law 79-2004)
Pawnbroker	\$150 per annum	see Schedule "G" (117-2008)
Peddler	\$250 per annum	see Schedule "H" (117-2008)
Place of Amusement	\$175 per annum	see Schedule "I" (117-2008)
Public Garage	\$160 per annum	See Schedule "P" (117-2008)
Public Hall	\$125 per annum	see Schedule "J"

Refreshment Vehicle	<p>\$200 per annum first vehicle (excluding ice cream bicycles)</p> <p>\$150 per annum each subsequent vehicle (excluding ice cream bicycles)</p> <p>\$50 per annum for each additional vehicle location</p> <p>\$200 – Ice Cream Bicycle (applies to all licensed bicycles operated by or on behalf of the applicant)</p>	see Schedule “L” (117-2008)
Rental Unit in a Rental Area	\$250 per annum	See Schedule “K” (20-2008)
Second Hand Dealer - Salvage, Second Hand Dealer, Second Hand Shop	\$150 per annum	see Schedule “M” (117-2008)
Theatre	\$120 per annum	N/A

SCHEDULE “B” TO BY-LAW 120-2005

ADULT ENTERTAINMENT PARLOURS

Application for Adult Entertainment Parlour Licences – Owner, Operator, Attendant

1. Every person applying for an Adult Entertainment Parlour Owner, Operator or Attendant licence or for the renewal thereof, shall attend in person and not by agent, at City Clerk Services of the City and shall complete the prescribed forms and shall furnish personal identification and such other information as the Director may direct. In the case of an Adult Entertainment Parlour owned by a partnership, the attendance required by this paragraph shall be by one of the partners and in the case of a corporate owner, the attendance shall be by an officer or of the corporation.
2. Every person applying for an Adult Entertainment Parlour Operator or Attendant licence or for the renewal thereof, shall attend at a place designated by the Director, for the purpose of having his/her photograph taken. Three photographs of the applicant’s face will be forwarded to City Clerk Services, one of which shall be attached to and form part of the licence and the others shall be filed with the City. Upon application for renewal, the applicant shall have new photographs taken, if required to do so by the Director.
3. Every person applying for an Adult Entertainment Parlour Owner, Operator or Attendant licence or for the renewal thereof, shall provide to the City proof of his/her age. No licence shall be issued unless the Director is satisfied that every Owner, Operator or Attendant is of the full age of eighteen years.
4. The following types of personal identification and proof of age are prescribed for the purposes of this Schedule:
 - (a) a driver’s licence issued by the Province of Ontario which contains a photograph of the person to whom the licence is issued;
 - (b) an Ontario Health Card provided it contains a photograph of the person to whom the card is issued, together with an original Birth Certificate;
 - (c) a Canadian passport;
 - (d) a Canadian citizenship card which contains a photograph of the person to whom the card is issued; or,
 - (e) a Canadian Armed Forces identification card.

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5. Licences which have been defaced, lost or destroyed, or which must be re-issued due to change of information (such as address), may be replaced by the Director.

Application for Adult Entertainment Parlour Licences – Owner, Operator

6. Where an Owner intends or is also the Operator of an Adult Entertainment Parlour, he or she shall require both an Owner and Operator licence.
7. Every applicant for an Owner’s licence shall, at the time of making application or at time of renewal, file with the City a floor plan in the form acceptable to the City, which clearly shows the building or part of the building to be used as an Adult Entertainment Parlour, including identification of the Main Stage. Each Adult Entertainment Parlour shall have no more than one designated Main Stage. The Owner’s licence shall only apply to that part of the building depicted on the floor plan, which shall be annexed to and shall form part of the licence.
8. Every Owner must report a change in composition of the officers and s referred to in paragraph 8(c) of this By-Law, within fifteen days of the change. Failure to report pursuant to this section shall result in automatic suspension of the Owner’s licence.
9. Notwithstanding section 9 of this By-law, every Attendant must report a change of mailing address or telephone number to the City within two business days of the change. Failure to report pursuant to this section shall result in an automatic suspension of the Attendant’s licence.
10. To comply with section 7 of this By-law, every Owner shall post the Adult Entertainment Parlour Owner licence in a conspicuous place in the interior of the Adult Entertainment Parlour, plainly visible and legible to any person upon entering the said premises. Failure to comply with this paragraph constitutes an offence.

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Lists of Services/Fees

11. Every applicant for an Operator's licence shall, at the time of making application or at time of renewal, and prior to any Services being offered, file with the City a copy of a list of all Services provided for a fee at the Adult Entertainment Parlour. This list shall include all of the respective fees charged for services, if any, including admission fees and any other payment charged in respect of entry to the Adult Entertainment Parlour. If any charge is based on a computation of time, the hourly rate shall be shown on the lists. Failure to comply with this paragraph constitutes an offence.
12. It shall constitute an offence for an Owner, Operator or Attendant to cause, permit, allow, or provide Services at or in respect of an Adult Entertainment Parlour other than those Services described on the list filed with the City in accordance with paragraph 11 of this Schedule, or amendments filed thereto.
13. It shall constitute an offence for an Owner, Operator or Attendant, with respect to any Services provided at an Adult Entertainment Parlour, to charge, demand, ask for, require or accept, or permit or allow to be charged, demanded, asked for, required or accepted, any amount of money other than that set out in a list filed with the City in accordance with paragraph 11 of this Schedule, or amendments thereto.
14. Every Owner or Operator 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 Adult Entertainment Parlour, plainly visible and legible to any person upon entering the said premises. Failure to comply with this paragraph constitutes an offence.
15. Keeping of Books and Records

Every Operator shall keep proper records and books of account of all business transacted in, by or in respect of the Adult Entertainment Parlour operated by him/her, which books shall:

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- (a) give the amount of gross receipts for all Services provided, including all receipts for admission fees and other charges and receipts in respect of entry to or Services provided in the Adult Entertainment Parlour;
- (b) show the name and licence number of every Attendant providing Services, including the date of commencement and the date of termination of contract or employment, as well as every date any Attendant provides Services in the Adult Entertainment Parlour;
- (c) indicate the amount of salary or commission paid to each Attendant; and,
- (d) list all amounts paid by the Owner to the Operator, if any, or by the Operator to the Owner, in respect of the Adult Entertainment Parlour.

16. Offence and Penalties

- (a) Every person who contravenes any of the provisions of this Schedules and every or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year, or to both. (153-2005)
- (b) Where a corporation is convicted of an offence under subsection 16 (a), the maximum penalty that may be imposed on the corporation is \$50,000 and not as provided in that subsection.

17. Every Attendant shall give to the patron an itemized bill for Services, listing the Service to be provided and the price to be paid for each, before any Services are provided to the patron. Failure to comply with this paragraph constitutes an offence.

18. The Attendant shall provide a copy of each of the bills prepared under paragraph 17 of this Schedule to the Operator prior to leaving the premises. Failure to comply with this paragraph constitutes an offence.

19. It shall constitute an offence for an Operator to cause, permit or allow an Attendant to provide Services contrary to paragraphs 17 or 18 of this Schedule.

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20. Every Operator shall retain and keep a copy of each bill, receipt, record or book referred to in paragraphs 15 and 17 of this Schedule for at least one year after the Services referred to therein were performed or after the record was made. The City or any person authorized to enforce this By-law shall at all times be given access to such records, upon request. Failure to comply with this paragraph constitutes an offence.
21. Every Operator shall deliver to the patron a written receipt for the fee, charge or payment paid for admission to the Adult Entertainment Parlour, if any. Failure to comply with this paragraph constitutes an offence.
22. It shall constitute an offence for an Owner to cause, permit or allow any Operator or Attendant to perform Services or to conduct business contrary to paragraphs 15 through 21 of this Schedule.

Revocation, Suspension or Refusal to Issue or Renew Licence

23. The Director is authorized to suspend, revoke or refuse to issue or renew a licence, as provided in this Schedule.
24. The Director may at any time review an Adult Entertainment Parlour licence and may, rather than refuse or revoke the licence, attach to the licence conditions consented to by the licensee. Where conditions to a licence are attached under this paragraph, failure to comply with the conditions shall result in automatic suspension of the licence.
25. The Director may re-instate a suspended licence upon being satisfied that the provision in this Schedule which gave rise to the suspension, has since been complied with.
26. Any person who has had his or her licence revoked or has been refused an Adult Entertainment Parlour licence pursuant to this Schedule, may appeal the decision to Council, as provided in section 14 of this By-law.

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27. Notwithstanding section 14 of this By-law, the making of a false or intentionally misleading recital of fact, statement or representation in any licence application, may result in the immediate revocation of a licence or refusal to issue or renew a licence, by the Director.
28. In addition to the matters provided for in section 4(d) of this By-law, no licence shall be issued and no licence shall be renewed unless an original Criminal Investigation Report from the Durham Regional Police has been provided, dated not prior to 30 days before the date of the licence or renewal application, showing no convictions under Parts V (Sexual Offences), VII (Disorderly Houses and Gaming), VIII (Offences Against Persons) or IX (Offences against Property) of the *Criminal Code of Canada* R.S.C. 1985, c. C-46, as amended, for the Applicant, Keeper, Owner and any proposed Operators of the subject Property.

General Regulations – Owners, Operators, Attendants

29. It shall constitute an offence for an Owner of an Adult Entertainment Parlour to cause, permit or allow any person other than a licensed Operator to operate such Adult Entertainment Parlour.
30. Every Operator licensed in respect of an Adult Entertainment Parlour shall be in attendance in the licensed premises at all times that the Adult Entertainment Parlour is open to the public. It shall constitute an offence for an Owner or Operator to do any of the following, unless this paragraph is complied with:
- (a) permit the Adult Entertainment Parlour to remain open for business;
 - (b) permit any Attendant to enter or remain on the premises; or,
 - (c) permit any Attendant to provide any Service at the Adult Entertainment Parlour.
31. It shall constitute an offence for an Attendant to provide Services or to enter or remain in the licensed Adult Entertainment Parlour unless a licensed Operator is also in attendance at the premises.

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32. It shall constitute an offence for an Owner or Operator of an Adult Entertainment Parlour to cause, permit or allow any person other than a licensed Attendant to perform Services in the Adult Entertainment Parlour.
33. It shall constitute an offence for an Owner or Operator of an Adult Entertainment Parlour to cause, permit or allow an Attendant who is under the age of eighteen (18) years to perform the Services of an Attendant in his/her/its Adult Entertainment Parlour.
34. It shall constitute an offence for an Owner or Operator to cause, permit or allow the door to any room or cubicle in an Adult Entertainment Parlour, to be equipped or constructed with a locking device of any kind, except for a toilet cubicle.
35. Subject to paragraph 36 of this Schedule, it shall constitute an offence for an Owner, Operator or Attendant to use or permit to be used any camera or other photographic or recording device in, upon or at an Adult Entertainment Parlour by any person, other than a person empowered to enforce this By-law or any other legislation or regulation governing the premises.
36. Paragraph 35 of this Schedule does not prohibit an Owner or Operator from placing permanently mounted security cameras in, upon or at an Adult Entertainment Parlour. Every Adult Entertainment Parlour which has permanently mounted security cameras in place, shall post signs in clearly visible places inside the premises indicating that such cameras are in use. If installed, the Owner and Operator are required to keep security tapes, unaltered from their original recorded form and in good viewing order, for a period of not less than 3 months from the date of recording and shall make them available for inspection upon request by a person authorized to enforce the provisions of this By-law. It shall constitute an offence for an Owner or Operator to cause, permit or allow security cameras to be used contrary to this paragraph.

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37. All Services provided by an Attendant shall be clearly visible from the Main Stage of the Adult Entertainment Parlour, without obscuration or obstruction by any thing, including, without limitation: walls, curtains, glass, enclosures, structures, fog, or inadequate lighting. It shall constitute an offence for an Owner, Operator or Attendant of an Adult Entertainment Parlour to cause, permit, allow, or provide Services contrary to this paragraph.
38. It shall constitute an offence for an Owner or Operator to permit or allow any person under the age of eighteen to enter or remain in the Adult Entertainment Parlour.
39. It shall constitute an offence for an Owner or Operator to permit or allow drunkenness or riotous, quarrelsome, violent or disorderly conduct to occur on the premises or in the adjacent washrooms, liquor and food preparation areas and storage areas under the control of the Owner or Operator.
40. It shall constitute an offence for an Owner, Operator or Attendant to cause, permit, allow or provide any Services in the Adult Entertainment Parlour at any time between the hours of 2:00 o'clock in the morning of any day and 11:00 o'clock in the morning of the same day.
41. During the hours of business of an Adult Entertainment Parlour, or at any time at which an Attendant is in attendance at an Adult Entertainment Parlour, the Owner or Operator shall ensure that the door or doors or other principal means of access into the Adult Entertainment Parlour by the public are kept unlocked so that anyone may enter or exit the Adult Entertainment Parlour without hindrance or delay. Failure to comply with this paragraph constitutes an offence.

Limit on Number of and Location of Adult Entertainment Parlours

42. It shall constitute an offence for a person to own or operate an Adult Entertainment Parlour in the geographic area of the City of Oshawa, except wholly within one of the following properties:

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Street Number	Street Name	Municipal Roll Number
720	Wilson Road South	1813050018111000000
726/730	Wilson Road South	1813050018111010000
727	Wilson Road South	1813050020005010000
731	Wilson Road South	1813050020006000000
1019	Nelson Street	1813050019025000000
1031	Nelson Street	1813050019026000000
1041	Nelson Street	1813050019027000000
1051	Nelson Street	1813050019028000000
484	Waterloo Court	1813050019032010000
486/490	Waterloo Court	1813050019032030000
485	Waterloo Court	1813050019034000000
Unassigned	Waterloo Court	1813050019034010000
Unassigned	Raleigh Avenue/Farewell Street	1813050020017000000
Unassigned	Raleigh Avenue	1813050020005000000
750	Farewell Street	1813050020016000000
751	Farewell Street	1813050021002000000
753	Farewell Street	1813050021003000000
799	Farewell Street	1813050021003010000
819	Farewell Street	1813050021005000000
800	Farewell Street	1813050020018000000
842	Farewell Street	1813050020020000000
846	Farewell Street	1813050020020050000
880	Farewell Street	1813050020021000000
Unassigned	Farewell Street	1813050020021050000
920	Farewell Street	1813050020021010000
984	Farewell Street	1813050020023000000
996	Farewell Street	1813050020023010000
1036	Farewell Street	1813050020024000000
1042	Farewell Street	1813050020025000000
1050	Farewell Street	1813050020026000000
Unassigned	Farewell Street	1813050020025900000

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1123	Farewell Street	1813050021014000000
Unassigned	Farewell Street	1813050021013000000
983	Farewell Street	1813050021012000000
973	Farewell Street	1813050021011000000
953	Farewell Street	1813050021010000000
845/875	Wentworth Street East	1813050021006000000
716	Colonel Sam Drive	1813050021027010000
Unassigned	Wentworth Street East	1813050020073750000
600	Wentworth Street East	1813050020074000000
627/629	Wentworth Street East	1813050020074010000
400	Marwood Drive	1813050020022000000
380	Marwood Drive	1813050020022060000
370	Marwood Drive	1813050020022070000
360	Marwood Drive	1813050020022080000
350	Marwood Drive	1813050020022090000
340	Marwood Drive	1813050020076060000
330	Marwood Drive	1813050020076050000
320	Marwood Drive	1813050020076040000
321	Marwood Drive	1813050020075010000
333	Marwood Drive	1813050020075020000
341/345	Marwood Drive	1813050020075030000
351	Marwood Drive	1813050020022010000
361	Marwood Drive	1813050020022030000
371	Marwood Drive	1813050020022040000
391	Marwood Drive	1813050020022050000
555	Thornton Road South	1813020024018000000
Unassigned	Thornton Road South	1813020025015000000
600	Thornton Road South	1813020025016010000
Unassigned	Thornton Road South	1813050001024750000
767	Thornton Road South	1813050024094000000
755	Thornton Road South	1813050001024500000
Unassigned	Thornton Road South	1813050024093000000

Unassigned	Thornton Road South	181305002409400000
Unassigned	Thornton Road South	181305002408800000
1010	Thornton Road South	1813050001018450000
Unassigned	Thornton Road South	181305002409300000
Unassigned	Thornton Road South	181305002409400000
Unassigned	Thornton Road South	181305002408820000
Unassigned	Thornton Road South	1813050024088250000
Unassigned	Thornton Road South	1813050024088350000
Unassigned	Wentworth Street West	181305002410200000
850	Wentworth Street West	181305000101200000
Unassigned	Stevenson Road South	1813020024018050000
Unassigned	Stevenson Road South	181305002410200000
882/920	Stevenson Road South	181305000101300000
880	Stevenson Road South	181305000101500000
770	Stevenson Road South	181305000101700000

43. It shall constitute an offence for an Attendant to provide Services in an Adult Entertainment Parlour in the geographic area of the City of Oshawa, except within the defined geographic area set out in paragraph 42 of this Schedule.
44. There shall be no more than two (2) Adult Entertainment Parlour Owner licences issued by the City at any one time.
45. An Adult Entertainment Parlour licence shall not be issued for any Adult Entertainment Parlour which is located or proposed to be located within 100 metres from any existing licensed Adult Entertainment Parlour.

Conduct of Services Provided – “No Touching”

46. It shall constitute an offence for an Owner or Operator of an Adult Entertainment Parlour, to cause, permit or allow any Attendant while he/she is performing Services as an Attendant, to have Sexual Contact with another person, or to touch or be touched by or to have physical contact with any other person in any manner whatsoever involving any part of that person’s body, whether or not the touching is skin to skin.

47. It shall constitute an offence for an Attendant performing or providing Services in an Adult Entertainment Parlour, during the course of that entertainment, to have Sexual Contact with another person, or to allow any other person to touch any part of his or her body or to touch any part of any other person's body, whether or not the touching is skin to skin.
48. It shall constitute an offence for a patron attending the facilities of an Adult Entertainment Parlour, during the course of that entertainment, to touch any part of an Attendant's body, whether or not the touching is skin to skin.

Advertisement

49. No person shall post or use or cause, permit or allow the posting or use of any printed matter, oral or other communication or thing for the purpose of advertising or promoting an Adult Entertainment Parlour or of Services in reference to an Adult Entertainment Parlour except in accordance with the provisions of paragraphs 50, 51, 52 and 53. Failure to comply with this paragraph constitutes an offence.
50. An Owner or an Operator may promote an Adult Entertainment Parlour by means of an advertisement published in a newspaper, periodical, subscription magazine or other related publication. Each advertisement shall include text only and shall not include any of the following words: "naked", "nude", "topless", "bottomless", "sexy", or any other word or picture, symbol or representation having like meaning or implication. Failure to comply with this paragraph constitutes an offence.
51. An Owner or an Operator may promote an Adult Entertainment Parlour by means of an advertisement broadcast on television, radio or other broadcast medium. Each advertisement shall not include any of the following words: "naked", "nude", "topless", "bottomless", "sexy", or any other word or picture, symbol or representation having like meaning or implication. Failure to comply with this paragraph constitutes an offence.

52. Every Owner or Operator shall include in every advertisement of his/her/its business the Owner's legal name as shown on his/her/its licence and the name, if any, under which the Owner carries on the Adult Entertainment Parlour business as shown on his/her/its licence. Failure to comply with this paragraph constitutes an offence.

53. Regulations with respect to Adult Entertainment Parlour signs may be found in City of Oshawa Sign By-law No. 72-96.

54. Repealed (153-2005)

55. Repealed (153-2005)

SCHEDULE "C" TO BY-LAW 120-2005

BILLIARD HALLS

1. A licensed keeper of a billiard hall, pool tables or bagatelle tables may keep open the premises in which such table is kept or permit any person to play therein within any of the following hours:
 - (a) on weekdays and Saturdays between the hours of 6:00 a.m. to 3:00 a.m. the next day; and,
 - (b) on Sundays between 1:30 p.m. and 3:00 a.m. the next day.

It constitutes an offence for such licensed keeper to open the premises or permit any person to play therein at any other time.

2. It constitutes an offence for a licensed keeper of any billiard hall, pool table or bagatelle table to permit any person under the age of fourteen years to use any table unless accompanied by a parent or guardian.

SCHEDULE "D" TO BY-LAW 120-2005

BOWLING ALLEYS

1. A licensed keeper of any bowling alley may keep open the premises or permit any person to play therein within any of the following hours:
 - (a) on weekdays and Saturdays between the hours of 6:00 a.m. to 1:00 a.m. the next day; and,
 - (b) on Sundays, between 1:30 p.m. and 12:00 midnight.

2. It constitutes an offence for such licensed keeper to open the premises or permit any person to play therein at any other time.

SCHEDULE "E" TO BY-LAW 120-2005

CARNIVALS

1. It shall constitute an offence for any owner or operator of a Carnival to operate such Carnival between the following hours:
 - (a) Sunday to Thursday 10:00 p.m. through to 11:00 a.m. the next day; and,
 - (b) Fridays and Saturdays between Midnight and 10:00 a.m. the next day.

2. The Director shall issue no more than one Carnival Licence for a specific address in each calendar year. The Carnival Licence shall specify the duration of the Carnival. No Carnival Licence shall be available for Carnivals lasting more than five days.

3. It shall constitute an offence for the owner or operator of a Carnival to operate within 100 metres from the lot line of any residential property without the prior written consent, in a form satisfactory to the Director, of the occupants of the residential properties within that distance.

SCHEDULE "F" TO BY-LAW 120-2005

FOOD SHOPS

1. An Outdoor Food Preparation Facility is permitted on private property within one (1) metre of a City sidewalk subject to the regulations in this Schedule. In order to qualify as an Outdoor Food Preparation Facility, a Refreshment Vehicle must be owned or operated by the operator of the Food Shop.
2. It shall constitute an offence to operate an Outdoor Food Preparation Facility unless there is flat hardstand surface on the private property between the edge of the sidewalk and the site on which the Outdoor Food Preparation Facility is operated, which measures at least 1 metre by 3 metres.
3. It shall constitute an offence to operate an Outdoor Food Preparation Facility unless there is a City sidewalk with a minimum unobstructed width of 1.8 metres (six feet) adjacent to the Outdoor Food Preparation Facility.
4. Operation of an Outdoor Food Preparation Facility shall constitute an offence if the cooking facilities are not clear of entranceways to buildings.
5. Operation of an Outdoor Food Preparation Facility shall constitute an offence if the cooking facilities rest on anything other than a concrete or asphalt surface which is situated so as not to cause a hazard to pedestrians.
6. Failure by the operator of an Outdoor Food Preparation Facility to keep the City sidewalk clear of debris and residue from the operation of its facility at all times shall constitute an offence.
7. An applicant for a Food Shop licence shall indicate whether the Food Shop will have an Outdoor Food Preparation Facility. If so, the applicant shall provide to City Clerk Services an original or certified copy of a current valid insurance policy or certificate which includes the following:
 - (a) a description of the coverage, policy number, effective date, expiry date, limits of liability and details of the facility covered;

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- (b) a limit of liability not less than \$1,000,000 for loss or damage resulting from illness, injury or death of one or more persons caused by:
 - (i) any food, products, or goods sold or consumed; or,
 - (ii) any one act or omission by the operator or owner of the Food Shop; and
 - (c) the insured's waiver of the right to cancel or materially alter the insurance policy except upon fifteen days' notice to the insurance company, with a provision that the insurance company will undertake to provide fifteen days' notice to the Director of such cancellation notice upon receipt of the notice from the insured.
8. It shall constitute an offence to operate an Outdoor Food Preparation Facility without maintaining an insurance policy meeting the requirements of section 7 of this Schedule.

SCHEDULE "G" TO BY-LAW 120-2005

PAWNBROKERS

1. It constitutes an offence for any pawnbroker to be licensed as, or operate in conjunction with, a dealer in second hand goods.

SCHEDULE "H" TO BY-LAW 120-2005

PEDDLERS

1. An applicant for a peddler's licence shall clearly indicate in the application whether the peddler will sell from place to place or whether the peddler will sell from one location only. The licence issued shall clearly specify whether the licensee is authorized to sell from place to place or from a specified location.
2. It shall constitute an offence for a peddler who is licensed to sell from place to place to establish a display in one location and to vend from it under the auspices of that licence.
3. It shall constitute an offence for a peddler who is licensed to sell from one location, to sell from place to place under the auspices of that licence. All goods, wares, merchandise, signs, and other paraphernalia of the peddler must remain on the site which is licensed, and must not be situated, even temporarily, on abutting properties, including road allowances.
4. Peddler licences shall not be issued for particular locations unless:
 - (a) the location falls within a commercial zone in the City pursuant to its zoning by-laws; and,
 - (b) the applicant has provided written proof, satisfactory to the Director that he or she is the property owner of the land at the location or, alternatively, that he or she has the authority of the property owner and/or manager to vend from the site.
5. A peddler's licence is not required by the following individuals:
 - (a) individuals peddling goods, wares, or merchandise to wholesale or retail dealers in similar goods, wares or merchandise;
 - (b) growers, producers, or manufacturers (or their authorized agents or employees) who reside in Oshawa and are peddling goods, wares or merchandise which are grown, produced or manufactured in Ontario;

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- (c) a farmer resident in Ontario peddling only goods, wares, merchandise or produce from their own farms;
 - (d) persons who are authorized agents of the grower, producer or manufacturer of the goods, wares or merchandise;
 - (e) persons who sell milk or cream or fluid milk products either by wholesale or retail;
or,
 - (f) persons who are agents or employees of non-profit or charitable organizations, who are vending for the benefit of the charitable organization.
6. As required by Section 7 of the by-law, all peddlers must carry with them, and have available for display upon request, their written authority to peddle in Oshawa. This authority may be in the form of a peddler’s licence issued by the Director pursuant to this by-law, or the written authorities required to establish an exemption under paragraph 5 of this Schedule. Failure to carry this authority or to produce it upon request constitute offences. In a prosecution for breach of the by-law, the onus of proving an exemption from requirement for a peddler’s licence, as mentioned in paragraph 5 of this Schedule, is upon the person claiming the exemption.

SCHEDULE "I" TO BY-LAW 120-2005

PLACES OF AMUSEMENT

1. Every Place of Amusement shall be available for inspection at all times, when open to the public, by the Chief of Police or designate, the Durham Regional Health Unit or any person duly authorized by Council for the purpose of preparing any report required for a hearing under this by-law. Failure to comply with this section constitutes an offence.
2. No person who owns or operates a place of amusement shall obstruct or hinder any inspection by any person authorized under this by-law. Failure to comply with this section shall constitute an offence.
3. It shall constitute an offence for any owner or operator of a Place of Amusement to permit any person under the age of 14 years not accompanied by a parent or guardian, to use any amusement machine.
4. It shall constitute an offence for any owner or operator of a Place of Amusement to allow any person to play any amusement machine in that Place of Amusement between the hours of 11:00 p.m. and 6:00 a.m., Sunday to Thursday, and 12:00 a.m. to 6:00 a.m., Fridays and Saturdays.
5. Every owner or operator of a Place of Amusement shall ensure that the business premises are supervised by a person not less than 18 years of age, who shall remain on the premises at all times, when open to the public. Failure to comply with this section shall constitute an offence.

SCHEDULE "J" TO BY-LAW 120-2005

PUBLIC HALLS

1. Without limiting the scope of section 4 of this By-law, each application for a Public Hall licence shall be in a form prescribed by the Director and shall include the following:
 - (a) the municipal address of the premises for which the Public Hall licence is sought including, if applicable, the floor and unit numbers;
 - (b) a detailed plan of the premises for which the Public Hall licence is sought depicting, at a minimum:
 - (i) the perimeter and total area of the premises;
 - (ii) the location and dimensions of exits;
 - (iii) a floor plan depicting the location and dimensions of seating arrangements, tables, bars, pool tables and arcade games proposed for the premises; and,
 - (iv) the location of fire safety systems including fire alarms, emergency lighting, exit signs, sprinklers, standpipe systems and other similar fire safety systems;
 - (c) a description of the event(s) proposed for the Public Hall;
 - (d) the maximum proposed occupant load of the Public Hall;
 - (e) a Certificate of Inspection issued by the Electrical Safety Authority within the three months immediately preceding the date that the application is received by the Director indicating approval of all electrical services;
 - (f) a certificate of insurance or a certified copy of the policy of insurance required by Section 9 of this Schedule.

2. No Keeper of a Public Hall shall permit any person to enter or to remain within the Public Hall unless a Public Hall licence has been issued in respect of the Public Hall. This section does not prevent a Keeper or a Keeper's employees from entering or remaining within the Public Hall.

3. Each Public Hall licence shall set out the maximum occupant load of the Public Hall.

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4. The maximum occupant load of a Public Hall shall be the lesser of:
 - (a) the maximum occupant load proposed pursuant to section 1(d) of this Schedule;
and,
 - (b) that prescribed by the Ontario Building Code as determined by Building Services.
5. No Keeper of a Public Hall shall permit any person to enter or to remain within the Public Hall unless there is displayed within the Public Hall in a prominent place adjacent to each entrance to the Public Hall placards with lettering not less than ten millimetres high reading "OCCUPANCY OF THIS HALL BY MORE THAN [number] PERSONS IS DANGEROUS AND UNLAWFUL", with the blank filled in with the maximum occupant load prescribed by section 4 of this Schedule.
6. No Keeper of a Public Hall shall permit the number of persons in the Public Hall at any one time to exceed the maximum occupant load of the Public Hall as stated on the Public Hall licence.
7. No Keeper of a Public Hall shall permit any person to enter or to remain within the Public Hall unless all Keepers have complied with all applicable laws and regulations relating to the Public Hall including, without limitation, the Ontario Building Code, the Ontario Fire Code, the *Health Protection and Promotion Act* and the regulations thereunder, and all applicable municipal by-laws.
8. No Keeper of a Public Hall shall permit riotous, quarrelsome, violent or disorderly conduct to occur in the Public Hall.
9. Each Keeper of a Public Hall to whom a Public Hall licence has been issued shall procure and maintain at all times a policy of insurance insuring against occupiers' liability and public liability in a minimum amount of \$3,000,000.00 per occurrence and endorsed to the effect that the Director shall be given at least thirty (30) days' notice in writing of any cancellation, expiration or variation in the amount of the policy.

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10. The Director shall not issue a licence in respect of a Large Public Hall if a licence in respect of another Large Public Hall has been issued in respect of premises located within 800 metres from the premises for which the licence is sought. For the purposes of this section, the distance shall be measured from the perimeter of the premises for which the licence is sought to the perimeter of the existing licensed Large Public Hall.
11. The Director shall not issue a licence in respect of a Large Public Hall if the premises for which the licence is sought is located within 20 metres of a Residential Zone. For the purposes of this section, the distance shall be measured from the perimeter of the premises for which the licence is sought to the boundary of the Residential Zone.
12. No Keeper of a Large Public Hall shall permit any person to enter the Large Public Hall except from the hour of 8:00 a.m. to 2:00 a.m. of the next day or to remain within the Large Public Hall after 3:30 a.m. This section does not apply during the evening of New Year's Eve and the morning of New Year's Day for any Large Public Hall to which a licence pursuant to the *Liquor Licence Act* has been issued. This section does not prevent a Keeper or a Keeper's employees from entering or remaining within the Large Public Hall.
13. No Keeper of a Large Public Hall shall permit any person to enter or to remain within the Large Public Hall unless a Keeper has maintained a written record of the number of persons then within the Large Public Hall. This section does not prevent a Keeper or a Keeper's employees from entering or remaining within the Large Public Hall.
14. No Keeper of a Large Public Hall shall permit any person to enter or to remain within the Large Public Hall after 9:00 p.m. unless there is in attendance within the Large Public Hall one Security Guard per 250 persons or part thereof and, in any event, no fewer than two Security Guards. This section does not prevent a Keeper or a Keeper's employees from entering or remaining within the Large Public Hall.

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15. For the purposes of section 14 of this Schedule, each Security Guard shall wear clothing which clearly identifies the Security Guard as a Security Guard and shall be:
 - (a) employed by the Keeper of the Large Public Hall to whom or to which the Public Hall licence has been issued;
 - (b) employed by a person licensed to engage in the business of providing security guards pursuant to the *Private Investigators and Security Guards Act* (the "PISGA"); or,
 - (c) licensed to act as a security guard pursuant to the PISGA.

16. For the purposes of section 14 of this Schedule, the Keepers of a Large Public Hall shall provide the Security Guards at the Keepers' expense at all times from the hour of 9:00 p.m. to a time that is 45 minutes after all persons except the Keepers and the Keepers' employees have left the Large Public Hall.

17. No Keeper of a Large Public Hall shall permit any person to enter or to remain within the Large Public Hall at any time after the hour of 8:00 p.m. unless a Keeper is within the Large Public Hall at all times during that period.

18. The provisions of sections 12, 14, 15, 16 and 17 of this Schedule do not apply to a Large Public Hall during the time that the Large Public Hall is used exclusively:
 - (a) as a Bingo Hall; or,
 - (b) for a sporting event.

19. Failure by any person to comply with any provision of this Schedule constitutes an offence.

SCHEDULE "K" TO BY-LAW 120-2005

(20-2008)

1. Subject to section 2 of this Schedule, this Schedule applies to the Rental Area.
2. This Schedule does not apply to
 - (a) a "housing project" as that term is defined in the Social Housing Reform Act, 2000, S.O. 2000, c. 27; or to
 - (b) a Rental Unit that is occupied by all owners of the Rental Unit as their sole residence and in which no more than two (2) Bedrooms are occupied by Tenants.

Licence Application

3. In addition to other requirements of the Licensing By-law, the Director may refuse to accept an application for a licence unless the application is submitted on forms approved by the Director and includes, for each Rental Unit, the following:
 - (a) the name, municipal address, telephone number of each Landlord;
 - (b) the municipal address and legal description of the Rental Unit;
 - (c) if a Landlord is a corporation, the name, address and telephone number of each director, officer and shareholder;
 - (d) if a Landlord is a partnership, the name address and telephone number of each partner;
 - (e) the number of Bedrooms;
 - (f) a statement by each Landlord certifying the accuracy, truthfulness and completeness of the application; and

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- (g) each Landlord's signature or of any duly authorized Landlord's agents that would bind the Landlord.
4. In addition to other requirements of the Licensing By-law, the Director may refuse to accept an application for a licence that is not accompanied by the following in respect of each Rental Unit:
- (a) a copy of the transfer/deed evidencing a Landlord's ownership;
 - (b) if a Landlord is a corporation, a copy of
 - i) the Landlord's articles of incorporation; and
 - ii) a corporation profile report issued by the Ontario Ministry of Consumer and Business Services;
 - (c) a floor plan of the Rental Unit, including, for each room, its dimensions and its proposed use;
 - (d) a maintenance plan identifying measures that the Landlord will implement for the purpose of complying with the City's Lot Maintenance By-law 127-2007;
 - (e) a parking plan that complies with the City's Zoning By-law 60-94, as amended, and that shows the location and dimensions of all parking spaces for vehicles on the Rental Property;
 - (f) Proof of placement of insurance that:
 - i) includes a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury;
 - ii) identifies the proposed use as residential rental; and that

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- iii) requires that the Director be notified of any intended cancellation by the insurer no fewer than fifteen (15) days prior to such cancellation;
 - (g) a statement from or on behalf of the City’s Fire Chief confirming that the Rental Property and its proposed use comply with the Fire Protection and Prevention Act, 1997 (Ontario) and its regulations;
 - (h) a certificate issued by the Electrical Safety Authority confirming that the Rental Property and its proposed use comply with the Electrical Safety Code, O.Reg. 164/99;
 - (i) a statement from or on behalf of the City’s Chief Building Official confirming that the Rental Property and its proposed use comply with the Building Code Act, 1992 (Ontario) and its regulations;
 - (j) proof of payment of any fine or fee owed to the City by any Landlord respecting any Rental Property; and
 - (k) payment of the licence fee.
5. In addition to other requirements of the Licensing By-law, the Director may refuse to accept an application for a licence where any of the documents required by clause 4(b)ii), and by paragraphs 4(f), 4(g), 4(h) and 4(i) of this Schedule was issued prior to the sixtieth(60th) day preceding the date on which the application is submitted.

Licence Issuance

6. Each licence shall include the following:
- (a) the licence number;

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- (b) a sketch that depicts the location of each Bedroom;
- (c) the name, address and telephone number of each Landlord;
- (d) where a Landlord is a corporation, the name, address and telephone number of each director and each officer of the Landlord; and
- (e) where a Landlord is a partnership, the name, address and telephone number of each partner.

Licence Conditions

7. In addition to other requirements of the Licensing By-law, no Landlord shall permit Rent to be collected except for a Rental Unit in respect of which a licence has been issued pursuant to this Licensing By-law and except pursuant to the following conditions, each of which is a condition as a requirement of continuing to hold the licence:
- (a) subject to paragraphs 7(b) and 7(c) of this Schedule, the number of Bedrooms in the Rental Unit does not exceed four (4);
 - (b) for the period ending February 11, 2011, the number of Bedrooms in a Rental Unit on a Lot that abuts Dalhousie Crescent or Concordia Court does not exceed six (6);
 - (c) for the period ending February 11, 2010, the number of Bedrooms in a Rental Unit on a Lot that abuts McGill Court does not exceed six (6);
 - (d) no more than 40% of the Rental Unit's Gross Floor Area - Residential below the average elevation of the finished surface of the ground where it meets the exterior of the Building may be comprised of Bedrooms provided that each such Bedroom must have been constructed in accordance with and must comply with all applicable law;

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- (e) no room within the Rental Unit is used as a Bedroom except a Bedroom depicted in the licence;
- (f) no more than 40% of the Gross Floor Area – Residential of the Rental Unit’s ground floor may be comprised of Bedrooms;
- (g) each Tenant is a party to a written tenancy agreement with a Landlord;
- (h) a Landlord does not directly or indirectly require or cause a Tenant to refuse to consent to lawful entry and inspection of a Rental Unit for the purpose of determining compliance with the Licensing By-law;
- (i) a Landlord notifies the Director in writing within two (2) days of any change to any information provided pursuant to sections 3 and 4 of this Schedule;
- (j) a legible copy of the licence is posted and maintained prominently and visibly within one (1) metre of the interior of the Rental Unit’s main entrance door.
- (k) a Landlord maintains insurance respecting the Rental Unit that:
 - i) includes a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury;
 - ii) identifies the use as residential rental; and that
 - iii) requires that the Director be notified of any intended cancellation by the insurer no fewer than fifteen (15) days prior to such cancellation;
- (l) the Landlord and the Rental Property comply with all applicable law including
 - i) the Health Protection and Promotion Act (Ontario) and its regulations;

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- ii) the Fire Protection and Prevention Act, 1997 (Ontario) and its regulations;
 - iii) the Electrical Safety Code, O.Reg. 164/99;
 - iv) the Building Code Act, 1992 (Ontario) and its regulations;
 - v) the City’s Zoning By-law 60-94, as amended;
 - vi) the City’s Property Standards By-law 1-2002, as amended; and
 - vii) the City’s Lot Maintenance By-law 127-2007;
-
- (m) no fine, administrative penalty or fee is owed to the City by any Landlord;
 - (n) the Landlord and the Rental Property comply with the maintenance plan submitted pursuant to paragraph 4(d) of this Schedule; and
 - (o) no vehicle may be stopped or parked on any part of the Rental Property except within a parking space identified on the parking plan submitted pursuant to paragraph 4(e) of this Schedule.

Right to be Heard

8. Notwithstanding anything in this By-law to the contrary, where a Landlord appeals against or requests a review of a decision concerning a licence related to this Schedule, no decision in the appeal or review shall be made unless each Owner of a Lot situate within thirty (30) metres of the Rental Property the subject of the appeal or review has been given no fewer than seven (7) days’ notice of the hearing of the appeal or review and has been given an opportunity to be heard at the hearing of the appeal or review which hearing shall be open to the public.

Rental Area

9. Following are the roads or parts of roads for the purpose of defining Rental Area in section 2 of the Licensing By-law:

- (a) Avalon Ct.
- (b) Avalon St.
- (c) Birchview Dr.
- (d) Bishop Ct.
- (e) Bovin Ave.
- (f) Bridle Rd.
- (g) Britannia Ave.
- (h) Canadore Cres.
- (i) Carswell Ave.
- (j) Clearwater Ct.
- (k) Coldstream Dr. from its intersection with Ritson Rd. N. to its intersection with Wilson Rd. N.
- (l) Concordia Ct.
- (m) Conestoga Ct.
- (n) Conlin Rd. E., south side, from its intersection with Ritson Rd. N. easterly to its intersection with Wilson Rd. N.
- (o) Conlin Rd. W., south side, from its intersection with Simcoe St. N. westerly to its intersection with Oshawa Creek.
- (p) Dalhousie Cres.
- (q) Eastwood Ave. N.
- (r) Eclipse Pl.
- (s) Edenwood Ct.
- (t) Edenwood Dr.
- (u) Elmwood Ct.
- (v) Erindale Cres.
- (w) Flagstone Ct.
- (x) Glovers Rd.

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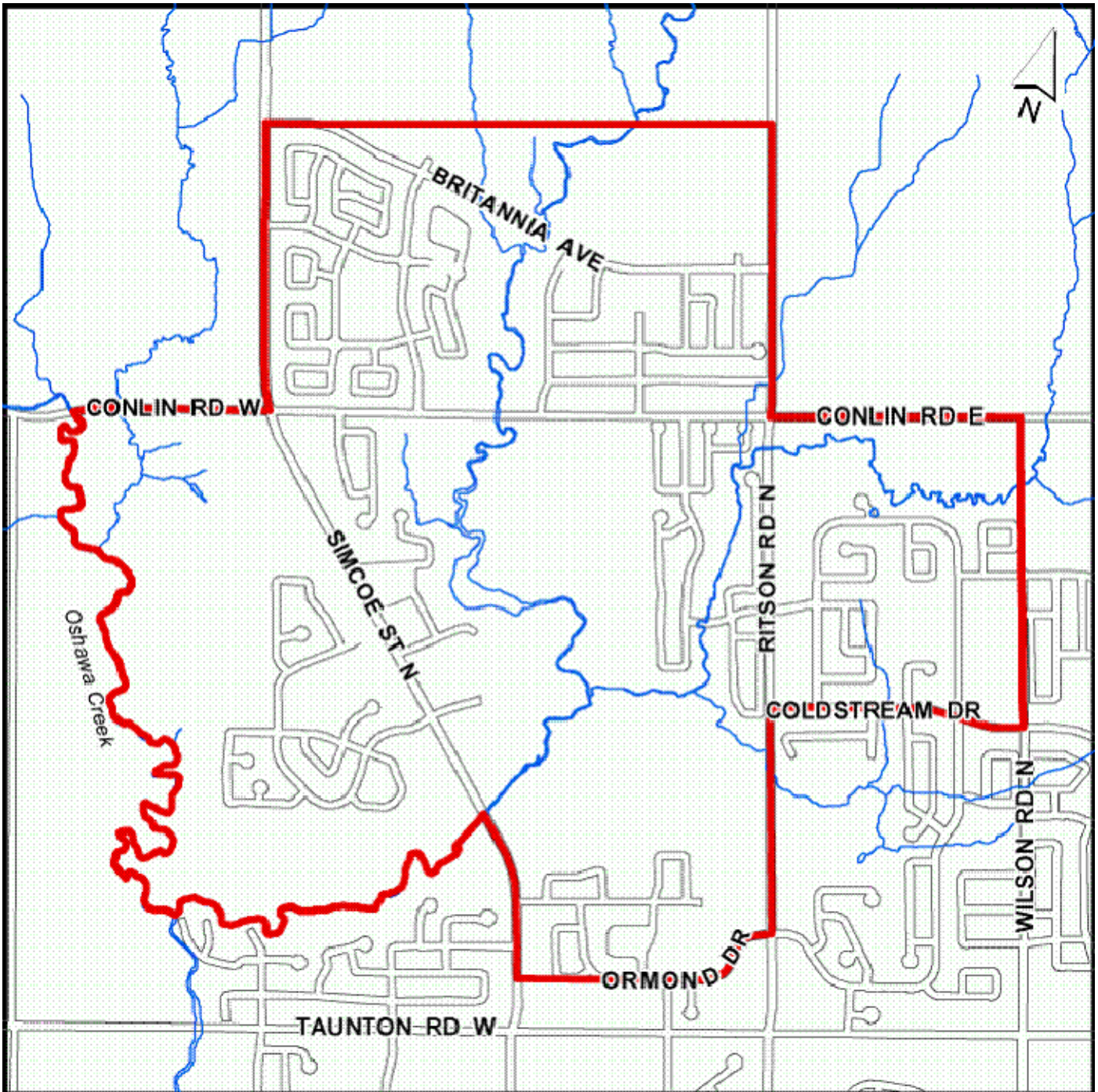
- (y) Greenhill Ave. from its intersection with Ormond Dr. to its intersection with Wilson Rd. N.
- (z) Hackett Pl.
- (aa) Herbert Ave.
- (bb) Kedron St.
- (cc) Largo Cres.
- (dd) Maine St.
- (ee) Manor Dr.
- (ff) McGill Ct.
- (gg) Meadow St.
- (hh) Minsky Gate
- (ii) Minsky Pl.
- (jj) Niagara Dr.
- (kk) Norland Circle
- (ll) Norland Gate
- (mm) Northern Dancer Dr.
- (nn) Norwill Cres.
- (oo) Ormond Dr. from its intersection with Glovers Rd. to its intersection with Ritson Rd. N.
- (pp) Pilgrim Gate
- (qq) Pilgrim Lane
- (rr) Pilgrim Square
- (ss) Pindar Cres.
- (tt) Radcliffe Dr.
- (uu) Raike Dr.
- (vv) Ritson Rd. N. from its intersection with Ormond Dr. to its intersection with Coldstream Dr.
- (ww) Ritson Rd. N., from its intersection with Conlin Rd. E. to its intersection with Britannia Ave.
- (xx) Rockcreek Dr.
- (yy) Ryerson Cres.
- (zz) Samac Ct.
- (aaa) Samac Trail

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- (bbb) Sandalwood Ct.
- (ccc) Sarasota Cres.
- (ddd) Sarasota St.
- (eee) Scottscraig Dr.
- (fff) Secretariat Ave.
- (ggg) Secretariat Pl.
- (hhh) Selleck Lane
- (iii) Sheridan St.
- (jjj) Simcoe St. N., east side, from the northern limit of the property known municipally as 1379 Simcoe St. N. to its intersection with the part of Oshawa Creek south of Niagara Dr.
- (kkk) Simcoe St. N., from the northerly limit of that part described in the preceding paragraph 9(jjj) to the southerly limit of that part described in the following paragraph 9(III).
- (III) Simcoe St. N., east side, from its intersection with Conlin Rd. to its intersection with Britannia Ave.
- (mmm) Solar Pl.
- (nnn) Stornoway St.
- (ooo) Sunview Lane
- (ppp) Tampa Cres.
- (qqq) Taylorwood Ct.
- (rrr) Taylorwood Rd.
- (sss) Travail Ave.
- (ttt) Valewood Ct.
- (uuu) Walreg Dr.
- (vvv) Whitestone Ct.
- (www) Wilson Rd. N. from its intersection with Coldstream Dr. to its intersection with Greenhill Ave.
- (xxx) Winlord Pl.
- (yyy) Woodbine Ave.
- (zzz) Woodbine Pl.
- (aaaa) Woodgate Ct.

- (bbbb) Woodgate Trail
- (cccc) Woodmount Cres.
- (dddd) Woodmount Dr.

10. Following is the sketch for the purpose of depicting Rental Area as defined in section 2 of the Licensing By-law: (20-2008)



SCHEDULE "L" TO BY-LAW 120-2005

REFRESHMENT VEHICLES

1. The applicant for a refreshment vehicle licence must submit the following:
 - (a) proof that the vehicle holds all required current provincial licences applicable to such vehicle type;
 - (b) a Propane Fitters Certificate indicating compliance with the provisions of the Ontario Propane Storage and Utilization Code if propane fueled appliances are located on the refreshment vehicle;
 - (c) a Safety Standards Certificate issued by a certified Class 'A' or Class 'B' mechanic in the Province of Ontario dated not more than thirty-six days prior to the issuance or renewal of a licence shall be submitted for any refreshment vehicle over 180 kilograms in weight (fully equipped but not including food stuffs); and,
 - (d) written permission from the owner or property manager of the property upon which the vehicle will operate.
2. It constitutes an offence for a person to vend goods from a refreshment vehicle within sixty metres of any eating establishment or within sixty metres of playground equipment located in any public park.
3. It constitutes an offence for a person to fail to comply with all health and sanitary regulations applicable to either the refreshment vehicle or to the food sold therefrom.
4. It constitutes an offence for a person to fail to keep his refreshment vehicle in a clean and sanitary condition.
5. The operators of refreshment vehicles shall comply with all relevant by-laws of the City of Oshawa, and without limiting the generality of the foregoing, comply with all parking and traffic regulations.
6. It constitutes an offence for a person to vend from a refreshment vehicle after sunset or before sunrise.

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7. Refreshment vehicles weighing more than 180 kilograms when weighed fully equipped, but not including food stuffs, must be mechanically self propelled.
8. When requested to do so by any person authorized by Council, the operator of a refreshment vehicle must move the refreshment vehicle immediately, as instructed. Failure of a person operating a refreshment vehicle to comply with this section constitutes an offence.
9. Refreshment vehicles licensed under this by-law may be exempt from Sections 2 and 6 of this Schedule if:
 - (a) the vehicle is to operate at a community park event, sports event or licensed carnival;
 - (b) written permission or permit is obtained from the event organizers and property owners and submitted to City Clerk Services; and,
 - (c) the period does not exceed three days.
10. It constitutes an offence for a person to vend from a refreshment vehicle on a public highway, where the refreshment vehicle weighs more than 120 kilograms when weighed fully equipped, but not including food stuffs.
11. It constitutes an offence for any person to operate a refreshment vehicle which contains cooking or heating facilities without a 5 lb A.B.C. portable fire extinguisher.
12. It constitutes an offence for any person to operate any refreshment vehicle without providing on the exterior of the refreshment vehicle, at all times, a minimum twenty litre garbage receptacle.
13. No person shall be granted or hold a licence for a refreshment vehicle unless the applicant establishes and maintains in effect proof of financial responsibility covering each vehicle. Such proof shall be made by delivering to City Clerk Services an original or certified copy of a current valid insurance policy or certificate to include the following:

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- (a) a description of the coverage, policy number, effective date, expiry date, limits of liability and details of the vehicle covered;
 - (b) an insurance amount not less than \$1,000,000 exclusive of interest and costs for each vehicle to include:
 - (1) loss or damage resulting from illness, injury or death of one or more persons from any food, products, goods or any one act or omission by the operator or owner of a refreshment vehicle; and,
 - (2) loss or damage resulting from bodily injury to or death of one or more persons or from loss or damage to property resulting from any one accident; and,
 - (c) describe the insured’s waiver of the right to cancel the insurance policy without fifteen days notice to the insurance company and that the company will undertake to provide fifteen days notice to the Director of such cancellation upon receipt of a notice to the insured and insurer of the cancellation of the vehicle licence within fifteen days.
14. Failure to maintain insurance as required by section 13 constitutes an offence.
15. It constitutes an offence for any person to vend from a vehicle at a location other than that authorized on the person’s refreshment vehicle licence.

SCHEDULE "M" TO BY-LAW 120-2005

SECOND HAND DEALERS AND SECOND HAND SHOPS

1. Subject to section 25 of this Schedule, this Schedule does not apply to DEALS involving:
 - (a) Goods returned to a retailer for purposes of refund or exchange for other merchandise or for credit; and,
 - (b) Motor Vehicles.

2. This Schedule does not apply to persons who DEAL exclusively in one or more of the following:
 - (a) Books, magazines or comics;
 - (b) Clothing;
 - (c) Children's toys;
 - (d) Infant equipment and infant furniture; and,
 - (e) Refrigerators, stoves, ranges, dishwashers, freezers, washers, dryers or parts thereof.

3. This Schedule does not apply to any of the following persons when acting in respect of the discharge of their duties:
 - (a) Peace officers;
 - (b) Trustees in bankruptcy;
 - (c) Receivers;
 - (d) Estate trustees; and,
 - (e) Charities registered under the Income Tax Act (Canada).

4. No Second Hand Dealer or Second Hand Dealer - Salvage shall permit a Deal in respect of Second Hand Goods except in compliance with the provisions of this Schedule.

5. Failure to comply with any provision of this Schedule constitutes an offence.

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6. In addition to other requirements of the Licensing By-law, each applicant for a Second Hand Dealer licence or for a renewal thereof shall provide to the Director the following written information and documents to the Director’s satisfaction:
 - (a) a description of the Second Hand Goods in which the applicant proposes to Deal;
 - (b) the number of Deals respecting Second Hand Goods which the applicant proposes annually;
 - (c) a description of the proposed Second Hand Shop including:
 - (i) copy of property parcel register or abstract index;
 - (ii) copy of most recent transfer identifying current registered owner(s);
 - (iii) in the event that the applicant is not a current registered owner, a copy of the lease or other instrument pursuant to which the applicant claims to be entitled to occupy the proposed Second Hand Shop;
 - (iv) municipal address (and unit number, if applicable);
 - (v) sketch or survey of the floor plan depicting the limits of the Second Hand Shop, the Holding Area and any proposed outdoor storage including fencing;
 - (d) For a corporate applicant, a copy of its articles of incorporation and the name, address and telephone number of each , officer and shareholder; and,
 - (e) For an applicant that is a partnership, the name, address and telephone number of each partner.
7. No Second Hand Dealer shall permit the Acquisition of Second Hand Goods by any person other than by the Second Hand Dealer or the Second Hand Dealer's employees.
8. In the event that an acquisition would cause the total number of Deals to exceed the number specified for the purpose of paragraph 6(b) of this Schedule the Second Hand Dealer shall, within five (5) days of the date of such Acquisition, notify the Director in writing.

9. No Second Hand Dealer shall permit the Acquisition of Second Hand Goods from any person who is or who appears to be:
- (a) under the age of eighteen years; or,
 - (b) under the influence of alcohol or drugs.
10. No Second Hand Dealer shall permit the Acquisition of a Second Hand Good unless a record respecting the Second Hand Good is created at the time of Acquisition that includes the following particulars:
- (a) Date and time of Acquisition;
 - (b) The identity of the Acquiring the Second Hand Good;
 - ~~(c) The identity of the person from whom the Second Hand Good was acquired including each of the following:~~
 - ~~(i) Name;~~
 - ~~(ii) Gender;~~
 - ~~(iii) Date of birth;~~
 - ~~(iv) Residential address;~~
 - ~~(v) Telephone number; and,~~
 - (vi) Approximate height;
 - (d) ~~Personal identification to verify the person's identification for the purposes of paragraph 10 (c) of this Schedule and in accordance with section 15 of this Schedule;~~ (95-2007)
 - (e) All consideration given including price paid; and,
 - (f) Description of the Second Hand Good that is reasonably sufficient to identify it and to distinguish it from other Second Hand Goods of the same type including, as applicable, each of the following:
 - (i) The identity of its Manufacturer;
 - (ii) Year of manufacture;
 - (iii) Make;
 - (iv) Model;
 - (v) Serial numbers;
 - (vi) Identifying marks;
- PAGE 4 OF SCHEDULE "M" TO BY-LAW 120-2005**
- (vii) Titles;
 - (viii) Media (eg., compact disk, tape, vinyl record, DVD, VHS tape);

- (ix) Weight;
 - (x) Colour;
 - (xi) Karat;
 - (xii) Engravings; and,
 - (xiii) Gem type;
- (g) a unique number.
11. No Second Hand Dealer shall permit a Deal in respect of a Second Hand Good that bears or that customarily bears a serial number unless:
- (a) no part of the serial number has been removed or obscured; and,
 - (b) the entire serial number has been recorded for the purpose of clause 10(f)(v) of this Schedule.
12. No Second Hand Dealer shall permit a Deal in respect of a Second Hand Good unless:
- (a) two copies of a receipt are issued at the time of Acquisition each of which includes:
 - (i) the original signature of the person from whom the Second Hand Good was acquired; and,
 - (ii) particulars prescribed by paragraphs 10(a), 10(e), 10(f) and 10(g) of this Schedule;
 - (b) the Second Hand Dealer forthwith provides one copy of the receipt to the person from whom the Second Hand Good was Acquired; and,
 - (c) the Second Hand Dealer retains the remaining copy of the receipt.
13. No Second Hand Dealer shall permit a Deal in respect of a Second Hand Good unless a label is affixed to the Second Hand Good at the time of Acquisition and remains affixed until the time of Disposition that includes the following:
- (a) Particulars prescribed by paragraphs 10(a) and 10(g) of this Schedule; and,
 - (b) Any three of the particulars prescribed by paragraph 10(f) of this Schedule.
14. Each record contemplated by sections 10, 12 and 13 of this Schedule shall be legible.

~~15. For the purposes of paragraph 10(d) of this Schedule, a Second Hand Dealer must review an original, current, valid copy of at least three of the following types of personal identification, one of which must include a photograph of the person from whom the Second Hand Good is acquired:~~

~~(a) Driver's licence issued by a Province or Territory of Canada including a photograph of the person;~~

~~(b) Birth Certificate issued by a Province or Territory of Canada;~~

~~(c) Canadian Passport including a photograph of the person;~~

~~(d) Canadian Citizenship card including a photograph of the person;~~

~~(e) Certificate of Indian Status issued by the Government of Canada;~~

~~(f) Conditions Release Card issued by the Government of Canada;~~

~~(g) Canadian Armed Forces Identification Card; and,~~

~~(h) "Bring Your Identification Card" issued by the Alcohol and Gaming Commission.~~

(95-2007)

16. No Second Hand Dealer shall permit the Acquisition of a Second Hand Good when the person Acquiring the Second Hand Good knows or ought to have known that any identification accepted for the purposes of section 15 of this Schedule does not identify the person from whom the Second Hand Good is Acquired.

17. No Second Hand Dealer shall permit a Deal in respect of Second Hand Goods except upon posting and keeping posted within the Second Hand Shop no fewer than two notices posted in a manner and in a form prescribed by the Director respecting the collection of personal information pursuant to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

18. A Second Hand Dealer shall maintain at the Second Hand Shop the original, a photocopy and/or an electronic copy, as applicable, of each record contemplated by sections 10, 12 and 13 of this Schedule for a period of no less than one year from the date on which each such record was created for the purposes of inspection pursuant to section 10 of the Licensing By-law.

19. No Second Hand Dealer shall permit any Deal, display, holding, repair or any dealing with Second Hand Goods except from and entirely within the Second Hand Shop.
- ~~20. Each Second Hand Dealer shall transmit to Durham Regional Police Service as soon as is practicable but, in any event, no less frequently than weekly, copies of the records contemplated by sections 10, 12 and 13 of this Schedule. (95-2007)~~
21. In addition to any other requirement of this Schedule, the Director may, in either of the following circumstances, prescribe different standards for a particular Second Hand Dealer:
- (a) The number of Deals specified for the purpose of paragraph 6(b) of this Schedule exceeds one hundred (100); or,
 - (b) The Director determines, as a result of the notice contemplated by section 8 of this Schedule or otherwise, that the number of Deals has exceeded the number specified for the purpose of paragraph 6(b) of this Schedule.
22. For the purposes of section 21 of this Schedule, the following are the standards that the Director may prescribe for a particular Second Hand Dealer, at any time during the term of the licence and to the Director's satisfaction:
- ~~(a) Daily transmission of each Police Service, provided, however, that in the event that the Second Hand Dealer is determined by a court of competent jurisdiction to have failed to comply with any provision of this Schedule, the Director may require real time transmission of each such record;~~
 - ~~(b) Maintenance of each record in a particular digitized electronic format capable of transmission via the internet within a secure environment including 128-bit encryption; (95-2007)~~
 - (c) Maintenance of computer equipment, operating system(s) and software for the purposes of paragraphs 22(a) and (b) of this Schedule;

- (d) Procedures to address any malfunction of the computer equipment, operating system(s) and software prescribed by paragraph 22(c) of this Schedule for such period as the Director determines appropriate, including:
 - (i) notifying forthwith the Director and Durham Regional Police Service of such malfunction;
 - (ii) prohibiting any Deal respecting Second Hand Goods; and,
 - (iii) requiring the creation and maintenance of records in such manner and on such forms as the Director may determine;
 - (e) Procedures to ensure compliance with the *Municipal Freedom of Information and Protection of Privacy Act* and, as applicable, the *Personal Information Protection and Electronic Documents Act*;
 - (f) Payment on a monthly basis in the manner from time to time prescribed by the Director of a fee of up to \$1.00 for each record required pursuant to sections 10 and 12 of this Schedule; and,
 - (g) Changes during the term of the licence to the requirements prescribed by paragraphs 22(a), (b), (c), (d) and (e) of this Schedule.
23. No Second Hand Dealer shall permit any alteration, repair or disposition of a Second Hand Good unless:
- (a) such Second Hand Good has been held within the Holding Area for a period of no less than twenty-one (21) calendar days from the date of Acquisition; and,
 - (b) during the entire period contemplated by paragraph 23 (a) of this Schedule, the Second Hand Good has not been displayed, offered or visible for purposes of Disposition.
24. No Second Hand Dealer shall permit the business of a Pawnbroker to be carried on within the Second Hand Shop.
25. No Second Hand Dealer or Second Hand Dealer - Salvage shall permit outdoor storage except pursuant to the following:
- (a) Compliance with City of Oshawa Zoning By-law 60-94, as amended;
 - (b) Enclosure of the outdoor storage area by a fence no more than three (3) metres high constructed in such fashion as to entirely obscure from external view the outdoor storage area; and,
 - (c) Storage of goods within the outdoor storage area shall not exceed the lowest height of the fence required by paragraph 25(b) of this Schedule.

Designated Driving Service Provider

Licence Application

1. In addition to other requirements of the Licensing By-law, the Director may refuse to accept an application for a licence unless the application is submitted on forms approved by the Director and includes the following respecting the Designated Driving Service Provider:
 - (a) a Criminal Investigation Report issued within the thirty-day period immediately preceding the date on which the application is submitted;
 - (b) an Ontario Driver’s Record from the Ministry of Transportation (Driver’s Abstract) issued within the thirty-day period immediately preceding the date on which the application is submitted;
 - (c) proof of, minimally, a current class “G” driver’s licence issued by the Province of Ontario which is in good standing; and
 - (d) proof of Commercial General Liability insurance that:
 - i) includes a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury; and that
 - ii) requires that the Director be notified of any intended cancellation by the insurer no fewer than fifteen (15) days prior to such cancellation. (102-2008)

Licence Conditions

2. In addition to other requirements of the Licensing By-law, no Person shall act as a Designated Driving Service Provider except pursuant to a licence issued pursuant to this Licensing By-law and except pursuant to the following conditions, each of which is a condition as a requirement of continuing to hold the licence:

- (a) The Designated Driving Service Provider's driver's licence is maintained in good standing at all times;
- (b) The Designated Driving Service Provider is, at no time, charged with or convicted of an offence contrary to the *Highway Traffic Act* (Ontario) or the *Criminal Code* (Canada);
- (c) The Commercial General Liability insurance required by paragraph (d) of this Schedule is maintained at all times;
- (d) The Designated Driving Service Provider is in possession at all times of the licence issued pursuant to this Licensing By-law and forthwith produces it for inspection when requested to do so by a Registered Motor Vehicle Owner or by an Officer;
- (e) Immediately prior to each occasion on which it is proposed to operate a Registered Motor Vehicle Owner's Motor Vehicle, the Designated Driving Service Provider shall have:
 - i) verified that there exists a currently validated permit for the Motor Vehicle pursuant to the Highway Traffic Act (Ontario) including by reviewing a copy of the permit;
 - ii) verified the Registered Motor Vehicle Owner's identity and ownership of the Motor Vehicle including by reviewing the Registered Motor Vehicle Owner's current driver's licence issued by the Province of Ontario and the Motor Vehicle's permit referenced in the preceding clause 2(e) i) of this Schedule;
 - iii) verified that the Motor Vehicle is insured under a contract of automobile insurance including by reviewing a current insurance card for the Motor Vehicle issued pursuant to the *Compulsory Automobile Insurance Act* (Ontario);
 - iv) secured the Registered Motor Vehicle Owner's consent to operate the Motor Vehicle;

- v) secured the Registered Motor Vehicle Owner's instructions respecting the operation of the Motor Vehicle including, minimally, the destination to which the Motor Vehicle is to be moved; and shall have
- vi) struck an agreement with the Registered Motor Vehicle Owner respecting the Designated Driving Service Provider's fee or other consideration for operating the Motor Vehicle.

(f) The Designated Driving Service Provider shall not operate a Motor Vehicle except:

- i) without any passengers;
- ii) in accordance with all applicable law; and
- iii) subject to the preceding clauses 2(f) i) and ii) of this Schedule, pursuant to the Registered Motor Vehicle Owner's instructions provided pursuant to clause 2(e) v) of this Schedule;

(g) The Designated Driving Service Provider shall not charge any fee or other consideration for operating a Motor Vehicle that exceeds that to which is agreed Pursuant to clause 2(e) vi) of this Schedule. (102-2008)

3. No Person shall permit the advertising or promotion of the services of a Designated Driving Service Provider except a Person licensed as a Designated Driving Service Provider pursuant to this Licensing By-law. (102-2008)

SCHEDULE “O” TO BY-LAW 120-2005

BODY RUB PARLOURS

1. No person shall be a Body Rub Owner in respect of a Body Rub Parlour without making application for, obtaining and maintaining, pursuant to the terms of the Licensing By-law, a Body Rub Owner's licence authorizing that person to carry on such trade, calling, business or occupation in respect of that Body Rub Parlour.
2. No person shall be a Body Rub Operator in respect of a Body Rub Parlour without making application for, obtaining and maintaining, pursuant to the terms of the Licensing By-law, a Body Rub Operator's licence authorizing that person to carry on such trade, calling, business or occupation in respect of that Body Rub Parlour.
3. No person shall be a Body Rub Attendant in respect of a Body Rub Parlour without making application for, obtaining and maintaining, pursuant to the terms of the Licensing By-law, a Body Rub Attendant's licence authorizing that person to carry on such trade, calling, business or occupation in respect of that Body Rub Parlour.

Defined Areas

4. No person shall own or operate or cause or permit to be operated a Body Rub Parlour within the geographic limits of the City except within one of the three following areas:
 - (a) The area described as follows: Commencing at the intersection of the southern limit of Highway 401 and the northern limit of Bloor Street West, then easterly along the southern limit of Highway 401 to the intersection of the southerly limit of Highway 401 and the western limit of the original alignment of Park Road South, then southerly along the western limit of Park Road South to its intersection with the northerly limit of CN lands, then westerly along the northern limit of CN lands to the western limit of the lands known municipally as 385 Bloor Street West, then northerly along the western limit of 385 Bloor Street West, then westerly along the northern limit of Bloor Street West to the point of commencement.

- (b) The area bounded on the west by Stevenson Road South, on the north by King Street West, on the east by the eastern limit of the Oshawa Centre property, and on the south by Gibb Street.
- (c) The area bounded on the west by Ritson Road North, on the north by Taunton Road East, on the east by the eastern limit of the Five Points Mall property and its southerly extension to Beatrice Street East, and on the south by Beatrice Street East.

Applications for Licences

- 5. Each Applicant for a Body Rub Owner's licence, a Body Rub Operator's Licence or a Body Rub Attendant's licence shall attend in person at the office of the Director and shall complete the prescribed form and furnish such information as may be required pursuant to the Licensing By-law.
- 6. For the purposes of section 5 of this Schedule, if an Applicant is a partnership, one of the general partners of the Applicant shall attend in person at the office of the Director.
- 7. For the purposes of section 5 of this Schedule, if an Applicant is a corporation, one of the s of the Applicant shall attend in person at the office of the Director.
- 8. No person shall be a Body Rub Owner in respect of all Body Rub Parlours.
- 9. No person shall be a Body Rub Operator in respect of all Body Rub Parlours.
- 10. Body Rub Operators and Body Rub Attendants may only be individuals.
- 11. No Applicant who is an individual or who is an individual partner of an Applicant may be less than the age of eighteen years. The Director may require an Applicant to file with or produce to the Director proof of the Applicant's age. The Director may refuse to issue a licence unless the Director is satisfied that the Applicant is not less than the age of eighteen years.

12. No Applicant who is an individual or who is an individual partner of an Applicant may be less than the age of eighteen years. The Director may require an Applicant to file with or produce to the Director proof of the Applicant's age. The Director may refuse to issue a licence unless the Director is satisfied that the Applicant is not less than the age of eighteen years.
13. Each Applicant for a Body Rub Attendant's licence or for a Body Rub Operator's licence shall submit with the application two (2) passport-size photographs clearly depicting the Applicant's face. One of the photographs shall at all times remain attached to any Body Rub Attendant's licence or Body Rub Operator's licence that may be issued to the Applicant. The other photograph may be retained by the Director.
14. Each Applicant for a Body Rub Attendant's licence shall submit with the application a certificate on a form supplied by the Director, signed by a person licensed to practise medicine in Ontario within one (1) month immediately prior to the date of the application certifying that the Applicant is free from communicable diseases and is medically fit for the purposes of a Body Rub Attendant.
15. Each Applicant for a Body Rub Owner's licence shall submit with the application a list showing the name, address and birth date of each person proposed as a Body Rub Operator and Body Rub Attendant.
16. Each Applicant for a Body Rub Owner's licence shall submit with the application a floor plan of the premises to be used as a Body Rub Parlour which floor plan shall clearly designate the room contemplated by section 24 of this Schedule within which Body Rubs may be performed, offered or solicited, and any rooms contemplated by section 28 of this Schedule to be used exclusively as an office or as a storage room.
17. No Body Rub Owner or Body Rub Operator shall permit any change to the floor plan contemplated by section 16 of this Schedule except without first obtaining the written approval of the Director.

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18. No person shall be a Body Rub Owner or a Body Rub Operator in respect of any premises except upon such lands as are zoned to permit the use of a Body Rub Parlour.

Regulations Applicable to Body Rub Parlours

19. No Body Rub Owner shall permit any person other than the Body Rub Operator to operate the Body Rub Parlour.
20. No Body Rub Owner or Body Rub Operator shall permit any person other than a Body Rub Attendant to perform, offer or solicit a Body Rub in the Body Rub Parlour.
21. No Body Rub Owner or Body Rub Operator shall permit any person to enter or to remain within a Body Rub Parlour unless the person is no less than the age of eighteen years.
22. No Body Rub Owner or Body Rub Operator shall permit the carrying on of any trade, calling, business or occupation within a Body Rub Parlour other than the Body Rub Parlour.
23. No Body Rub Owner or Body Rub Operator shall permit any person to enter or to remain within the Body Rub Parlour unless there is maintained over the exterior entrance of the Body Rub Parlour or in some other conspicuous place on the exterior of the Body Rub Parlour satisfactory to the Director a sign issued by the Director bearing the words, "LICENSED BODY RUB PARLOUR NO. _____", (inserted after "No." the Body Rub Owner's licence number) and "No person less than eighteen years of age is permitted to enter these premises. Comments regarding this business may be made to City Clerk Services of the City of Oshawa".
24. The Body Rub Owner shall designate a single room within the Body Rub Parlour which shall be the only room within which Body Rubs may be performed, offered or solicited. The room shall have no area enclosed or partitioned by any wall extending from the floor to a height in excess of 2 metres from the floor. The room shall be open at all times to all persons attending the Body Rub Parlour during the business hours of the Body Rub Parlour.

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25. No Body Rub Owner or Body Rub Operator shall permit a Body Rub in any room, cubicle or other enclosure or partitioned area located within the Body Rub Parlour other than in the room designated pursuant to section 24 of this Schedule.
26. No person shall perform, offer or solicit a Body Rub in any room, cubicle or other enclosure or partitioned area located with the Body Rub Parlour other than in the room designed pursuant to section 24 of this Schedule.
27. No Body Rub Owner or Body Rub Operator shall permit the use of any part of a Body Rub Parlour as a dwelling or for sleeping purposes or to contain therein any furniture which is commonly used or may be used for sleeping purposes.
28. No Body Rub Owner or Body Rub Operator shall permit any door to any room, cubicle or other enclosure or partitioned area within the Body Rub Parlour to be equipped or constructed with a locking device of any kind, or with any device or structure which could delay or hinder anyone from entering or obtaining access to such room, cubicle or other enclosure or partitioned area. This section does not apply to any room within the Body Rub Parlour used exclusively as an office or as a storage room.
29. No person shall perform, offer or solicit a Body Rub in any room, cubicle or other enclosure or partitioned area of a Body Rub Parlour which has a door or other means of access which is equipped or constructed with a locking device of any kind, or with any device or structure or which could delay or hinder anyone from entering or obtaining access to such room, cubicle or other enclosure or partitioned area.
30. No person shall permit the obstruction, hindrance or delay of any person attempting to gain entry into any room, cubicle or other enclosure or partitioned area of a Body Rub Parlour in which a Body Rub is or may be performed, offered or solicited.

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31. No Body Rub Owner or Body Rub Operator shall permit the operation of the Body Rub Parlour except in compliance with the following regulations:
- (a) The Body Rub Parlour shall be provided with adequate ventilation and with lighting that is adequate to ensure visibility and that is uniformly distributed throughout the premises.
 - (b) The Body Rub Parlour shall be provided with adequate toilet and washroom accommodation in accordance with the regulations set forth under the *Building Code Act*.
 - (c) The Body Rub Parlour and all fixtures and equipment in the Body Rub Parlour shall be regularly washed and kept in a sanitary condition.
 - (d) Without limiting the generality of section 31(c) of this Schedule, the floors of all washrooms in the Body Rub Parlour shall be disinfected at least once a week with a disinfecting solution approved by the Medical Officer of Health.
 - (e) The Body Rub Parlour shall be equipped with an effective utility sink.
 - (f) Washrooms in the Body Rub Parlour shall be equipped with 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 towels in a suitable container or dispenser, and a suitable receptacle for used towels and waste material.
 - (g) The surfaces and attached accessories of any bath or shower enclosure in the Body Rub Parlour shall be self-draining and all showers must have removable cleanable drain covers.
 - (h) Every table, mat or other surface upon which persons lie or sit while receiving a Body Rub shall be clean and in good repair, and shall have a top surface of impervious material.
 - (i) Every table, mat or other surface referred to in section 31(h) of this Schedule shall be covered with a fresh, clean individual paper or cloth sheet or towel prior to each occasion on which any person receives a Body Rub thereon.
 - (j) 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 used again for any purpose before being freshly laundered.
 - (k) Each Body Rub Attendant shall be fully clothed with opaque clothing.

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32. No person shall display or circulate or shall permit the display or circulation of any poster, handbill, sign, card or novelty used to promote the business of a Body Rub Parlour on lands or premises other than premises within which the Body Rub Parlour is situate.
33. No Body Rub Owner, Body Rub Operator or Body Rub Attendant shall permit a Body Rub to be performed on any person whom any of the Body Rub Owner, Body Rub Operator or Body Rub Attendant has reasonable cause to suspect has been exposed to or may be suffering from any communicable disease, including any communicable skin disease.
34. Every Body Rub Owner, Body Rub Operator and Body Rub Attendant shall, at all times during the regular operating hours of the Body Rub Parlour, make available for inspection by the Director, a peace officer, the Medical Officer of Health, a provincial offences officer or a by-law enforcement officer the original of any document or record referred to in the Licensing By-law and shall also provide her or his name and residential address.
35. Every Body Rub Owner and Body Rub Operator shall, at all times permit the entry by and the inspection of the Body Rub Parlour by the Director, a peace officer, the Medical Officer of Health, a provincial offences officer or a by-law enforcement officer.
36. No Body Rub Attendant shall have Sexual Contact with any person while performing, offering or soliciting a Body Rub in a Body Rub Parlour.
37. No Body Rub Owner or Body Rub Operator shall permit a Body Rub Attendant to have Sexual Contact with any person while performing, offering or soliciting a Body Rub in a Body Rub Parlour.

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38. No Body Rub Owner or Body Rub Operator shall permit any person to enter or to remain within the Body Rub Parlour except:
 - (a) from the hour of 9:00 a.m. to 10:00 p.m. of any Monday, Tuesday, Wednesday, Thursday and Friday;
 - (b) from the hour of 9:00 a.m. to 6:00 p.m. of any Saturday; and,
 - (c) from the hour of 10:00 a.m. to 5:00 p.m. of any Sunday.

39. Section 38 of this Schedule does not prevent a Body Rub Owner or a Body Rub Operator from entering or remaining within the Body Rub Parlour.

40. Every person who contravenes any provision of this Schedule, and every or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.00 or to imprisonment for a term not exceeding one year, or to both.

41. Where a corporation is convicted of an offence under section 39 of this Schedule, the maximum penalty that may be imposed on the corporation is \$50,000.00 and not as provided in section 39 of this Schedule.

SCHEDULE "P" TO BY-LAW 120-2005

PUBLIC GARAGES

1. The owner or operator of a Public Garage which is either a Mechanical Car Wash, or a Stationary Mechanical Car Wash or a Self Car Wash shall comply with the regulations set out in paragraphs (a) to (i) below:
 - (a) A plan drawn to scale showing the location and arrangement of the building and waiting areas, existing conditions on the street frontage of the site of the garage including the location of trees, poles, hydrants, driveways, and the nature of adjoining premises, and showing compliance of the garage or proposed garage with the requirements of clauses (b) to (i) shall be filed with the application for licence.
 - (b)
 - (i) Every Mechanical Car Wash shall provide at least thirty Vehicle Waiting Spaces for the storage of motor vehicles, at least twenty of which spaces shall be not more than two Vehicle Waiting Lines.
 - (ii) Every Stationary Mechanical Car Wash shall provide at least ten Vehicle Waiting Spaces in not more than two Vehicle Waiting Lines, for each washing bay.
 - (iii) Every Self Car Wash shall provide at least five Vehicle Waiting Spaces at each washing bay.
 - (c) Except as hereinafter provided motor vehicles in any Vehicle Waiting Lines shall be prevented from access to gasoline pumps and other service facilities of the Public Garage.
 - (d) Notwithstanding subsection (c) of this section access to gasoline pumps only may be permitted in Vehicle Waiting Lines provided that the maximum number of vehicle waiting spaces are all located in Vehicle Waiting Lines, and all Vehicle Waiting Spaces are located between the entrance to the property and the limit of the gasoline pump island most distant in the Vehicle Waiting Line from the entrance, and in this instance, the required spaces may be located in not more than four Vehicle Waiting Lines.

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- (e) Vehicle Waiting Lines shall be provided which comply with following requirements:
 - i) the minimum turning path for waiting lines shall have an external radius of thirty feet (30');
 - ii) the Vehicle Waiting Lines shall be reserved for waiting attended vehicles only and shall not be used for the storage of unattended cars or obstructed in any other way.
- (f) The Vehicle Waiting Lines and the area between the end of the wash rack and the street upon which washed cars exit shall be paved and any other area used for maneuvering motor vehicles shall be hard surfaced.
- (g) Drainage sufficient to drain the property without causing surface drainage to reach the sidewalk or any part of a street allowance shall be provided.
- (h) Lighting of a minimum standard of 0.4 foot candles shall be provided to all parts of the garage including open areas.
- (i) To protect adjoining properties and traffic passing on the highways from nuisance and inconvenience caused by the operation of the garage:
 - i) Lighting on the garage property shall be so arranged as not to cause full cut-off fixtures which are directed away from windows on other properties;
 - ii) Screening shall be provided between the garage and any adjoining residential property.
- (j) Notwithstanding subsection (b) of this section to the contrary, a Self Car Wash at 293 Dean Avenue shall provide at least three Vehicle Waiting Spaces at each washing bay.