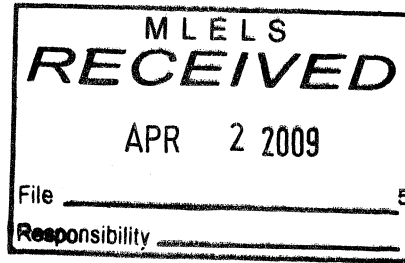


FA-09-88

→ Finance + Administration

NOEL D. GERRY
BARRISTER & SOLICITOR



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M5C 1N7

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By Fax and Regular Mail

April 2, 2009

Corporation of the
City of Oshawa
50 Centre Street South
Oshawa, Ontario
L1H 3Z7

Attention: Jerry Conlin
Director of Licensing

Re: Richard Trent -Oshawa LaVilla Spa
634 Park Road South

I act for Richard Trent in relation to the above referenced application for a body-rub parlour licence.

My client hereby requests an exemption to the provisions of By-law 120-2005 as amended, namely Sections 24 of Schedule "O" thereto, so that body rub services may be offered in the room configured in the manner displayed in the attached floor plan.

My client maintains that the general intent and purpose of the licensing by-law will be maintained in that the services will still be provided in one contiguous room, albeit partitioned by showers and angular in design. Section 29 of the By-law, which provides that the doors to the room may not be equipped with locking devices, shall be strictly adhered to so that the room can be inspected with ease. The general intent of the by-law, to allow for unobstructed inspections to prevent prohibited conduct, namely, conduct of a sexual nature as set out in paragraphs 36 and 37, shall remain intact if the exemption is granted in that inspectors can gain access to the room through the unlocked doors without obstruction.

Adherence to the provisions of the by-law and the position taken in your letter of March 3, 2009 would cause the applicant economic hardship in that the premises would have to be reconfigured at great expense. As well, massage services are generally received by the public in private rooms for the purposes of privacy and relaxation. The receipt of a massage is generally viewed as a private act. Customers usually undress and take showers for sanitary purposes. These activities

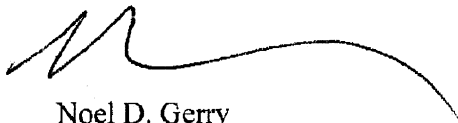
are not ordinarily undertaken amongst others. Relaxation is hard to achieve whilst others are in the room. If the exemption is not granted, it is likely that the business will not be viable as the lack of privacy will deter customers from using the applicant's services.

Oshawa's body rub parlour by-law is the only body rub parlour by-law in the general Greater Toronto Area that contains the requirement that services be provided in one single designated room. The body rub parlour by-laws of Ajax, Brampton, Burlington Clarington, Markham, Milton, Mississauga, Newmarket, Oakville, Pickering, Richmond Hill, Toronto, Vaughan and Whitby do not contain such a requirement. All of the aforementioned by-laws do contain prohibitions on locking or obstructing doors to the rooms designated for services. In some cases, Ajax for instance, the doors to each individual room or cubicle must contain a window which cannot be blocked or obstructed from the inside. My client would agree to such a requirement as a condition of his licence pursuant to Section 14.2(b) of By-law 120-2005. I have attached a copy of the portion of the Ajax by-law that deals with the placement of windows for your perusal and consideration.

Please consider this letter a formal request for an exemption made pursuant to Section 14.2 (a) of By-law 120-2005 as amended and respond in writing to this office.

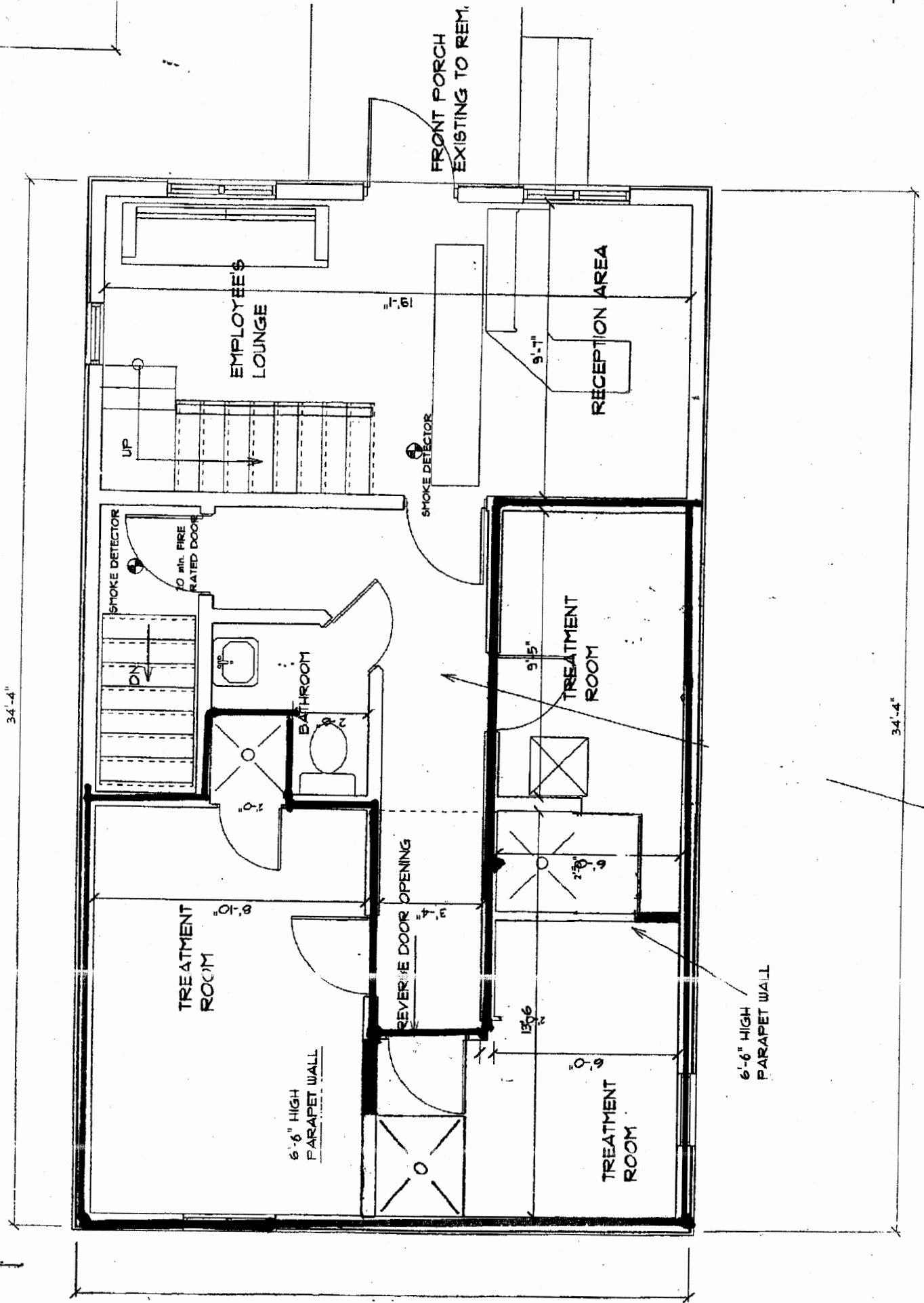
We thank you in advance for your kind and prompt consideration of this request.

Yours truly,



Noel D. Gerry

634 PARK RD. SOUT



5. DESIGN OF PREMISES

5.1 No Person may be an Owner or Operator of a Body-rub parlour except in accordance with the following regulations:

(a) The Owner or Operator shall provide the Licensing officer with a floor plan showing the designated room or rooms for the provision of Body-rubs and no Person may Provide Body-rubs in any other room, cubicle, enclosure or partitioned area located within the Body-rub parlour. In the event that the Owner or Operator wishes to amend the floor plan, he/she shall first file with the Licensing officer a copy of the amended floor plan and shall not proceed to make such alterations without first obtaining the approval of the Licensing officer;

(b) Save and except for one room designated by the Owner or Operator for use as an office and one room designated by the Owner or Operator as a storage room, and in which no Body-rub shall be performed every Owner or Operator shall ensure that no means of access to any room, cubicle, enclosure or partitioned area in a Body-rub parlour is equipped or constructed with a locking device of any kind or with any other device or structure which could delay or hinder anyone from entering or obtaining access to such area;

(c) During the hours of operation of a Body-rub parlour the Owner, Operator and Attendant shall ensure that the principal means of access into the Body-rub parlour is unlocked and available so that anyone coming into the Body-rub parlour may enter therein without hindrance or delay;

(d) No premises or part thereof used as a Body-rub parlour shall be used as a dwelling or for sleeping purposes or contain therein any furniture which is commonly used or which may be used for sleeping purposes;

X (e) Every Body-rub parlour shall be equipped with a window to permit observation of the provision of Body-rubs by third parties. The window must be at least 8 cm wide and 13 cm tall, clear glass, located in the door to each massage room at a height of not less than 1.5 m and not greater than 1.7 m and must not be obstructed in any way.

(f) Every 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;

(g) Every Body-rub parlour and all fixtures and equipment therein shall be regularly washed and kept in a sanitary condition;

(h) Every Body-rub parlour shall be equipped with an effective utility sink;