

# DECISION/DIRECTION NOTE

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**Title:**

**Proposed Text Amendment for Adult Massage Parlours**

**Date Prepared:** March 19, 2020

**Report To:** His Worship the Mayor and Members of Council

**Councillor and Role:** Councillor Maggie Burton, Planning & Development

**Ward:** N/A

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**Decision/Direction Required:**

To consider a text amendment to the St. John's Development Regulations to add "Adult Massage Parlour" as a permitted use in 5 commercial zones: Commercial Highway, Commercial Regional, Commercial Mixed Use, Commercial Central Mixed Use and Commercial Kenmount. An amendment to the St. John's Municipal Plan would not be required.

**Discussion – Background and Current Status:**

Council placed a moratorium on the approval of new massage parlors in 2015 by Council Directive CD#R2015-02-23/13. In the interim, staff prepared the draft Envision St. John's Development Regulations which create a new definition of massage parlor (so it is no longer included under other definitions), set out separation standards from schools, daycares and so on, and made it a permitted use in a variety of commercial zones. As a permitted use, an application for a massage parlour would not have to be advertised.

Under the existing Development Regulations, massage parlours are considered under the defined use of Service Shop and are permitted in many commercial zones, along with two residential zones, Residential Mixed Use (RM) and Residential Quidi Vidi (RQ). Prior to being processed as Service Shops, the use was also considered under the definition of Clinic.

The draft Envision Regulations were adopted-in-principle by Council on March 4, 2019 and sent to the Province. We await provincial release before we can continue the process of bringing them into effect. Meanwhile, this amendment package was brought forward in October 2019 by request of Council, then referred to a public meeting on November 6. Minutes are attached.

Following the public meeting, Council agreed to facilitate a public opinion survey to seek direction on an appropriate name for this land use. The term "Massage Parlour" was a concern for registered massage therapists, who have experienced confusion by potential clients. City staff proposed "Body Rub Parlour", a term used in Toronto, Vancouver and other

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municipalities in western Canada. However, at the public meeting, this term was described as inappropriate and disrespectful.

The results of the public opinion survey were inconclusive. There were 58 respondents, who suggested a wide range of names, including ones that were descriptive as well as ones that were pejorative or insulting or vague. Even among survey respondents (only 6 people) who identified themselves as working in this business, there was no agreement on the best term.

After much discussion internally among some members of Council and staff, we now put forward the term “Adult Massage Parlour” as a compromise. There seems to be no good alternative to “Massage Parlour” other than adding “Adult” to emphasize that the City will not facilitate any land use that would lead to the sexual or physical abuse of minors. These massage facilities are not prohibited by law, so we feel bound to accommodate them while being respectful of the neighbourhoods in which they may operate.

**Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable
2. Partners or Other Stakeholders: Nearby property owners and residents wherever this land use could be proposed.
3. Alignment with Strategic Directions/Adopted Plans: City’s Strategic Plan 2019-29: A Sustainable City – Plan for land use.
4. Legal or Policy Implications: This amendment package is intended to introduce a new regulatory approach so that Council can lift its moratorium on massage parlours. The public discussion of worker safety in these businesses must be addressed by the Province. The discussion of whether illegal activity occurs, while an important matter of public policy, is not within the powers of the City to determine.
5. Privacy Implications: Not applicable
6. Engagement and Communications Considerations: Already referred to a Public Meeting and a public opinion survey.
7. Human Resource Implications: Not applicable
8. Procurement Implications: Not applicable
9. Information Technology Implications: Not applicable
10. Other Implications: Not applicable

**Recommendation:**

THAT Council approve the proposed text amendment to allow Adult Massage Parlour as a permitted use in various commercial zones throughout the City.

That Council remove the moratorium on new development applications for Adult Massage Parlours.

Prepared by: Lindsay Lyghtle Brushett, MCIP – Planner III

Approved by: Ken O'Brien, MCIP, Chief Municipal Planner

**Report Approval Details**

Document Title:	Mayor - Adult Massage Parlours - March 19 2020.docx
Attachments:	
Final Approval Date:	Mar 19, 2020

This report and all of its attachments were approved and signed as outlined below:

**Jason Sinyard - Mar 19, 2020 - 3:04 PM**