

# Staff Report



Corporate Services Department

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**REPORT TO:** Committee of the Whole

**DATE OF MEETING:** October 21, 2024

**SUBMITTED BY:** Licensing Appeal Tribunal

**PREPARED BY:** Marilyn Mills, Committee Coordinator, 519-741-2200 ext. 7275

**WARD(S) INVOLVED:** 1

**DATE OF REPORT:** October 7, 2024

**REPORT NO.:** COR-2024-460

**SUBJECT:** Licensing Appeal Tribunal - Chapter 508 (Alternative Massage Licence)

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## RECOMMENDATION:

That the decision of the Licensing Appeal Tribunal, attached as Appendix 'A' to Corporate Services Department Report COR-2023-536, wherein the Committee affirms the revocation of an Alternative Massage Centre Licence (Chapter 508 - City of Kitchener Municipal Code) issued to P. Xin for the operation of Ocean 7 Massage, at the property municipally addressed as 540 Frederick Street, Kitchener, Ontario, be approved.

## REPORT HIGHLIGHTS:

- The Manager of Licensing issued a revocation of an Alternative Massage Centre Licence for Ocean 7 Massage as the business breached Chapter 508 of the City of Kitchener Municipal Code and the Zoning By-Law.
- On October 3, 2024, the Licensing Appeal Tribunal convened to consider a submission from Ms. Erin Kearney, on behalf of the Corporation of the City of Kitchener, regarding a joint resolution between the City and P. Xin, licensee for the subject business operating at the property municipally addressed as 540 Frederick Street, to surrender the business licence and for the business to close effective October 31, 2024.
- The City's Licensing Tribunal, based on the submission provided at the hearing, affirmed the decision to revoke the Alternative Massage Centre Licence.
- This report supports the delivery of core services.

## BACKGROUND:

Chapter 508 of the City of Kitchener Municipal Code governs the licensing and regulation of alternative massage centres. Ocean 7 Massage, operating at 540 Frederick Street, in the opinion of the Manager of Licensing, was believed to have breached Chapter 508 of the Municipal Code and the Zoning By-Law thus, the Manager of Licensing referred this matter to the Licensing Tribunal to consider revocation of the licence.

\*\*\* This information is available in accessible formats upon request. \*\*\*  
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

**REPORT:**

On October 3, 2024, the Licensing Tribunal considered a submission from Ms. Erin Kearney, on behalf of the Corporation of the City of Kitchener advising that staff have reached a joint resolution with P. Xin, licensee for the subject property. The submission noted the Manager of Licensing is of the opinion the licensee breached Chapter 508 of the Municipal Code and the Zoning By-Law. The business owner and licensee denies breaching any by-laws and alleges complaints against their business arise from an ongoing neighbourhood dispute however, the business owner indicated the intention to close the business. Further, both the City and Licensee have come to an agreement that the alternative massage centre licence issued to P. Xin shall be revoked effective October 31, 2024 at 8:00 p.m.

The Tribunal considered the submission, and following their deliberation, agreed to impose the revocation of the Alternative Massage Centre licence, effective October 31, 2024 at 8:00 p.m. The decision attached as Appendix 'A' outlines the Tribunal's decision.

**STRATEGIC PLAN ALIGNMENT:**

The recommendation of this report supports the achievement of the city's strategic vision through the delivery of core service.

**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this report.

**COMMUNITY ENGAGEMENT:**

INFORM – All those in attendance at the October 3, 2024 Hearing were advised of the Tribunal's decision and that it would be considered at the October 21, 2024 Council meeting as required by the By-law. In addition, a Notice of Decision was sent to the Appellant and the Respondents by email and registered mail on October 9, 2024; thereby, further notifying both parties of the date the Tribunal's decision would be considered by Council and the process for registering as a delegation.

**PREVIOUS REPORTS/AUTHORITIES:**

There are no previous reports/authorities related to this matter.

**ACKNOWLEDGED BY:** Victoria Raab, General Manager, Corporate Services

Attachment A – Licensing Tribunal Decision