Winnipeg

Legal Services Department • Services juridiques

INTER-OFFICE MEMORANDUM

TO:	**Marc Lemoine** City Clerks	**FROM:**	**Angela Czarnecki** Legal Services
FILE:	G.3/2018(48)	**DATE:**	March 4, 2022

RE: Community Safety Business Licensing By-law (formerly Doing Business in Winnipeg By-law) – Technical Amendment

Please find attached the above-referenced By-law amendment.

A report was approved by Council on January 27, 2022 (Minute No. 148), with regard to the Doing Business in Winnipeg By-law, with the requirements that:

1. That the licencing requirements and rules for the following businesses be repealed from Part 3 of the Doing Business in Winnipeg By-law No. 91/2008 – Escort Agencies, Independent Escort Agencies and Escorts (Division 2 of Part 3 of the By-law), and Body Rub Practitioners and Body Rub Parlours (Division 6 of Part 3 of the By-law).

2. That By-law No. 91/2008 be amended to change its title from the "Doing Business In Winnipeg By-law" to "Community Safety Business Licensing By-law".

3. That the City Solicitor and Director of Legal Services be instructed to prepare an amending by-law in accordance with recommendations 1 and 2 of this report and bring same directly to Council for enactment in 120 days.

An amending by-law was subsequently submitted directly to Council and was approved on February 24, 2022, which repealed the licencing of "Escort Agencies, Independent Escort Agencies, Escorts, Body Rub Practitioners and Body Rub Parlours".

It has now come to our attention that s.91(2) was inadvertently missed being repealed which outlines fines for failing to obtain the aforementioned licences:

> **91(2) Notwithstanding subsection (1) a person who operates as an escort or a body rub practitioner without holding a subsisting licence as required by this By-law, in addition to being required to obtain a licence, is subject to the following minimum fines:**
>
> **(a) for a first offence, to a fine of no less than $500;**
> **(b) for a second offence, to a fine of no less than $1000;**
> **(c) for a third offence and subsequent offences, to a fine of no less than $3000.**

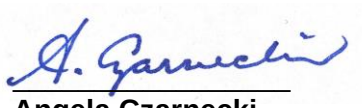
It is Legal Services' opinion that the intention of the administrative report was to have all sections

repealed that relate to the “licencing requirements and rules” of “Escort Agencies, Independent Escort Agencies, Escorts, Body Rub Practitioners and Body Rub Parlours” in the by-law, and that subsection 91(2) should have been repealed as well. As a result, we believe that it would be appropriate for this error to be corrected by way of a technical amendment.

Please place the within By-law before Council for reading at its meeting scheduled for March 24, 2022.

An electronic copy of the By-law has been provided by my assistant to Jennifer Ridge and Lorraine King via email.

If you have any questions, feel free to contact me.



Angela Czarnecki
Solicitor

AC/mr

Enclosure