

OFFICE CONSOLIDATION

BYLAW NUMBER 52M2012

**BEING A BYLAW OF THE CITY OF CALGARY
TO LICENCE AND REGULATE
THE BUSINESS OF MASSAGE

(Amended by 40M2014, 56M2014, 43M2016, 51M2018, 36M2019, 72M2021, 40M2022, 45M2023)

WHEREAS the *Municipal Government Act*, R.S.A. 2000 c. M-26, provides that the council of a municipality may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business;

AND WHEREAS the *Municipal Government Act* provides that a council may in a bylaw:

- (i) regulate or prohibit;
- (ii) deal with any development, activity, industry, business or thing in different ways, divide each of them into classes and deal with each class in different ways; and
- (ii) provide for a system of licences, permits or approvals;

AND WHEREAS Council for the City of Calgary considers it expedient to provide for the licensing and regulation of the business of massage in Calgary;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

PART I

GENERAL LICENSING PROVISIONS

Short Title

1. This Bylaw may be cited as the "Massage Licence Bylaw".

Interpretation

2. (1) In this Bylaw:

"*applicant*" means a person who applies for a *licence* or renewal of a *licence*;

"*approved association*" means an association or organization designated by the *Director* pursuant to section 6;

"*body rub centre*" means a body rub centre licensed pursuant to the Body Rub Licence Bylaw 53M2012;

"*business*" means:

- (i) a commercial, merchandising or industrial activity or undertaking,
- (ii) a profession, trade, occupation, calling or employment, or
- (iii) an activity providing goods or services,

whether or not for profit and however organized or formed, including a co-operative or association of *persons*;

"*carry on*", "*carrying on*", "*carried on*" and "*carries on*" mean to conduct, operate, perform, keep, hold, occupy, deal in or use, for gain, whether as principal or agent;

DELETED BY 72M2021, 2022 JANUARY 01;

"*City*" means The City of Calgary, a municipal corporation in the Province of Alberta, and includes the area contained within the boundaries of The City of Calgary where the context requires;

"*Chief Administrative Officer*" means the Chief Administrative Officer of The City of Calgary or the employee of The City of Calgary who has been delegated the authority to exercise the powers, duties, and functions of the Chief Administrative Officer under this Bylaw;

(45M2023, 2023 October 17)

"*Director, Development, Business & Building Services*" or "*Director*" means the *Chief Administrative Officer*;

(45M2023, 2023 October 17)

DELETED BY 40M2014, 2014 MAY 06;

"*dwelling unit*" means one or more rooms used or designed to be used as a residence by one or more *persons* and containing a kitchen, living and sleeping areas, and access to sanitary facilities;

"*employee*" means an individual employed to do work or provide a service who is in receipt of or is entitled to remuneration for the work or service;

"*employment affiliation*" means the *business* relationship which exists between a *person* and a *massage centre* when that *person* is employed with, under contract to or an agent of the *massage centre* to provide the service of *massage*;

"*Land Use Bylaw*" means The City of Calgary Land Use Bylaw 1P2007;

"*licence*", "*licensed*" and "*licensing*" mean a licence or reference to a licence issued under this Bylaw;

"*Licence and Community Standards Appeal Board*" means the Licence and Community Standards Appeal Board as established by Bylaw 50M2011;

"*licence fee*" means those fees attached as Schedule A;

"*Licence Inspector*" means a person to whom the *Chief Administrative Officer* has delegated the authority to assist in carrying out the administration and enforcement of this Bylaw and includes, for the purposes of this Bylaw, an *Officer* and any other person, inspector, or City Business Unit whose consultation, approval of certificate is required under this Bylaw;

(45M2023, 2023 October 17)

"*licensee*" means a *person* holding a valid and subsisting *licence* under this Bylaw;

"*massage*" means the physical external manipulation of the soft tissues of the human body, in a scientific and systematic manner by a *natural person* for the purpose of therapy or relaxation;

"*massage centre*" means any *premises* or part of a *premises* where:

- (i) a *massage* is performed or offered to the public for a fee;
- (ii) records of a *massage business* are maintained; or
- (iii) where a member of the public may arrange for a *massage* for a fee;

"*massage office*" means a *business* where a *person* books *massage* appointments and maintains the records of the *massage business* at a *dwelling unit*, but the *massages* are performed at another location;

"*massage practitioner*" means a *natural person* who is a member of an *approved association* who administers or offers to administer a *massage* for a fee;

"*natural person*" means an individual human being;

"*non-resident*" means a *business* which is *carried on*, in whole or part, within the *City* but neither maintains a permanent premises in the *City* nor is listed on the tax assessment rolls;

"*Officer*" means a Bylaw Enforcement Officer appointed under the Bylaw Enforcement Officers Appointment Bylaw 60M86, or an officer appointed under the *Peace Officer Act*, S.A. 2006, c. P-3.5 or under the *Police Act*, R.S.A. 2000, c. P-17;

"*person*" means a *natural person* or a body corporate and includes a partnership, a group of *persons* acting in concert or an association unless the context explicitly or by necessary implication otherwise requires;

"*Planning, Development & Assessment*" means the *City's* Planning, Development & Assessment department;

"*premises*" means a store, office, *dwelling unit*, warehouse, factory, building, enclosure or other place occupied or capable of being occupied, by any *person* for the purpose of *carrying on any business*.

(40M2014, 2014 May 06)
(72M2021, 2022 January 01)

- (2) Nothing in this Bylaw relieves a *person* from complying with any Federal or Provincial law or regulation, other bylaw or any requirement of any lawful permit, order or licence.
- (3) Any headings or subheadings in this Bylaw are included for guidance purposes and convenience only, and do not form part of this Bylaw.
- (4) Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.
- (5) All Schedules attached to this Bylaw form part of this Bylaw.
- (6) Any reference in this Bylaw to a section, unless otherwise specified, is a reference to a section in this Bylaw.
- (7) Specific references to laws in this Bylaw are meant to refer to the current laws applicable within the Province of Alberta as at the time this Bylaw was enacted and as they are amended from time to time, including successor legislation.

Licence

3. (1) A *person* must not *carry on* the *business* of a *massage practitioner*, *massage centre* or *massage office* unless that *person* has a valid and subsisting *licence*.
- (2) A *person* must not contravene a condition of a *licence*.
- (3) Notwithstanding subsection (1), a *licence* is not required for medical or therapeutic *massage* treatments given by a qualified person, *licensed* to do so under the laws of the Province of Alberta.
- (4) A *licence* to *carry on* two or more *businesses* at one *premises* by one *person* may be issued on one *licence* form, but each *business* shall be deemed to hold a separate *licence*.

Licence Requirements

4. (1) Every application for a *licence* pursuant to this Bylaw must be made to the *Director*.
- (2) A *licence* pursuant to this Bylaw may not be issued to a person under the age of eighteen years.

(72M2021, 2022 January 01)

- (3) An *applicant* or *licencee* must not provide to a *Licence Inspector* false or misleading information or information intended to mislead with regard to any matter or thing arising in connection with the *licensing* of the *business*.

Message Practitioner

- (4) Every application for a *licence* to *carry on the business* of a *massage practitioner* must include the following information:
- (a) the full name, date of birth, residential address and telephone number of the *applicant*;
 - (b) two forms of identification, one of which must be government issued picture identification;
 - (c) an original certificate demonstrating that the *applicant* is a member of an *approved association*;
 - (d) such other information as the *Director* may reasonably require.
- (72M2021, 2022 January 01)
- (5) A person may not hold both a *massage practitioner licence* and a body rub practitioner licence issued pursuant to Bylaw 53M2012.

Message Centres and Massage Offices

- (6) Every application for a *licence* to *carry on the business* of a *massage centre* or *massage office* must include the following information:
- (a) the full name, date of birth, residential address and telephone number of the *applicant*;
 - (b) the address for the proposed place of *business*;
 - (c) the full name, date of birth and residential address of the principal managing *employee*;
 - (d) the full name or names of any other *person* or *persons*, their dates of birth and their residential addresses, having any financial interest in the *business* for which the application is made;
 - (e) when the *applicant* is a body corporate, the names and addresses of the officers of the corporation, its registered address and proof of incorporation;
 - (f) the trade name by which the *business* is going to operate; and
 - (g) such other information as the *Director* may reasonably require.
- (72M2021, 2022 January 01)

- (7) Where a *business* of a *massage centre* is *carried on* in more than one *premises*, a *licence* is required for each *premises*.
- (8) In order to be eligible for a *massage office licence*, an *applicant* must hold a *massage practitioner licence*.
- (9) Notwithstanding subsection (8), a corporation is eligible for a *massage office licence* if the corporation is controlled by a *person* who holds a *massage practitioner licence*.

Licence Fees

- 5. (1) An application for a *licence* will not be considered by the *Director* unless and until the *applicant* pays the *licence fee* set out in Schedule "A" and any other fees, including fees for inspections, required by this or any other bylaw;
(72M2021, 2022 January 01)
- (2) Fees paid by an *applicant* pursuant to this section are not refundable.
- (3) Where a *licence* has been issued in error without payment of the fees required pursuant to this section by an *applicant*, the *licence* may be revoked by the *Director*.
(72M2021, 2022 January 01)
- (4) Where the holder of an existing *licence* applies for an additional *licence*, the fee payable for the additional *licence* will be adjusted so that the renewal date for the additional *licence* falls on the same renewal date as the *applicant's* existing *licence*.
- (5) DELETED BY 36M2019, 2020 JANUARY 01.

Approved Associations

- 6. (1) The *Director* may designate any association or organization which regulates, certifies or teaches the practice of *massage* as an *approved association* for the purposes of this Bylaw.
(72M2021, 2022 January 01)
- (2) The *Director* must keep a list of all *approved associations* and the list must be made available for inspection by the public at the office of the *Director* during normal business hours.
(72M2021, 2022 January 01)
- (3) An *approved association* must
 - (i) annually disclose to the *Director* a list of its members; and
 - (ii) immediately notify the *Director* if any individual ceases to be a member of the *approved association*.
(72M2021, 2022 January 01)

Non-Resident Businesses

7. Every *person* who is required to obtain a *licence* under this Bylaw as a *massage centre* or a *massage office* must maintain a *business premises* within the *City*. *Non-resident massage centres* or *massage offices* are not permitted.

Consultations and Approvals

8. (1) The *Director* may consult, prior to issuing or renewing a *licence*, with the Calgary Police Service, Alberta Health Services and the Fire Department, as listed in Schedule "A", to determine whether they are in possession of information which, in the opinion of the *Director*, renders it inappropriate for an *applicant* to be issued a *licence*.
(72M2021, 2022 January 01)
- (2) Where an *applicant* intends to *carry on business* at a specific *premises* or location within the *City*, the *applicant* must, prior to the *Director* issuing a *licence*, ensure that all necessary approvals required under the *Land Use Bylaw* have been obtained and must provide satisfactory proof to the *Director*.
(72M2021, 2022 January 01)
- (3) The *Director* may determine that it is inappropriate to issue a *licence* to an *applicant* where the safety, health and welfare of the public may be at risk due to the issuance of a *licence*.
(72M2021, 2022 January 01)
- (4) Where a *licence* has been issued in error without all the necessary approvals required pursuant to this Bylaw, the *licence* may be revoked by the *Director*.
(72M2021, 2022 January 01)
- (5) For the purpose of a *licence* renewal, where *Planning, Development & Assessment* has previously confirmed that all necessary approvals required under the *Land Use Bylaw* have been obtained and:
- (a) there has not been a change in the *business* ownership since *Planning, Development & Assessment* gave the approval,
 - (b) the *licence* has not been previously suspended or revoked, and
 - (c) the *business* has been *carried on* continuously at the same *premises* and in the same manner,

the *Director* may renew the *licence* without requiring any further confirmation from *Planning, Development & Assessment*.

(40M2014, 2014 May 06)
(72M2021, 2022 January 01)

Inspections

9. (1) Where a *massage business* requires a consultation or approval for *licensing* or is *licensed*, then the *business premises* may be inspected by a *Licence Inspector*.

- (2) A *person* who a *Licence Inspector* reasonably believes is *carrying on a business* requiring a *licence* under this Bylaw, or is an *applicant*, must:
 - (a) permit and assist in all inspections requested by a *Licence Inspector*;
 - (b) immediately furnish to a *Licence Inspector* all identification or information required and copies of anything related to the inspection or *licensing* requirement or this Bylaw; and
 - (c) not provide to a *Licence Inspector* false or misleading information or information intended to mislead with regard to any matter or thing arising in connection with the *licensing* of the *business*.
- (3) A *person* must not attempt to prevent, obstruct or hinder a *Licence Inspector* from making an inspection authorized by this Bylaw.
- (4) During an inspection authorized under this section, a *Licence Inspector* may examine any *business* record or document for the purpose of enforcing this Bylaw and remove any relevant record or document from the *business premises* for the purpose of copying it.
- (5) A *person* must not allow any false or misleading information to appear on any record required to be kept or prepared pursuant to this Bylaw.

Proof of Business

- 10. (1) Proof of one transaction in *massage* or offer to administer a *massage* is sufficient to establish that the *business* of *massage* is being *carried on*.
- (2) Any advertising of the *business* of *massage* referred to in this Bylaw is sufficient to establish that the *person* advertising is *carrying on* the *business* of *massage*.

Refusal, Revocation, Suspension

- 11. (1) Subject to an appeal to the *Licence and Community Standards Appeal Board*, if in the *Director's* opinion there are just and reasonable grounds to do so, the *Director* may:
 - (a) refuse to grant any *licence* required by this Bylaw;
 - (b) impose conditions on a *licencee* or *licence* issued pursuant to this Bylaw; or
 - (c) suspend or revoke any *licence* issued pursuant to this Bylaw.
- (2) The *Director* may:

(72M2021, 2022 January 01)

- (a) convene a hearing to determine whether there are just and reasonable grounds for the refusal of an application, a revocation or a suspension of a *licence*, or for imposing conditions on the *licence* or *licencee*; or
- (b) suspend a *licence* prior to convening a hearing to determine whether there are just and reasonable grounds for the suspension or revocation of a *licence* where, in the sole discretion of the *Director*, the safety, health or welfare of the public may be at risk if the *licence* is not suspended immediately. In the case of such suspension, the date scheduled for a hearing must be within ten days of the suspension.

(72M2021, 2022 January 01)

(3) Where:

- (i) any certificate, authority, licence or other document of qualification under this or any other Bylaw, or under any statute of Canada or the Province of Alberta; or
- (ii) a *licencee*'s membership or affiliation with an *approved association*;

is suspended, cancelled, terminated or surrendered, the *Director* must suspend any *licence* issued under this Bylaw based in whole or in part on the certificate, authority, licence or other document of qualification without convening a hearing.

(72M2021, 2022 January 01)

(4) Upon a *licence* application being refused, a *licence* being revoked or suspended, or conditions being applied to a *licence*, the *Director* must notify the *applicant* or *licencee* of the refusal, revocation, suspension or conditions and the reasons for it:

- (a) by delivering a notice to the *applicant* or *licencee* personally; or
- (b) by mailing a registered letter to the *applicant's* or *licencee's* place of *business* or residence as shown on the *licence* or *licence* application;

and after the delivery of such notice, the *business* or occupation, as the case may be, must not be *carried* on until such time as the period of suspension ends or a new *licence* is issued to replace the *licence* which was revoked or the conditions of the *licence* are complied with.

(72M2021, 2022 January 01)

(5) A suspension of a *licence* issued pursuant to this Bylaw may be:

- (a) for a period of time not exceeding the unexpired term of the *licence*; or
- (b) where the suspension is for non-compliance with a bylaw, until the holder of the suspended *licence* has, in the opinion of the *Director*, complied with that bylaw.

(72M2021, 2022 January 01)

(6) A *licence* may be suspended or revoked for a non-compliance with any bylaw of the City of Calgary notwithstanding that the holder of the *licence* has not been prosecuted for a contravention of that bylaw.

(7) The *Director*, after providing the *applicant* the opportunity for a fair hearing, may refuse to renew a *licence* if the *applicant* or a corporation named in the application has outstanding fines owing to the *City* for an offence under this Bylaw relating to the operation of the same category of *business* for which the renewal is sought.

(72M2021, 2022 January 01)

(8) Where the *Director* has suspended or revoked a *licence* pursuant to this Bylaw, then, unless such suspension or revocation is overturned in the whole by the *Licence and Community Standards Appeal Board*, the *licencee* must pay a reinstatement fee as set out in Schedule "A" as a condition of any reinstatement or renewal of the *licence*, including any reinstatement on the conclusion of a suspension for a fixed term, and prior to receiving a *licence* if the *licencee* applies for a new *licence*.

(72M2021, 2022 January 01)

(9) Fees paid by an *applicant* pursuant to this section are non-refundable.

(10) Where a *licence* is suspended or revoked by the *Director*, pursuant to this Bylaw, the *licencee* must surrender the *licence* to the *Director* immediately.

(72M2021, 2022 January 01)

(11) A *person* must not carry on the *business* of *massage practitioner*, *massage centre* or *massage office* while that *person's* *licence* is suspended.

Appeal

12. (1) The provisions of the Licence and Community Standards Appeal Board Bylaw 50M2011 apply to an appeal of a decision of the *Director* to refuse, suspend or revoke or attach conditions to a *licence*.

(72M2021, 2022 January 01)

(2) Where a *licencee* has given notice of an intention to appeal the revocation, suspension or condition of a *licence*, the *Director* may, in the *Director's* sole discretion, stay the revocation, suspension or condition pending the hearing of the appeal if the continued operation of the *business* does not create a danger to the safety, health or welfare of the public.

(72M2021, 2022 January 01)

(3) All notices of appeal must be accompanied by a notice of appeal deposit in the amount specified in the Licence and Community Standards Appeal Board Bylaw.

Licence Identification

13. (1) A *licence* must be issued by the *City* on a form bearing the identification of the *City* and all *licences* issued pursuant to this Bylaw are and will remain the property of the *City*.

- (2) A *licence* must bear on its face the date on which it is issued and the date on which the *licence* will expire.
- (3) In addition to the *licence* issued pursuant to subsection (1), the *Director* may issue additional identification to a *licencee*.
(72M2021, 2022 January 01)
- (4) A *licencee* who holds a *licence* which applies to a specific *premises* must keep it posted in public view in the *licensed premises*.
- (5) A *licencee* who does not *carry on business* at specific *premises* must carry or have immediately available, the *licence* and must, upon request, immediately produce the *licence* to a *Licence Inspector*, or any *person* with whom they are *carrying on business*.
- (6) A *person* must not alter or deface a *licence*.
(36M2019, 2020 January 01)
- (7) DELETED BY 36M2019, 2020 JANUARY 01.
- (8) A *person* must not be in possession of:
 - (i) DELETED BY 36M2019, 2020 JANUARY 01;
 - (ii) an altered *business licence*; or
 - (iii) a *business licence* that has been defaced.

Transfer of Licences

- 14. (1) A *licence* is not transferable from one *person* to another.
- (2) A *licence* may be transferred from a *person's business premises* to another *business premises* owned or occupied by that *person*. Where a *person* applies to transfer a *licence* to a new *business premises*, the *Director* may require that the new *business premises* be inspected and may consult with any body or agency as set out in subsection 8(1) regarding the new premises.
(36M2019, 2020 January 01)
(72M2021, 2022 January 01)

Corporate Licencees

- 15. (1) For the purposes of this Bylaw,
 - (a) control of a corporation means holding at least 50% of the voting shares issued by that corporation; and
 - (b) a change in control of a corporation means:
 - (i) a change in the ownership of at least 50% of the voting shares issued by that corporation; or

- (ii) a change to at least 50% of the directors of the corporation.
- (2) If there is a change in control of a corporation which holds a *licence* issued pursuant to this Bylaw,
 - (a) the corporate licensee must notify the *Director* of the change of control; and
 - (b) any *licence* issued pursuant to this Bylaw that is held by the corporation is cancelled.

(72M2021, 2022 January 01)

PART II

RESPONSIBILITIES OF LICENCEE

General

- 16. (1) A *licensee* must maintain, on a continuous basis, the standards and requirements necessary to obtain a *licence* or any standards that are imposed by bylaw after the *licence* is issued.
- (2) When the information required to be provided to the *Director* becomes inaccurate, updated and accurate information must be promptly provided by the *licensee* to the *Director*.
- (3) If a *massage practitioner's* membership or affiliation with an *approved association* is suspended, cancelled, terminated or suspended, the *massage practitioner* must promptly inform the *Director*.

(72M2021, 2022 January 01)

(72M2021, 2022 January 01)

Massage Centres

- 17. (1) In this section, "*business operator*" means the *natural person* having care and control of the *premises* at which the *business* is *carried on*.
- (2) The:
 - (i) holder of a *massage centre licence*, and
 - (ii) the *business operator* of the *massage centre*

are responsible for the acts of the *employees* of and persons having an *employment affiliation* with the *licensee* in the *carrying on* of the *business* in the same manner and to the same extent as though the acts were done by the *licensee* or the *business operator*.

Employee Lists

- (3) Every *person carrying on the business of a massage centre* must keep on the premises an accurate and current list of all *persons employed in the massage centre as massage practitioners* with an *employment affiliation* to the *massage centre*, and the record must contain the following information:
 - (a) the true full name of each *employee*; and
 - (b) the *business licence* number as it appears on the *licence* of each *massage practitioner*.

Employment Affiliation

- 18. (1) A *massage practitioner* must maintain an *employment affiliation* with at least one *massage centre, massage office or body rub centre*.
- (2) A *massage practitioner* may have more than one *employment affiliation*.
- (3) A *person who carries on the business of a massage centre* must only enter into an *employment affiliation* with a *licensed massage practitioner*.
- (4) The holder of a *massage office licence* must not have any *employees* other than the *licensee*.
- (5) Notwithstanding subsection (4), if the holder of a *massage office licence* is a corporation, the *massage office* may only employ the *natural person* who controls the corporation.

Advertising

- 19. (1) A *person* must not advertise or arrange for any form of advertising that includes the word *massage* or that suggests to the prospective client that the service of *massage* may be provided, unless *licensed* under this Bylaw, with the exception of a *person* who is exempted from the requirement for a *licence* under section 3(3) of this Bylaw.
- (2) A *licensee* who advertises or causes advertising to be placed, or distributed, respecting the *licensee* or the services offered by the *licensee*, must include in the advertisement, in a readable manner, the valid *business licence* number of each *licensee* referenced in the advertisement.

Location of Work

- 20. (1) A *massage practitioner licensee* who maintains an *employment affiliation* with a *massage centre or body rub centre* may perform *massages* at locations other than the *massage centre or body rub centre*.
- (2) *Massages* must not be performed at a *massage office*.

Restricted Activities

21. (1) A *licencee* under this Bylaw must not permit an *unlicensed person* to perform, contract to perform, or observe a *massage* being conducted.
- (2) Notwithstanding subsection (1), any Provincially licensed school offering a program in *massage* may, as part of that program, allow a registered student to observe and perform a *massage* in the presence of an instructor.

PART III

OFFENCES AND PENALTIES

Offences

22. Any *person* who contravenes any provision of this Bylaw by:
- (a) doing any act or thing which the *person* is prohibited from doing, or
 - (b) failing to do any act or thing the *person* is required to do,
- is guilty of an offence.

Violation Ticket

23. (1) Where a *Licence Inspector* reasonably believes that a *person* has contravened any provision of this Bylaw, the *Licence Inspector* may commence proceedings against the *person* by issuing a violation ticket pursuant to Part 2 of the Provincial Offences Procedure Act, allowing for the voluntary payment in the amount of the specified penalty as provided in this Bylaw in respect of the said offence.
- (2) This section does not prevent any *Licence Inspector* from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedure Act, or from laying an information in lieu of issuing a violation ticket.

Penalties

24. (1) Every *person* who is convicted of an offence pursuant to this Bylaw is subject to one of the following penalties:
- (a) a fine amount of not more than \$10,000.00;
 - (b) imprisonment for not more than 1 year;
 - (c) both (a) and (b).
- (2) The specified penalty on conviction of an offence pursuant to this Bylaw is the fine amount set out in Schedule "B" in respect of the offence.
- (3) The minimum penalty on conviction of an offence pursuant to this Bylaw is the fine amount set out in Schedule "B" in respect of the offence.

- (4) Despite subsection (2) and subsection (3), a *person* who is convicted for a second offence of the same provision within a 12 month period is liable on conviction:
 - (a) for twice the fine amount of the specified penalty set out in Schedule “B”;
or
 - (b) for twice the fine amount of the minimum penalty set out in Schedule “B”.
- (5) Despite subsection (2) and subsection (3), a *person* who is convicted for a third offence of the same provision within a 12 month period is liable on conviction:
 - (a) for three times the fine amount of the specified penalty set out in Schedule “B”;
 - (b) for three times the fine amount of the minimum penalty set out in Schedule “B”.
- (6) On conviction of an offence that is of a continuing nature, the penalty is the fine amount set out in Schedule “B” of this Bylaw in respect of the offence for each day, or part of a day, that the offence continues.

PART IV
MISCELLANEOUS

Consequential Amendments

25. (1) Section 3 of Bylaw 71M2011 is deleted.
- (2) Section 3 of Bylaw 72M2011 is deleted.

Repeal

26. (1) Bylaw 51M97, the Massage Licence Bylaw, is repealed.
- (2) Notwithstanding subsection (1), any *licence* issued pursuant to Bylaw 51M97 is deemed to be a *licence* issued pursuant to this Bylaw and remains in effect until the date of expiry printed on the *licence*.

Commencement of Bylaw

27. This Bylaw comes into force on January 1st, 2013.

READ A FIRST TIME THIS 17TH DAY OF DECEMBER, 2012.

READ A SECOND TIME THIS 17TH DAY OF DECEMBER, 2012.

READ A THIRD TIME THIS 17TH DAY OF DECEMBER, 2012.

(Sgd.) N. Nenshi
MAYOR

(Sgd.) S. Gray
CITY CLERK

SCHEDULE “A”

Licence Fees

<u>Business</u>	<u>Consultation or Approval</u>	<u>New Application Fee</u>				<u>Renewal Fee</u>			
		<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>
Massage Centre	Fire Planning Police	\$172	\$172	\$172	\$172	\$131	\$131	\$131	\$131
Massage Office	Planning Police	\$172	\$172	\$172	\$172	\$131	\$131	\$131	\$131
Massage Practitioner	Police	\$172	\$172	\$172	\$172	\$131	\$131	\$131	\$131

(56M2014, 2015 January 01)
(43M2016, 2017 January 01)
(51M2018, 2019 January 01)
(36M2019, 2020 January 01)
(40M2022, 2023 January 01)

Other Fees

<u>Section Number</u>	<u>Other Fees</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>
11(8)	Reinstatement Fee	\$1,364	\$1,364	\$1,364	\$1,364
11(8)	Reinstatement Fee if licence was suspended or revoked pursuant to subsection 11(3)	\$410	\$410	\$410	\$410

(56M2014, 2015 January 01)
(43M2016, 2017 January 01)
(51M2018, 2019 January 01)
(36M2019, 2020 January 01)
(40M2022, 2023 January 01)

SCHEDULE "B"**Minimum and Specified Penalties**

<u>Section</u>	<u>Offence</u>	<u>Minimum Penalty</u>	<u>Specified Penalty</u>
3(1)	<i>Carry on business without a licence</i>	\$300.00	\$1000.00
3(2)	Contravene condition of a <i>licence</i>	\$300.00	\$2000.00
4(3)	Provide false or misleading information	\$300.00	\$1000.00
9(2)(a)	Fail to permit and assist in inspection	\$300.00	\$1000.00
9(2)(b)	Fail to furnish identification, information or documentation	\$300.00	\$1000.00
9(2)(c)	Provide false or misleading information	\$300.00	\$1000.00
9(3)	Prevent, obstruct or hinder a <i>Licence Inspector</i>	\$300.00	\$1000.00
9(5)	Allow false or misleading information to appear on any record	\$300.00	\$1000.00
11(11)	<i>Carry on business while licence suspended</i>	\$300.00	\$1000.00
13(4)	Fail to post <i>licence</i> in public view	\$300.00	\$300.00
13(5)	Fail to produce <i>licence</i>	\$300.00	\$300.00
13(6)	Alter or deface a <i>licence</i>	\$300.00	\$300.00
13(8)	Possess altered or defaced <i>licence</i>	\$300.00	\$300.00
15(2)(a)	Fail to notify of change of control	\$300.00	\$1000.00
16(1)	Fail to maintain standards and requirements	\$300.00	\$1000.00
16(2)	Fail to promptly update information	\$300.00	\$1000.00
16(3)	Fail to notify of membership suspension or cancellation	\$300.00	\$1000.00
17(3)	Fail to keep <i>employee</i> list	\$300.00	\$1000.00
18(1)	Fail to maintain <i>employment affiliation</i>	\$300.00	\$1000.00
18(3)	Enter into <i>employment affiliation</i> with unlicensed <i>person</i>	\$300.00	\$1000.00
18(4)	<i>Massage office</i> with more than one employee	\$300.00	\$1000.00
19(1)	Advertise <i>massage</i> service without <i>licence</i>	\$300.00	\$1000.00
19(2)	Fail to include <i>licence</i> number in advertisement	\$300.00	\$1000.00
20(2)	Perform <i>massage</i> at a <i>massage</i> office	\$300.00	\$1000.00
21(1)	Permit unlicensed <i>person</i> to perform or observe a <i>massage</i>	\$300.00	\$1000.00

(36M2019, 2020 January 01)