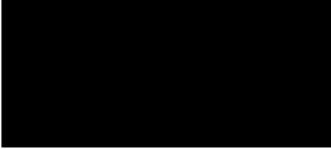


October 24, 2019



Dear :

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [JPS/106/2019]

On September 25, 2019, the Department of Justice and Public Safety (JPS) received your request for access to the following records:

“Any emails sent by the minister (or his staff) to St. John’s City Council (or staff), or to RNC Chief (or vice versa) regarding sex work, prostitution, trafficking, adult massage parlours, or mentioning Hush/Red Room/Studio Aura. Time period January 2019 to date of request.”

Please be advised that a decision has been made by the Deputy Minister of JPS to provide access to the requested information, which is enclosed. Specifically, a letter from the City of St. John’s which JPS received after your request was submitted.

You may ask the Information and Privacy Commissioner to review the processing of your access request as set out in section 42 of the **Access to Information and Protection of Privacy Act, 2016** (the Act) (a copy of this section has been enclosed for your reference). A request to the Commissioner must be made in writing not later than 15 business days of the date of this letter or a longer period that may be allowed by the Commissioner.

The appeal may be addressed to the Information and Privacy Commissioner as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL. A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you.

It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any questions please contact me by telephone at 709-729-7128, or by email at sonjaelgohary@gov.nl.ca.

Sincerely,

A handwritten signature in black ink that reads "Sonja El-Gohary". The signature is written in a cursive style with a large initial "S" and a long, sweeping underline.

Sonja El-Gohary
ATIPP Coordinator

Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21 ;

(b) a decision respecting an extension of time under section 23 ;

(c) a variation of a procedure under section 24 ; or

(d) an estimate of costs or a decision not to waive a cost under section 26 .

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42 , the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45 (2).

El-Gohary, Sonja

From: Parsons, Andrew
Sent: Tuesday, October 8, 2019 4:02 PM
To: Kieley, Nicole; Mercer, Jennifer; Stewart, Rhonda; Wright, Kendra; Nesbitt, Megan; MacDonald Newhook, Chantelle; Blundon, Chad
Subject: Fwd: Letter to Minister Gambin-Walsh re Massage Parlours
Attachments: Service NL Minister - Massage Parlour regs request Oct 8 2019.pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: Janet Adams <jadams@stjohns.ca>
Date: October 8, 2019 at 3:19:56 PM NDT
To: "Pitcher, Madonna" <MadonnaPitcher@gov.nl.ca>
Cc: "andrewparsons@gov.nl.ca" <andrewparsons@gov.nl.ca>, Joe Boland <joeboland@rnc.gov.nl.ca>, Paula Lanphear <PaulaLanphear@rnc.gov.nl.ca>, CouncilGroup <councilgroup@stjohns.ca>, "carolannehaley@gov.nl.ca" <carolannehaley@gov.nl.ca>, "Cheryl L. Mullett" <cmullett@stjohns.ca>
Subject: Letter to Minister Gambin-Walsh re Massage Parlours

Please see attached letter from Mayor Danny Breen re Massage Parlours. Could you please confirm receipt.

Regards,
Janet Adams
Executive Assistant

Disclaimer: This email may contain confidential and/or privileged information intended only for the individual(s) addressed in the message. If you are not the intended recipient, any other distribution, copying, or disclosure is strictly prohibited. If you have received this email in error, please notify me immediately by return email and delete the original message.

October 8, 2019

Honourable Sherry Gambin-Walsh
Minister, Service NL
Confederation Building
PO Box 8700
St. John's, NL A1B 4J6

Dear Madam Minister:

Re: Regulations for Operation of Relaxation Massage Parlours

In response to many complaints from residents, in 2015 the City of St. John's placed a moratorium on acceptance of new applications for massage parlours in the City of St. John's. This moratorium was intended to be a temporary measure while the City developed new zoning regulations around the location of these types of operations. New zoning regulations have now been approved by Council and notice has been given by Council that the new regulations will be enacted as soon as possible. Upon the enactment of the amendments to the Development Regulations the moratorium will be lifted. We anticipate that this will occur in approximately three months.

The City's powers in terms of regulating businesses are both restricted by, and set out in, the City of St. John's Act and the Urban and Rural Planning Act, 2000. The City can regulate zoning, it can regulate the size and scale of structures, and it can regulate with respect to the construction and maintenance of physical structures. For example, in addition to the Development Regulations it has by-laws which address both commercial and residential property maintenance standards and it has adopted the National Building Code, the Life Safety Code and the National Fire Code.

However, the City cannot regulate employment standards, professional standards or educational standards for persons working in the City (other than for its own employees). Furthermore, the City has no jurisdiction with respect to public health or safety (other than as it relates to building standards). In the time since the moratorium was first introduced, RNC Chief Joe Boland and I have had several discussions and meetings with community and Government representatives including Minister for the Status of Women, Carol Ann Haley. It is our goal to ensure that once the moratorium is lifted, that the Government will have new regulations in place on the operations of these types of businesses to ensure that employees have access to safe and reasonable working conditions.

We believe the Province can license massage parlours, as it currently licenses businesses such as food service establishments, vehicle inspection centres and lounges. The Province has legislative authority over public health, occupational health and safety, and labour standards.

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ST. JOHN'S

It is our request that after broad consultation with the community, that the government enact regulations on the operations of massage parlours in the City of St. John's and throughout the Province of Newfoundland & Labrador.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Danny Breen'.

Danny Breen
Mayor

cc: Honourable Andrew Parsons, Minister of Justice and Public Safety
Honourable Carol Anne Haley, Minister for the Status of Women
Chief Joe Boland, Royal Newfoundland Constabulary
Members of St. John's City Council

ST. JOHN'S