

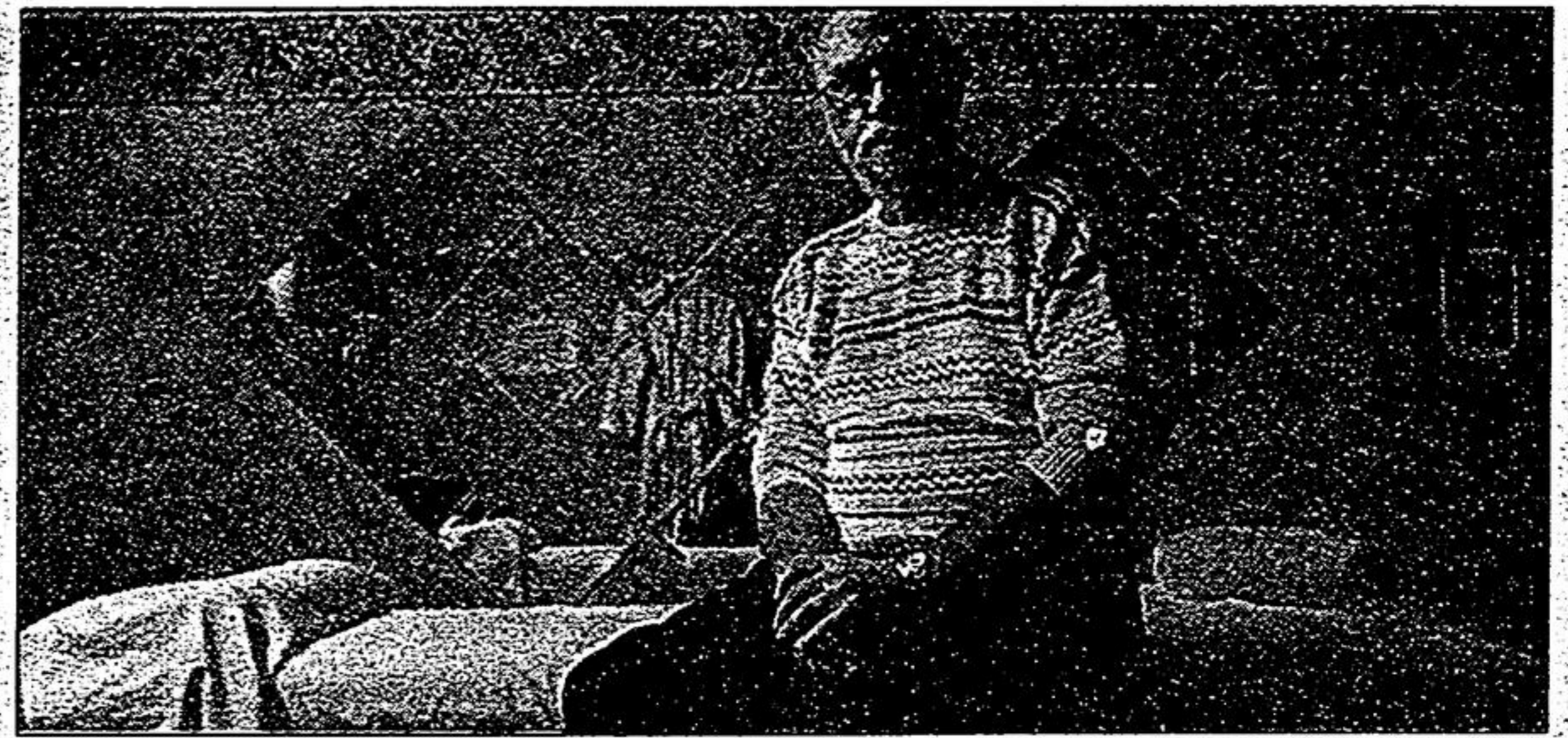
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Owner Pierre Penninkhof at Healing Hands studio says a Markham bylaw is aimed at ridding the town of body rub parlours like his. He also owns Executive Spa in Markham.



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'It depends on your definition of sex'

From page 1.

the courts, but did say the goal of the bylaw is not necessarily to close body rubs.

"We just want them to conform and operate within the parameters of the bylaw," she said.

Markham has had a body rub bylaw since 1988 when there were more than 60 body rubs in the town. The current bylaw allows for 12 licenced establishments to operate.

Last June, an Ontario Superior Court judge struck down sections of a Brampton bylaw prohibiting nudity and sex acts inside body rub parlours, ruling legislating morality and criminal law is beyond municipal powers.

A regulation limiting the hours of operation was also eliminated because the judge ruled it unfairly discriminatory.

Attendants at Healing Hands and Executive Spa have been charged with bylaw infractions during the past year for various incidents including perform-

ing massage in the nude, Mr. Penninkhof admitted.

Hearings on the infractions are still pending.

The town has also refused to renew the licence for both establishments and Mr. Penninkhof is appealing that ruling.

Ms. Birrell would not comment specifically on Mr. Penninkhof's licences except to say, "we wouldn't refuse a licence for no reason."

However, Mr. Penninkhof claims the issues have more to do with the restrictive nature of the bylaw than what is going on between consenting employees and paying customers.

"Like I said, it is adult entertainment. Is there sex going on inside? It depends on your definition of sex. I can tell you there's no intercourse and no (fellatio)," he said.

FRONTS FOR PROSTITUTION

But York Regional Police maintain body rub parlours are often fronts for prostitution.

Drugs and vice officers helped conduct 183 investigations into body rubs in Markham, Richmond Hill and Vaughan last year and, as a result, 421 people were arrested and charged with a total of 719 criminal code and bylaw offences.

Hundreds of condoms and prostitution-related evidence was also uncovered.

Investigations will increase this year, police say.

Mr. Tonello said he is still awaiting documents from the town in response to legal papers it has been served. He expects a hearing will be held within the three months.

In the meantime, he has applied for an injunction which would prevent the town from enforcing the 14 sections of the bylaw included in the suit until the case is heard.

That motion should be heard within the next few weeks, he said.

Mr. Penninkhof challenged the Markham bylaw in Provincial Offences Court in 2004, but was unsuccessful in having the sections overturned.

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