

White Paper

City of Vancouver Medical Marijuana Bylaw Requirement for the Installation of Security Bars

Prepared by:

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Introduction

Section 12.2 of the City of Vancouver Medical Marijuana Retail Dealer Bylaws specifies that:

(26) No person shall install security bars that are located within one meter of the front windows of the business premises of a Compassion Club (or a retail dealer).

This requirement, along with the requirement prohibiting window coverings (Section 12.2-24) and roll-down shutters (Section 12.2-27) is an attempt to ensure that all medical cannabis dispensaries are an open and transparent place to do business. A clear field of view through the windows makes it very hard to hide the presence of minors and it also ensures that that there is no ability to conceal transactions.

This White Paper calls into question the requirement for the one-meter set back for security bars as this bylaw negatively impacts a dispensary's ability to protect against break and enters through the storefront windows. This White Paper will attempt to show that this section of the bylaws should be changed to allow for the bars to be mounted up against the dispensary storefront windows.

As an aside it is interesting to note that only medical cannabis dispensaries are required to meet the one-meter setback for the security bars. All other businesses in the City of Vancouver (including pharmacies which dispense narcotics) are exempt from this bylaw.

Background

Retail shops (or dispensaries) with high value goods are often the target of thieves who break and enter with an intent to steal product or cash that may be on site. This is very true for medical marijuana dispensaries as many dispensaries have been broken into.

One of the standards of the security industry is the Deter/Detect/Delay/Respond model.

- Deterrence is often achieved through target hardening. This is usually accomplished with security bars (or roll-down shutters) and signage indicating a monitored intrusion alarm system and CCTV on site.
- Detection is achieved by the use of an intrusion alarm system to alert the monitoring station of the intrusion onto the property so that they can dispatch security guards and/or the police. The intrusion alarm system is sometimes interfaced with the CCTV system so that the monitoring station can visually determine what has caused the activation of the intrusion alarm system.
- Delay is usually accomplished through various physical security measures. Either bars or roll-down shutters are the most commonly used methods.
- Respond is the attendance to the site by the security guard and/or the police.

The one-meter set-back for window bars under current bylaw negates the ability of the bars to effectively delay criminals as the set back will typically prove to be problematic for the installation of security bars. When the bars are set back one meter, they will be usually be ineffective due to the fact that they can be climbed over, or they can be easily pushed over.

Another issue with the one-meter set-back for the bars is that it will affect the layout of the reception area. Given that most dispensaries are typically <1000 ft.² (30 m²), space is at a premium and the requirement to set the security bars back makes it difficult to properly create a true reception area. If the dispensary entrance door is in an alcove, then the security bars are moved even further back into the reception area.

To be truly effective security bars must be anchored to prevent them from being climbed over or pushed over. Typically, this is done with a track across the top of the bars, but this doesn't work in most dispensaries as ceilings are often more than 8 feet tall and there is usually mechanical duct-work, light fixtures and plumbing lines near the ceiling. This means that the bars cannot be installed up to the ceiling and as a result the criminals can easily climb over the bars.

When the security bars are set back one meter, they don't make an effective barrier to delay criminals and most dispensaries will elect not to install the bars.

Possible Solutions

Status Quo

With the current bylaw, maintaining the “status quo” (no bars at window) will likely mean that most dispensaries will elect to not install security bars with the one-meter set-back, as they would be ineffective and a waste of money. This lack of security bars means that the dispensaries have no mechanism to delay intruders.

Install Security Film

Security film can be a very effective barrier. The typical installed cost is ~\$15 per square foot and with a 30-foot-wide x 8-foot-high storefront, the installed cost would be ~\$3600. However, the problem with security film is that once a window is broken, new film must be reapplied to the replacement window and this is a cost that would be incurred again by the shop.

Installing Security Bars Against the Window

Retractable scissor style bars installed against the window (secured at the top) typically cost ~\$125 per lineal foot. A 30-foot-wide storefront would cost ~\$3750 (more or less equal to the cost of the window film). These bars would be retracted and placed out of the way during the day while the shop is open and then put back into place at closing.

The ability to effectively anchor the security bars means that the criminals must first break into the dispensary and then take the time to defeat the bars (meanwhile the intrusion alarm system has been activated). While it is always true that a determined opponent will be able to defeat any given physical security measure, properly anchored bars will delay the criminal from quickly gaining access to the premises and will provide more time for security and/or police to respond to the intrusion alarm.

Recommendation

It is my recommendation that the City of Vancouver amend the bylaw to allow for scissor style bars to be installed up against the dispensary windows and across the entrance door. These bars will be retractable (not fixed in place) and must moved out of the way during business hours, allowing for a clear field of view. The bars would only be put back into place and secured outside of regular business hours.

This change to the bylaw would accomplish the following goals:

1. It will comply with the City's desire to have the dispensaries be seen as an open and transparent place to do business. Security bars (not roll-down shutters) will still provide a means of visually assessing what is going on in the dispensaries after hours.
2. It will provide an effective deterrent to criminal activity as the security bars installed against the window will properly delay somebody trying to break into the dispensaries.
3. It will provide dispensaries a more effective security barrier which would help make them more secure and less likely to be a target for criminal activity.

Respectfully submitted by:

Frank Wilson



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From: Karen Fruitman
Sent: Tuesday, June 26, 2018 11:30 AM
To: Public Hearing
Subject: Submissions regarding Appendix B: Draft By-law to amend License By-Law No 4450 Regarding a New Retail Use – Cannabis Retail

We would like to submit a comment regarding Appendix B: Draft By-law to amend License By-Law No 4450 Regarding a New Retail Use – Cannabis Retail. Specifically number 4 regarding section 24.5.

We note that in the staff report, it was acknowledged that the Licence By-Law includes a number of restrictions on MMRUs which are likely unnecessary as control of licensees would now be a Provincial responsibility. It was recommended that those restrictions not be reviewed until one year post legalization.

With specific reference to section 24.5, it was recommended that Council replace "Retail Dealer – Medical Marijuana-Related" with "Retail Dealer – Cannabis" and "marijuana" with "cannabis". Although it was proposed to strike out subsections (23) and (24), all other restrictions then would remain including 24.5(3) that no corporation shall carry on the business of Retail Dealer –Cannabis, except a Society.

Pursuant to the Cannabis Control and Licensing Act, a licence can be issued by the Province to an individual, partnership, corporation or indigenous nation. In our submission, it is not reasonable that the City of Vancouver adopt a model to licence retail dealers of cannabis post-legalization that would continue to prevent corporations, other than societies, from carrying on this business. A Bylaw restricting a retail dealer to an individual or Society is overly restrictive when the Province will permit Corporations, individuals or Societies to obtain a provincial licence.

Thank you for your consideration.

Karen L. Fruitman
Lawyer

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Karen provides legal services through Steven Fruitman Law Corporation

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