



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: April 26, 2005
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CC File No.: 3701
Meeting Date: June 28, 2005

TO: Vancouver City Council

FROM: Chief Building Official and Assistant Director, Licencing and Inspections in consultation with the Vancouver Police Department, Vancouver Fire & Rescue and Legal Services

SUBJECT: Grow Busters Program

RECOMMENDATION

- A. THAT the Grow Busters Program be approved as an ongoing program as described in this report.
- B. THAT the following temporary staff positions be converted to regular full-time (the classifications of which will be subject to review by Human Resources):
 - District Electrical Inspectors (3)
 - District Building Inspector
 - District Plumbing/Gas Inspector
 - District Property Use Inspector
 - Fire Prevention Officer
 - Clerk III.
- C. THAT Council approve a Grow Busters Program Operating Budget estimated to be \$622,200 for fiscal 2006 to be fully offset by related permit revenues and penalties generated by the program. Salary and fringe benefits are estimated at \$535,400 (\$455,500 - CSG, \$79,900 - Fire Department) and program costs estimated at \$86,800 (Truck, Supplies, Health and Safety Equipment, Auto Allowance, Travel and Training).
- D. THAT Council authorize the Director of Legal Services and Assistant Director, Licencing and Inspections to prepare and bring forward a report on a by-law to

restrict or prohibit businesses from selling equipment, including electrical equipment and venting materials, chemicals and fertilizers, supplies and/or merchandise which is designed, intended to be used or capable of being used for the purpose of setting up and maintaining a marijuana grow operation.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

COUNCIL POLICY

All changes in level of service are to be reported to Council.

Council on January 17, 1991 resolved:

THAT every Department/Board review services for which fees are now charged to ensure that fees are recovering the full cost of services to the City, or are equivalent to competitive charges where the fee is of a market nature, rather than for cost recovery.

SUMMARY

Illegal marijuana grow operations pose a significant hazard to life and fire safety and have a detrimental impact on neighbourhoods. A recent study by the University College of the Fraser Valley revealed that a grow-op house is 24 times more likely to catch fire than a normal home. These fires also cause more devastation with the average fire resulting in twice as much damage as a normal house fire. Another serious life safety concern is the venting of furnaces and hot water tanks to produce CO₂ gas (with CO gas a natural bi-product) into the dwellings. The Vancouver Fire Department advise of an incident where a family of 5 were taken to hospital with gas inhalation due to the furnace having been tampered with because of a previous grow operation in the house they were renting.

Over the past 4.5 years, the Grow Busters program has closed 2,135 illegal grow operations. Only 4% of the buildings that were closed have been used again as a grow-op. The Coordinated Grow Busters team response rate to complaints is the highest in the province. The costs of the program (with the exception of Police services) are fully recoverable from permit fees and penalties added to the tax roll.

The Vancouver Police note that since its inception in 2000, the coordinated Grow Busters program has been extremely successful in its mandate of the interdiction of marijuana grow operations and the Program's contribution to the safety of the community at large. The Grow Busters model has set the bar for other cities to follow. The enforcement team, supported by the by-laws and inspections, have had a positive impact on reducing the number of grow operations in the City. Last year reported grows were down by 100, while there was a noted increase within the GVRD.

The University College of the Fraser Valley compared the responses of all police agencies in relation to marijuana grow operations. The Grow Busters program is praised for its innovative response to both the criminality and the community safety issues surrounding this activity.

The program has been recognized nationally for its success.

Fire Services report that they attended ten (10) grow op related fires in 2004 and twenty-four (24) grow op fires in 2003. They confirm that grow ops pose a serious risk to occupants of the building as well as a greater unknown risk to firefighters that attend.

Establishment of a by-law to restrict or prohibit the sale of equipment, wiring, fertilizers, supplies and merchandise directly related to a grow operation may provide another mechanism for the City to curb the proliferation of these unsafe operations. This proposed by-law will not prohibit or restrict the sale of merchandise in legitimate garden supply stores and/or hydroponic stores, rather, it will target a particular market that assembles and supplies equipment specifically for grow operations in unapproved facilities.

Establishment of the program on a permanent basis will confirm the City's commitment to provide safer communities, address the administrative issues of having temporary staff appointments, provide dedicated resources to promptly investigate and respond to every complaint and deter establishment of new grow ops.

PURPOSE

This report reviews the success of the Grow Busters program to date and recommends that the program be approved on a permanent basis.

BACKGROUND

The Grow Busters program started as a pilot project in the summer of 2000 in response to neighbourhood and police concerns for the safety of residents living adjacent to a grow op.

In September of 2002, City Council approved the continuation of the Grow Busters program for an additional three years to September 1, 2005.

The Grow Busters team is comprised of staff from Police, Community Services (inspectors and administration staff), Fire and BC Hydro. Council's approval included the establishment of (7) temporary full time positions in the Community Services Group and one (1) temporary full time position in Fire Services. The Vancouver Police have made a significant contribution to the program by providing 8 officers from within their existing resources.

This model of enforcement is unique and extremely effective. Police agencies both locally and nationally are reviewing our program. A similar program has been successful in the Province of Ontario with recognition and thanks being extended to Vancouver for our support. The Ottawa and Calgary Police Services have both adopted similar responses after reviewing the Grow Busters program. More recently, we have received calls from both Port Moody and Richmond interested in the program.

DISCUSSION

The primary objective of our Grow Busters program is public safety. Grow-op buildings are not only at a greater risk of electric shock and fire, they are targets for raids and are

linked to organized crime. It has been reported that nearly 47 percent of all growers have a previous criminal record. They also pose a health risk to the occupants and it has been reported that children are found in one-fifth of grow ops.

Vancouver Police report that since 2001, there have been 91 violent incidents related to home invasions and 116 break and enters in Marijuana Grow Operations in Vancouver. Of these incidents, 35.2% had firearms, and 61.5% had other offensive weapons.

Through the Grow Busters program, grow-op buildings are effectively shut down and may not be re-occupied until all relevant trade inspections have been carried out, permits issued and repairs made safe. In the cases of "repeat" grow-ops, the owner is required to meet with City Staff, warning notices are filed on Title in the Land Titles Office, and strict restrictions are imposed in order to obtain permission to re-occupy.

The grow-op phenomenon has greatly increased across the province and across the country. Many other cities and municipalities have responded by developing similar programs to that already established in Vancouver. Vancouver has established a leadership role in the creation of its coordinated program. Staff have provided program details (policies, procedures and by-laws) and have been asked to speak about the coordinated enforcement approach locally and nationally.

VPD believe that there has been a modest decline in the number of grow ops in Vancouver that can be attributed to the strength of our program. However, in the foreseeable future, there will continue to be a significant number of grow ops in operation and the need for a sustained program to address this ongoing problem has been identified.

Since the advent of the grow op issue, there has been a marked increase in the number of businesses (hydroponic/garden stores) that sell items such as venting materials, ballasts, timing boards, soil and instruction materials etc, and who are perpetuating the grow op industry in direct conflict with our program. There is believed to be approximately 30 businesses operating in Vancouver. They are also profiting handsomely from this unsafe activity.

There have been complaints from community residents about the existence of these businesses and their purpose of supplying and setting up of grow ops. Vancouver Police and City staff have inspected a number of these businesses and have discovered that some of them not only retail the merchandise and equipment, but also assemble the timing boards, ballasts and unapproved electrical equipment used to operate the grow ops.

Staff believe that the establishment of a by-law to restrict or prohibit in some manner the sale of those products that are related to the operation of a grow op will substantially reduce the number of these businesses. This by-law will not prohibit or restrict the sale of hydroponics or legitimate garden supplies, rather it will target a particular market that is enabling the setting up of grow ops in unapproved and unsafe facilities.

Staff reviewed the current temporary status of this program and advise that approval of the Grow Busters program on a permanent basis will:

1. confirm the City's commitment to provide safer communities by eradicating illegal grow ops in Vancouver;

2. serve as a deterrent to those contemplating setting up of grow ops in the future;
3. enable the development of a longer term strategic approach to address other components in the cycle of a grow operation such as the initial supplier (hydroponic stores);

It was further noted that:

4. This program has already been renewed twice and the ongoing temporary nature of the staff appointments are difficult to administer within the Collective Agreement;
5. The Grow Busters program (excluding Police Services) is cost recovered and does not require offsetting funds.
6. Should the staff demand be reduced over time, the positions will be dealt with by attrition and reassignment.

FINANCIAL IMPLICATIONS

Approval of the Grow Busters program on an ongoing basis will cost an estimated \$622,200 annually. These costs are based on current staffing levels for fiscal 2006, and include the cost of the truck, supplies and services, auto allowance and travel and training.

Estimated revenues from permit fees and penalties for 2006 are approximately \$640,000.

Appendix A attached outlines the estimated program costs and offsetting revenues for 2006.

PERSONNEL IMPLICATIONS

At present there are 7 temporary full time positions in Community Services Group and 1 temporary full time position in Fire Services. According to the Collective Agreement, when the program was extended in 2002, the staff in these positions acquired regular full time status and are afforded bumping and/or layoff rights.

CONCLUSION

The Grow Busters program model is one of innovation, co-ordination, consistency and co-operation. It is all encompassing in that it addresses community concerns, halts illegal activities, relieves unsafe conditions, facilitates repairs of residential stock and achieves compliance with all related by-laws. It has been used as a model for similar programs in other jurisdictions. The high rate of response to complaints, loss of the product and monies found on site, and resulting costs of inspections, permits and repairs are also believed to be a deterrent to setting up of new grow ops in the City. There are offsetting revenues in place for ongoing maintenance of the program. It is therefore recommended that the Grow Busters program be approved on a permanent basis.

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APPENDIX A

ESTIMATED ANNUAL COSTS FOR FISCAL 2006

STAFF (salary and benefits)

i) Community Services Group:

- District Electrical Inspectors (3)	\$ 206,500
- District Building Inspector (1)	\$ 69,000
- District Plumbing/Gas Inspector (1)	\$ 69,000
- District Property Use Inspector (1)	\$ 63,500
- Clerk III (1)	\$ 47,500

ii) Fire Services:

- Fire Prevention Officer (1)	\$ 79,900
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TOTAL SALARY ESTIMATES **\$ 535,400***

* this does not include the salary costs of the Police Officers assigned to the team.

PROGRAM COSTS:

OPERATIONAL/EQUIPMENT

- Truck	\$ 20,000
- Supplies (clothing/ safety equipment)	\$ 20,000

OTHER COSTS

- Services (cell phones @ 70 per mo. per inspector)	\$ 5,040
- Auto allowance (\$5,280 per yr. per inspector)	\$ 31,680
- Travel & training	\$ 10,000

TOTAL PROGRAM COSTS **\$ 86,720**

TOTAL ESTIMATED ANNUAL COSTS **\$ 622,120**

PROJECTED ANNUAL REVENUE

Projected revenue is based on an anticipated 17 closures per month.

Special Inspection Permit Fee @ \$877.50	\$ 179,010
Repair Permit Fees @ approx \$400.00	\$ 81,600
Re-Occupancy & Licensing Permits @ \$159.00	\$ 32,436
Penalties levied against tax roll @ \$1700.00	\$ 346,800

TOTAL PROJECTED REVENUE **\$ 639,846**