

June 10, 2015

Mayor Gregor Robertson and Councillors
Vancouver City Council
City of Vancouver
453 West 12th Avenue
Vancouver, British Columbia
V5Y 1V4



SUBJECT: Regulation of Retail Dealers – Medical Marijuana-Related Uses

CHAIR:

Peter Raptis
The Refinery / SIP Resto-Lounge

Mayor and Council,

VICE CHAIR:

Anna Lilly
Fleishman-Hillard

The purpose of this letter is to communicate our Board of Directors' unanimous position on the City of Vancouver's proposal to regulate retail dealers who sell marijuana.

SECRETARY-TREASURER:

Bill Stanbury
The Bay

It is our understanding that the retail marijuana dealers currently operating within the city have no business license; have not complied with any of the City by-laws; did not follow procedures in applying for and securing the necessary building and occupancy permits; were not duly inspected for compliance of the same; and, are openly breaking federal laws in how they obtain their supply of marijuana, and how and who they sell or distribute it to.

IMMEDIATE PAST CHAIR:

Peter Jackman
Terminal City Club

As you are aware, we represent over 8,000 businesses within our 90-block district. In the process of formulating this position we consulted two of our committees comprised of a broad cross-section of members and we also liaised with other business groups in the city. The most frequent comment we heard was the blatant double standard at play here. Legitimate and licensed businesses, especially those in the food and beverage industry, are subject to regular scrutiny, enforcement that includes fines, suspension and revocation of business licenses. The retail marijuana dealers have clearly contravened municipal, provincial and federal laws with impunity.

DIRECTORS:

Lesley Diana
Wolford

Kim Ficocelli
Cadillac Fairview

Michael Lee
Lawson Lundell LLP

Richard Lui
Polaris Realty

Rose Ma
Block 81 Holdings Ltd

Gary Pooni
Brook Pooni Associates

Dani Pretto
Vanterre Projects Corp

Caroline Ternes
Starbucks Coffee Company

Jon Wellman
Bentall Kennedy

With this as a background, we have decided to comment on the City's proposed regulatory framework only when the Federal Government changes the law to permit retail businesses to purchase legal supplies of marijuana and to sell or distribute to persons who are legally permitted to possess it. We are of the opinion that the Federal Government must amend the laws first before the city can regulate what is at present illegal everywhere in the country.

Recognizing that the City may still consider imposition of a regulatory framework, we wish to highlight the following:

- 1. As a matter of principle, no business license should be issued to a business that operates contrary to provincial or federal law.**

The Vancouver Charter, Section 273 (1) (b) allows City Council to create a by-law that establishes terms and conditions of a business

PRESIDENT AND CEO:

Charles Gauthier
Downtown Vancouver BIA

license. City of Vancouver License Bylaw 4450, section 4, sub-section 8 fulfills that power and states:

“Every license holder must comply with all federal and provincial law and the issuance by the City of a license is not a representation of any kind that a business is compliant with any federal, provincial or other laws, including by-laws.”

From our perspective, the City’s proposal to create a license category whereby a holder cannot even begin to comply with current federal drug laws and is thereby engaged in an illegal act, does not make any sense. The City is fully aware that these are illegal operations and that they would be enabling these businesses in breaking the law.

2. No regulatory framework should be imposed without proper analysis of resources that will be needed for enforcement.

We are concerned that the limited and valuable resources of the City, the Vancouver Police Department and other agencies will be expended to regulate and enforce against businesses engaged in illegal products and activities.

It is our opinion that a proper and detailed analysis has not been undertaken, but instead a \$30,000 annual business license fee is being proposed. In the Policy Report—Health dated April 21, 2015 submitted to Vancouver City Council for review, the fee of \$30,000 was proposed and justified as follows:

“Revenues will contribute to cost recovery for the additional time spent by Property Use Inspectors, Licensing staff, development staff review, Police, Fire Inspectors and Communications Coordinators in regulating this sector.” (page 12, Policy Report—Health, Vancouver City Council, April 21, 2015.)

Our interpretation of the above statement is that the taxpayer, not the retail marijuana dealers, will bear the majority of the costs that are unknown at this time.

3. No licensing scheme should be imposed which is discriminatory to any one category of business.

Retail marijuana dealers have expressed concerns about the \$30,000 annual business license fee and it is highly likely that this will be challenged. From our perspective, this exorbitant fee establishes a worrisome precedent that could be applied to other business license categories.

In summary, retail marijuana dealers are clearly breaking the law. The City’s own License By-Law states that license holders must comply with federal laws, as well as other statutes, so granting licenses to these dealers puts the City off-side. The Vancouver taxpayers deserve a proper analysis of resources required to regulate and

enforce these dealers. The \$30,000 license fee is likely to be challenged because it is discriminatory and taxpayers will likely be footing the bill to regulate illegal businesses.

In closing, we ask that Vancouver City Council and the Vancouver Police Department take steps to **close all unlicensed businesses** that are engaged in the sale of any and all marijuana products.

Sincerely,

DOWNTOWN VANCOUVER BUSINESS IMPROVEMENT ASSOCIATION

s.22(1) Personal and Confidential



s.22(1)
Personal
and
Peter Raptis
Chair

Charles Gauthier, MCP
President and CEO

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Wednesday, June 10, 2015 2:13 PM
To: Public Hearing
Subject: FW: June 10th meeting/marijuana dispensaries

-----Original Message-----

From: Kristian Olsen s.22(1) Personal and Confidential
Sent: Wednesday, June 10, 2015 2:02 PM
To: Correspondence Group, City Clerk's Office
Subject: June 10th meeting/marijuana dispensaries

Dear Mayor and Council:

I am a resident at 518 Beatty street, where I have lived for eight years. I am writing in regards to the marijuana dispensary that recently moved into the ground floor. Let it be known that I support the legalization of marijuana in Canada. But the last time I checked, weed was still illegal here.

Yet the city has granted permission for a business to sell illegal drugs in my building. Two weeks ago, there were several marijuana dispensaries raided by armed gang members across Vancouver. This is because, as you well know, illegal drugs have a black market street value. Dispensaries will continue to be targeted for as long as weed remains illegal. Therefore the city is directly responsible for putting the residents of our building at risk.

My wife and I recently had a baby. Now my three month old daughter lives in a building that is at risk for armed robbery because it has a marijuana dispensary on the ground floor. It is completely unacceptable for my family to suddenly be put in this position. The city that I was born and raised in, is now giving out permits to businesses to sell illegal drugs? Surely the city will reconsider its decision to grant these licenses to business that open under the guise of selling holistic medicinal products? I don't recall armed motorcycle gangs ever raiding shops that were legitimately selling holistic healthcare products.

The day that marijuana is legalized is the day that the city can go ahead and manage the industry like every other legitimate business. Until then I urge you to provide responsible leadership by revoking these licenses that have been obtained under false pretences. If there is a loophole that businesses are using to open weed dispensaries under misleading claims, then I'm sure the city can find a way to close it. I urge you Mr. Mayor to do so immediately.

Kristian Olsen

s.22(1) Personal and Confidential

Kazakoff, Laura

From: Correspondence Group, City Clerk's Office
Sent: Wednesday, June 10, 2015 1:36 PM
To: Public Hearing
Subject: FW: Public Hearing re: Medical Marijuana Dispensaries

From: Patricia Barnes s.22(1) Personal and Confidential
Sent: Wednesday, June 10, 2015 1:33 PM
To: Correspondence Group, City Clerk's Office; Ballem, Penny
Cc: Toma, Andreea
Subject: Public Hearing re: Medical Marijuana Dispensaries

Mayor and Council;

The Hastings North BIA (HNBIA) represents approximately 710 commercial property and business owners in the area between Renfrew Street and Clark Drive along Hastings Street and north to the CN Rail right of way. The Board of Directors of the HNBIA, on behalf of its members, has been closely monitoring the expansion of businesses operating in the area without business licenses. We note that these businesses have been allowed to proliferate despite breaking Federal law and City of Vancouver bylaws. We find this to be causing major issues (safety, health, business viability, etc.) for our members, visitors and residents.

We request that City of Vancouver bylaws be implemented without prejudice and that all businesses wishing to operate within the City be required to meet all federal laws, provincial laws and municipal bylaws. Consequently we ask that those operations that are now in violation of the above be closed until such time as they are meeting all the regulations federally, provincially and municipally. At that time we wish to be consulted regarding policies to regulate such operations to ensure business mix, safety and neighbourhood viability.

Yours sincerely,

HASTINGS NORTH BUSINESS IMPROVEMENT ASSOCIATION

s.22(1) Personal and Confidential

Patricia Barnes
On behalf of the HNBIA Board of Directors

Patricia Barnes, Executive Director
Hastings North BIA

s.22(1) Personal and Confidential

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Wednesday, June 10, 2015 1:28 PM
To: Public Hearing
Subject: FW: Pot shops in Vancouver.

-----Original Message-----

From: Colleen Mitchell s.22(1) Personal and Confidential
Sent: Wednesday, June 10, 2015 1:27 PM
To: Correspondence Group, City Clerk's Office
Subject: Pot shops in Vancouver.

Dear Mayor and Council.

I would like you to explain to me how the city of Vancouver thinks it can permit ANY pot laws as pot is a CONTROLLED SUBSTANCE, which Federal Law prevails over.

My neighbourhood now has three pot shops in a two block radius, one block from an Elementary school.

They all operate as a "Society".

It is ridiculous. I don't see pot shops in Burnaby, West Van, North Van, Ladner, Surrey.

You are a lazy council and setting your own agenda. AND IT IS NOT IN MY BEST INTEREST.

You tell the police to ignore the shops.

NONE OF THEM HAVE BUSINESS LICENSES! The hot dog cart on Robson has to have a license, Why don't the pot shops?

Oh year right. THEY ARE ILLEGAL. The City can't issue business licenses to illegal operations.

REMEMBER ILLEGAL?

AND STOP CALLING THEM DISPENSARIES!!!!!! THEY ARE DRUG DEALERS! POT SHOPS.

STOP STOP STOP.

Until the Federal Government allows this, you can't continue.

Your behaviour reeks of arrogance and disregard of our communities.

Colleen Mitchell

Resident, City of Vancouver,

Hastings East, between Cassiar Connector and Boundary Road.

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Wednesday, June 10, 2015 11:44 AM
To: Public Hearing
Subject: FW: Comments on New regulations

From: s.22(1) Personal and Confidential
Sent: Wednesday, June 10, 2015 11:43 AM
To: Correspondence Group, City Clerk's Office
Subject: Comments on New regulations

Dear mayor and council,

As a volunteer of natural releaf I don't believe its fair to charge \$30,000 a year for a dispensary that runs exactly the same way of a pharmacy. We have a certified Naturopathic doctor who only prescribes the medicine to people in need. Our company is willing to pay the doctor a large amount of money with our own profits to give the community the medicine that they need to help cure what ever problem they made induce. And for the school zone policy we don't feel that our dispensary is necessarily inviting youths to come in. We have a strict rule of only selling to adults with a prescriptions. Our location is within 300 meters, but when students do go to school its hard for them to even find our dispensary because we are located up the hill and 5 to 7 stores down the street. We would like to thank you for your time to read our concerns about the new regulations.

Natural Releaf Society

s.22(1) Personal and Confidential

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Wednesday, June 10, 2015 9:31 AM
To: Public Hearing
Subject: FW: Marijuana Dispensaries

-----Original Message-----

From: Maarten s.22(1) Personal and Confidential
Sent: Tuesday, June 09, 2015 11:45 PM
To: Correspondence Group, City Clerk's Office
Subject: Marijuana Dispensaries

I object to making a provision in the by-laws for marijuana dispensaries. These are not currently legal in Canada, do not have a legal method of obtaining product to sell, and there is no mechanism in place to inspect or regulate the quality of the product sold. There is currently a legal system in place to obtain medical marijuana so there is no need to support the operation of these dispensaries. I request Council decline this proposed by-law and zoning change. I request Council pass a motion for the Vancouver Police Department enforce the existing laws relating to selling marijuana and other illegal drugs in an organized fashion.

Maarten Mulder

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Wednesday, June 10, 2015 9:26 AM
To: Public Hearing
Subject: FW: COV regulation of retail dealers and marijuana-related issues

From: Ruth Sean s.22(1) Personal and Confidential
Sent: Tuesday, June 09, 2015 9:13 PM
To: Correspondence Group, City Clerk's Office
Subject: re: CoV regulation of retail dealers and marijuana-related issues

Attention: mayorandcouncil@vancouver.ca

As concerned citizens about the spread of medical marijuana, marijuana-related businesses and the associated activities that go along with it, we offer the following thoughts:

First of all, how can a provincial entity, local entity or any entity under the Federal Government provide regulations, guidelines or even licensing for marijuana-related businesses when the Federal Government/Health Canada has deemed marijuana, whether a drug or medicine, an illegal substance?

The City of Vancouver is going against the law. Citizens are paying taxes, including hefty property taxes, to have elected officials do the right thing by the populace and should aim to provide a sane and safe environment for all. The police are being paid by the populace to carry out their duties; not to turn a blind eye on illegal practices because they are being sanctioned by our own local government.

If this is not taken in hand, our City will be ruined; the fabric of the City that one would imagine the City of Vancouver would be trying to clean up and re-gentrify is being allowed to disintegrate and be destroyed.

The Environment:

The internationally well known East Vancouver Hastings Street kind of activity is now spreading to the "cleaner west" (as citizens like to believe as they stigmatize the east) and elsewhere like a spider's web. It is early days and already there is much more evidence of used syringes on the streets, used condoms and human excrement. The City cannot even put measures in place to control excrement all over the city from dogs and now they are adding more street litter which is dangerous and harmful with the paraphernalia of drug use and its side effects of distorted minds carrying out unacceptable acts in our streets. The situation is getting from bad to worse and is, for want of a more descriptive word, an embarrassment. How can Vancouver be described as a livable city when surrounded by all this nastiness. How can one feel safe in an environment of pot and drug users that the City of Vancouver is encouraging and leading us into? The City cannot even control the drug use that currently exists and they are creating more!

Facilities to provide medicine, if indeed meant for medical use:

This kind of thing, such as dispensing of drugs, if medical, should be dispensed from hospitals or legal/registered pharmacists/pharmacies where, at least, there would be some security provided in the dispense of the drugs and in who it is being dispensed to.

Locations:

Why is this being allowed to establish in any place - places of residence, retail/commercial/mixed-use districts/zones, in any nook and cranny all over the City. There is only talk of regulatory measures of not having these illicit marijuana-related shops within stipulated distance requirements of schools, residences, etc., as many have opened up within 300m of schools (including Elementary & High Schools and Colleges) and many are situated right in residential buildings. There is now hot debate on the City closing down 19 schools? Instead of focusing on the education of our youth to better the country, the City is focused on allowing cannabis dispensaries (whether for medical use or not as the "medicine" is only a guise) to open up. They are closing schools to what then? Allow more dispensaries to open up so the distancing requirements they talk of imposing won't become an issue?

The one conclusion citizens can draw is that the City must be ruled by really skewed sorts for what is occurring to be allowed or even considered as the activities are plain and simple unlawful.

Regards,

On behalf of concerned citizens

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Wednesday, June 10, 2015 9:23 AM
To: Public Hearing
Subject: FW: Submission for Public Hearing June 10, 2015 re: regulating marijuana dispensaries

From: Gisele Rudischer s.22(1) Personal and Confidential
Sent: Tuesday, June 09, 2015 8:22 PM
To: Correspondence Group, City Clerk's Office
Subject: Submission for Public Hearing June 10, 2015 re: regulating marijuana dispensaries

Dear Councillors,

Before you give serious consideration to regulating marijuana dispensaries on the municipal level, I believe you have a responsibility to look beyond the storefront to the root of this industry.

In 2014 the old MMAR program was replaced in Canada by the MMPR program, which was meant to control the location and conditions under which medical marijuana could be grown.

The marijuana produced by Licensed Producers under the MMPR is grown in appropriate facilities in appropriate areas, with extensive regulation, quality assurance and strict enforcement to provide the recipient with a safe product for medical use. It's important to note that Licenced Producers cannot sell marijuana to dispensaries.

At best, dispensaries are buying their product from growers previously licensed under the old MMAR program. Under the MMAR, qualified patients were given a licence to grow their own marijuana or to designate a grower to grow it on their behalf. All of the marijuana grown under this system is specifically for the patient listed on the license; it was never legal to sell the marijuana produced to other patients, or to retail outlets. This means that selling marijuana produced under the current MMAR injunction to dispensaries is illegal.

Dispensaries claim to be selling medical marijuana, but there is no control over the conditions under which the product is grown, no testing for mold, bacteria, or pesticides, and no requirement for legitimate medical prescriptions.

It's also worth noting that for years local governments across B.C. proposed, and passed at UBCM conventions, resolutions asking the Federal government to deal with the proliferation of grow-ops in residential neighbourhoods licensed under the MMAR regulations. The Government responded to the criticism with the creation of the MMPR which this proposed bylaw would directly undermine.

Furthermore there is the issue of derivatives. Derivatives sold in dispensaries are also produced in residential homes. The production of derivatives such as hash oil and "shatter" is much more dangerous than growing marijuana. Just recently on Vancouver Island three people were severely burned in an explosive duplex fire allegedly caused by the butane used in making hash oil.

Please, understand that if you regulate marijuana dispensaries you are condoning the unregulated growing of

marijuana and derivative labs in residential neighbourhoods with no setbacks from schools or playgrounds and no guarantee that the products are safe or medically sound.

Gisele Rudischer


CEO, Broken Coast Cannabis

Vancouver Is., B.C.

Isfeld, Lori

From: Correspondence Group, City Clerk's Office
Sent: Wednesday, June 10, 2015 9:23 AM
To: Public Hearing
Subject: FW: Retail Marijuana-related businesses

s.22(1) Personal and Confidential



From: Carmen Tam s.22(1) Personal and Confidential
Sent: Tuesday, June 9, 2015 8:11 PM
To: Toma, Andreea
Subject: Retail Marijuana-related businesses

TO WHOM IT MAY CONCERN

As I cannot attend the public hearing tomorrow, I would like to voice my objection to the retail shops selling marijuana due to the following reasons:

1. Marijuana will damage the brain of the young adults.
2. Marijuana cannot cure the depress and distress situation.
3. Many people will become addiction to it, and will ruin the future of the young adults.
4. Suppliers of the marijuana will keep on fighting for the market share, causing more gangs killing each other.

Thanks for your kind attention.

Carmen



MOUNT PLEASANT
BUSINESS IMPROVEMENT AREA

MOUNT PLEASANT COMMERCIAL IMPROVEMENT SOCIETY
301-3102 MAIN STREET, VANCOUVER, BC V5T 3G7
T: 604.874.9816 F: 604.874.9316 E: CONNECT@MPBIA.CA
WWW.MOUNTPLEASANTBIA.COM

June 9, 2015

Mayor Gregor Robertson & Members of Council

City of Vancouver
453 West 12th Avenue
Vancouver, BC V5Y 1V4

Dear Mayor Robertson and Council: mayorcouncil@vancouver.ca

Re: Bylaw Amendments Regarding Regulation of Retail Marijuana Businesses

Further to the request that the Mount Pleasant Commercial Improvement Society (MPBIA) provide feedback on the proposed bylaw amendments regarding regulation of retail marijuana businesses, please be advised that we will delay comment on the City's proposed regulatory framework until when the Federal Government changes the law to permit retail businesses to purchase legal supplies of Marijuana and to sell or distribute to persons who are legally permitted to possess it.

Further, recognizing that the City may still consider imposition of a regulatory framework, the MPBIA wishes to remind Council that:

- (a) As a matter of principle no business license should be issued to a business that operates contrary to provincial or federal law: City of Vancouver Bylaw 4450, Section (4) (8);
- (b) No regulatory framework should be imposed without proper analysis of resources that will be needed for enforcement; and
- (c) No licensing scheme should be imposed which is discriminatory to any one category of business;

AND THAT steps should be taken to close those illegal "pot shops" engaged in the sale of illegal product.

Best regards,

s.22(1) Personal and Confidential



John Boychuk,
President, MPBIA

Vancouver Chinatown Revitalization Committee

June 9, 2015

CITY OF VANCOUVER
453 West 12 Avenue
Vancouver, B.C.
V5Y 1V4

Attn.: His Worship, Mayor Robertson and City Councilors

Re: Proposed Regulation of Retail Medical Marijuana Dealers-Related Uses

Dear Sirs or Madames:

We wish to state our opposition to the recommendations in the report by the Chief License Inspector and the General Manager of Planning and Development Services regarding the regulations of retail dealers of Medical Marijuana.

We are against the the recommendation that Hastings and Main Streets be the two corridors in the DTES where dispensaries are allowed as Hastings Street runs adjacent to Chinatown and Main Street runs through it. Chinatown has already been negatively affected by the drug culture that has plagued the DTES. We in the Chinatown Community have struggled to revitalize our community. We feel that our hard fought efforts will be undone by allowing dispensaries to operate in our neighbourhood. Already Chinatown, a historic national landmark, is at risk of being destroyed if we do not take serious steps to preserve its character.

We seek the City of Vancouver's support of our community by not permitting uses that are completely inconsistent with the historic and cultural heritage of the neighborhood.

We hope that City Council will help us protect Chinatown by not allowing marijuana dispensaries in our neighbourhood.

Yours truly,

Carol Lee
Chair, VCRC

Kazakoff, Laura

From: Correspondence Group, City Clerk's Office
Sent: Wednesday, June 10, 2015 3:29 PM
To: Public Hearing
Subject: FW: Too Many Marijuana Stores

From: Matthew Sawycky s.22(1) Personal and Confidential
Sent: Wednesday, June 10, 2015 3:13 PM
To: Correspondence Group, City Clerk's Office
Subject: Too Many Marijuana Stores

Mayor,

I understand the permissive attitude of Vision Vancouver to marijuana sales and storefronts; however I feel this has gotten out of control too fast.

It was said that the city will:

- control location.
 - IE: dispensaries can't be within 300 metres of schools, community centres and each other. This has failed dramatically with many being located within doors of each other, others less than 300m from schools and community centres.
 - <https://af16429c74a375cffa57c63e3bab85c04989c67c.googleusercontent.com/host/0B4yUkVI3EwbbOU9CSm9nM3pWM2c/pot-proximity.html>
- Bylaw 9535 states no smoking in buildings. Yet these shops are being set up with smoking lounges.
- Ensure they are operating with business licenses. It seems that many of these places do not have business licenses, this seems to be true as they are springing up too fast for the city to process the paperwork, and in locations that were deemed inappropriate for them to operate (close to schools; close to each other).

Why are city enforcement officers not enforcing these violations?

Why are police and fire departments not enforcing safety and bylaw violations of smoking in buildings?

Why does my business need an business license and these questionable shops are allowed to make a profit without? This also makes me think that they do not have PST and GST numbers associated to them to collect appropriate taxes either?

I have been at a number of restaurants lately where this has been a topic of discussion at other tables, and most people do not have answers to why it is happening only more questions.

There are so many shops now that kids are noticing them. I believe this is sending a terrible message to them as it now makes marijuana an 'ok' thing as it's becoming so prevalent.

Please keep our city the way we like it, clean and beautiful.

We don't like walking by storefronts that stink of pot.

Matthew Sawycky

Kazakoff, Laura

From: Correspondence Group, City Clerk's Office
Sent: Wednesday, June 10, 2015 3:31 PM
To: Public Hearing
Subject: FW: Regulation of Retail Dealers - Medical Marijuana-Related Uses

From: Don Gardner s.22(1) Personal and Confidential
Sent: Wednesday, June 10, 2015 3:14 PM
To: Correspondence Group, City Clerk's Office
Subject: Regulation of Retail Dealers - Medical Marijuana-Related Uses

Mayor and council,

The retail dealers of "medical" Marijuana are illegal. Council, and the mayor as Chair of the Police Board, should do your jobs and shut these businesses down. Any money the city receives from these businesses are monies from an illegal activity.

And I would like to remind the Mayor as Police Board Chair.

D. Avoiding Conflict of Interest

1. Members must give un-conflicted loyalty to the interests of the Department and the community. This accountability supersedes any conflicting loyalty such as that to advocacy or interest groups and membership on other boards or staffs.

<http://vancouver.ca/police/policeboard/Manual/TORCBoardMember.pdf>

Don Gardner