



MINUTES - VICTORIA CITY COUNCIL

November 22, 2018, 2:42 P.M.

Council Chambers, City Hall, 1 Centennial Square

Located on the traditional territory of the Esquimalt and Songhees People

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Potts, Councillor Thornton-Joe, Councillor Young

ABSENT: Councillor Collins and Councillor Loveday

STAFF PRESENT: J. Jenkyns - City Manager, C. Coates - City Clerk, P. Bruce - Fire Chief, S. Thompson - Director of Finance, F. Work - Director of Engineering & Public Works, T. Zworski - City Solicitor, B. Eisenhauer - Head of Engagement, C. Mycroft - Manager of Executive Operations, K Sidhu - Committee Secretary, M. Fedyczkowska - Legislation & Policy Analyst

A. CONVENE COUNCIL MEETING

C. HEARING

C.1 Business Licence Hearing - 1412 Douglas Street

At this hearing, Council is considering the appeal of 'Terp City' (the appellant) with respect of the City's denial of their business licence application as it does not comply with the City of Victoria bylaws, namely the business allows on-site consumption of cannabis which is prohibited under the City's *Cannabis-Related Business Regulation Bylaw*.

The Mayor opened the hearing at 2:43 p.m.

Chris Coates (City Clerk): Introduced the item and the process involved for Council's consideration.

Robert Laurie (Appellant's Representative): Mr. Laurie confirmed they would like to continue the hearing for the appellant, Kyle Cheyne and address Council on the matter. He confirmed as stated that Mr. Cheyne (appellant) is operating a business without a business licence and without any authorizations from the City. He made it clear that the business is not a dispensary, and that it is a safe consumption site where no cannabis is sold. The business is a site where medical users that are licensed under Health Canada and recreational users can go with their legal cannabis to consume. He states no licence was granted but it appears to be provided for in the licensing bylaw for a safe consumption site. Mr. Cheyne did email the City April 10, 2017 for licensing their private club and for

the steps involved to complete and obtain a business licence and had clarified no cannabis would be sold at location. The business licence application does not cover safe consumption, on-site licence.

The Mayor opened the floor for Council to ask questions.

Lisa Helps (Mayor): The Mayor confirmed with the appellant that he is operating another dispensary on 958 Yates Street without a business licence. The appellant applied for a rezoning application but was denied and continued to operate. The Mayor confirmed with appellant's representative that the appellant has no authority from Island Health to operate a safe consumption site. The Mayor referred to verbal comments made by the representative to confirm that he stated that the City does not have a bylaw that provides for on-site use of cannabis.

Councillor Isitt confirmed with the City Clerk that the City is continuing to develop further regulations for cannabis.

Councillor Thornton-Joe: The Councillor asked the appellant if he owns any other consumption sites outside of Victoria and if they are licensed. The appellant confirmed this is the third consumption site that he owns but none are licensed.

The Mayor asked staff to make their presentation and answer any questions from Council.

Nancy Johnston (Manager of Bylaw and Licensing Services): Ms. Johnston confirmed they received an application for a business licence and prior to that there was communication with staff and the appellant regarding the bylaw not allowing for a consumption site but the business opened and began operating. There was continuous correspondence with bylaw staff and Terp City, and the licence was reviewed and denied.

The Mayor asked the appellant or representative to respond.

Mr. Laurie: Asked Council to make a decision based on the information they have and whether or not they decide to exercise their authority today that they do so in a way that will provide a clear policy and to issue an interim permit. He reiterated that the appellant is only providing a space to consume and is not supplying cannabis.

Councillor Dubow asked Mr. Laurie if he had any engagement with Vancouver Island Health.

Mr. Laurie: Spoke about looking for further guidance from the College of physician's, or the Health Minister of the Province on these initiatives that aren't coming soon, but that this discussion has not happened.

Councillor Dubow asks Mr. Laurie if the appellant has ever had a licence for a business.

Robert Laurie (Appellant's Representative): He has applied for a licence.

Mayor Helps asks if there are any other questions before she closes the hearing.

As there were no further questions, Mayor Helps concluded the business licence hearing.

Council is reserving the decision on the hearing once they have deliberated and received legal advice from the City Solicitor and will provide the decision in writing after the December 6, 2018 Council meeting.

D. CLOSED MEETING

Moved By Councillor Isitt

Seconded By Councillor Dubow

MOTION TO CLOSE THE NOVEMBER 22, 2018 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

Section 90(1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;

E. APPROVAL OF CLOSED AGENDA

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the agenda from November 22, 2018 meeting be adopted.

CARRIED UNANIMOUSLY

F. READING OF CLOSED MINUTES

Moved By Councillor Loveday

Seconded By Councillor Alto

That the minutes from the October 4, 2018 Closed Council meeting be adopted.

CARRIED UNANIMOUSLY

I. NEW BUSINESS

I.2 Land

Council received a closed report regarding legal advice.

The discussion and motion were recorded and kept confidential.

I.3 Land

Council received a closed report regarding a land item.

The discussion and motion were recorded and kept confidential.

K. ADJOURNMENT

Moved By Councillor Loveday

Seconded By Councillor Alto

That the Closed Council Meeting be adjourned at 4:58 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR