

**Legislative and  
Regulatory  
Services  
Department**

Legislative Services

#1 Centennial Square

Victoria

British Columbia

V8W 1P6

Tel (250) 361-0571

Fax (250) 361-0348

[www.victoria.ca](http://www.victoria.ca)



November 5, 2018

Mr. Kirk Tousaw  
Tousaw Law Corporation  
2459 Pauline Street  
Abbotsford, BC V2S 3S1

Dear Mr. Tousaw:

**Re: Appeal of Business Licence Denial – 1412 Douglas Street**

I hereby acknowledge receipt of your letter dated June 25, 2018, requesting an opportunity to appeal the decision of the City of Victoria's Bylaw and Licensing Services to deny your application for a Business Licence.

Please be advised that a Special Hearing has been scheduled for the Council meeting to be held **Thursday, November 22, 2018, at 2:00 p.m.** at the City of Victoria, City Hall, 1 Centennial Square (corner of Douglas and Pandora), in Council Chambers.

Please note that you must be in attendance at the Hearing in order for Council to consider the appeal. Legal representation at the Hearing is permitted. A copy of the procedures for this hearing is enclosed for your information.

Should you have any questions regarding your appeal, or are unable to attend, please contact me at 250.361.0346.

Yours truly,

A handwritten signature in dark ink, appearing to read "Christine Havelka", followed by a horizontal line.

Christine Havelka  
Deputy City Clerk

Enclosures

C: N. Johnston, Manager of Bylaw and Licensing  
T. Zworski, City Solicitor



## HEARING PRACTICE AND PROCEDURE

In open session of a meeting of Council:

1. The Mayor opens the hearing and asks City Clerk to introduce the item and the process involved with Council consideration.
2. City Clerk to provide context for the hearing and overview of issues specific to the matter before Council.
3. Mayor asks if the appellant or representative is present and wishes to address Council on the matter. Appellant or representative makes a presentation and answers any questions from Council.
4. Mayor asks the Licence Inspector to make a presentation and answer questions from Council.
5. Mayor asks the appellant or representative to make any reply comments.
6. Once the appellant and staff have presented their information and questions have been answered, the Mayor will close the hearing.
7. Council gives consideration to the issues presented and may deliberate in a closed meeting before making their decision.
8. Council declares its decision in its minutes and a copy of those minutes will be mailed to the appellant in a letter.



TOUSAW LAW CORPORATION

June 25, 2018

City of Victoria  
Legislative & Regulatory Services Department  
Bylaw & Licensing Services Division  
1 Centennial Square  
Victoria, BC V8W 1P6  
ATTN: Nancy Johnston  
Manager, Bylaw and Licensing Services

VIA FAX: 250-361-0205

RE: Request to Appeal  
Terp City Business License Application, 1412 Douglas Street

Ms. Johnston:

I am counsel to Terp City at 1412 Douglas Street. I am in possession of your letter to my client dated May 29 which denies my client a business license.

Please accept this letter as my client's intention to appeal the decision of May 29 denying its request for a business license. Please forward us information about the appeal process as soon as possible.

Thank you,  
Kirk Tousaw



May 29, 2018

Legislative  
& Regulatory  
Services  
Department

Kyle Cheyne and Charles Philip  
2503 Brule Dr  
Sooke BC, V9Z 0X8

Bylaw & Licencing  
Services Division

1 Centennial Square  
Victoria

British Columbia  
V8W 1P6

Tel (250) 361-0215

Fax (250)361-0205

[www.victoria.ca](http://www.victoria.ca)

Dear Kyle Cheyne and Charles Philip:

**Re: Terp City Business Licence Application, 1412 Douglas St.  
Victoria BC**

I write further to your application for a business licence for a business known as "Terp City" at 1412 Douglas Street. I apologize for the delay in responding to your application but, unfortunately, due to an inadvertent internal City error, the notice of the decision has been delayed until now, notwithstanding that the decision on your application was made in February.

Your application has been denied as your business does not comply with City of Victoria bylaws, namely your business allows on-site consumption of cannabis which is prohibited under the City's *Cannabis-Related Business Regulation Bylaw*. You are directed to immediately cease operation of your business.

Be advised, carrying on business without a valid business license is an offence for which penalties are prescribed. The minimum penalty is a fine of \$1000.00 per day for each day that the offence continues, pursuant to Section 4(1) of the *Cannabis-Related Business Regulation Bylaw*.

Your cooperation in this matter is greatly appreciated.

Sincerely,

Nancy Johnston  
Manager, Bylaw and Licensing Services  
City of Victoria



## Nancy Johnston

---

**From:** Kyle Cheyne [REDACTED] >  
**Sent:** May 29, 2018 3:55 PM  
**To:** Nancy Johnston; Lisa Helps (Mayor); Victoria Mayor and Council  
**Subject:** Re: Business Licence Application Decline

There are three categories for cannabis businesses in Victoria:

- **Storefront Cannabis Retail:** A retail business where cannabis is sold or provided to a person who attends the premises.
- **Cannabis-Related (Cannabis Onsite):** A business where cannabis is: promoted, advocated, paraphernalia used in the consumption of cannabis is sold or provided, and cannabis is stored onsite.
- **Cannabis-Related (No Cannabis Onsite):** A business where cannabis is promoted, advocated, and/or where paraphernalia used in the consumption of cannabis is sold or provided.

There are a list of 3 options for a business licence regarding cannabis in Victoria we fully understand that the first one is not us at all because we do not sell any cannabis products but how do the other two effect dispensaries and not us? The last one is exactly for lounges describing what happens at a lounge...

This is not ok we have followed all the rules and regulations and are still being denied? this is corruption at its finest...we have no plans to close as Jeremy Loveday put it "patients deserve the space to consume" we have been open for 1.5 years nobody has been rushed to the hospital and the sky hasn't fallen.

You also currently allow a dispensary in Victoria to continue to sell edibles and consume without any problems? You even gave them a licence knowing they are allowing people to consume when it goes against regulations BOOMING business for them.

23 years Vancouver has had lounges operating and the mayor of Victoria refuses to understand the differences we will not stand down! I'm also a patient who depends on this plant. I can't consume it anywhere downtown but the lounge. It's ideal and needed.

Kyle Cheyne  
Founder  
[REDACTED]

Sent from my iPhone

On May 29, 2018, at 2:38 PM, Nancy Johnston <[NJohnston@victoria.ca](mailto:NJohnston@victoria.ca)> wrote:

Good Afternoon Kyle and Charles,

An internal City error resulted in a delay in mailing this letter. I have put the original in the mail for your records.

Your cooperation in this matter is greatly appreciated.

Sincerely

Nancy

Nancy Johnston  
Manager, Bylaw & Licensing Services  
Legislative and Regulatory Services Division  
City of Victoria  
1 Centennial Square, Victoria, BC V8W 1P6

T 250.361.0268



decline.pdf>

<image003.png>

<image004.png>



<Terp City BL application



# GENERAL – BUSINESS LICENCE APPLICATION

Revenue Department  
Business Licensing Division  
City of Victoria  
1 Centennial Square  
Victoria, BC V8W 1P6

OCT 2, 2017

Account # (office use only)

Application must be completed in full. For information, or assistance completing this form, please contact Business Licensing Services 250.361.0572 ext.1 or by email at [businesslicensing@cityofvictoria.ca](mailto:businesslicensing@cityofvictoria.ca). You can mail your completed application to the above address. Please be advised this document is subject to the Freedom of Information and Protection of Privacy Act and access can be requested.

## PLEASE CHECK ALL THAT APPLY

<input checked="" type="checkbox"/> New Business	<input type="checkbox"/> Change of Address <small>Within the municipality of Victoria</small>	<input type="checkbox"/> Change of Owner	<input type="checkbox"/> Change of Name	<input checked="" type="checkbox"/> Partnership
<input type="checkbox"/> Sole Proprietor	<input type="checkbox"/> Home Based Occupation	<input type="checkbox"/> Home Based Businesses only: Will you be receiving clients at your residence? If yes, please check	<input type="checkbox"/> Inter-Municipal (This will allow you to work within all 13 municipal boundaries)	<input type="checkbox"/> Building Permit Required (Will you be making any alterations to the premises or changing the use of the premise) Ex: Office to Retail
# of Cash Dispensing Machines:	# of Vending Machines:	# of Lottery Machines:	<input type="checkbox"/> Serving Liquor (Must submit copy of Liquor Licence once received)	<input type="checkbox"/> Out of town (Not allowed to be inter-municipal as you must have a location within one of the municipalities)

Proposed Business Start Date: 10, 24, 2017 Number of Employees: 6 (not including owner/s)  
mm/dd/yyyy

Business Address: 1412 Douglas Street

City: Victoria Province: BC Postal Code: V8W 2G1

Business Phone: Fax: Cellular: [REDACTED]

E-Mail: [REDACTED] Website: www.terpcity.ca

Nature of Business: Cannabis Lounge

Business Operating Name: Terp City Douglas

Sole Proprietors Name: (If you plan to operate a business on your own, either under a business name or your own name)

Partnership Name(s): (If you plan to operate the business with one or more partners)

~~XXXXXXXXXX~~

Charles Philp, Kyle Cheyne

Limited / Incorporated Company Name: (If you plan to operate the business as a separate legal entity, separate from yourself and your personal assets)



**Society Name:** (If you plan to operate a not-for-profit organization, in which any funds or profits will be used only for the society's purposes)

**Mailing of Address if different from business address:**

950 Yates Street, Victoria, BC V8V 3M2

**Limited / Incorporated Company / Charitable Organization / Professional Certification**

Incorporation Number: \_\_\_\_\_ Charitable Organization Number \_\_\_\_\_

- ☐ Yes, I have attached documents of Incorporation and Notice of Articles. (Photo copies accepted); or  
☐ I request that the city obtain the documents of Incorporation and Notice of Articles and acknowledge that I will pay a \$30 fee plus applicable taxes to the City of Victoria for this service.  
☐ Yes, I have attached a copy of my professional certificate / trades qualification (a professional or trades person that need to be certified to conduct business).

**Please note:** If you are submitting a business licence application for a restaurant or any establishment which will be serving food/drinks, you are required to submit a seating plan and layout of the establishment, which will include the number of staff and number of seats for customers. As well as a layout of the equipment for the Permits and Inspections Department. (Digital pictures will be accepted.)

**Home Based Occupation**

Home Occupation refers to the making, servicing, or repairing goods and the provision of services for hire from a residence. To qualify for a Home Based Business Licence the applicant must reside at the location they are applying for, be the only person engaged in the business and comply with the Home Occupation Bylaw No.84-44 Schedule D – Zoning Regulation Bylaw No.80 (attached).

**Inter-Municipal Licence**

Businesses in a variety of mobile trades (e.g. caterers, contractors, towing services) can purchase a business licence that is honoured throughout Greater Victoria. Applicants must **purchase this licence from the municipality in which their business office is located, either your home or a commercial location.**

Completion of this application **does not guarantee approval of application.** Approved licences will be issued **only** upon receipt of payment of Business Licence fee. Conducting business without a valid licence is an **offence** for which penalties are prescribed. Be advised that the minimum penalty in this case is a fine of \$250 per day, for each day that the offence continues (Bylaw No. 89-71 Sec. 4(a)).

**IMPORTANT:** This information is being collected for the purpose of determining the applicant's eligibility for a Business Licence in the City of Victoria pursuant to its Bylaw(s). In providing this information, you have consented to its use for the above-described purpose and declare that all the information provided herein is correct. This information may be shared with applicable City of Victoria departments and related agencies for the purpose of required inspections and approval of this licence application. Applicant has read and agrees to comply with the stated regulations and bylaws of the City of Victoria. Licences are effective from January 16 to January 15 of the following year are non-transferable, and the licence fee(s) paid are non-refundable. **I understand I cannot commence business until such time as a business licence has been approved and issued.**

Checklist for applicant:

- Application signed and completed in full ✓
- Documents attached (Incorporation/Certification/Share Purchase Agreement) (if applicable) ✓
- Detailed Site Plan/Layout of Business provided (if applicable) ✓
- Occupant Load/Floor Plans of Building (if applicable) ✓

Applicant's Name (Individual completing form):

Charles William Philp

Applicant's Signature:

[Redacted Signature]

Date signed:

Oct 25/2017

Date Stamp for office use only:

[Empty box for Date Stamp]





# CANNABIS - BUSINESS LICENCE APPLICATION

Finance Department  
Business Licensing Division  
City of Victoria  
1 Centennial Square  
Victoria, BC V8W 1P6

OCT 2, 2017

Account # (office use only)

For information or assistance completing this form, please contact the Business Licence Office at 250.361.0572 or by email at [businesslicence@victoria.ca](mailto:businesslicence@victoria.ca). You can mail your completed application to the above address.

**IMPORTANT:** The information required by this application is necessary to fully evaluate your request for a Business Licence. Incomplete forms will **not** be processed. Completion of this application does not guarantee approval of a Business Licence. Approved licences will be issued **only** upon receipt of payment of the Business Licence fee.

Conducting business without a Business Licence is an offence for which penalties are prescribed. The minimum penalty in this case is a fine of \$1000 per day, for each day that the offence continues, pursuant to Ticket Bylaw, Amendment Bylaw No.16-069. Please be advised this document is subject to the Freedom of Information and Protection of Privacy Act and access can be requested.

## PLEASE CHECK ALL THAT APPLY

<input type="checkbox"/> New Business	<input type="checkbox"/> Sole Proprietor	<input type="checkbox"/> Incorporated Company	<input checked="" type="checkbox"/> Partnership
Original Business Start Date: <u>10 / 27 / 2017</u> Number of Employees: <u>6</u> (not including owner/s) <small>mm/dd/yyyy</small>			
Business Address: <u>1412 Douglas street</u>			
City: <u>victoria</u>	Province: <u>BC</u>	Postal Code: <u>V8W 2C1</u>	
Business Phone:	Fax:	Cellular: <u>[REDACTED]</u>	
E-Mail: <u>[REDACTED]</u>		Business Website: <u>www.terpcity.ca</u>	
Nature of Business: Please Check One:			
Annual Business Licence Fee: \$5,000		Annual Business Licence Fee: \$500	
<input type="checkbox"/> Storefront Cannabis Retail	<input checked="" type="checkbox"/> Cannabis-Related (Cannabis Onsite)	<input type="checkbox"/> Cannabis-Related (No Cannabis Onsite)	
A retail business where cannabis is sold or provided to a person who attends the premises.	A business where cannabis is: promoted, advocated, paraphernalia used in the consumption of cannabis is sold or provided, and cannabis is stored onsite.	A business where cannabis is promoted, advocated, and/or where paraphernalia used in the consumption of cannabis is sold or provided.	
Detailed Business Description: <u>cannabis lounge</u>			
Business Operating Name: <u>Terp city.</u>			

For more information please check [www.victoria.ca/medicalcannabis](http://www.victoria.ca/medicalcannabis)

Partnership Name(s): (If you plan to operate the business with one or more partners)

Kyle cheyne / Charles philp

Limited / Incorporated Company Name: (If you plan to operate the business as a separate legal entity, separate from yourself and your personal assets)

Sole Proprietors Name: ( If you plan to operate a business on your own, either under a business name or your own name)

Mailing Address if different from business address:

**Society / Limited / Incorporated Company**

Incorporation Number: \_\_\_\_\_

- ☐ Yes, I have attached documents of Incorporation and Notice of Articles. (Photo copies accepted); or  
☐ I request that the city obtain the documents of Incorporation and Notice of Articles and acknowledge that I will pay a \$30 fee plus applicable taxes to the City of Victoria for this service.

Completion of this application **does not guarantee approval of application**. Approved licences will be issued once review by all Departments is completed. Conducting business without a valid licence is an **offence** for which penalties are prescribed. Be advised that under Ticket Bylaw, Amendment Bylaw 16-069 the minimum penalty in this case is a fine of \$1000 per day, for each day that the offence continues

**IMPORTANT:** This information is being collected for the purpose of determining the applicant's eligibility for a Business Licence in the City of Victoria pursuant to its Bylaw(s). In providing this information, you have consented to its use for the above-described purpose and declare that all the information provided herein is correct. This information may be shared with applicable City of Victoria departments and related agencies for the purpose of required inspections and approval of this licence application. Applicant has read and agrees to comply with the stated regulations and bylaws of the City of Victoria. Licences are effective from January 16 to January 15 of the following year and are non-transferable. **I understand I cannot commence business until such time as a business licence has been approved and issued. Storefront cannabis retailers that were in operation prior to July 28, 2016 may continue to operate without a business licence in compliance with the Cannabis-Related Business Regulation Bylaw No. 16-061 provided that rezoning is actively being pursued. All businesses are responsible for complying with operational requirements set out by bylaw, regardless of business licence status.**

**Checklist for applicant:**

- ☒ Application signed and completed in full  
☒ Documents attached (incorporation) – if applicable  
☒ Has provided all relevant Canadian Police Information Checks (CPIC), available from the Commissionaires  
☒ Understands the operational requirements for security, health and safety as set out in the Cannabis-Related Business Regulation Bylaw  
☒ Complies with the signage requirements and holds permits as necessary

Applicant's Name (Individual completing form): Jenna Kyla-Junnila

Applicant's Signature: \_\_\_\_\_

Date signed: 10/27/17

Date Stamp for office use only:

## Nancy Johnston

---

**From:** Michael Angrove  
**Sent:** April 10, 2017 8:57 AM  
**To:** Chi No 250GROW  
**Cc:** Zoning; Charlotte Wain  
**Subject:** RE: Licensing 1412 Douglas street

Good morning Kyle and Charles,

At this time City bylaws do not permit the consumption of cannabis on-site in any business in Victoria. Therefore, the proposal would not be supported or approved by City Staff.

Regards,

Mike Angrove

Planner

Sustainable Planning and Community Development City of Victoria  
1 Centennial Square, Victoria BC V8W 1P6

[REDACTED]

Please think before you print

<<http://www.victoria.ca/>> <<https://www.facebook.com/CityofVictoriaPage>> <<https://twitter.com/cityofvictoria>>  
<<http://www.linkedin.com/company/city-of-victoria-bc?trk=biz-companies-cym>>

From: Chi No 250GROW [REDACTED]  
Sent: April 7, 2017 2:20 PM  
To: Michael Angrove [REDACTED] >  
Subject: Licensing 1412 Douglas street

Hello Mr. Angrove,

we are writing the City of Victoria in hopes of licensing our private club at 1412 Douglas street. We were inquiring as to what steps were needed to be completed to obtain a business license? We do know that our club would be 19+



"members only" and would allow for a safe consumption space of cannabis for medical users. No cannabis or cannabis products would be sold there but it would be a safe consumption site. There is a need in this city for safe consumption sites just like with safe injection sites. A lot of people in Victoria reside in shared living which can prove difficult when wanting to consume cannabis at home. We would like to remedy that issue by operating a private members only club where members could consume cannabis in a safe manner. We would however like to sell non infused items like juices, coffees, and snacks. Are there any inspections we would require to pass or any signage requirements that need to be completed? We have received a large amount of fines in a short time from the city during our first week of operation. We would like to remedy this by operating our lounge in a manner the city would see as "inline" with safe cannabis consumption sites. We look forward to opening a line of communication with the city on how to carry forward.

Thank you,

Kyle Cheyne

Charles Philp

Founder and Co-Founder of Terp City Co, Danks Medicated, Leaf Compassion Incorporated

Sent from my iPhone

**Nancy Johnston**

---

**From:** Kim Ferris  
**Sent:** March 9, 2017 12:05 PM  
**To:** [REDACTED]  
**Subject:** RE: Terp City and Dab Lounge

To whom it may concern,

It appears as you are looking at opening a consumption lounge located at 1412 Douglas. This is to inform you that under the current Cannabis-Related Business Regulation Bylaw No. 16-061, consumption of any Cannabis product is not permitted and you will be in violation of Section 6 (c) which carries a fine of \$500.00 per day and each day the offence occurs.

If you have any questions, contact me at [REDACTED]

Regards,

Kim Ferris  
Bylaw Officer/Business Licence Inspector  
Legislative & Regulatory Services Department  
City of Victoria  
1 Centennial Square, Victoria B.C. V8W 1P6



## Nancy Johnston

---

**From:** Chris Coates  
**Sent:** Thursday, March 9, 2017 2:28 PM  
**To:** Nancy Johnston  
**Subject:** FW: Terp City Victoria

Chris Coates  
City Clerk  
Legislative & Regulatory Services  
City of Victoria  
1 Centennial Square, Victoria BC V8W 1P6

T [REDACTED]

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

**From:** Kyle Cheyne [REDACTED]  
**Sent:** Thursday, March 9, 2017 1:50 PM  
**To:** Chris Coates <ccoates@victoria.ca>  
**Subject:** Terp City Victoria

Hello sir

I am sending you message today to inform you that I am planning on opening a private cannabis lounge at 1412 Douglas Street above the Mint Victoria.



I am really hoping we can figure out a licence out before Kim starts fining us! 🙏

this will be a space for medical patients to consume - similar set up as the green ceiling

I am the founder of Leaf Compassion [leafcompassion.com](http://leafcompassion.com) we use to have a smoking space at 950 Yates Street for over a year and a half since regulations have come into play for dispensaries we have been forced to shut down that space.

now we have over 10,000 patients scrambling to find a space to consume

-Kyle Cheyne

Founder

[leafcompassion.com](http://leafcompassion.com)

Terp is short for Terpene - Terpenes are the flavours and Aromas in Cannabis. 🙏

Sent from my iPhone

## Nancy Johnston

---

**From:** Kim Ferris  
**Sent:** Thursday, March 9, 2017 4:03 PM  
**To:** Nancy Johnston  
**Subject:** Fwd: Terp City and Dab Lounge

Fyi

----- Original message -----

From: Kyle Cheyne  
Date: 03-09-2017 13:53 (GMT-08:00)  
To: Kim Ferris  
Subject: Re: Terp City and Dab Lounge

I have sent an email to Chris Coates. We have been told in the past that we can apply for a private club licence as long as it's not a dispensary.

just trying to follow the rules Kim :) got lots patients scrambling since the space got taken away at Yates!

hope you are doing well.

-Kyle Cheyne  
Founder  
[leafcompassion.com](http://leafcompassion.com)

Sent from my iPhone

On Mar 9, 2017, at 12:04 PM, Kim Ferris <[KFerris@victoria.ca](mailto:KFerris@victoria.ca)> wrote:

To whom it may concern,

It appears as you are looking at opening a consumption lounge located at 1412 Douglas. This is to inform you that under the current Cannabis-Related Business Regulation Bylaw No. 16-061, consumption of any Cannabis product is no permitted and you will be in violation of Section 6 (c) which carries a fine of \$500.00 per day and each day the offence occurs.

If you have any questions, contact me at 250-361-0321.

Regards,

Kim Ferris  
Bylaw Officer/Business Licence Inspector  
Legislative & Regulatory Services Department  
City of Victoria  
1 Centennial Square, Victoria B.C. V8W 1P6

<image001.gif> <image002.png> <image003.gif> <image004.gif> <image005.gif>

**CANNABIS-RELATED BUSINESS REGULATION BYLAW**

**A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to provide for the regulation of cannabis-related businesses to minimize any adverse effects that operation of such businesses may have on the safety, health and well-being of the community in anticipation of changes to the federal laws regarding distribution of cannabis.

***Contents***

**PART 1 - INTRODUCTION**

- 1 Title
- 2 Definitions
- 3 Application of this Bylaw

**PART 2 - BUSINESS LICENCES**

- 4 Business licences required for cannabis-related businesses
- 5 Licence Inspector's authority to refuse a licence

**PART 3 - OPERATING REQUIREMENTS**

- 6 Requirements for all cannabis-related businesses
- 7 Requirements for businesses that keep cannabis on the premises
- 8 Requirements for storefront cannabis retailers

**PART 4 – GENERAL PROVISIONS**

- 9 Offences
- 10 Severability
- 11 Transition provisions

**PART 1 – INTRODUCTION**

**Title**

- 1 This Bylaw may be cited as the "Cannabis-Related Business Regulation Bylaw".

**Definitions**

- 2 In this Bylaw:

"cannabis"

means cannabis as defined in the *Controlled Drugs and Substances Act* and includes any products containing cannabis;

"cannabis-related business"

means carrying on of activity where



- (a) the use of cannabis for medical or any other purposes is advocated or promoted;
- (b) cannabis or paraphernalia used in the consumption of cannabis are sold or otherwise provided to persons for any purpose;
- (c) cannabis is stored for a purpose of sale or distribution; or
- (d) cannabis is consumed in any form;

"shareholder"

means a shareholder with a 10% or greater interest;

"storefront cannabis retailer"

means a cannabis-related business where cannabis is sold or otherwise provided to a person who attends at the premises.

#### **Application of this Bylaw**

- 3 The provisions of this Bylaw do not apply to production and distribution of cannabis licensed by Health Canada under the Access to Cannabis for Medical Purposes Regulations of the *Controlled Drugs and Substances Act* (Canada).

### **PART 2 - BUSINESS LICENCES**

#### **Business licences required for cannabis-related businesses**

- 4 (1) A person must not carry on cannabis-related business unless the person holds a valid licence issued under the provisions of this Bylaw and the Business Licence Bylaw.
- (2) A person applying for the issuance or renewal of a licence to carry on a cannabis-related business where cannabis is kept or present on the premises must:
- (a) make application to the Licence Inspector on the form provided for that purpose
  - (b) pay to the City the applicable licence fee prescribed under subsection (3)
  - (c) provide a security plan for the premises that, in the opinion of the Licence Inspector, describes adequate security measures to mitigate risk of theft or robbery at the premises;
  - (d) provide proof of a security alarm contract that includes monitoring at all times during the period for which the licence is being sought, and
  - (e) provide proof of ownership or legal possession of the premises, and
  - (f) provide a current police information check for;

- (i) the applicant
  - (ii) if the applicant is a corporation, each shareholder, officer and director, and
  - (iii) each on-site manager.
- (3) The licence fee for purposes of subsection (2)(b) is:
- (a) \$5,000 for a storefront cannabis retailer and a cannabis-related business where cannabis is kept on the premises, and
  - (b) \$500 for all other cannabis-related businesses where cannabis is not kept on the premises.

#### **Licence Inspector's authority to refuse a licence**

- 5 (1) The Licence Inspector may suspend or refuse to issue or renew a licence for a business where cannabis is kept on the premises if:
- (a) the applicant or licensee, or a shareholder, officer, director or on-site manager of the applicant or licensee:
    - (i) was convicted anywhere in Canada of an offence involving dishonesty
    - (ii) was convicted, found guilty of, or liable for any contravention or offence relating to the conduct of a business similar to that to which the licence relates
    - (iii) was convicted, found guilty of, or liable for any contravention or offence, in Victoria, against this bylaw or against any bylaw authorizing the issuance of a business licence or regulating the conduct of a business, or
    - (iv) was guilty of misrepresentation, nondisclosure or concealment of any material fact, relating to the subject matter of the licence or required to be stated in, the application.
- (2) A decision of the Licence Inspector under subsection (1) may be appealed to Council by submitting a request in writing to the City Clerk within 30 days of the decision.

### **PART 3 - OPERATING REQUIREMENTS**

#### **Requirements for all cannabis-related businesses**

- 6 A person carrying on a cannabis-related business must not:
- (a) allow a person under the age of 19 on the premises

- (b) advertise or promote the use of a cannabis to a person under the age of 19
- (c) allow a person to smoke, vape, consume or otherwise ingest cannabis or products containing cannabis on the premises, or
- (d) display any advertising or sign that is visible from outside of the premises except for a maximum of two signs which display no images and contain only:
  - (i) alpha-numeric characters,
  - (ii) the business name, and
 is in a size as permitted under the *Sign Bylaw*.

#### **Requirements for businesses that keep cannabis on the premises**

- 7 In addition to the requirements of section 6, a person carrying on a business where cannabis is kept or present on the premises must:
  - (a) install video surveillance cameras that monitor all entrances and exits and the interior of the business premises at all times
  - (b) retain video camera data for at least 21 days after it is gathered
  - (c) install a security and fire alarm system that is, at all times, monitored by a licenced third party
  - (d) not allow cannabis, products containing cannabis or other valuables to remain on the premises when the business is not open to the public, unless the cannabis, products and other valuables are securely locked in a safe on the premises, and
  - (e) install and maintain an air filtration system that effectively minimizes odour impacts on neighbouring properties.

#### **Requirements for storefront cannabis retailers**

- 8 In addition to the requirements of sections 6 and 7, a person carrying on the business of a storefront cannabis retailer must:
  - (a) prominently display a sign on the premises indicating that no persons under 19 years of age are permitted on the premises;
  - (b) ensure that two employees are present on the premises at all times when the business is open to the public, including one manager;
  - (c) not use the premises to carry on business other than the cannabis-related business and accessory uses;



- (d) ensure that windows on any street frontage of the premises are not blocked by translucent or opaque material, artwork, posters, shelving, display cases or similar elements;
- (e) not be open for business between the hours of 8 p.m. and 7 a.m. the next day;
- (f) promptly bring to the attention of the Licence Inspector:
  - (i) the name of any new on-site manager, officer, director or shareholder of the licensee, and
  - (ii) any criminal charge brought against the licensee or an on-site manager, officer, director or shareholder of the licensee, and
- (g) promptly provide to the Licence Inspector a current police information check for any new on-site manager, officer, director or shareholder of the licensee.

#### **PART 4 – GENERAL PROVISIONS**

##### **Offences**

- 9 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw, and the *Offence Act* if that person
  - (a) contravenes a provision of this Bylaw,
  - (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw, or
  - (c) neglects or refrains from doing anything required by a provision of this Bylaw.
- (2) Each day that a contravention of a provision of this Bylaw continues is a separate offence.

##### **Severability**

- 10 Each section of this Bylaw shall be severable. If any provision of this Bylaw is held to be illegal or invalid by a Court of competent jurisdiction, the provision may be severed and the illegality or invalidity shall not affect the validity of the remainder of the bylaw.

##### **Transition Provisions**

- 11 (1) Notwithstanding section 4(1), a storefront cannabis retailer that was in existence in the same location on the date this bylaw received first reading may continue to operate without a business licence while an application for a rezoning to permit a storefront cannabis retailer use at its location is actively pursued and has not been denied by Council.
- (2) A cannabis-related business that was in existence on the date this bylaw received first reading is not subject to the requirements of section 7 until 60 days after

adoption of this bylaw.

#### Consequential Amendment

- 12 That the Business Licence Bylaw (No. 89-071) be amended to prohibit cannabis consumption on site at any licenced business in the City by adding the following new section 35:

- 35 No consumption of cannabis, as defined in the Cannabis-Related Business Regulation Bylaw, shall be permitted at any business licensed under the Business Licence Bylaw.

READ A FIRST TIME the	28 <sup>th</sup>	day of	July	2016.
READ A SECOND TIME the	28 <sup>th</sup>	day of	July	2016.
AMENDED on the	8 <sup>th</sup>	day of	September	2016.
READ A THIRD TIME the	8 <sup>th</sup>	day of	September	2016.
ADOPTED on the	22 <sup>nd</sup>	day of	September	2016.

"CHRIS COATES"  
CITY CLERK

"LISA HELPS"  
MAYOR



## **BUSINESS LICENCE BYLAW**

### **BYLAW NO. 89-071**

This consolidation is a copy of a bylaw  
consolidated under the authority of  
section 139 of the *Community Charter*.  
(Consolidated on July 1, 2015 up to  
Bylaw No. 14-101)

This bylaw is printed under and by  
authority of the Corporate Administrator  
of the Corporation of the City of Victoria.

NO. 89-071

**BUSINESS LICENCE BYLAW**

## A BYLAW OF THE CITY OF VICTORIA

(Consolidated to include Bylaws No. 89-185, 90-004, 90-093, 90-222, 92-014, 92-095, 93-014, 93-086, 93-122, 93-135, 94-026, 95-029, 95-077, 95-097, 95-113, 96-003, 98-006, 98-044, 99-042, 01-070, 01-092, 01-152, 02-111, 03-109, 04-117, 08-097, 10-074, 10-084, 13-011 and 14-101)

to consolidate the provisions for the licensing and regulation of businesses and to provide for voluntary penalties and the issuing of tickets.

PURSUANT to the powers vested in it by the Victoria City Act, 1919 as amended, by the Municipal Act R.S.B.C. 1979, c.290, and other powers thereunto enabling, the Municipal Council of The Corporation of the City of Victoria enacts as follows:

- 1 This Bylaw may be cited as the "BUSINESS LICENCE BYLAW."
- 2
  - (1) This bylaw is subject to the provisions of the Interpretation Bylaw, 1974.
  - (2) In this bylaw,
 

"automatic teller machine" means a device that

    - (a) is linked to a financial institution's account records, and that is able to carry out transactions that include account transfers, deposits, cash withdrawals, balance inquiries, payments of amounts owed, or other financial transactions, and
    - (b) is not located in the same building as offices of the financial institution that owns the device;

"financial institution" means a bank, credit union, or trust company.
- 3 No provision of this bylaw shall depend for its validity on any other provision of this or of any other bylaw, it being Council's intention that, notwithstanding that one or more of the provisions of this or of any other bylaw may be invalid, as many as possible of the provisions of this bylaw shall remain in force and effect, as though such invalid provision or provisions were never enacted.
- 4 No person shall carry on any of the trades, businesses, professions, occupations, callings, employments or purposes set out in the Schedule of Fees attached to and forming part of this bylaw, unless:
  - (a) he holds a valid and subsisting licence for that purpose, issued under the provisions of this bylaw or of another bylaw of the City enacted for that purpose;



- (b) he had paid in advance to the City the licence fee prescribed in this bylaw, and if no licence fee is prescribed in this bylaw then such licence fee as may be prescribed in another bylaw having application;
  - (c) he displays such licence in a conspicuous place on the premises, if any, to which the licence applies.
- 6 Except as otherwise provided by bylaw, each licence shall be in writing, shall be issued by the Licence Inspector, and shall identify the licensee and the nature of the business authorized.
- 7 An application for a licence shall be made in writing on a form prescribed by the Licence Inspector.
- 8
- (1) Before issuing any licence, the License Inspector may require evidence to his reasonable satisfaction that the applicant has complied with any and all applicable bylaws, regulations and statutes, and may require the applicant to give full particulars of all convictions of any offences recorded against the applicant anywhere in Canada during the two years immediately preceding the date of application.
  - (2) The License Inspector may also obtain a report from any police force on the applicant's criminal record, and no liability for defamation shall attach to the City or any of its employees or to any member of any police force for communicating such information in good faith, whether or not the information is accurate.
  - (3) The Licence Inspector may issue or renew a business licence for a business that holds a Liquor Primary or Liquor Primary Club Licence issued under the Liquor Control and Licensing Regulation, B.C. Regulation No. 244/2002, only if the applicant for the business licence
    - (a) enters with the City into a Good Neighbour Agreement, in the form attached as Schedule B to this bylaw, that includes the conditions set out in paragraph (b); and thereby
    - (b) agrees that the applicant will:
      - (i) ensure that noise emissions from the business do not disturb the neighbourhood and comply with the City's bylaws dealing with the regulation of noise,
      - (ii) ensure that the business does not play amplified music, between 11:00 p.m. and the business' closing time, outside of the building where the business is located,
      - (iii) post a sign at the entrance of the place of business advising of the dress code, if any, the admission fee and the identification requirements in connection with permitted entry to the business,
      - (iv) require on-duty employees to wear distinctive identification badges displaying an identification number,

- (v) maintain a list that fully identifies all employees by name and identification number,
  - (vi) employ security personnel to patrol the outdoor areas of the place of business, to monitor the activity of patrons in those areas, particularly at closing time, and to ensure orderly dispersal of patrons as they leave the place of business,
  - (vii) employ reasonable screening measures to ensure that patrons entering the business premises are at least 19 years of age and that no weapons or illegal drugs are brought onto the business premises,
  - (viii) not permit patrons to carry or consume alcoholic beverages in areas that are not licensed for that purpose, including the outdoor areas of the place of business,
  - (ix) when requested, allow those patrons who have consumed liquor at that place of business the use of one of the business' telephones, free of charge, for the purpose of telephoning a taxi or other transportation,
  - (x) each night after the business closes, inspect its outdoor areas and ensure that they are free of litter, garbage and broken glass,
  - (xi) ensure that at all times the queue of patrons waiting for entry into the place of business does not impede or obstruct pedestrian traffic along a sidewalk or interfere with access or egress to another place of business,
  - (xii) immediately remove all graffiti that is placed from time to time on the exterior of the building in which the business is located.
- (4) The requirements set out in subsection (3)(b) are conditions that the applicant must comply with throughout the term of its business licence and any renewal term.
- 9 Until the contrary is proved a person shall be deemed to carry on a trade, business, profession, occupation, calling, employment or purpose without a valid and subsisting licence if he performs a single transaction which is normally performed only by persons engaged in the trade, business, profession, occupation, calling, employment or purpose.
- 10 (1) Except as otherwise expressly provided in this bylaw every licence shall be valid for a term of one year, commencing on the 16<sup>th</sup> day of January and terminating on the 15<sup>th</sup> day of January next, provided that if a licence is issued after the 16<sup>th</sup> day of January in any year it shall be valid only until the 15<sup>th</sup> day of January next, but the full licence fee shall nevertheless be payable.
- (2) A person who holds a licence under this bylaw must renew the licence and pay the annual licence fee on or before January 15 for as long as that person continues to operate the business.

- (3) If a licence is renewed after February 15, the licence holder must pay to the City a late fee of \$25 in addition to the applicable annual licence fee.
  - (4) Subsection (3) does not apply to licence holders described under paragraphs 10(a) and (d), 11, 12 and 14 in the Schedule of Licence Fees.
- 11
- (1) No licence shall be transferable from one person to another, and no refund shall be payable in respect of a licence on the grounds that the holder of such licence has ceased to carry on business before its expiry.
  - (2) Notwithstanding subsection (1) a licence under paragraph 18 in the Schedule of Licence Fees shall, if in good standing, be transferred from one person to another, upon written application of the transferor and the transferee.
- 12
- Any person holding a licence shall be entitled, on written application duly made to and approved by the Licence Inspector, to change his place of business, subject to compliance with any bylaws of the City relating to the location, nature, condition, or approval of the premises to be used or occupied for it, or to any other bylaws relating to the application for or subject matter of the licence, but no person shall be entitled to carry on business at two or more locations at the same time under one licence.
- 13
- Any License Inspector, any person designated by the Director of Finance and any Police Officer may at any reasonable time enter upon any premises for the purpose of ascertaining whether the provisions of this bylaw are being complied with, and provided that the Inspector, Police Officer or other designated person produces proper identification when asked, no person shall hinder, delay or obstruct him.
- 14
- Notwithstanding anything contained in this bylaw the Council may, by unanimous vote of all the members present, refuse in any particular case to grant the request of the applicant for a licence under the provisions of this bylaw.
- 15
- (1) In addition to any power of refusal or revocation of licences vested in it by the preceding section or by any other law, the Council may by the votes of at least two thirds of all its members refuse to issue a licence or may revoke a licence already issued on the grounds that:
    - (a) not more than two years before such refusal or revocation, the applicant for or holder of the licence as the case may be;
      - (i) was convicted anywhere in Canada of an offence involving dishonesty;
      - (ii) was convicted, found guilty of or liable for any contravention or offence relating to the conduct of a business similar to that which the licence relates;

- (iii) was convicted, found guilty of, or liable for any contravention or offence, in Victoria, against this bylaw or against any bylaw authorizing the issuance of a business licence or regulating the conduct of a business; or
  - (b) the applicant for or holder of the licence in his application for a licence, was guilty of misrepresentation, nondisclosure or concealment of any material fact, relating to the subject matter of the licence or required to be stated in, the application.
  - (c) In this section "applicant" or "holder" includes the director of a corporation and partner of a firm.
- (2) A Licence Inspector may suspend a licence for a reasonable length of time if the holder of that licence
- (a) is convicted of an offence indictable in Canada;
  - (b) is convicted of an offence under any municipal bylaw or statute of British Columbia in relation to the licensed business or the land or building named in the licence;
  - (c) has, in the opinion of the Licence Inspector, been guilty of gross misconduct that
    - (i) is related to the licensed business or the land or building named in the licence; and
    - (ii) warrants the suspension of the licence;
  - (d) no longer meets the lawful requirements for carrying on the licensed business or for the land or building named in the licence; or
  - (e) has, in the opinion of the Licence Inspector,
    - (i) conducted the licensed business or performed a service in a particular manner; or
    - (ii) sold, offered for sale, displayed for sale or distributed to a person actually or apparently under the age of 16 years anything;
 

that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of 16 years.
- (3) Sections 513(2) to (4) of the Municipal Act (B.C.) apply to an appeal from a decision to suspend a licence under subsection (2).



- 16 Before any of the powers under the preceding two sections are exercised by the Council, written notice shall be given to the applicant for or holder of the licence, as the case may be, stating briefly any allegation or factor which the Council will consider, and inviting the applicant or holder to appear in person or by agent before the Council at the time and place stipulated in the notice, to make representations with or without the production of evidence in support thereof.
- 17 The proceedings conducted pursuant to the preceding section shall be open to the public unless at the request of the applicant for or holder of the licence the Council resolves to exclude the public, but the Council may deliberate in private before making its decision.
- 18 If the applicant for or holder of the licence does not appear in person or by agent at the time appointed pursuant to Section 16 the Council may proceed in his absence.
- 19 No refund shall be made in respect of any part of the fee paid for a licence that has been revoked.
- 20 Where the Council has refused a licence pursuant to Section 14 or 15 no fresh application for the same licence shall be entertained within three months after such refusal except with the unanimous consent of the members of Council present.
- 21 The provisions of this bylaw apply, to the extent that they are consistent, to any other bylaw enacted by virtue of the powers conferred on the City by the provisions of Section 18 of the Victoria City Act, 1919, as amended.
- 22 The amount of the licence fee payable to the City for a licence shall be as stipulated in the Schedule of Licence Fees, unless a licence fee is payable pursuant to the provisions of another bylaw.
- 23 [Repealed]
- 24
  - (1) Before issuing a business licence pursuant to paragraph 21 of the Schedule of Licence Fees, where an applicant is applying for such licence for the first time, the Licence Inspector, as a condition of issuing the licence, may require the applicant to furnish a letter of credit or bond in the amount of \$500.00, the return of which shall be conditional upon the applicant carrying on the business continuously for at least six months from the date of issuance of the business licence.
  - (2) Where any person has been required to furnish a letter of credit or bond pursuant to this section, such security shall be returned to that person when the person has carried on business continuously within the City for six months from the date of issuance of the business licence.
- 25
  - (1) No person shall carry on any trade, business, profession, occupation, calling, employment or purpose mentioned in this bylaw on any street, sidewalk, public place or public square unless such person is expressly permitted to do so by any other bylaw of the City.

- (2) For the purposes of this section, "the carrying on of any trade, business, profession, occupation, calling, employment or purpose" includes any advertising by means of handbills, pamphlets, circulars, leaflets or other printed, typed or written materials.
- 26 (1) A person commits an offence and is subject to the penalties imposed by this bylaw, the Ticket Bylaw and the *Offence Act* if that person:
- (a) contravenes a provision of this bylaw;
  - (b) consents to, allows, or permits an act or thing to be done contrary to this bylaw; or
  - (c) neglects or refrains from doing anything required by a provision of this bylaw.
- (2) Each day that a contravention of a provision of this bylaw occurs or continues shall constitute a separate offence.
- 27 [Repealed]
- 28 Upon the request of a Bylaw officer or a Police Officer, any person who is carrying on business on any street, sidewalk, public place or square shall identify himself or herself and provide his or her permanent address.
- 29 [Repealed]
- 30 [Repealed]
- 31 Bylaw No. 80-195, the "Business Licence Bylaw" and all amendments are repealed.
- 32 A business licensed under the *Liquor Control and Licensing Act* must not sell, or offer for sale, alcoholic beverages at a retail price of less than \$3.00 per Standard Serving, inclusive of taxes.
- 33 For the purpose of section 32, the minimum price of an alcoholic beverage containing a fraction of one Standard Serving is to be calculated pro rata.
- 34 For the purpose of section 32, a Standard Serving is:
- (a) 1 fluid ounce of spirits having an alcoholic content of 17% or more, served on its own or in a mixed beverage;
  - (b) 5 fluid ounces of wine having an alcoholic content of 1.5% or more;
  - (c) 12 fluid ounces of beer, cider, or a cooler, having an alcoholic content of 1.5% or more.

Passed and received third reading by the Municipal Council the **8<sup>th</sup>** day of **June** 1989.

Reconsidered and adopted by the Municipal Council the **22<sup>nd</sup>** day of **June** 1989.

**"M. JOHNSTON"**  
CITY CLERK

**"E. SIMMONS"**  
ACTING MAYOR



### SCHEDULE OF LICENCE FEES

<u>Classification of Business</u>		License Fee (per annum, unless otherwise stated) \$
1.	A person carrying on the business of selling newspapers by hawking	25.00
2.	A hawker, selling original paintings, drawings, sketches or etchings only	300.00
3.	A hawker, selling arts and crafts only	5.00
4.	Any designated area hawker, as defined in the Street Vendors Bylaw	300.00
5.	Any other hawker, and any peddler	250.00
6.	(1) A person, who, in person or by telephone, either on his own behalf or as agent for another, sells or solicits or takes orders for the sale, by retail, of goods, wares or merchandise to be supplied by any person resident or doing business outside the City,	300.00
	(2) Where orders for cosmetics, health food products, kitchenware, costume jewellery, or household cleaning products are solicited in the home of a prospective purchaser at a gathering attended by more than one prospective purchaser	100.00
7.	Any person selling property by auction (except Crown officers, sheriffs and bailiffs)	300.00
8.	A person carrying on the business of a hospital for profit	280.00
9.	A person carrying on the business of a school for profit	30.00
10.	A person owning or keeping a cab, carriage, cart, wagon, dray, truck, motor car, automobile, or other conveyance or vehicle for hire, other than a school bus for which no license is required	
	(a) if a limousine with a driver, for each limousine	140.00
	(b) if any other conveyance or vehicle with a driver, including a taxi within the meaning of the Taxi Bylaw, for each conveyance or vehicle	140.00
	(c) if conveyances or vehicles without drivers, per business location	500.00



(d)	if a pedicab carriage, per pedicab	140.00
(e)	if a moped, motor cycle or bicycle rental business, per business location	60.00
11.	Except as provided in Clause 12, any person who transports passengers in a vehicle, or other conveyance, other than a vessel or a passenger bus service on a fixed route between a place in the City and a place outside the City, for each vehicle or other conveyance	140.00
12.	Any person who transports passengers in a horse drawn vehicle for special events only	140.00
13.	Any person carrying on the business of a passenger bus service on a fixed route in the City or between any place in the City and any place outside the City, per business location	280.00
14.	Any person who transports passengers in a vessel, for each vessel	140.00
15.	Any person carrying on the business of a steamship company	140.00
16.	Any person carrying on any airline business with or without flight arrivals or departures within the City of Victoria	280.00
17.	A transient trader, as defined in the <u>Victoria City Act, 1919</u> , s.18(1)(v)	1,000.00
18.	Subject to Clause 19, a person letting individual rooms, suites of rooms, or lodgings for hire, either in a hotel, rooming house, apartment house, lodging house or elsewhere, and whether or not board or meals are supplied to the occupants thereof	\$100.00, plus \$5.00 for each room let or available for letting
19.	Any persons who	
(a)	have 2 or fewer rooms or suites for rent in a dwelling unit where the dwelling unit is occupied by its owner, the dwelling unit remains as a single legal title, and the interval at which rent is payable on the suite or rooms is one month or longer, or	
(b)	let a room or suite of rooms under a registered lease with an initial or renewal term of 99 years or more	
	are not required to take out or hold a license under Clause 18.	

20.	Each person carrying on the business calling or profession of accountant, architect, insurance adjuster, public stenographer, real estate agent, barrister, solicitor, physician, surgeon, medical practitioner, or specialist, engineer, land surveyor, optometrist, refractionist, dentist, dental surgeon, osteopath, chiropractor, faith-healer, mental-healer, or other healer of human diseases or ailments, or veterinarian, whether as principal, partner or employee, for each person	100.00
21.	Any person carrying on flower sales from outside premises in which the business of government liquor sales is conducted, but not on any sidewalk, boulevard, or street, for each business	100.00
22.	Any person carrying on the business of an amusement centre, including billiard hall, bowling alley or dance club	60.00
23.	Any person carrying on the business of a barber or hairdresser	100.00
24.	Any person carrying on the business of a bingo hall	280.00
25.	Any person carrying on the business of a radio or television broadcasting station	250.00
26.	Any person carrying on the business of a dealer in secondhand or used motor vehicles and motor vehicle repairs	200.00
27.	Any person carrying on the business of a dealer in new automobiles or in both new and used automobiles shall also be entitled to carry on the business of selling automobile accessories, gasoline, oil and supplies and repairing automobiles or motor cars without another license	500.00
28.	Any person carrying on the business of a casino	280.00
29.	Any person carrying an the business of catering	60.00
30.	Any person carrying on the business of a laundry or dry cleaners	100.00
31.	Any person carrying on the business of stockbroker, commodity trader, auto broker or investment dealer	200.00
32.	Any person carrying on the business of a credit union	280.00
33.	Any person carrying on the business of a day care centre	30.00
34.	Any person carrying on a retail business which includes 10 or more distinctive line or class of goods, wares or merchandise	3,000.00
35.	[Repealed]	



36.	Selling beverages for consumption in the place where the beverages are sold	
(a.1)	licensed liquor primary business, as defined under B.C. Regulation 244/2002, located inside the Downtown Area shown on the map in Schedule C	\$300 plus \$7 per each unit of licensed liquor primary person capacity
(a.2)	licensed liquor primary business, as defined under B.C. Regulation 244/2002, located outside the Downtown Area shown on the map in Schedule C	\$300 plus \$6 per each unit of licensed liquor primary person capacity
(a.3)	licensed liquor primary clubs, as defined under B.C. Regulation 244/2002, and licensed cultural facilities operated by a not for profit society:	
(i)	\$100 for licensed liquor primary person capacity not over 299,	
(ii)	\$200 for licensed liquor primary person capacity of 300 to 599,	
(iii)	\$400 for licensed liquor primary person capacity of 600 to 899,	
(iv)	\$800 for licensed liquor primary person capacity of 900 or more.	
(b)	B.C. food primary licensed business, as defined under B.C. Regulation 244/2002	100.00
(c.1)	licensed food primary business with a lounge endorsement, as defined under B.C. Regulation 244/2002, located inside the Downtown Area shown on the map in Schedule C	\$200 plus \$7 per each unit of licensed liquor primary person capacity
(c.2)	licensed food primary business with a lounge endorsement, as defined under B.C. Regulation 244/2002, located outside the Downtown Area shown on the map in Schedule C	\$200 plus \$6 per each unit of licensed liquor primary person capacity
37.	Any person carrying on the business of a liquor store	280.00
38.	Any person carrying on the business of a railway office	140.00

39.	Any person carrying on the business of a rental service including the rental of chattels	60.00
40.	Any person carrying on the business of a social club which offers games of chance	150.00
41.	Any person operating any theatre, or motion picture theatre	
	(a) where the seating capacity is less than 975	500.00
	(b) where the seating capacity is more than 975	500.00
42.	Any person carrying on the business of a tug boat company	280.00
43.	Any person carrying on the business of a wholesale or wholesale and retail merchant or trader	200.00
44.	Any person carrying on the business of a bank	
	(a) for the first business location	1,000.00
	(b) for each additional business location	700.00
45.1	Any person owning or operating any lawful automatic vending or slot machine	
	(a) for each washer or dryer, per machine	11.00
	(b) for any other vending machine	15.00
45.2	Despite section 45.1, any person having possession or control of a lawful automatic or slot machine, or any other machine, that dispenses lottery tickets for sale to a customer or for subsequent sale by a vendor to a customer: for each machine	100.00
45.3	Any person having possession or control of an automatic teller machine: for each machine	700.00
46.	Each person carrying on any of the trades, businesses, professions, occupations, callings, employments, or purposes mentioned in Section 18(1) of the Victoria City Act, 1919 but not expressly mentioned in this Schedule, for each enterprise	100.00
47.	Each person carrying on any business not otherwise mentioned in this Schedule, for each such business	100.00
48.	Any person carrying on the business of a laundromat in a commercial location	100.00
49.	Any person carrying on the business of a trust company	700.00



50.	Any person carrying on the business of an insurance company	280.00
51.	Any person carrying on a bicycle courier business, as that business is defined in the Bicycle Courier Bylaw	150.00
52.	Any person carrying on the business of a street entertainer, as defined in the Street Vendors Bylaw	25.00
53.	Any person carrying on an outdoor market business that, for a fee, permits individuals to use or occupy a space, table or booth outdoors on public property for the purpose of retail marketing of goods or services	100.00
54.	Any person carrying on the business of teletheatre wagering that involves betting on horse races from a remote location where the live races are shown electronically on a screen	280.00

**Schedule B**  
**Liquor-Primary Business Good Neighbour Agreement**

WHEREAS representatives of the Corporation of the City of Victoria (the "City"), Victoria Police Department (the "Police Department"), and the owners, \_\_\_\_\_ of the liquor-primary business, \_\_\_\_\_ (the "Liquor-Primary Business"), located at \_\_\_\_\_, Victoria, B.C., recognize that liquor licensed establishments have a civic responsibility beyond the legislated requirements of the Liquor Control and Licensing Act to control the conduct of their patrons; and

WHEREAS the City, the Police Department and the Liquor-Primary Business agree that in recognizing this principle, the following measures will be implemented by the Liquor-Primary Business, up to the opening for business and will continue to be in effect at all times; and

WHEREAS the City of Victoria Business Licence Bylaw, s. 8(3)(b) imposes certain conditions with which the holder of a business licence for a Liquor-Primary Business ) must comply;

Conditions of license (as provided under City of Victoria Business Licence Bylaw No. 89-71)

1. As there is recognition that the Liquor-Primary Business exists within proximity of transient & residential accommodations and other commercial buildings, the Liquor-Primary Business undertakes to ensure that noise emissions do not disturb the neighbourhood and comply with the City of Victoria Noise Bylaw.
2. The Liquor-Primary Business will not play amplified music outside of the building after 23:00h.
3. The Liquor-Primary Business will post a sign at the entrance to the licensed premises advising of the identification requirement and any dress code or admission fee.
4. The Liquor-Primary Business staff shall wear distinctive identification badges displaying an identification number at all times while on duty in the licensed premises, and the manager shall at all times maintain a list identifying every staff member by name and identification number.
5. The Liquor-Primary Business shall employ staff or security personnel to patrol the external area and to monitor the activity of patrons immediately outside the Liquor-Primary Business, particularly at closing time, to ensure orderly dispersal.
6. The Liquor-Primary Business staff shall make every reasonable effort to scrutinize patrons as they enter to ensure that all patrons are at least 19 years of age and that no weapons or items of contraband are brought into the Liquor- Primary Business.
7. Patrons shall not be allowed to carry open beverages or to consume them in areas that are not licensed for such purpose including outside of the Liquor- Primary Business.
8. Patrons of the Liquor-Primary Business who have consumed liquor shall be allowed free use of a telephone for the purposes of calling a taxi or other transportation, if requested.

9. The Liquor-Primary Business' staff shall undertake to inspect the outside of the premises each night after closing to ensure that there is no litter, garbage or broken glass left in the area around the Liquor-Primary Business.
10. The Liquor-Primary Business shall ensure at all times that the line-up into the business does not impede or obstruct pedestrian traffic along the sidewalk or interfere with access or egress to another place of business.
11. The Liquor-Primary Business agrees to remove immediately all graffiti placed from time to time on the property that is owned or leased by the Liquor-Primary Business.

Other terms and conditions of this Good Neighbour Agreement

12. The Liquor-Primary Business staff shall monitor the conduct of all patrons within the Liquor-Primary Business and terminate alcoholic beverage service to persons exhibiting signs of intoxication.
13. The Liquor-Primary Business shall support and cooperate with Victoria City Police in Licensed Premises Checks and any crime prevention initiatives for liquor-licensed establishments.
14. When incidents occur that require police involvement, all Liquor-Primary Business staff shall cooperate with police members and shall not impede or obstruct the investigation in any way.
15. There shall be no tolerance for criminal activity within the Liquor-Primary Business, and police will be consulted should a "criminal element" become present.
16. The Liquor-Primary Business and Victoria City Police agree to meet a minimum of once every calendar year to discuss issues and concerns.
17. The Liquor-Primary Business agrees to support the hiring of qualified people from the community when appropriate.
18. The Liquor-Primary Business recognizes its role within the community, and agrees to work with the City, its departments and any task forces to resolve mutual concerns.
19. Any proposed changes to these guidelines will first be discussed and be resolved with Victoria City Police and/or the City.
20. Nothing contained or implied herein shall prejudice or affect the City's rights and powers in exercise of its functions pursuant to the *Local Government Act* and the rights and powers of the City under all of its public and private statutes, bylaws, and regulations, all of which may be as fully and effectively exercised in relationship to the Lands and the Premises as if this agreement had not been entered into.

The City and the Liquor-Primary Business recognize that participation in this agreement is a condition of the City Business Licence and that its success is based on licensee compliance. The Liquor-Primary Business recognizes that should non-compliance with the terms of the agreement arise, or if complaints to the Victoria Police Department regarding negative community impacts are in the opinion of the Corporate Administrator attributable to the Liquor-Primary Business, the City

will provide written notice to the Liquor-Primary Business of such impacts or non-compliance. The Liquor-Primary Business shall have 30 days from receipt of the Notice in which to address and correct the negative impacts specified in the Notice to the satisfaction of the Corporate Administrator, in his or her sole discretion. If, upon the expiry of the thirty (30) day period, the negative impacts specified in the Notice have not been addressed and corrected to the satisfaction of the Corporate Administrator, this matter will be brought to the attention of City Council with a recommendation that the Business Licence be suspended or revoked, as the evidence of noncompliance warrants.

WHEREAS the Liquor-Primary Business has entered into this agreement, the City and Victoria City Police commend them for their recognition of their civic responsibilities and their commitment to fostering a good working relationship with the City and their neighbours.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, at Victoria, B.C.

\_\_\_\_\_  
Liquor-Primary Business

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Liquor-Primary Business

\_\_\_\_\_  
Corporate Administrator

\_\_\_\_\_  
Victoria City Police



### Schedule C – Map of Downtown Zone



Note: Shaded areas are within the Downtown Zone.

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the provisions of the Business Licence Bylaw to regulate and set fees for small-scale commercial urban food production.

Under its statutory powers, including section 18 of the *Victoria City Act, 1919* and section 8(6) of the *Community Charter*, the Council of the Corporation of the City of Victoria enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the "BUSINESS LICENCE BYLAW, AMENDMENT BYLAW (NO. 31)".

**Business Licence Bylaw**

- 2 Bylaw No. 89-71, the Business Licence Bylaw, is amended:

- (a) in section 2(2)

- (i) by adding the following definitions immediately after the definition of "automatic teller machine":

"'delivery truck' means a motor vehicle which is designed or used primarily for the transportation of property and weighs in excess of 907 kg;

'foodstand' has the same meaning as foodstand in the Zoning Regulation Bylaw";

- (ii) by striking out the period after "trust company" and replacing it with a semi-colon;

- (iii) by adding the following definitions immediately after the definition of "financial institution":

"'small-scale commercial urban food production' has the same meaning as small-scale commercial urban food production in the Zoning Regulation Bylaw."

- (b) by inserting the following section 35 immediately after section 34:

"35 A licenced small-scale commercial urban food production business must not have or permit, in non-commercial or non-industrial zones,

- (b) the loading of products of small-scale commercial urban food production into a delivery truck at the small-scale commercial urban food production site outside the hours of

- (i) 10 a.m. and 8 p.m. on Sundays and holidays; or
  - (ii) 8 a.m. and 7 p.m. on any other day;
- (c) more than one loading of products of small-scale commercial urban food production into a delivery truck at the small-scale commercial urban food production site per day; or
- (d) the selling of products of small-scale commercial urban food production on a foodstand outside the hours of:
  - (i) 10 a.m. and 8 p.m. on Sundays and holidays; or
  - (ii) 7 a.m. and 8 p.m. on any other day.”;
- (c) in the Schedule of Licence Fees by adding the following sections 55 and 56 immediately after section 54:

“55.	Any person carrying on a small-scale commercial urban food production business for off-site retail purposes	100.00
56.	Any person carrying on a small scale urban food production business for on-site retail purposes	100.00, or 25.00 for three months”

READ A FIRST TIME the	<b>28<sup>th</sup></b>	day of	<b>July</b>	2016
READ A SECOND TIME the	<b>28<sup>th</sup></b>	day of	<b>July</b>	2016
READ A THIRD TIME the	<b>8<sup>th</sup></b>	day of	<b>September</b>	2016.
ADOPTED on the	<b>22<sup>nd</sup></b>	day of	<b>September</b>	2016.

**“CHRIS COATES”**

CITY CLERK

**“LISA HELPS”**

MAYOR

NO. 16-078

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw is to amend the Cannabis-Related Business Regulation Bylaw to allow one third-party ATM to operate on the premises of a storefront cannabis retailer, despite the prohibition of more than one business per premises.

The Council of the Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the "CANNABIS-RELATED BUSINESS REGULATION BYLAW, AMENDMENT BYLAW NO. 1 (16-078)".
- 2 Bylaw No. 16-061, the Cannabis-Related Business Regulation Bylaw, is amended as follows:
  - (a) by striking out section 8 (c) and replacing it with the following;
    - "(c) not use the premises to carry on business other than cannabis-related business and accessory uses except that one third-party automatic teller machine may be operated on the premises;"

READ A FIRST TIME the        **24<sup>th</sup>**        day of        **November**        2016

READ A SECOND TIME the    **24<sup>th</sup>**        day of        **November**        2016

READ A THIRD TIME the     **24<sup>th</sup>**        day of        **November**        2016

ADOPTED on the                **8<sup>th</sup>**        day of        **December**        2016

**"CHRIS COATES"**  
CITY CLERK

**"LISA HELPS"**  
MAYOR



A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the provisions of the Business Licence Bylaw to remove the mandatory requirement that all liquor primary and liquor primary clubs enter into good neighbour agreements.

Under its statutory powers, including section 8(6) and 15 of the *Community Charter* and section 18 of the *Victoria City Act, 1919*, the Council of The Corporation of the City of Victoria enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the "BUSINESS LICENCE BYLAW, AMENDMENT BYLAW (NO. 32)".

**Amendments**

- 2 Bylaw No. 89-71, the Business Licence Bylaw, is amended:

- (a) in section 2(2), by:

- i. striking the period after the words "trust company" and replacing it with a semicolon;
- ii. inserting the following definitions immediately after the definition of "financial institution":

"licensed establishment" means a business that is licensed under the provisions of the British Columbia *Liquor Control and Licensing Act*;

"Licence Inspector" means a person appointed by the City as a licence inspector.

- (b) in section 8, by repealing subsection (3) and replacing it with the following:

- "(3) A licensed establishment must enter into a good neighbour agreement in a form satisfactory to the City Solicitor as a condition of receiving a new business licence or renewing, transferring or amending an existing business licence if, in the opinion of the Licence Inspector, the licensed establishment has had a negative impact on the neighbouring community resulting in:

- (a) complaints received by the City, including the Victoria Police Department, about the licensed establishment;
- (b) tickets or fines issued against the licensed establishment for breach of City bylaws or provincial or federal laws; or

- (c) repeat visits by City bylaw officers or police officers in response to incidents at or complaints about the licensed establishment."

- (c) by repealing Schedule B in its entirety.

**Effective Date**

- 3** This bylaw comes into force on adoption.

READ A FIRST TIME the **1<sup>st</sup>** day of **March** 2018

READ A SECOND TIME the **1<sup>st</sup>** day of **March** 2018

READ A THIRD TIME the **1<sup>st</sup>** day of **March** 2018

ADOPTED on the **8<sup>th</sup>** day of **March** 2018

CITY CLERK

MAYOR