



## Committee of the Whole Report For the Meeting of July 16th, 2020

---

**To:** Committee of the Whole **Date:** June 23rd, 2020  
**From:** Chris Coates, City Clerk  
**Subject:** Recommendation for the Herbert Collins Group Inc. at 1010 Cook Street

---

### RECOMMENDATION

1. That Council direct staff to advise the Liquor and Cannabis Regulation Branch:

The Council of the City of Victoria supports the application of the Herbert Collins Group Inc. at 1010 Cook Street to receive a provincial cannabis retail store license with following comments:

- a. The Council recommends that the LCRB issue a license to the Herbert Collins Group Inc. at 1010 Cook Street.
- b. City staff did not raise any concerns about this referral in terms of community impacts.
- c. The views of residents were solicited through a mail-out to property owners and occupiers within 100 meters of this address and to the relevant neighbourhood association.

The City sent 829 notices and received 15 letters in response. The City did not receive correspondence from the Fairfield-Gonzales Community Association for this referral.

Of the 15 respondents, 9 support issuing a license and 6 oppose issuing a license.

Respondents opposed to issuing a license identified the following issues: cannabis consumption in the area, safety and security of residents and property in the area, and compatibility with residential and recreational uses in the area.

- d. The Council wishes the Province to make its own deliberations about the fact that this operation remained in operation for up to 2 weeks following legalization.
2. That Council direct staff to advise the LCRB of Council's recommendation subject to the applicant's compliance with applicable City bylaws and permits.

### EXECUTIVE SUMMARY

Since the Government of Canada legalized cannabis on October 17, 2018, the Province of British Columbia is responsible for cannabis retail store licensing. The Province established a framework that sends referrals to the City for a positive or negative recommendation, which must include

residents' views. The City's *Cannabis Retail Store Licensing Consultation Policy and Fee Bylaw 18-120* establishes a public consultation process and fees to manage referrals.

The applicant received a license to operate a business called Thrive Health Center at 1010 Cook Street on January 2015. On June 2<sup>nd</sup>, 2016, the applicant applied for a cannabis dispensary business license at 1010 Cook Street. At that time, staff were reviewing business licensing regulations toward the implementation of a licensing framework for cannabis related businesses.

On September 22<sup>nd</sup>, 2016, Council adopted the *Cannabis-Related Business Regulation Bylaw 16-058* which enabled the City to issue storefront cannabis retail licences. After Council adopted the Bylaw, the applicant applied for a storefront cannabis retail licence on November 16<sup>th</sup>, 2016, completed rezoning on July 13<sup>th</sup>, 2017 and was issued a storefront cannabis retail licence on September 11<sup>th</sup>, 2017. The applicant continued to operate the business during this process, since transitional provisions in the Bylaw allowed businesses to continue operating provided their rezoning application was in progress.

Bylaw Services conducted regular inspections between October 26<sup>th</sup>, 2016 and November 17<sup>th</sup>, 2019. Between March 8<sup>th</sup>, 2017 and August 25<sup>th</sup>, 2017, the applicant received verbal warnings related to air filtration systems, signage, and the number of staff on site. The applicant promptly addressed these issues. The City did not issue any tickets.

The applicant stopped cannabis retail store operations within two weeks after legalization.

The City sent 829 notices and received 15 letters in response. The City did not receive correspondence from the Fairfield-Gonzales Community Association. Of the 15 respondents, 9 support issuing a license and 6 oppose issuing a license. Respondents opposed to issuing a license are concerned about cannabis consumption in the area, safety and security of residents and property in the area, and compatibility with residential and recreational uses in the area.

In the absence of a City policy for evaluating the eligibility of proposed cannabis retail store, staff reviewed compliance and enforcement history, and comments from respondents. Based on this analysis, staff recommend that Council provide a positive recommendation for the Herbert Collins Group Inc. at 1010 Cook Street.

## **PURPOSE**

The purpose of this report is to seek a Council resolution, in accordance with the requirements of the *Cannabis Control and Licensing Act*, regarding an application by the Herbert Collins Group Inc. at 1010 Cook Street to obtain a provincial cannabis retail store license.

## **BACKGROUND**

The LCRB issues cannabis retail store licences under the *Cannabis Control and Licensing Act* (the Act). LCRB refers an application to the City so that Council may recommend to issue or not to issue a provincial cannabis retail store licence. If Council provides a negative recommendation to the LCRB, the LCRB may not issue a licence to the applicant at the proposed location.

The City must consider the location of the proposed cannabis retail store, provide comments about community impact, and include the views of residents. The *Cannabis Retail Store Licensing Consultation Policy and Fee Bylaw* establishes a public consultation method and fees (Appendix A). Owners and occupiers of parcels within 100 metres of the proposed location, and the

neighbourhood association for the area, and relevant City departments have an opportunity to provide written comments about the application.

A provincially licensed cannabis retail store must obtain a municipal business licence to operate in the City. The *Business Licence Bylaw* and *Storefront Cannabis Retailer Regulation Bylaw 19-053* set out licensing and operating conditions for storefront cannabis retailers.

Council has provided twelve positive recommendations and no negative recommendations to the LCRB. The Province and municipality have licensed all twelve cannabis retail stores, although not all are currently operational.

## **ISSUES AND ANALYSIS**

There is no specific City policy that guides staff in the evaluation of a proposed cannabis retail store. Staff take into consideration:

- the applicant's compliance and enforcement history as a cannabis retail store, if applicable, and
- comments from residents and businesses within 100 metres of the proposed location.

### Applicant

The Herbert Collins Group Inc. is located at 1010 Cook Street. A map of the property and the immediate 100 metre area is attached as Appendix B. A site plan is attached as Appendix C.

### Previous Operations

The applicant received a license to operate a business called Thrive Health Center at 1010 Cook Street on January 2015. On June 2<sup>nd</sup>, 2016, the applicant applied for a cannabis dispensary business license at 1010 Cook Street. At that time, staff were reviewing business licensing regulations toward the implementation of a licensing framework for cannabis related businesses.

After the Council adopted the Bylaw, the applicant applied for a storefront cannabis retail licence and rezoning on November 16<sup>th</sup>, 2016. After the property was rezoned for cannabis retail use on July 13<sup>th</sup>, 2017, the City issued a storefront cannabis retail licence on September 11<sup>th</sup>, 2017. The applicant continued to operate the business during this process, since transitional provisions in the *Cannabis Related Business Regulation Bylaw* permitted a business to continue operating provided their rezoning application was in progress.

Bylaw Services conducted regular inspections between October 26<sup>th</sup>, 2016 and November 17<sup>th</sup>, 2019. Between March 8<sup>th</sup>, 2017 and August 25<sup>th</sup>, 2017, the applicant received verbal warnings related to air filtration systems, signage, and the number of staff on site. The applicant promptly addressed these issues. The City did not issue any tickets.

The applicant stopped cannabis retail store operations within two weeks after legalization. A Bylaw officer visited the business on October 17<sup>th</sup>, 2018. The business was open. A Bylaw Officer did not visit the business again until October 30<sup>th</sup>, 2018. The business was no longer open. The exact date of closure is not known.

A history of compliance and an enforcement is attached as Appendix D.

### Community Impact

Bylaw Services, Sustainable Planning and Community Development, the Victoria Police Department did not indicate any concerns about impact on the community.

The Victoria Police Department has no site-specific comments for this referral.

### Residents' Views

The City sent 829 notices and received 15 letters in response. The City did not receive correspondence from the Fairfield-Gonzales Community Association.

Of the 15 respondents, 9 support issuing a license and 6 oppose issuing a license.

Respondents opposed to issuing a license are concerned about cannabis consumption in the area, safety and security of residents and property in the area, and compatibility with residential and recreational uses in the area.

Residents' views are attached as Appendix F.

### Summary

Staff would recommend that Council provide a positive recommendation for the Herbert Collins Group Inc. at 1010 Cook Street. Before the City established licensing and operating conditions for cannabis related businesses, the applicant sought to obtain a relevant business license. After the City established these conditions, the applicant applied for the appropriate cannabis retail store license and completed a rezoning of the property. The applicant addressed some compliance issues promptly and to the satisfaction of Bylaw Officers.

Council recently addressed the issue of cannabis retail stores operating without a provincial license after legalization and resolved to raise the issue in the recommendation and defer that aspect to the Province. This approach is represented in the recommendation for this application.

### Applicant's Response

The applicant provided a letter responding to the staff report. This letter is attached as Appendix G.

## **OPTIONS AND IMPACTS**

### **Option 1 – Refer application with a positive local government recommendation to LCRB (Recommended)**

This option would enable to LCRB to issue a provincial cannabis retail store license.

### **Option 2 – Refer application with a negative local government recommendation**

This option would prevent the Province from issuing a license to the applicant in this location. The applicant could apply in another location.

### **Accessibility Impact Statement**

The recommended option has no accessibility implications.

## **CONCLUSION**

The Herbert Collins Group Inc. At 1010 Cook Street rezoned the property and obtained an cannabis retail store business licence when it became available. The applicant addressed any compliance issues to the satisfaction of Bylaw Officers. A positive recommendation would allow the Province to continue the licensing process and potentially issue a cannabis retail store license.

Respectfully submitted,



Monika Fedyczkowska  
Legislative and Policy Analyst



Chris Coates  
City Clerk



Susanne Thompson  
Deputy City Manager



**Report accepted and recommended by the City Manager:** \_\_\_\_\_

**Date:** July 6, 2020

**Attachments**

Appendix A: Cannabis Retail Store Licensing Consultation Policy and Fee Bylaw 18-120

Appendix B: A map of the property and the immediate 100 metre area

Appendix C: A site plan of the property

Appendix D: History of compliance and enforcement

Appendix E: Residents' views

Appendix F: Letter from applicant