



Committee of the Whole Report For the Meeting of December 3rd, 2020

To: Committee of the Whole **Date:** November 24th, 2020
From: Chris Coates, City Clerk
Subject: Recommendation for Trees Cannabis at 103 – 230 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 Trees Cannabis at 103 – 230 Cook Street to receive a provincial cannabis retail store license with the following comments:

- a. The Council recommends that the LCRB issue a license to Trees Cannabis at 103 – 230 Cook Street.
- b. City staff did not raise any concerns about this referral in terms of community impacts.
- c. Residents' views 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 496 notices and received 10 letters in response. The City did not receive correspondence from the Fairfield – Gonzales Community Association. Respondents did not raise any concerns about this application.

- d. The Council wishes the Province to make its own deliberations about the fact that this operation remained open 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 17th, 2018, the Province of British Columbia is responsible for cannabis retail store licensing. The Province 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 property completed rezoning for cannabis retail use on August 2nd, 2018. The City received an application for a cannabis retail store licence on August 29th, 2018. The City issued a licence on August 31st, 2018.

Due to legalization of cannabis on October 17th, 2018 and the Province's responsibility for cannabis retail store licensing, the City deferred enforcement to the Provincial Community Safety Unit. The City would respond to complaints. As there were no complaints for this property, Bylaw officers did not inspect the store since the applicant began operating in August 2018.

After legalization, the City would only issue municipal business licences to provincial licence holders in accordance with revised provisions under the Storefront Cannabis Retailer Regulation Bylaw. Therefore, the applicant was not eligible for a municipal business licence in 2019.

The business was open after legalization until August 1st 2019.

The City sent 496 notices and received 10 letters in response. The City did not receive correspondence from the Fairfield – Gonzales Community Association. Respondents did not raise any concerns about this application.

In the absence of a City policy for evaluating referrals from the Province for proposed cannabis retail stores, staff reviewed compliance and enforcement history, and comments from respondents. Based on this analysis, staff recommend that Council provide a positive recommendation for the Trees Cannabis at Trees Cannabis at 103 – 230 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 Trees Cannabis at 103 – 230 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. 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.

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 thirteen positive recommendations and no negative recommendations to the LCRB. The Province and municipality have licensed all thirteen 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

Trees Cannabis is proposing a cannabis retail store at 103 – 230 Cook Street.

Previous Operations

The property completed rezoning for cannabis retail use on August 2nd, 2018. The City received an application for a cannabis retail store licence on August 29th, 2018. The City issued a licence on August 31st, 2018 to the applicant and the applicant made a licence fee payment of \$5000.00.

Due to legalization of cannabis on October 17th, 2018 and the Province's responsibility for cannabis retail store licensing, the City deferred enforcement to the Provincial Community Safety Unit. The City would respond to complaints. As there were no complaints for this property, Bylaw officers did not inspect the store since they began operating in August 2018.

After legalization, the City would only issue municipal business licences to provincial licence holders in accordance with revised provisions under the Storefront Cannabis Retailer Regulation Bylaw. Therefore, the applicant was not eligible for a municipal business licence in 2019.

The business was open after legalization until August 1st, 2019.

The City did not issue any tickets.

There is no history of enforcement and compliance for this property.

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 comments are attached as Appendix A.

Residents' Views

The City sent 496 notices and received 10 letters in response. The City did not receive correspondence from the Fairfield – Gonzales Community Association. Respondents did not raise any concerns about this application.

Residents' views are attached as Appendix B.

Summary

Staff would recommend that Council provide a positive recommendation for Trees Cannabis at 103 - 230 Cook Street. The applicant completed a rezoning for the property and obtained and paid for a license in 2018. There are no known compliance issues.

Council addressed the issue of cannabis retail stores operating without a provincial license after legalization and resolved to raise the issue in the recommendation for the Province to consider in

their final review of the application. 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 C.

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

Trees Cannabis at 103 - 230 Cook Street started and completed a rezoning for this property, obtained and paid for a cannabis retail store licence, and had no compliance issues. 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: November 24, 2020

List of Attachments

- Appendix A: Victoria Police Department comments
- Appendix B: Residents' views
- Appendix C: Letter from applicant