



Staff Report for Committee of the Whole Meeting

Date of Meeting: December 4, 2017

Report Number: [SRCAO.17.30]

Department: Office of the Chief Administrative Officer

Division: Strategic Initiatives

Subject: **SRCAO.17.30 Legalization of Cannabis**

Purpose:

To provide an update on the legalization of cannabis and identify potential issues/concerns for consideration.

Recommendation(s):

1. That SRCAO.17.30 regarding the legalization of cannabis be received.
2. That a copy of SRCAO.17.30 and all comments from Council be forwarded by the Town Clerk to the Attorney General, the Minister of Municipal Affairs and Housing, Reza Moridi, MPP – Richmond Hill and Dr. Helena Jaczek, MPP – Oak Ridges – Markham for consideration.
3. That a copy of SRCAO.17.30 and all comments from Council be forwarded by the Town Clerk to the Association of Municipalities of Ontario for information.
4. That upon legalization, the Town's Employee Code of Conduct be updated to add cannabis as one of the substances that must not impair an employee at work.

Contact Person:

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Report Approval:

Submitted by: Gwen Manderson, Director of Strategic Initiatives

Approved by: Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

Background:

On April 13, 2017, the Federal Government introduced Bill C-45, *the Cannabis Act*, which sets out the federal framework for the legalization of cannabis. As of November 17, 2017, Bill C-45 has received second reading, been reviewed by the Standing Committee on Health, and reported back to the House as amended on October 5, 2017. Debate continues on this Bill.

In general, the Federal Government would regulate the production of cannabis. The provinces and territories would have authority to regulate the sale and distribution of cannabis. If a province or territory chooses not to regulate in this area, the sale and distribution would be made possible through federally regulated distributors.

More specifically, the Federal Government would:

- Set strict requirements for producers who grow and manufacture cannabis;
- Set industry wide standards including:
 - The types of cannabis products that will be allowed for sale;
 - Packaging and labeling requirements for products;
 - Standardizing serving sizes and potency;
 - Prohibiting the use of certain ingredients;
 - Good production practices;
 - Tracking of cannabis from seed to sale to prevent diversion to the illicit market; and
 - Restrictions on promotional activities.

Some of the provisions set out in the federal framework include:

- Adults 18 years or older would be able to legally possess up to 30 g of legal dried cannabis or equivalent in non-dried form;
- Share up to 30 g of legal cannabis with other adults;
- Purchase dried or fresh cannabis and cannabis oil from a provincially licensed retailer;
- Grow up to 4 cannabis plants per residence for personal use from licensed seeds or seedlings;
- Make cannabis products such as food or drinks at home provided that organic solvents are not used; and
- Marketing and promotion restrictions similar to tobacco.

Under the federal framework, Provinces would license and oversee the sale and distribution of cannabis subject to federal conditions and may also:

- Increase the minimum age in the Province but not lower it;
- Lower the personal possession limit in their jurisdiction;
- Create additional rules for growing cannabis at home, such as lowering the number of plants per residence; and
- Restrict where adults can consume cannabis, such as in public places or in vehicles.

The Federal Government also introduced companion Bill C-46 on April 13, 2017. This Bill would make amendments to the Criminal Code related to drug impaired driving for example. As of November 17, 2017, Bill C-46 has received second reading, was reviewed by the Standing Committee of Justice and reported back to the House as amended on October 16, 2017. It is currently being reviewed by the Senate.

Medical cannabis will continue to only be available for purchase through federally licensed producers online or over the phone and delivered by secure mail.

On November 10, 2017 the Federal Government outlined its proposed approach for the taxation of cannabis. It has indicated that it believes that the total of federal and provincial-territorial taxes on cannabis products should not exceed \$1.00 per gram, or 10 per cent of the producer's sale price of a product, and that this tax room should be shared equally between the two orders of government. This means that the proposed federal tax would be 50 cents per gram of cannabis, or 5 per cent of the producer's sale price of that product. An additional rate would apply for an agreeing province or territory. The proposed tax would apply to all cannabis products available for legal sale, including fresh and dried cannabis, cannabis oils, as well as seeds and seedlings for home cultivation. The rate would also apply to the sale of medical cannabis. The Federal Government will receive comments on the proposed approach to taxation up to December 7, 2017.

Provincial Framework

On September 8, 2017, the Ontario Government announced a proposed framework to govern the use and sale of recreational cannabis. The main features of the provincial framework include:

- Setting the legal age of 19 years to buy, sell, have, share and grow cannabis;
- Establishing a provincially operated store front and online retail system operated by a subsidiary of the Liquor Control Board of Ontario (LCBO). These would be separate from existing LCBO stores which sell alcohol.
- Restricting recreational cannabis use to private residences and not allowing for use in public places, workplaces or inside motorized vehicles;
- Developing harm reduction and prevention strategies including a broad public awareness campaign; and
- Working with and supporting enforcement partners to keep roads safe including new measures to address drug-impaired driving.

On November 1, 2017 the Provincial Government introduced Bill 174, the *Cannabis, Smoke-Free Ontario and Road Safety Statute Law Amendment Act, 2017*. This Bill would implement the framework described above. More specifically, the Bill:

- Allows for cannabis to only be bought from federally licensees medical suppliers or from the provincial control board, which is to be set up through an amendment to the *Liquor Control Board of Ontario Act*;
- Sets a minimum age of 19 to use, buy, possess and cultivate cannabis in Ontario;
- Allows for diversion of people under the age of 19 from the justice system into programs focused on education and prevention;
- Bans the use of cannabis in public places, workplaces and motor vehicles;
- Regulates the smoking and vaping of medical cannabis;
- Introduces new provincial offences with strict, escalating penalties; and
- Establishes tougher drugged driving rules, including a zero-tolerance approach for young, novice and commercial drivers.

Matters of enforcement related to selling, distribution, possession, cultivation and consumption of cannabis included in Bill 174 would be the responsibility of the police. It is unclear what, if any role municipal by-law enforcement may have with respect to matters included in Bill 174. As of November 17, 2017, Bill 174 is being debated in the Provincial Legislature at the second reading stage.

Retail Locations

The Province has indicated that it expects to have online distribution available across the Province by July 2018. It also expects to have about 40 retail locations by July 2018, 80 retail stores open by July 1, 2019 and 150 stand-alone cannabis stores open by the end of 2020.

On October 27, 2017 the Province wrote to all municipalities in Ontario to outline the process for identifying cannabis retail locations. The process will be led by the LCBO which will work closely with municipalities. Two primary considerations will be used to guide the identification of municipalities where stores will be located:

- To achieve geographic distribution of stores across the province;
- To reduce the number of illegal stores, including dispensaries, currently in operation.

The LCBO will also utilize guidelines to identify specific store locations with the objective of ensuring youth are protected including ensuring stores are not located in close proximity to schools. These guidelines are under development with input from the Association of Municipalities of Ontario (AMO).

As municipalities are identified, letters from the Ministry of Finance will be sent to the municipal Clerk or CAO of that municipality. Ministry of Finance staff will also work to notify heads of Council in identified municipalities in advance of these letters and will work with these municipalities to continue an open dialogue to ensure Council's

perspectives are considered. The letters will request meetings with municipal staff, Ministry of Finance staff and the LCBO to discuss the guidelines and a process for siting stores, how the LCBO will address local concerns, and municipal interests in siting. Municipalities selected for initial stores will be identified on a website maintained by the LCBO at <http://www/lcbo cannabis updates.com>. In addition, a notice will be posted at the location to let the public know that a space has been selected for a proposed storefront. Before any decisions are made, there will be an opportunity for the public to ask questions and provide feedback on the proposed location, directly with the LCBO. More specific information on this process will be provided to staff in municipalities impacted.

On November 3, 2017 the first fourteen municipalities to host a retail cannabis location were announced. The municipalities identified are: Toronto, Mississauga, Brampton, Vaughan, Hamilton, Barrie, Kingston, Kitchener, London, Ottawa, Sault Ste. Marie, Sudbury, Thunder Bay and Windsor. The consultation process identified above will now begin for these municipalities.

Provincial Position on Other Related Issues

The Province has also indicated it plans to:

- Pursue a coordinated and proactive enforcement strategy, working with municipalities, local police services, the OPP and the Federal Government to shut down illegal cannabis dispensaries. An effort to support this was the Ontario Cannabis Legalization Summit which was held on October 19, 2017 involving over one hundred representatives from law enforcement and public health experts.
- Consult with municipal partners, the Alcohol and Gaming Commission of Ontario and other organizations to explore the feasibility and implications of introducing designated establishments where recreational cannabis could be consumed; and
- Provide resources and guidelines for employers and labour groups around workplace safety issues relating to impairment.

Finally, the Province has stated that revenues associated with cannabis legalization will be reinvested to ensure the Province meets its priorities of protecting young people, focusing on public health and community safety, promoting prevention and harm reduction and eliminating the illegal market.

AMO Position and Involvement

The Association of Municipalities of Ontario (AMO) established the AMO Marijuana Legalization Task Force to work with the Federal and Provincial governments in the development of a safe and effective model for cannabis regulation. The key issues for municipalities identified by AMO include:

- The need for local influence on where retail outlets are located in municipalities;
- Adequate funding, training, and resource supports to enable municipal governments to follow provincial enforcement and implementation directions in time for legalization;

- Revenue from cannabis sales to finance new municipal responsibilities and other municipal needs;
- Proper enforcement of new regulations such as driving under the influence as well as licensing for designated grow operations;
- Potential impacts on emergency services;
- Public health education and awareness; and
- Maximizing opportunities for local economic development.

Current State in Richmond Hill

At present, there is one cannabis retail store in Richmond Hill which is located in a property zoned for retail use and therefore there is no avenue for the Town to require the business to be shut down. Information regarding this store has been provided to York Region Police who have authority to charge this business if appropriate. Two previously operating retail locations have since shut down. From October 2016 to present, Richmond Hill by-law staff have received approximately 30 calls from area residents who express disapproval of cannabis dispensaries located within established residential areas. At this time, staff has not received any calls with respect to the public consumption of cannabis.

If the proposed provincial legislation is passed, a retail location regulated by a subsidiary of the LCBO could be located on lands in Richmond Hill that are zoned for a retail use. There is presently no municipal authority to limit or restrict where these locations could be within the Town beyond requiring the land be zoned retail.

With respect to the manufacturing and large-scale growing of cannabis, in July 2014 the Town passed By-Law No. 82-14 which establishes provisions related to the location and operation of medical cannabis production facilities that are authorized by a license issued by the Minister of Health in accordance with the federal *Marihuana for Medical Purposes Regulations* (MMPR) SOR/2-13-119. The by-law defines the areas where such facilities could be located; requires a minimum separation distance of 70 metres from any sensitive land use; prohibits retail sales at that location; and requires that all activities associated with the medical cannabis production facility be carried out in a wholly enclosed building.

It should be noted that on November 28, 2017, the Region of York hosted a workshop with representatives from the area municipalities to discuss the legalization of cannabis and its impact on the area.

Provincial Consultation

The Provincial Government conducted general province-wide consultation over the summer of 2017 in advance of introducing the framework described above. Due to the tight timeframe within which to respond, Richmond Hill staff submitted comments directly to the Ontario Legalization Cannabis Secretariat on July 29, 2017. Overall, staff identified concerns with the lack of clarity as to what role municipalities will have in the

legalization of cannabis and being prepared for a possible start date of July 1, 2018. In general, staff's comments were as follows:

- Support for setting the minimum age at 19 years, the same as that for alcohol and tobacco;
- A need for restrictions where cannabis may be used due to health and impairment concerns;
- Concern with how consumption of recreational cannabis within private residences will be addressed, particularly in multi-residential and other connected housing options;
- Concerns with how issues related to consumption on private property, the strong odour of cannabis and impact on personal enjoyment of private space such as backyards will be addressed;
- Need for municipal authority to control the locations of where cannabis may be sold to address community concerns; and
- The need for revenues from the legalization of cannabis to pay for any costs incurred by municipalities as a result of its legalization.

A copy of this memo may be found in Appendix A to this report.

At the Premier's Summit with the Greater Toronto and Hamilton Area (GTHA) Mayors and Regional Chairs meeting held on September 26, 2017, further consultation questions were raised with the municipal sector focusing on the following areas:

- Minimum age;
- Retail distribution model/structure;
- Possession;
- Places of use;
- Home cultivation;
- Illegal selling – enforcement strategy;
- Public information and awareness;
- Prevention and harm reduction.

Proposed Richmond Hill Position on Legalization of Cannabis

The legalization of cannabis has been a policy decision of the Federal and Provincial governments. As a result, any activities related to this decision, including responsibility for enforcement, should be the responsibility of those levels of government. However, it is expected that the municipal sector will be required to play a role within the new legalization framework whether a municipality supports the policy direction or not. The exact nature of the municipal role is still being determined, however, any impacts faced by municipalities, including for example, additional costs as a result of municipal enforcement, must be fully funded by the Federal and Provincial governments.

The one area where a municipality could be expected to have some control would be the location of retail establishments. However, under current legislation, municipalities

may not place restrictions on where retail cannabis stores may be located. If a property is zoned retail, the LCBO subsidiary could place a retail store in that location. As noted earlier in this report, the Province, through the LCBO will consult directly with municipalities that are selected for a retail location including an opportunity for the public to provide comments.

Specific proposed responses to the Provincial consultation are identified below.

Ontario's Proposed Approach	Richmond Hill's Proposed Response
<p>Minimum Age</p> <ul style="list-style-type: none"> – prohibit sale of recreational cannabis to anyone under age 19 	<ul style="list-style-type: none"> - support minimum age of 19 consistent with alcohol and tobacco - any enforcement should be responsibility of police - additional costs to police should be funded from revenues from legalization of cannabis
<p>Retail Distribution Model</p> <ul style="list-style-type: none"> – new stand-alone stores and online order service operated by a new subsidiary of the LCBO – there would be no co-location with alcohol sales – online sales would be available in areas where there are no retail locations 	<ul style="list-style-type: none"> - support provincial regulation of retail locations through subsidiary of LCBO - municipal concerns related to location of retail stores should be considered, such as proximity to schools, daycares etc. to limit availability/exposure to minors - the Province should provide an opportunity for the public to comment on a proposed retail location and consider these views when determining where a retail store will be located - announced Provincial approach appears to provide opportunity for municipal Council to provide input into the proposed location and for the public to comment directly with the LCBO on a proposed location
<p>Possession</p> <ul style="list-style-type: none"> – prohibit individuals under the age of 19 from possessing or consuming recreational cannabis – adults could legally possess up to 30 grams of legal cannabis - allow police to confiscate small amounts of cannabis from young people 	<ul style="list-style-type: none"> - enforcement related to possession should remain a police responsibility with additional costs to municipalities paid for through revenues generated by the legalization of cannabis - there should be no role for municipal by-law enforcement staff related to possession and if there is any additional costs as a result of any involvement they must be recovered through revenues from legalization - Bill 174 indicates responsibility for

Ontario's Proposed Approach	Richmond Hill's Proposed Response
	enforcement will rest with police
<p>Places of Use</p> <ul style="list-style-type: none"> – create restrictions on recreational cannabis use that align with both tobacco and alcohol – recreational cannabis may only be used in private residences – recreational cannabis may not be used in any public space, workplace and motorized vehicle – creation of a provincial offence to prohibit where recreational cannabis may be used - consider possibility of introducing designated establishments where recreational cannabis may be consumed once legalized 	<ul style="list-style-type: none"> - need to develop a clear enforcement strategy identifying roles and responsibilities for various enforcement agencies including police, by-law enforcement, public health - any increased costs faced by municipalities as a result of the legalization of cannabis should be paid for through the revenues generated by legalization - Bill 174 establishes the <i>Cannabis Act, 2017</i> which states that no person may consume cannabis in: a public place; a workplace within the meaning of the <i>Occupational Health and Safety Act</i>; a vehicle or boat; or any prescribed place - Bill 174 amends the <i>Smoke Free Ontario Act, 2017</i> and prohibits smoking in a number of places such as enclosed public places, enclosed workplaces, schools, child care centres, and reserved seating areas of sporting arenas. - Bill 174 indicates responsibility for enforcement will rest with police - issues related to consumption on private property e.g. consumption in multi-residential properties; consumption in backyards creating a nuisance and how this will be enforced needs to be addressed - if a decision is made to allow designated establishments for consumption of legal recreational cannabis, municipalities must have an opportunity for local concerns to be considered
<p>Home Cultivation</p> <ul style="list-style-type: none"> - Grow up to 4 cannabis plants per residence for personal use from licensed seeds or seedlings 	<ul style="list-style-type: none"> - enforcement role of municipalities needs to be made clear - police and by-law officers may not enter a dwelling unit without first obtaining a warrant or informed owner/occupier consent which would be required to determine compliance - any increased costs faced by

Ontario’s Proposed Approach	Richmond Hill’s Proposed Response
	municipalities as a result of the legalization of cannabis should be paid for through the revenues generated by legalization - Bill 174 indicates responsibility for enforcement will rest with police
Illegal Selling – Enforcement Strategy – pursue a proactive and coordinated law enforcement approach with federal, provincial and municipal partners including a coordinated effort to eliminate illegal storefront dispensaries	- municipal by-law enforcement is limited to zoning violations, business usage, property standards and signage - responsibility for closing illegal shops should remain with police - any increased costs faced by municipalities as a result of the legalization of cannabis should be paid for through the revenues generated by legalization - Bill 174 indicates responsibility for enforcement will rest with police
Public Information and Awareness – lead a province-wide public awareness campaign on areas of provincial responsibility, including age, where and how to buy recreational cannabis, and provincial drug-impaired driving measures	- should be led by Federal and Provincial Governments - should coordinate with Regional Public Health Departments and police - any increased costs faced by municipalities as a result of the legalization of cannabis should be paid for through the revenues generated by legalization - focus of public information and awareness should be on health effects, possible impairments, rules of use and consequences of non-compliance, rights of individuals who feel consumption impacts personal enjoyment of private property
Prevention and Harm Reduction – develop cannabis prevention and harm reduction initiatives that focus on awareness and education, prevention and harm reduction programs and services, and service provider education and training	- should coordinate with Regional Public Health Departments - any increased costs faced by municipalities as a result of the legalization of cannabis should be paid for through the revenues generated by legalization

Other Concerns

The primary concern is the continued lack of clarity of the role of municipalities in the legalization of cannabis. Until there is a clear understanding of what is expected of

municipalities it is difficult to prepare in advance of the expected July 1, 2018 legalization date.

Another concern that has not been addressed to date is how issues related to cannabis consumption on private property will be handled. For example, one homeowner is consuming cannabis in their backyard. Their neighbour does not like the smell, is concerned about the impacts of second hand smoke and feels it is preventing them from being able to enjoy their backyard. Complaints of this nature will likely be received by municipal councillors, municipal by-law enforcement staff and police. It is unclear how these complaints will be resolved.

Similarly, the impact of second hand smoke and the odour of cannabis in multi-residential buildings, townhouses and semi-detached homes has not been addressed. As well, provincial provisions in the Ontario Building Code, which allow shared air circulation systems in houses with secondary suites may further raise this concern. This is an example of how changes to one provincial policy in the Ontario Building Code, to attempt to increase the availability of affordable housing through secondary suites and single air circulation systems, may result in unintended consequences with the implementation of the federal and provincial approach to the legalization of cannabis. Once again, any complaints will likely come to municipalities and there is no guidance on how these complaints are to be handled.

Cannabis and the Workplace

Bill 174 addresses the issue of smoking cannabis in the workplace through the repeal of the *Electronic Cigarettes Act, 2015* and the *Smoke Free Ontario Act* and replacing it with the new *Smoke Free Ontario Act, 2017* which would:

- Require every employer, with respect to an enclosed workplace or designated area over which the employer has control, to ensure that no person smokes or holds lighted tobacco, medical cannabis, uses an electronic cigarette or consumes a designated product or substance, subject to certain exceptions;
- Require every employer to give notice to each employee in the enclosed workplace or designated area of the foregoing prohibitions;
- Require every employer to post any prescribed signs respecting the prohibitions throughout the enclosed workplace, place or area, including washrooms;
- Ensure that a person who refuses to comply with the prohibitions does not remain in the enclosed workplace or place or area;
- Prohibit employers or persons acting on their behalf from retaliating against an employee who has sought enforcement of this Act;
- Permit the Minister to appoint inspectors for the purpose of determining compliance with the Act; and
- Establish fines for non-compliance with the Act.

The Town is committed to the health, safety and well-being of its employees and the public. As a result, the Town makes every reasonable effort to minimize risks

associated with its operations and to ensure a safe, healthy and productive workplace. With the legalization of cannabis, employers need to consider what, if any steps they may need to take to ensure their workplaces are not subject to disruption or unsafe behavior as a result.

At present, the Town's Employee Code of Conduct, states that an employee must not be impaired by the use of alcohol, medication or illicit drugs while at work. The Code goes on to state that, "the sale, unlawful possession, manufacture or distribution of alcohol, illicit drugs or non-prescribed medication for which a prescription is legally required during work hours is prohibited". The Code also state, "any employee who is impaired by alcohol, illicit drugs or prescribed over-the-counter medication in the course of his or her employment may be subject to discipline up to and including dismissal".

Upon legalization of cannabis, it is recommended that the Employee Code of Conduct be updated to add cannabis as one of the substances that must not impair an employee at work.

Financial/Staffing/Other Implications:

There are no financial, staffing or other implications as a result of this report. However, if municipalities are expected to play a role in the legalization of cannabis, particularly in the area of enforcement, municipalities will experience additional costs. Since the exact role of the municipal sector is still unclear it is difficult to determine what these additional may be. As the legalization of cannabis is a policy decision of the Federal and Provincial governments, any costs incurred by municipalities as a result of this decision should be paid for by these levels of government through revenues generated by legalization.

Relationship to the Strategic Plan:

Monitoring and responding to the upcoming legalization of cannabis directly relates to Strategic Plan Goal One – Stronger Connections. By understanding, reviewing and commenting on Federal and Provincial legislation the Town is able to advocate on behalf of its residents. It ensures the Town is in a position to respond to any changes that may take place as a result of this policy decision.

Conclusion:

The Federal and Provincial governments have made a policy decision to legalize cannabis with an expected enactment date of July 1, 2018. The Town continues to monitor and respond to this issue and is awaiting further clarification of the role municipalities may be expected to play in the legalization of cannabis. Any increased costs experienced by municipalities as a result of this policy decision must be paid for by the Federal and Provincial governments through the revenues generated by legalization. The introduction of Bill 174, and the recent announcement regarding the process for locating retail stores has provided some clarity in process and it is important to ensure that municipalities continue to be consulted as legalization proceeds to ensure community concerns are addressed.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Appendix A – Richmond Hill Staff Comments to the Ontario Legalization of Cannabis Secretariat

Appendix A – Richmond Hill Staff Comments to the Ontario Legalization of Cannabis Secretariat

July 29, 2017

Ontario Legalization of Cannabis Secretariat
Ministry of the Attorney General
720 Bay Street, 11th Floor
Toronto, Ontario
M7A 2S9

Re: Consultation on the Legalization of Cannabis

Please accept the following comments from staff at the Town of Richmond Hill in response to the Provincial consultation on the legalization of cannabis. As you know, the consultation paper was released on July 12, 2017 with comments due on July 31, 2017. This did not provide sufficient time for Richmond Hill Council to review and consider this issue or to provide its comments. The Province must consult further, specifically with municipal Councils, so they have an opportunity to identify issues they may have with the legalization of cannabis and the impacts their community's may face as a result.

In general, clarity needs to be provided as to who is responsible for the regulation of cannabis and if there is any role for municipalities it must be clearly defined. If there is to be any role for municipalities, the municipal sector must be fully involved in the development of any regulatory framework related to the legalization of cannabis. It is recognized that an Association of Municipalities of Ontario (AMO) Task Force has been established on this issue.

If municipalities are to play any role in the legalization of cannabis, whether it be related to licensing of the sale of cannabis, where distributors may be located etc., municipalities must be given sufficient time to review and make all necessary decisions and actions prior to legalization. The Federal government has indicated that it will become legal July 1, 2018, however the Province has yet to define its framework for the legalization of cannabis. This means municipalities do not know what their role may be and therefore may not begin to prepare for the July 1, 2018 legalization date. As a result, the deadline for legalizing cannabis should be a minimum of one year after the Province has approved its framework related to this issue.

As well, the costs of any roles or responsibilities of municipalities as a result of the legalization of cannabis must be covered by the revenues received from its regulation. There should be no additional costs to the municipality for any new responsibilities.

The following staff comments are provided based on the topics identified in the consultation report. It should be noted that Richmond Hill staff and Council may have

other issues or concerns with on this topic, but is unable to comment further until the proposed Provincial framework for the legalization of cannabis has been shared for review.

Minimum Age

While Richmond Hill has no role in setting the minimum age, consideration should be given to having the minimum age for having, using and buying cannabis the same as that for tobacco and alcohol. This would result in there being a consistent age throughout Ontario for all three substances, a minimum of 19 years.

Where People Can Use Cannabis

Limitations as to where cannabis may be used needs to be restricted for a number of reasons including health concerns related to second hand smoke as well as actions that may occur as a result of impairment caused by cannabis consumption. Therefore, cannabis use should be restricted to a limited number of designated public places. At a minimum, the limitations must be the same as that for tobacco which largely prevents its use in any workplace as well as in any public spaces including parks, playgrounds, school yards etc.

At present, Regional and Local municipalities have authority to regulate cigarette/tobacco consumption. This authority should be expanded to include cannabis consumption including the ability to place even further restrictions as to where cannabis may be consumed due to the health and impairment concerns noted above.

The issue of consumption of cannabis in private residences needs to be further considered. For dwelling units that are attached, including semi-detached homes through to apartment and condominiums, what ability will there be to restrict the use of cannabis, particularly as it relates to second hand smoke and odour. This would include not only common areas but within each private residence. Consideration should be given to providing property managers and condominium boards the authority to regulate where cannabis is consumed.

In particular, consideration needs to be given as to how to address concerns related to the strong odour of cannabis smoke and the impact that odour has on those around them. If consumption on private property is allowed, how will complaints about the strong smell from neighbouring properties be addressed. For example, one neighbour is smoking cannabis in their backyard and the smell of the smoke permeates into the neighbour's backyard limiting their ability to enjoy their backyard. Similarly, one neighbour can smell cannabis inside their home and believes it is coming from inside the adjoining townhouse unit. Does the neighbour who does not like the smell of the cannabis smoke have any avenue to complain? How will complaints about the odour of cannabis be addressed and who will be expected to enforce this? If municipalities either through by-law enforcement or municipal police services are expected to enforce restrictions related to the odour of cannabis, there will be increased staffing pressures

and costs. Any costs incurred by municipalities related to the legalization of cannabis must be paid for through the revenues generated from its legalization.

From a building perspective, construction legislation needs to be reviewed by the Federal and Provincial governments to address the issue of common use air handling units which service more than one dwelling unit. Under the Ontario Building Code, there are provisions that allow common air drawn from multiple units to be recirculated without the need to separate or filter the quality of the air. This could result in contaminated air being forced into an adjacent unit with little or no recourse for that resident under current legislation.

Regardless of the approach taken, and in particular if municipalities are expected to play a role in the regulation of cannabis use, the revenues generated from the regulation of cannabis should also be provided to municipalities to cover any increased costs related to the legalization of cannabis including additional enforcement costs.

Selling and Distributing Cannabis

It needs to be clear as to what level of government has jurisdiction over where cannabis may be sold and distributed. The Provincial Government should play this role in Ontario, similar to their regulation of alcohol through the LCBO. The Province should be responsible for the licensing of such establishments and the enforcement of any rules around the sale and distribution of cannabis. Municipalities should be given the legislative authority to control the geographic location of where cannabis is sold. Such authority must include the ability to restrict sales in proximity to schools, daycares and identified parts of a municipality deemed inappropriate given the context. In addition, greater direction and authority should be provided to municipalities as to where cannabis may be grown and processed within a municipality.

Public Education

Health effects, possible impairments, what the rules are with respect to cannabis use and consequences of not complying, the rights of people who do not like the odour caused by smoking cannabis which impacts their personal enjoyment, particularly on their own property (e.g. neighbour smoking impacts enjoyment of neighbouring property) should all form part of any public education campaign.

Any public education campaigns should be spearheaded by the Federal and Provincial governments as they are the bodies regulating the legalization of cannabis. Other groups, such as health care professionals, educators, and the police could support these efforts. However, the costs of any public education campaigns should be paid for from the proceeds received from regulating cannabis. There should be no additional costs to municipalities or any other bodies as a result of the legalization of cannabis.

If you have any questions or would like to discuss these comments, please contact Tricia Myatt, Manager of Policy and Intergovernmental Affairs at 905-771-5463 or at tricia.myatt@richmondhill.ca.

Sincerely,

Original signed by:

Neil Garbe

Chief Administrative Officer

cc: Minister of Municipal Affairs
Reza Moridi, MPP, Richmond Hill
Helena Jaczek, MPP, Oak Ridges – Markham
Majid Jowhari, MP, Richmond Hill
Leona Alleslev, MP, Aurora – Oak Ridges – Richmond Hill
Richmond Hill Mayor and Councillors
Richmond Hill Executive Leadership Team
Richmond Hill Director of Regulatory Services
Association of Municipalities of Ontario (AMO)
Ontario Municipal Administrators Association (OMAA)

Report Approval Details

Document Title:	SRCAO.17.30.docx
Attachments:	
Final Approval Date:	Nov 20, 2017

This report and all of its attachments were approved and signed as outlined below:

Gwen Manderson - Nov 20, 2017 - 8:16 AM

Neil Garbe - Nov 20, 2017 - 10:42 AM