



Town of East Gwillimbury

MEMORANDUM

To: Council

From: Dean Horner, GM, Legal & Council Support Services/Town Solicitor

Date: November 17, 2020

Subject: Cannabis Update

Purpose

The purpose of this memo is to update Council on the Town and York Regional Police's (YRP) efforts to enforce the Town's zoning regulations relating to the permitted growth of medical marijuana and our collective response to illegal growers.

Staff will periodically update this report to keep Council apprised of the status of ongoing enforcement action.

Background

The Town has received complaints relating to existing and emerging medical marijuana production sites located at:

- Boag Road
- Catering Road
- Doane Road
- Highway 48
- Holborn Road
- McCowan Road
- Woodbine Avenue
- a residential subdivision

Statistics

The following is a statistical overview of action taken to date by the Town and YRP as of November 17, 2020:

16 Inspections/Investigations (14 reported 10/20/20)	Town staff and/or YRP, have completed inspections at 16 sites.
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10 Sites Noted in Violation	Town staff have noted 10 sites in violation of the Town's Zoning By-law due to the production of medical marijuana in zones where production is prohibited.
9 Sites Charged	Town staff have laid charges in the Provincial Court in respect of 9 sites where medical marijuana production has occurred in contravention of the Town's Zoning By-law. Court dates are pending.
4 YRP Seizures	YRP has attended, and seized cannabis being grown illegally at 4 sites.
3 Restraining Orders	<p>The Town has, commenced legal proceedings to obtain Court Orders restraining use of 3 sites for medical marijuana production.</p> <p>The first Superior Court hearing of the issue is expected to occur in January, 2021</p>

Restraining Orders – To Prohibit Continued Medical Marijuana Production

In instances where growers have been charged with a zoning offence under the Provincial Offences Act, but continue medical marijuana production, the Town has commenced applications in the Ontario Superior Court of Justice (**Superior Court**) for restraining orders requiring the growers to stop.

To date, the Town has filed 3 applications for restraining orders with the Superior Court.

Progress is being made in the prosecution of these files.

All files are moving towards fixed timetables for exchange of documents, examination of witnesses and ultimately to hearing dates.

In respect of the most advanced matter, the parties have agreed to a court date in January 2021 subject only to the availability of the Superior Court to hear the matter.

York Regional Police “Project Green Sweep”

On October 29, 2020 YRP publicly announced the success of its Project Green Sweep which resulted in the seizure of approximately \$150 million dollars of illegal cannabis in

East Gwillimbury, Markham, King and Stouffville as the result of search warrants and seizures that were executed over the summer.

The following is a link to the YRP announcement:

<https://www.yrp.ca/en/Modules/News/index.aspx?feedId=eec058e4-5b49-437f-89cd-d222d7465de7&newsId=6891371f-bbb7-49c2-a7f1-94c8b4e7f5bc#>

Recovery of YRP and Town Costs Incurred

In May 2020 Council enacted the Unsafe Buildings Abatement By-law which operates to permit YRP and the Town to recover costs incurred in the investigation and remediation of illegal cannabis production sites from the subject property owners.

Staff and YRP are engaged in discussions to determine and document the costs incurred so that the Town may commence the collection process.

Association of Municipalities of Ontario (AMO)

AMO has established a working group for the purpose of discussing the medical/recreational cannabis regime and ongoing issues and concerns experienced by municipalities relating to designated medical cannabis production sites. The working group is expected to identify public policy options/solutions and to make recommendations to government.

East Gwillimbury staff have accepted AMO's invitation to participate in the working group.

Initial meetings will be held this month.

Conclusion

The Town and YRP continue enforcement action with the result that statistics change week to week. Staff will periodically report back to keep Council informed of the status of enforcement action.

Also, Town staff are engaged with AMO for the purpose of identifying and advancing policy solutions for problems related to illegal cannabis production.