



August 18, 2020

Hon. Steve Clark
Ministry of Municipal Affairs and Housing
17th Floor
777 Bay Street
Toronto, Ontario M7A 2J3

Dear Minister Clark:

Re: Cannabis Grow Ops

We are writing today on behalf of our two Counties about the explosion of medical cannabis grow ops in our rural communities. These unlicensed operations have become a significant concern for our member municipalities both from a health and safety lens and as well as from a land use and building code situation.

Our concerns are not with the licensed commercial production facilities. These facilities have become important employers and contributors to our local and regional economies. They follow the rules and respect our planning regimes. The same cannot be said for many of the operations growing for personal medical use under the certificate/registration system set up by Health Canada.

An adult individual is eligible to produce cannabis for their own medical purposes. The amount permitted to grow for personal use is contingent upon the maximum daily amount prescribed by a medical practitioner and whether or not the plants are going to be grown inside, outside or a combination of both. Health Canada's regulations govern the growing of medical cannabis allow an individual to designate another individual to grow it on their behalf.

A maximum of four (4) certificates for growing medical cannabis for personal purposes are permitted per property. As a result, a significant amount of medical cannabis may be grown on a property for personal medical use. Couple that with the lack of regulations or requirements under a personal medical certificate and we are seeing a sharp increase in a lack of adherence to our planning requirements, building code infractions or simply ignoring the building permit regime altogether.

Further, Health Canada treats the certificates as medical information and as such, operators are not required to provide their certificates to municipalities (i.e. by-law enforcement officers) which prevents a municipality from determining if an operation is legally permitted or not. This is exacerbated by minimal oversight or concern from Health Canada. As a result, these

operations often begin without proper municipal review. Given the scale of some operations, local issues such as water use/consumption and nuisance concerns are not evaluated.

Because Health Canada considers the certificates as medical records and as such, Health Canada will not provide this information to municipalities in a meaningful way and certificate holders are not required to provide their certificates to municipalities. This prevents a municipality from determining if an operation is legally permitted or not. This makes enforcement of municipal zoning by-laws and other planning tools difficult (if not impossible) and if these matters are pursued, it is time consuming, expensive and can take a significant amount of time.

Local municipalities require site specific zoning by-law amendments prior to the establishment of the proposed use and some member municipalities also apply site plan control approval to ensure the orderly and safe development of the site and to mitigate any adverse impacts.

We know in discussions with the Ontario Provincial Police that their resources are stretched and the need to establish criminality limits their ability to respond to these operations that are causing us such concern. Enforcement by the OPP is an important tool but we need other ways to manage the growing the problems these unlicensed operations are creating.

We have a three-part plan that needs your support and assistance to implement it.

1. Health Canada must improve sharing information regarding Cannabis Certificates with municipalities and require certificate holders (or designated persons) to notify municipalities prior to the issuance of a certificate which should include confirmation from the municipality that use is in compliance with their Zoning By-law and revisit their formula for determining the maximum number of plants permitted under a certificate.
2. Ensure that that police forces across the province and particularly the OPP have the necessary resources to monitor and take action against operations that cross the line into criminality.
3. The Province provide needs to amend legislation to establish a new Provincial Offence Act fine regime that creates an offence(s) when unlicensed cannabis operations break planning and environmental regulations, ignore Building Code requirements and building without permit. Fines under this new regime need to be substantial if they are to act as a deterrent. We believe those need to be in the order of \$100,000 per offence. Further a fine needs to be able to be collected as municipal taxes if all else fails. Deeming these class of fines municipal taxes means there is real teeth in collecting outstanding fines. Ultimately if they remain unpaid within a designated time frame remedies under the Municipal Tax Sales Act could be applied.

Minister, we need your help in helping us get these unlicensed operations under control. It will take a concerted effort of all three levels of government but our mutual constituents are expect us to do just that. Our plan is worthy of serious consideration and we look forward to hearing back from you and your provincial colleagues as well as with Minister Heydu in Ottawa.

Yours truly,



Rick Phillips
Warden
Hastings County



Marg Ibester
Warden
Lennox and Addington Counties

cc EOWC
Monika Turner – AMO
Member municipalities