

# AGENDA

## *COUNCIL WORKSHOP*

**Tuesday, October 17, 2017**

**5:30 p.m.**

**Committee Room, Municipal Hall**

**355 West Queens Road,**

**North Vancouver, BC**

**Council Members:**

Mayor Richard Walton

Councillor Roger Bassam

Councillor Mathew Bond

Councillor Jim Hanson

Councillor Robin Hicks

Councillor Doug MacKay-Dunn

Councillor Lisa Muri



NORTH VANCOUVER  
DISTRICT

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## **COUNCIL WORKSHOP**

**5:30 p.m.**  
**Tuesday, October 17, 2017**  
**Committee Room, Municipal Hall,**  
**355 West Queens Road, North Vancouver**

### **AGENDA**

#### **1. ADOPTION OF THE AGENDA**

##### **1.1. October 17, 2017 Council Workshop Agenda**

*Recommendation:*

THAT the agenda for the October 17, 2017 Council Workshop is adopted as circulated, including the addition of any items listed in the agenda addendum.

#### **2. ADOPTION OF MINUTES**

##### **2.1. September 18, 2017 Council Workshop**

**p. 7-9**

*Recommendation:*

THAT the minutes of the September 18, 2017 Council Workshop are adopted.

##### **2.2. October 2, 2017 Council Workshop**

**p. 11-13**

*Recommendation:*

THAT the minutes of the October 2, 2017 Council Workshop are adopted.

##### **2.3. October 3, 2017 Council Workshop**

**p. 15-18**

*Recommendation:*

THAT the minutes of the October 3, 2017 Council Workshop are adopted.

#### **3. REPORTS FROM COUNCIL OR STAFF**

##### **3.1. Cannabis Legalization and Regulation**

**p. 21-47**

File No. 13.6410.01/000.000

*Recommendation:*

THAT the October 5, 2017 report of the General Manager – Planning, Properties & Permits entitled Cannabis Legalization and Regulation is received for information;

AND THAT staff be directed to submit a letter to the Provincial Government respecting Council's feedback to the matters described in the *Cannabis Legalization and Regulation in British Columbia Discussion Paper*.

**4. PUBLIC INPUT**

(maximum of ten minutes total)

**5. ADJOURNMENT**

*Recommendation:*

THAT the October 17, 2017 Council Workshop is adjourned.

## MINUTES

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## DISTRICT OF NORTH VANCOUVER COUNCIL WORKSHOP

Minutes of the Council Workshop for the District of North Vancouver held at 6:06 p.m. on Tuesday, September 18, 2017 in the Committee Room of the District Hall, 355 West Queens Road, North Vancouver, British Columbia.

**Present:** Mayor R. Walton  
Councillor R. Bassam  
Councillor M. Bond  
Councillor J. Hanson  
Councillor R. Hicks  
Councillor D. MacKay-Dunn (via telephone)  
Councillor L. Muri

**Staff:** Mr. D. Stuart, Chief Administrative Officer  
Ms. C. Grant, General Manager – Corporate Services  
Mr. G. Joyce, General Manager – Engineering, Parks & Facilities  
Mr. D. Milburn, General Manager – Planning, Properties & Permits  
Mr. A. Wardell, Acting General Manager – Finance & Technology  
Mr. L. Jensen, Manager – Engineering Operations  
Mr. T. Lancaster, Manager – Community Planning  
Ms. L. Brick, Deputy Municipal Clerk  
Ms. C. Archer, Confidential Council Clerk

### 1. ADOPTION OF THE AGENDA

#### 1.1. September 18, 2017 Council Workshop Agenda

**MOVED by Councillor MURI**

**SECONDED by Councillor BASSAM**

THAT the agenda for the September 18, 2017 Council Workshop is adopted as circulated.

**CARRIED**

### 2. ADOPTION OF MINUTES

#### 2.1. July 10, 2017 Council Workshop

**MOVED by Councillor BASSAM**

**SECONDED by Councillor MURI**

THAT the minutes of the July 10, 2017 Council Workshop are adopted.

**CARRIED**

#### 2.2. July 17, 2017 Council Workshop

**MOVED by Councillor BASSAM**

**SECONDED by Councillor MURI**

THAT the minutes of the July 17, 2017 Council Workshop are adopted.

**CARRIED**

### **3. REPORTS FROM COUNCIL OR STAFF**

#### **3.1. Single Family Home Renewal**

File No.

Mr. Dan Milburn, General Manager – Planning, Properties and Permits, reported that the purpose of the Council Workshop is to follow up on previous presentations on the topic and ensure staff are focussing on issues of importance to Council and the community. Mr. Milburn noted sediment and erosion control will be addressed at an upcoming meeting regarding updates to the Construction Bylaw and that integrated stormwater management planning will also be addressed as a stand-alone topic at a future meeting.

Mr. Milburn reviewed the process to date, noting that it was initiated due to resident complaints. As staff developed responses to specific complaints, information was shared with Council. A staff survey was undertaken in 2016, which helped identify areas of concern. Council recently completed a survey to ascertain which concerns should be prioritized for action by staff. It was noted that not all areas of concern can be addressed by Municipal Government.

Mr. Milburn reviewed the results of the Council survey.

Council discussion ensued and the following comments and concerns were noted:

- Expressed concern regarding housing affordability;
- Commented on the prioritization of staff time;
- Requested staff address the identified issues;
- Discussed the impacts of construction on residents;
- Commented on contractor compliance with existing rules and the need for more enforcement;
- Expressed concern regarding the loss of green space and neighbourhood character;
- Remarked on environmental concerns, including drainage;
- Commented on the size of new homes;
- Requested data from staff to evaluate which issues are occurring and how often;
- Recommended pursuing enforcement action for contractors violating rules and regulations, as well as fees to ensure violators are paying the costs of additional enforcement;
- Expressed concern regarding the financial impact on taxes for hiring additional enforcement staff;
- Commented regarding the age of existing homes;
- Noted that owners have the right to sell or redevelop their homes within the existing bylaws;
- Commented on the effect of housing affordability on commuter traffic; and,
- Commented regarding the length of time sites are under construction.

In summary, staff noted the areas of concern identified by Council in the survey and during the Council Workshop are:

- Green space and permeable surface area;
- Size, form and character;
- Enforcement of existing bylaws and policies; and,
- The possibility of increasing renewal fees for expired building permits.



Council discussion continued and the following comments and concerns were noted:

- Requested staff enforce current regulations and report back with data on identified areas;
- Suggested reviewing neighbourhood zoning;
- Recommended reviewing permitted basement sizes;
- Commented regarding the impact of lighting and glare from large new homes;
- Noted some issues are difficult to address ahead of infractions;
- Recommended prioritizing the overall needs of the community over the profitability of individual properties;
- Noted the construction boom from the 1950's to 1990's has created aging housing stock, some of which is in need of replacement;
- Commented that currently unoccupied basement suites may be occupied in the future as the housing ages; and,
- Expressed support for risk-based inspections to allow the reallocation of staff time where it is needed.

**4. Public Input**

Nil

**5. ADJOURNMENT**

**MOVED by Councillor BASSAM**

**SECONDED by Councillor BOND**

THAT the September 18, 2017 Council Workshop is adjourned.

**CARRIED**  
(6:57 pm)

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Mayor

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Municipal Clerk

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## **DISTRICT OF NORTH VANCOUVER COUNCIL WORKSHOP**

Minutes of the Council Workshop for the District of North Vancouver held at 6:06 p.m. on Tuesday, October 2, 2017 in the Committee Room of the District Hall, 355 West Queens Road, North Vancouver, British Columbia.

**Present:** Mayor R. Walton  
Councillor R. Bassam  
Councillor M. Bond  
Councillor J. Hanson  
Councillor R. Hicks  
Councillor D. MacKay-Dunn  
Councillor L. Muri

**Staff:** Mr. D. Stuart, Chief Administrative Officer  
Ms. C. Grant, General Manager – Corporate Services  
Mr. G. Joyce, General Manager – Engineering, Parks & Facilities  
Mr. D. Milburn, General Manager – Planning, Properties & Permits  
Mr. A. Wardell, Acting General Manager – Finance & Technology  
Mr. R. Danyluk, Manager – Financial Planning  
Mr. J. Gordon, Manager – Administrative Services  
Mr. T. Lancaster, Manager – Community Planning  
Ms. C. Archer, Confidential Council Clerk

### **1. ADOPTION OF THE AGENDA**

#### **1.1. October 2, 2017 Council Workshop Agenda**

**MOVED by Councillor BASSAM**  
**SECONDED by Councillor MURI**

THAT the agenda for the October 2, 2017 Council Workshop is adopted as circulated.

**CARRIED**

### **2. ADOPTION OF MINUTES**

Nil

### **3. REPORTS FROM COUNCIL OR STAFF**

#### **3.1. 2018 Budget Outlook**

File No.

Mr. David Stuart, Chief Administrative Officer, reported that this Council Workshop is the introduction to the 2018 budget process. Mr. Stuart noted that earlier identification of capital projects will improve the budget process.

Mr. Rick Danyluk, Manager – Financial Planning, advised that the same funding framework will be applied as in past years. The estimated increase in residential property taxes is three percent for 2018, with two percent to adjust for inflation and one percent for capital replacement. The estimated increase in utility rates is four

percent for 2018, including an adjustment for an increase in the tipping rate for organics implemented by Metro Vancouver. These increases are similar to previous years.

Mr. Danyluk reviewed the budget planning environment, noting that staff are working with a new prioritization framework to integrate plans across different departments. It was noted that planning for the 2018 budget takes into account varied organizational activity levels, upcoming large projects and changes to the Capital Plan. Other factors such as land cost increases, opportunities and risks with a new Provincial Government and regional changes were reviewed.

Mr. Danyluk reported that early approval of the 2017 budget allowed more time for project managers to plan and deliver approved projects.

Continuing to budget using the principle that development pays for development, growth-related impacts of major projects are measured and the funding is reviewed to help development revenue keep pace as construction and land costs change.

Mr. Danyluk reported that as debt is retired, funding that had been allocated to debt servicing will be added to the infrastructure reserve in order to stabilize future costs of major infrastructure replacement.

Mr. Danyluk reviewed the assumptions on which the budget planning process operates, highlighting that:

- Funding sources for growth-related service impacts are being identified to cover costs;
- New ways for revenue to keep pace with costs are being explored such as possible adjustments to rates and discussing ideas for funding improvements with user groups;
- Tax revenue outside of Town Centres is increasing;
- Negotiated agreements with the RCMP and Tsleil-Waututh Nation have resulted in savings on shared services; and,
- The Capital Plan will test reserves over the next five years and it may be necessary to borrow funds from one reserve for another as priorities shift.

Mr. Danyluk reviewed upcoming dates in the budget process, noting that budget deliberations are scheduled to take place starting in January 2018.

In response to a question from Council, Mr. Danyluk clarified that the lower utility rate increase in 2017 was due to a one-time benefit from Multi Materials BC.

In response to a question from Council regarding the one percent property tax increase allocated to capital replacement, staff advised that it will continue to be needed to keep up with steady state renewal of assets. Major replacements will require separate, additional funding.

In response to a question from Council regarding funds allocated to projects, staff advised that any funded projects must be started within the budget year or the funds return to the reserve.

Council discussion ensued and the following comments and concerns were noted:

- Asset management programs have resulted in better tracking of maintenance and replacement needs;
- Requested details on the assets in need of replacement;
- Commented on the funding gap for active transportation projects;
- Commented on spending outside of Town Centres; and,
- Noted that reserves were affected by the extra snow removal required during the 2016-2017 winter season and suggested additional reserve funds may be needed in the future.

In response to a question from Council regarding benefits of early approval of the budget, staff advised that project costs are lower when contractors can be booked earlier in the year.

Mayor WALTON left the meeting at 6:47 pm and Councillor HICKS assumed the Chair.

Council discussion continued and the following comments and concerns were noted:

- Discussed the possibility of holding meetings in neighbourhoods to allow public input on issues including the budget;
- Commented regarding the long-term capital plan and requested a summary of the asset management plan be provided to Council; and,
- Commented regarding the allocation of resources and completion times for small projects.

In response to a question from Council regarding the financial impact of Development Cost Charges (DCC's) and Community Amenity Contributions (CAC's) on housing costs, staff advised that this will be discussed at the upcoming workshop on DCC's and CAC's.

#### **4. Public Input**

Nil

#### **5. ADJOURNMENT**

**MOVED by Councillor BASSAM**

**SECONDED by Councillor HICKS**

THAT the October 2, 2017 Council Workshop is adjourned.

**CARRIED**

Absent for Vote: Mayor WALTON  
(6:53 pm)

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Mayor

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Municipal Clerk

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## DISTRICT OF NORTH VANCOUVER COUNCIL WORKSHOP

Minutes of the Council Workshop for the District of North Vancouver held at 5:01 p.m. on Tuesday, October 3, 2017 in the Committee Room of the District Hall, 355 West Queens Road, North Vancouver, British Columbia.

**Present:** Mayor R. Walton  
Councillor R. Bassam  
Councillor M. Bond  
Councillor J. Hanson  
Councillor R. Hicks  
Councillor D. MacKay-Dunn  
Councillor L. Muri

**Staff:** Mr. G. Joyce, Acting Chief Administrative Officer  
Mr. D. Milburn, General Manager – Planning, Properties & Permits  
Mr. J. Gordon, Manager – Administrative Services  
Mr. W. Maskall, Section Manager – Natural Parkland  
Mr. R. Boase, Environmental Protection Officer  
Ms. S. Dale, Confidential Council Clerk

### 1. ADOPTION OF THE AGENDA

#### 1.1. October 3, 2017 Council Workshop Agenda

**MOVED by Councillor MURI**

**SECONDED by Councillor BASSAM**

THAT the agenda for the October 3, 2017 Council Workshop is adopted as circulated.

**CARRIED**

### 2. ADOPTION OF MINUTES

Nil

### 3. REPORTS FROM COUNCIL OR STAFF

#### 3.1. Tree Policy Amendments

File No.

Mr. Wayne Maskall, Section Manager – Natural Parkland, provided an overview of the Tree Policy review. Mr. Maskall advised that staff have developed revisions to the Tree Policy that will provide more flexibility when dealing with otherwise healthy trees located on District property as follows:

- Tree risk assessments and conformance with recently revised industry standards, as set out by the International Society of Arboriculture;
- A review of, and revisions to, Tree Hazard Priority Ratings which will provide a more streamlined approach to the removal of potentially borderline rated trees;

- A section was added to the Policy to address Nuisance Trees, with a clear definition of an “actionable nuisance”;
- Provisions have been added to the Policy to address hazards related to specific tree species in specific locations; and,
- A dispute resolution process has been proposed, which will allow the public to appeal to an arbitration panel of senior management.

Mr. Maskall further advised that staff have met with BC Hydro and have been informed that District Arborists have no jurisdiction over trees located beneath, or in close proximity to, hydro distribution or transmission lines. These trees are managed and maintained exclusively by BC Hydro, or their contractors, under the *Hydro Act*. BC Hydro has committed to improved communications with the District prior to undertaking significant tree work on District property. District staff and BC Hydro will continue to meet on a regular basis to discuss upcoming projects and review work plans and will communicate directly with District Communications when large projects are being undertaken. It was also noted that neighborhood notification will be improved.

Council discussion ensued and the following comments and concerns were noted:

- Questioned the nature of disputes requiring arbitration;
- Spoke in support of a formal Arbitration Panel;
- Opined that Council should be excluded from the decision making process;
- Commented that identifying hazardous trees on residential and district-owned property is an onerous project;
- Commented on the work load faced by District Arborists;
- Commented on the need to further educate residents on the consequences of tree cutting;
- Questioned if there is a replanting requirement;
- Expressed concern that trees may mature and prevent sunlight from reaching private dwellings which may hinder a resident’s quality of life;
- Questioned if the fees and penalties associated with the removal of trees is high enough to deter violations and if other options to penalize tree cutting are available;
- Questioned the process for managing and mitigating the slope stability interface;
- Expressed concern with safety issues and opined that a tree deemed hazardous should be removed;
- Questioned if the composition of the forest is sustainable;
- Commented on the importance of protecting the urban forest within the District; and,
- Directed staff to bring the amended Corporate Policy “Tree Work in the District” forward to a Regular Meeting of Council for consideration.

### **3.2. Tree Permit Update**

File No. 13.6780/Tree Management/File

Mr. Richard Boase, Environmental Protection Officer, provided an update on permit data associated with large diameter trees highlighting the following:



- Between 2011 and 2013 tree permit totals were averaging between 200 and 250 per annum;
- Between 2014 to date there has been a significant increase in permits and are now averaging around 500 per annum, an approximate 100% increase;
- Tree permits associated with development from 2014 to date is averaging 75 to 100 permits per annum;
- Tree permits associated with development are approximately 15% of total tree permits but are removing around 23% of the total numbers of protected trees. Permits associated with development are removing proportionally more protected trees;
- Between 2006 and 2011, prior to adoption of the new tree bylaw, the average large diameter tree permits was approximately 50 to 100 per annum;
- Post adoption of the new tree bylaw and introduction of the new compensation model for large diameter tree removal, a significant increase of over 100 permits in 2012 to averaging 300 permits per annum in the last 3 years, which is a 300% increase from 2011;
- From 2012 to date, outstanding replanting requirements are proportionally higher than those completed indicating a trend that protected trees are being removed but not replanted in a timely manner;
- The current balance of the Environmental Compensation Fee Account is \$131,249.50; and,
- These funds are used for restoration projects such as Murdo Fraser Park, Taylor Creek and the 2018 Kirkstone Park post operational fuel treatment planting program.

Councillor MURI left the meeting at 6:17 pm and returned at 6:18 pm.

Council discussion ensued and the following comments and concerns were noted:

- Questioned if there is a way to track the species of trees;
- Questioned if the District can withhold occupancy permits if tree replacement requirements have not been met;
- Spoke to the importance of managing urban areas in the District;
- Requested that staff report back on how many outstanding trees need to be replaced;
- Spoke to the benefits of trees and the health benefits they provide to the community;
- Commented on the need to further educate tree contractors on District rules and regulations;
- Commented that residents should have the right to eliminate trees for liveability reasons;
- Stated that the enforcement of fines is important;
- Questioned how many urban forest trees are in the District;
- Requested that staff report back on outstanding permits;
- Suggested educating residents on the benefits of trees; and,
- Spoke to the work load of District Arborists and the challenges with staffing levels.

Councillor MURI left the meeting at 6:34 pm.

Council discussion ensued and the following comments and concerns were noted:

- Inquired about the number of trees being removed illegally;
- Expressed concern with trees being removed as a result of new development;
- Suggested approaching the Provincial Government with regards to providing municipal authority to increase fines;
- Noted that the increase and collection of fines is important and suggested attaching these fines to the property;
- Expressed concern with the quality of data and reports;
- Requested that the District track what type of tree has been removed and the reason for removal;
- Acknowledged the high level of frustration and the lack of tools to make an impact;
- Commented on the need for a higher level strategy; and,
- Requested that this item be brought back to Council for further discussion.

Public Input:

Mr. Corrie Kost, 2800 Block Colwood Drive:

- Opined that the replacement policy for large diameter trees is not sustainable; and,
- Commented that fines are never going to be high enough to successfully enforce the cutting of trees.

#### **4. ADJOURNMENT**

**MOVED by Councillor BOND**

**SECONDED by Councillor MACKAY-DUNN**

THAT the October 3, 2017 Council Workshop is adjourned.

**CARRIED**

Absent for Vote: Councillor MURI  
(6:53 pm)

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Mayor




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Municipal Clerk

## REPORTS

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Council Workshop	Date: <u>OCT 17, 2017</u>
<input type="checkbox"/> Finance & Audit	Date: _____
<input type="checkbox"/> Advisory Oversight	Date: _____
<input type="checkbox"/> Other:	Date: _____

 Dept. Manager	 Director	 CAO
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## The District of North Vancouver REPORT TO COMMITTEE

October 5, 2017

File: 13.6410.01/000.000

**AUTHOR:** Dan Milburn, General Manager of Planning, Properties & Permits

**SUBJECT:** Cannabis Legalization and Regulation

### RECOMMENDATION:

THAT Council receive this report for information.

AND THAT Council direct staff submit a letter to the provincial government respecting Council's feedback to the matters described in the *Cannabis Legalization and Regulation in British Columbia Discussion Paper*.

### REASON FOR REPORT:

The provincial government is currently seeking input from local governments and other stakeholders regarding cannabis legalization and regulation. This report is intended to provide Council with background information in advance of a Council Workshop.

### SUMMARY:

The Province has released a discussion paper titled *Cannabis Legalization and Regulation in British Columbia* (Attachment 1), and is seeking feedback from stakeholders regarding the legalization and regulation of cannabis until November 1, 2017. A Council Workshop is scheduled for October 17, 2017, to provide an opportunity for Council to discuss these issues:

- Minimum age
- Personal possession – adults
- Personal possession – youth
- Public consumption
- Drug-impaired driving
- Personal cultivation
- Distribution model
- Retail

To help facilitate this discussion, staff have prepared a presentation (Attachment 2) which includes a series of options related to each of the above-noted issues. If desired by Council, staff will synthesize Council's input and prepare a written response to the Province which reflects Council's position on cannabis legalization and regulation in BC.

**BACKGROUND:**

In 2015, the Federal Government committed to legalizing non-medical cannabis in Canada. On June 30, 2016, it established a Task Force on Cannabis Legalization to consult and advise on the design of a new legislative framework. On April 13, 2017, the Federal Government introduced Bill C-45, the Cannabis Act and Bill C-46 (the Act to amend the Criminal Code), in the House of Commons. The Federal Government intends to bring these bills into force in July 2018, making non-medical cannabis use legal in Canada as of that date.

While the Federal Government intends to assume responsibility for licensing cannabis producers and regulating production standards, provinces and territories will be responsible for many of the decisions about how non-medical cannabis is regulated in their jurisdiction. These include, but are not limited to: distribution and retail systems; compliance and enforcement regimes; age limits; restrictions on possession, public consumption and personal cultivation, and amendments to safety laws.

The provincial government is currently consulting with local governments, Indigenous governments and organizations, individual British Columbians, and the broad range of other stakeholders that will be affected by cannabis regulation.

(Excerpts from the Cannabis Legalization and Regulation in British Columbia Discussion Paper)

**Additional sources of information:**

- A Framework for the Legalization and Regulation of Cannabis in Canada: The Final Report of the Task Force on Cannabis Legalization and Regulation:  
<https://www.canada.ca/en/services/health/marijuana-cannabis/task-force-marijuana-legalization-regulation/framework-legalization-regulation-cannabis-in-canada.html>
- The Canadian Association of Chiefs of Police (CACP) Discussion Paper – Recommendations for the Task Force on Cannabis Legalization and Regulation, Feb 8, 2017  
[https://www.cacp.ca/index.html?asst\\_id=1332](https://www.cacp.ca/index.html?asst_id=1332)
- Canadian Public Health Association, A Brief Regarding Bill C-45  
<https://www.cpha.ca/brief-regarding-bill-c-45>
- Government of Ontario. Cannabis Legalization – Proposed Rules  
<https://www.ontario.ca/page/cannabis-legalization>
- Government of Alberta. Alberta's approach to cannabis legalization.  
<https://www.alberta.ca/cannabis-legalization.aspx>

**EXISTING POLICY:**

The District of North Vancouver Zoning Bylaw 1965 includes a provision stating: **the use of land or buildings or structures for...the growing, harvesting, storage, packing, dispensing or sale of marihuana and its preparations, derivatives and similar synthetic preparations whether under license through the Controlled Drugs and Substances Act, or any other applicable federal legislation, or otherwise...is prohibited**

**ANALYSIS:**

**Timing/Approval Process:**

The Province is seeking input from local governments until November 1, 2017. After receiving this input, the Province intends to prepare cannabis regulations in advance of July 2018, when the non-medical use of cannabis becomes legal.

**Impacts:**

Once the provincial government releases their new regulatory regime, the District will be in a better position to analyse potential financial, liability/risk, social and environmental impacts.

**Public Input:**

A public process (including a public hearing) occurred prior to the adoption the current District of North Vancouver Zoning Bylaw provisions respecting cannabis. Further public consultation is anticipated should Council ultimately decide to amend the Zoning Bylaw in response to new federal and provincial regulations. Staff will seek Council's direction respecting the amount and type of consultation needed prior to undertaking this work.

**Conclusion:**

The District of North Vancouver along with other local governments and stakeholders are invited to provide input to the provincial government regarding cannabis legalization and regulation by November 1, 2017. This report is intended to provide Council with background information in and advance of a Council Workshop on cannabis legalization and regulation scheduled for October 17, 2017.

**Options:**

- 1) THAT Council receive this report for information.
- 2) AND THAT Council direct staff submit a letter to the provincial government respecting Council's feedback to the matters described in the *Cannabis Legalization and Regulation in British Columbia Discussion Paper*.
- 3) THAT no further action be taken.

Respectfully submitted,

Dan Milburn  
General Manager of Planning, Properties and Permits

REVIEWED WITH:		
<input type="checkbox"/> Sustainable Community Dev.	<input type="checkbox"/> Clerk's Office	External Agencies:
<input type="checkbox"/> Development Services	<input type="checkbox"/> Communications	<input type="checkbox"/> Library Board
<input type="checkbox"/> Utilities	<input type="checkbox"/> Finance	<input type="checkbox"/> NS Health
<input type="checkbox"/> Engineering Operations	<input type="checkbox"/> Fire Services	<input type="checkbox"/> RCMP
<input type="checkbox"/> Parks	<input type="checkbox"/> ITS	<input type="checkbox"/> NVRC
<input type="checkbox"/> Environment	<input type="checkbox"/> Solicitor	<input type="checkbox"/> Museum & Arch.
<input type="checkbox"/> Facilities	<input type="checkbox"/> GIS	<input type="checkbox"/> Other:
<input type="checkbox"/> Human Resources	<input type="checkbox"/> Real Estate	



# Cannabis Legalization and Regulation in British Columbia

## Discussion Paper



Ministry of  
Public Safety and  
Solicitor General

# Introduction

In 2015, the federal government committed to legalizing non-medical cannabis in Canada. On June 30, 2016, it established the Task Force on Cannabis Legalization and Regulation (the Task Force) to consult and advise on the design of a new legislative and regulatory framework. The [Task Force report](#) was released on December 13, 2016, and provides a comprehensive set of recommendations for governments to consider.

On April 13, 2017, the federal government introduced Bill C-45, the *Cannabis Act* and Bill C-46 (the Act to amend the *Criminal Code*), in the House of Commons. The Bills are currently making their way through the parliamentary process. Bill C-46 amends the *Criminal Code* to simplify and strengthen its approach to alcohol and drug impaired driving, and the federal government plans to move quickly to bring the amendments into force once the Bill receives Royal Assent.

The federal government plans to bring Bill C-45 into force in July 2018; this will make non-medical cannabis legal in Canada as of that date. Bill C-45 is largely based on the recommendations of the Task Force. It seeks to balance the objectives of providing access to a regulated supply of cannabis, implementing restrictions to minimize the harms associated with cannabis use, and reducing the scope and scale of the illegal market and its associated social harms.

The federal government's decision to legalize cannabis creates a corresponding need for provincial and territorial governments to regulate it. While the federal government intends to assume responsibility for licensing cannabis producers and regulating production and product standards, provinces and territories will be responsible for many of the decisions about how non-medical cannabis is regulated in their jurisdictions. These include, but are not limited to: distribution and retail systems; compliance and enforcement regimes; age limits; restrictions on possession, public consumption and personal cultivation; and amendments to road safety laws.

As it considers these important decisions, the BC Government wants to hear from local governments, Indigenous governments and organizations, individual British Columbians, and the broad range of other stakeholders that will be affected by cannabis legalization.

This discussion paper has been prepared to help inform this public and stakeholder engagement. It addresses a number of key policy issues for BC, including minimum age, public possession and consumption, drug-impaired driving, personal cultivation, and distribution and retail. It draws heavily from the analysis of the Task Force, and identifies policy options to consider in developing a BC regulatory regime for non-medical cannabis.

Note that this paper does not address regulation of medical cannabis. For now, the federal government has decided to maintain a separate system for medical cannabis. The Province has a more limited role in the medical cannabis system, and the policy issues and policy choices available are very different, in part because of a history of court cases related to the *Canadian Charter of Rights and Freedoms*.

## Minimum Age

While Bill C-45 establishes a minimum age of 18 years to buy, grow, and publicly possess up to 30 grams of non-medical cannabis, provinces and territories can choose to establish a higher minimum age in their jurisdictions. This is consistent with the Task Force recommendations.

- BC could accept the federal minimum age of 18. However, the minimum age to buy tobacco and alcohol in BC is 19. 19 is also the BC age of majority, when minors become legal adults. In addition, since significant numbers of high school students turn 18 before they graduate, a minimum age of 18 could increase the availability of cannabis to younger teens.
- BC could set the minimum age at 19. This would be consistent with the minimum ages for tobacco and alcohol, and with the BC age of majority.
- BC could set the minimum age at 21 or higher. Emerging evidence suggests that cannabis use could affect brain development up to age 25. As a result, many health professionals favour a minimum age of 21.

However, as the Task Force recognized, setting the minimum age too high could have unintended consequences. Currently, persons under 25 are the segment of the population most likely to use cannabis. The greater the number of young users who cannot buy legal cannabis, the more likely that there will continue to be a robust illegal market where they can continue to buy untested and unregulated cannabis.

Finally, it's important to note that a legal minimum age is not the only tool to discourage cannabis use by young persons. As an example, public education campaigns that provide information about how cannabis use can limit academic performance and future opportunities have been found to be effective.

## Personal Possession - Adults

Bill C-45 establishes a 30 gram limit on public possession of dried cannabis. Practically, this means that this is the maximum amount that an adult could buy and take home at any one time (for context, one joint typically contains between .33g to 1g of cannabis). The legislation also sets possession limits for other forms of cannabis (e.g. oils, solids containing cannabis, seeds) and the federal government intends to add other types of cannabis products (e.g. edibles) by regulation at a later date.

The 30 gram limit is consistent with the Task Force recommendation and with public possession limits in other jurisdictions that have legalized non-medical cannabis. The reason for public possession limits is that possession of large amounts of cannabis can be an indicator of intent to traffic, so a public possession limit can help law enforcement to distinguish between legal possession for personal use, and illegal possession for the purpose of trafficking.

Provinces and territories cannot increase the public possession limit, but they can set a lower limit. However, a consistent possession limit across the provinces and territories would be easier for the public to understand and comply with.



## Personal Possession – Youths

While persons under 18 will not be able to buy or grow cannabis under Bill C-45, they are not prohibited from possessing up to 5 grams of dried cannabis or equivalent amounts for other cannabis products. This is consistent with the Task Force report, which took the position that youth should not be criminalized for possession of relatively small amounts of cannabis. However, provinces and territories can establish laws that prohibit possession by persons under an established provincial minimum age. Such a provincial law would not result in a criminal conviction and would be similar to how BC deals with alcohol – persons under 19 are prohibited from possessing alcohol, and a law enforcement officer can confiscate it and has the option of issuing a ticket.

## Public consumption

Bill C-45 will amend the federal *Non-smokers' Health Act* to prohibit cannabis smoking and vaping in certain federally-regulated places (e.g. planes, trains), but regulation of public consumption of cannabis will otherwise fall within provincial and territorial jurisdiction.

BC can restrict where non-medical cannabis can be consumed, and can place different restrictions on different types of consumption (e.g. smoked, eaten). If BC does not legislate restrictions on public consumption by the time Bill C-45 comes into force, it will be legal to smoke, vape, and otherwise consume cannabis in public, including in places where tobacco smoking and vaping are forbidden.

For the purpose of considering potential restrictions on public consumption, it may be helpful to consider cannabis smoking and vaping separately from other forms of consumption.

### *Cannabis Smoking and Vaping*

The Task Force recommended that current restrictions on public tobacco smoking be extended to cannabis. In BC, both tobacco smoking and vaping are currently prohibited in areas such as workplaces, enclosed public spaces, on health authority and school board property, and in other prescribed places such as transit shelters, and common areas of apartment buildings and community care facilities.

BC has a number of options to consider:

- BC could extend existing restrictions on tobacco smoking and vaping to cannabis smoking and vaping – under provincial law, adults would then be allowed to smoke or vape cannabis anywhere they can smoke or vape tobacco. Depending on the regulatory scheme established by the Province, local governments may also be able to establish additional restrictions, such as prohibiting cannabis smoking and vaping in public parks.
- BC could prohibit public cannabis smoking altogether, but allow cannabis vaping wherever tobacco smoking and vaping are allowed. Compared to smoking, vaped cannabis has a reduced odour and is less likely to be a nuisance to passersby. In addition, banning public cannabis smoking could help avoid normalizing cannabis use.

- BC could also prohibit public cannabis smoking and vaping altogether and establish a licensing scheme to allow designated consumption areas, e.g. cannabis lounges. However, it is unlikely that such a licensing scheme could be implemented in time for legalization.

#### *Other forms of consumption:*

While edible, drinkable, and topical forms of cannabis will not be commercially available immediately upon legalization, the federal government intends to regulate the production and manufacturing of these products for sale at some point. In addition, adults will be allowed to make their own edible and other products at home.

Public consumption of non-inhaled forms of cannabis would be very difficult to detect and enforce. While BC could legislate restrictions on public consumption of these forms of cannabis, it may be more practical to rely on public intoxication and disorderly conduct laws to manage intoxication issues related to public consumption.

## Drug-impaired Driving

With 17% of British Columbians reporting cannabis use within the previous year<sup>1</sup>, we know that it's very likely that a number of British Columbians are already driving with cannabis in their system, whether they are impaired or not. In 2016, drugs (cannabis or otherwise) were a contributing factor in fewer than 8% of BC road fatalities; however, legalization raises legitimate concerns about the potential for cannabis-impaired driving to increase, and make our roads less safe.

Drug-impaired driving is already prohibited under the *Criminal Code*, but Bill C-46 would overhaul existing impaired driving provisions and specifically address cannabis impairment. The amendments will provide authority for the federal government to set a blood tetrahydrocannabinol (THC) limit beyond which a person can be criminally charged with cannabis-impaired driving. This is similar to the blood alcohol limits in place for alcohol-impaired driving.

The proposed federal criminal penalties for drug-impaired driving range from a minimum of a \$1,000 fine to up to a maximum of 10 years in jail.

In BC, police who stop an alcohol-impaired driver can charge the driver criminally, but they also have the option of issuing an [Immediate Roadside Prohibition](#) (IRP) or an Administrative Driving Prohibition (ADP) under the BC *Motor Vehicle Act*. Sanctions can include licence prohibitions, monetary penalties, vehicle impoundment, and license reinstatement fees. These programs have been very effective in reducing the number of road fatalities on BC roads.

While the IRP and ADP schemes do not currently apply to drug-impaired driving, police officers in BC do have the option to issue a 24-hour roadside prohibition to a suspected drug-affected driver, with or without a criminal charge.

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<sup>1</sup> Canadian Tobacco, Alcohol and Drugs Survey, 2015

One key challenge is that unlike with blood alcohol, there is not enough scientific evidence to link a particular blood THC level with impairment. In fact, it is known that THC can remain in the blood after any impairment has resolved, particularly for frequent users. An IRP or ADP-type scheme would therefore have to rely on other ways to assess impairment, such as a Standard Field Sobriety Test (SFST) conducted by a trained police officer, or evaluation by a Drug Recognition Expert (DRE). The approval of oral fluid screening devices and/or the setting of per se limits by the federal government could also influence the introduction of an administrative regime for drug-impaired driving.

BC could consider one or more of the following to address the risk that cannabis legalization could lead to increased impaired driving:

- BC could launch a public education and awareness campaign to inform British Columbians about the risks and potential consequences of cannabis-impaired driving.
- BC could set a zero-tolerance standard in respect of blood THC content for drivers in the Graduated Licensing Program (drivers with an “L” or “N” designation) and/or for drivers under a specific age threshold.
- BC could invest in SFST and DRE training for more police officers.
- BC could expand the IRP and/or ADP programs to include drug-impaired driving.

## Personal Cultivation

Bill C-45 allows adults to grow up to 4 cannabis plants per household, up to a maximum plant height of 100 centimetres. Bill C-45 does not place restrictions on where plants can be located (indoor vs. outdoor) and does not require home growers to put any security measures in place, but it is open to provinces and territories to establish such restrictions.

In considering personal cultivation, the Task Force acknowledged concerns about risks such as mould, fire hazards associated with improper electrical installation, use of pesticides, and risk of break-in and theft. However, it noted that these concerns were largely shaped by experience with large scale illegal grow operations, and found that on balance, allowing small-scale home cultivation of up to four plants was reasonable.

The Task Force recognized the need for security measures to prevent theft and youth access, and for guidelines to ensure that cannabis plants are not accessible to children. The Task Force also suggested that local authorities should establish oversight and approval frameworks, such as a requirement that individuals be required to notify local authorities if they are undertaking personal cultivation.

In thinking about possible restrictions on personal cannabis cultivation, it may be helpful to keep in mind that it is legal in Canada to grow tobacco and to produce wine or beer at home for personal use with

very few restrictions. In particular, the law does not require specific security measures to prevent theft, or access by children and youth.<sup>2</sup>

BC has several options to consider regarding restrictions on home cultivation of non-medical cannabis:

- BC could adopt a lower limit than 4 plants per household for non-medical cannabis cultivation.
- BC could set restrictions regarding where and how non-medical cannabis can be grown at home. For example, it could: prohibit outdoor cultivation; allow outdoor cultivation but require that plants not be visible from outside the property; and/or require that any outdoor plants be secured against theft.
- BC could establish a registration requirement for persons who want to grow non-medical cannabis at home. However, there would be significant costs associated with administering a registration requirement, and the benefits may be questionable, since those who do not plan to comply with laws on home cultivation may be unlikely to register in the first place.
- If BC decides not to implement one or more of the above measures, local governments could be authorized to do so.

## Distribution Model

Under Bill C-45, each province or territory will decide how cannabis will be distributed in its jurisdiction. Distribution is the process by which goods are supplied to retailers that sell to consumers. Distributors are often called wholesalers.

There are three basic models for the warehousing and distribution of cannabis to retailers in BC: government, private, or direct.

- Government distribution – In this model, government would be responsible for warehousing and distribution of cannabis. Licensed producers would send cannabis products to a government distributor, which would then fill orders from cannabis retailers. Government distribution allows for direct control over the movement of cannabis products, but requires significant up-front investment and set-up. The Task Force heard strong support for government distribution, noting that it has proven effective with alcohol.
- Private distribution – In this model, one or more private businesses could be responsible for the physical warehousing and distribution of cannabis. However, significant government oversight would be required in the form of licensing, tracking and reporting requirements, as well as regular audits and inspections.
- Direct distribution – In this model, the province would authorize federally licensed producers to distribute their own products directly to retailers. This model would also require significant

<sup>2</sup> Parents have a general legal duty to supervise and keep their children safe, but the law does not create specific requirements to protect children from all of the potential dangers that may be present in a home (e.g., alcohol, prescription drugs, and poisons).

government oversight and could make it challenging for smaller producers to get their products to market.

## Retail

Under Bill C-45, each province or territory will decide the retail model for cannabis in its jurisdiction. Recognizing that the July 2018 timeline may not give provinces or territories enough time to establish their retail regimes before legalization, the federal government will implement an online retail system as an interim solution.

BC has a number of options for retail:

- BC could establish a public or private retail system, or potentially a mix of both, as currently exists for alcohol. A public system would require significant up-front investment in retail infrastructure, but there could also be additional revenue generated from retail sales. A private system would require a more robust licensing, compliance and enforcement system, but the associated costs could be recovered through licensing fees.

In a private retail system, it could be possible to allow some existing illegal dispensaries to transition into the legal system; in a public system such as that planned in Ontario, this would not be possible.

- BC could require that cannabis be sold in dedicated storefronts, or it could allow cannabis to be sold out of existing businesses such as liquor stores or pharmacies.

One public health concern about co-locating cannabis with other products is that it could expose significant numbers of people to cannabis products who might not otherwise seek them out; this could contribute to normalization or more widespread use. In addition, the Task Force strongly recommended against allowing co-location of alcohol or tobacco sales with cannabis, but recognized that separating them could be a challenge in remote communities where a dedicated cannabis storefront might not be viable.

- BC could establish a direct-to-consumer mail-order system. This could help provide access to legal cannabis for those in rural and remote locations and persons with mobility challenges.

## Conclusion

Cannabis legalization presents complex policy challenges for the Province. We expect that, as in other jurisdictions that have legalized, it will take several years to develop, establish, and refine an effective non-medical cannabis regime that over time eliminates the illegal market. The information gathered through this engagement will inform the Province's policy decisions. We appreciate your interest and feedback.



# Cannabis Legalization and Regulation in British Columbia



We Want to Hear From You

Discussion regarding DNV recommendations to the  
Ministry of Public Safety and Solicitor General

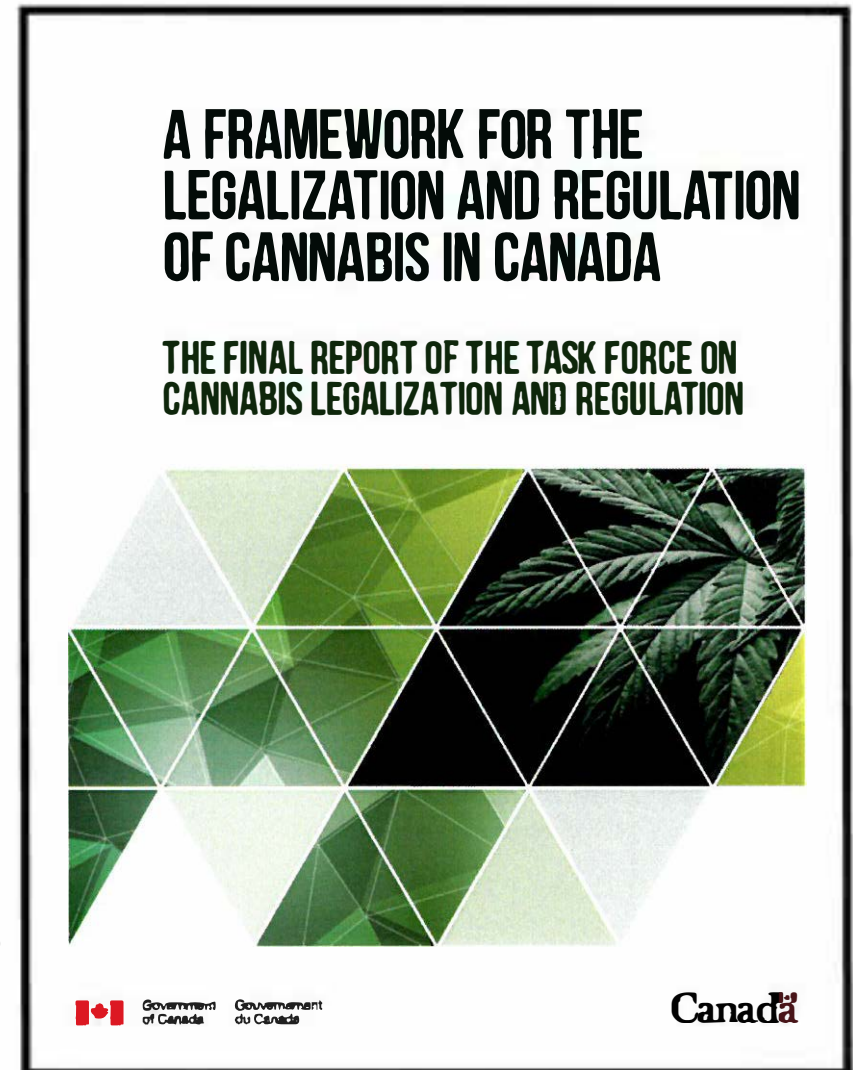
# Introduction

The federal government plans to bring Bill C-45 into force in July 2018; this will make non-medical cannabis legal in Canada as of that date.

While the federal government intends to assume responsibility for licensing cannabis producers and regulating production and product standards, provinces and territories will be responsible for many of the decisions about how non-medical cannabis is regulated in their jurisdictions.

The Federal Government established a Task Force to consult and advise on the design of a new legislative and regulatory framework.

The Task Force report was released on December 13, 2016, and provides a comprehensive set of recommendations for governments to consider.

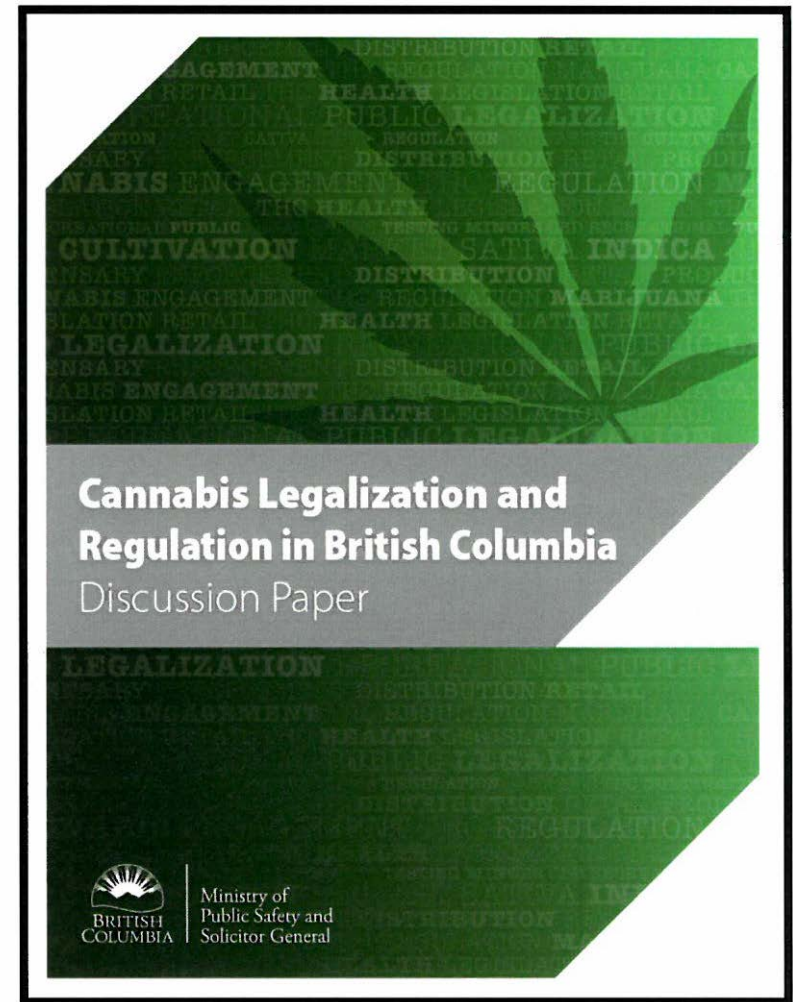




# Introduction Con'd

Subsequently, a discussion paper was released by the BC Minister of Public Safety and Solicitor General in September 2017 which provides key policy issues for BC governments to consider in relation to non-medical cannabis.

For now, the federal government has decided to maintain a separate system for medical cannabis.



# Stakeholder Submission

Stakeholders have been invited to send a formal written submission by  
**November 1, 2017 at 4 p.m.**



Individuals are also encouraged to complete a survey online:  
<https://interceptum.com/s/en/BCCannabisRegulation>

# Key considerations for Cannabis Legalization and Regulation in BC

Minimum age

Drug-impaired Driving

Personal Possession – Adults

Personal Cultivation

Personal Possession – Youth

Distribution Model

Public Consumption

Retail

# Key considerations for Cannabis Legalization and Regulation in BC

## Minimum age

While Bill C-45 establishes a minimum age of 18 years to buy, grow, and publicly possess up to 30 grams of non-medical cannabis, BC can choose to establish a higher minimum age. Note that BC's minimum age for tobacco and alcohol is 19.

Do you agree with the minimum age of 18?

- ☐ Yes
- ☐ No

If no, what age do you recommend?

- ☐ 19 years
- ☐ 21 years
- ☐ Other

# Key considerations for Cannabis Legalization and Regulation in BC

## Personal Possession – Adults

Bill C-45 establishes a 30 gram limit on public possession of dried cannabis (for context, one joint typically contains between .33g to 1g of cannabis). Provinces and territories cannot increase the public possession limit, but they can set a lower limit.

Do you agree with the 30 gram limit?

- ☐ Yes
- ☐ No
- ☐ Unsure

If no, what should the limit be?

☐ \_\_\_\_\_



# Key considerations for Cannabis Legalization and Regulation in BC

## Personal Possession – Youth

While persons under 18 will not be able to buy or grow cannabis under Bill C-45, they are not prohibited from possessing up to 5 grams (for context, one joint typically contains between .33g to 1g of cannabis). BC can establish laws that prohibit possession by persons under an established provincial minimum age.

Do you think that BC should prohibit possession by persons under an established provincial minimum age:

- ☐ Yes
- ☐ No
- ☐ Unsure / need more information



# Key considerations for Cannabis Legalization and Regulation in BC

## Public Consumption

Bill C-45 will amend the federal *Non-smokers' Health Act* to prohibit cannabis smoking and vaping in certain federally-regulated places (e.g. planes, trains), but BC can restrict further places where non-medical cannabis can be consumed. Note that the District also regulates smoking in the *DNV Smoking Regulation Bylaw*.

Should the province regulation:

- ☐ Extend existing restrictions on tobacco smoking and vaping to cannabis.

Note: Provincially tobacco is currently restricted at workplaces, enclosed public spaces, on health authority and school board property, and in other prescribed places such as transit shelters, and common areas of apartment buildings and community care facilities

- ☐ Prohibit public cannabis smoking altogether, but allow cannabis vaping wherever tobacco smoking and vaping are allowed (noting that compared to smoking, vaped cannabis has a reduced odour and is less likely to be a nuisance to passersby)
- ☐ Prohibit public cannabis smoking and vaping altogether and establish a licensing scheme to allow designated consumption areas

# Key considerations for Cannabis Legalization and Regulation in BC

## Drug-impaired Driving

Drug-impaired driving is already prohibited under the *Criminal Code*, but Bill C-46 would overhaul existing impaired driving provisions and specifically address cannabis impairment. One key challenge is that unlike with blood alcohol, there is not enough scientific evidence to link a particular blood THC level with impairment.

BC could consider a number of measures to address the risk associated with impaired driving including:

- ☐ Launch a public education and awareness campaign about the risks and potential consequences of cannabis-impaired driving
- ☐ Set a zero-tolerance standard in respect of blood THC content for drivers in the Graduated Licensing Program (drivers with an “L” or “N” designation)
- ☐ Invest in Standard Field Sobriety Test (SFST) and Drug Recognition Expert (DRE) training for more police officers
- ☐ Expand the Immediate Roadside Prohibition and Administrative Driving Prohibition programs to include drug-impaired driving
- ☐ Unsure / need more information

# Key considerations for Cannabis Legalization and Regulation in BC

## Personal Cultivation

Bill C-45 allows adults to grow up to 4 cannabis plants per household, up to a maximum plant height of 100 centimetres. Bill C-45 does not place restrictions on where plants can be located (indoor vs. outdoor) and does not require home growers to put any security measures in place, but it is open to BC to establish such restrictions. BC could:

- ☐ Support 4 plants per house hold.
- ☐ Adopt a lower limit than 4 plants per household for non-medical cannabis cultivation.
- ☐ Set restrictions regarding where and how non-medical cannabis can be grown at home. For example, it could: prohibit outdoor cultivation; allow outdoor cultivation but require that plants not be visible from outside the property; and/or require that any outdoor plants be secured against theft.
- ☐ Establish a registration requirement for persons who want to grow non-medical cannabis at home. However, there would be significant costs associated with administering a registration requirement.

# Key considerations for Cannabis Legalization and Regulation in BC

## Personal Cultivation Con'd

Are you ok with plants being grown on District owned land which is rented:

- ☐ Yes
- ☐ No
- ☐ Unsure / need more information

# Key considerations for Cannabis Legalization and Regulation in BC

## Distribution Model

Under Bill C-45, each province or territory will decide how cannabis will be distributed in its jurisdiction. There are three basic models for the warehousing and distribution of cannabis to retailers in BC. Which model do you support:

- ☐ **Government distribution** – In this model, government would be responsible for warehousing and distribution of cannabis.
- ☐ **Private distribution** – In this model, one or more private businesses could be responsible for the physical warehousing and distribution of cannabis.
- ☐ **Direct distribution** – In this model, the province would authorize federally licensed producers to distribute their own products directly to retailers.

# Key considerations for Cannabis Legalization and Regulation in BC

## Retail

Under Bill C-45, each province or territory will decide the retail model for cannabis in its jurisdiction.

Should the sale of cannabis be:

- ☐ Public
- ☐ Private
- ☐ A mix of both, as currently exists for alcohol
- ☐ Unsure / need more information

Should the sale of cannabis be:

- ☐ Sold in dedicated storefronts
- ☐ Sold out of existing businesses such as liquor stores or pharmacies
- ☐ Sold direct-to-consumer via a mail-order system
- ☐ Unsure / need more information



# Key considerations for Cannabis Legalization and Regulation in BC

## Retail Con'd

If you believe that cannabis should be sold out of dedicated storefronts or existing businesses do you think it should be controlled by zoning:

- ☐ Yes
- ☐ No
- ☐ N/A

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