

City of Maple Ridge

COUNCIL WORKSHOP MINUTES

June 20, 2017

The Minutes of the City Council Workshop held on June 20, 2017 at 3:00 p.m. in the Council Chambers, City Hall, 11995 Haney Place, Maple Ridge, British Columbia for the purpose of transacting regular City business.

PRESENT

Elected Officials

Mayor N. Read
Councillor C. Bell
Councillor K. Duncan
Councillor B. Masse
Councillor G Robson
Councillor T. Shymkiw
Councillor C. Speirs

Appointed Staff

E.C. Swabey, Chief Administrative Officer
K. Swift, General Manager of Parks, Recreation & Culture
P. Gill, General Manager Corporate and Financial Services
F. Quinn, General Manager Public Works and Development Services
L. Darcus, Manager of Legislative Services
A. Gaunt, Confidential Secretary
Other Staff as Required
R. MacNair, Manager of Licences and Bylaws

Note: These Minutes are posted on the City Web Site at www.mapleridge.ca

1. ADOPTION OF THE AGENDA

The agenda was adopted (as circulated) (with the addition of the following

R/2017-249

It was moved and seconded

That the agenda for the June 20, 2017 Council Workshop Meeting be approved as circulated.

CARRIED

2. MINUTES

2.1 Minutes of the June 6, 2017 Council Workshop Meeting

R/2017-250

It was moved and seconded

That the minutes of the Council Workshop Meeting of June 6, 2017 be adopted as circulated.

CARRIED

3. ***UNFINISHED AND NEW BUSINESS***

3.1 **Business Licence Reconsideration Hearing for Weeds Glass & Gifts Ltd.**

Mayor Read read the following statement:

This hearing is convened under subsections 60(1) and (5) of the Community Charter to consider whether the application for a business license by Don Briere to operate the Weeds Glass and Gifts Ltd. at 11771 – 225th Street, Maple Ridge should be approved or refused. It is up to Council to determine if the license application should be approved or if there is a “reasonable” basis to refuse the license application. I will chair this hearing and will say a few words relating to procedure before we commence.

This hearing is open to the public to observe but, unlike other hearings, members of the public are not given the opportunity to address Council. I ask that members of the public in attendance refrain from expressing themselves during the hearing.

Council has convened here today as an administrative decision-maker to hear this matter. In this regard, both Council and the License Applicant have been provided written materials well in advance of today. Today will be the opportunity for Council to hear directly from City Staff and the License Applicant, and to ask questions of each of them. Council members should not consider any materials beyond the written material provided and what they hear today. Council members should not be influenced by any other information not before them today.

I would ask that Council members keep their questions relevant to the issue under consideration and to ensure that, during the hearing process, they keep an open mind and not prejudge the outcome, one way or the other.

The Manager of Licences and Bylaws introduced Michael Moll, Young Anderson, legal counsel for the City of Maple Ridge and Dean Davison, Davison Law Group, legal counsel for the applicant.

Mr. Moll outlined the history of the application. He provided a background of the 2017 application and reviewed key points. He outlined and highlighted main points in the legal information provided. Mr. Moll advised on legal stipulations which maintain that such an application is illegal including those from Health Canada which state that store front dispensaries remain illegal. He quoted arguments and rulings from other court cases involving marijuana dispensaries. He stated that current zoning does not allow for the sale of marijuana.

Mr. Moll outlined arguments put forward by the applicant and refuted those arguments. He cited factors which discourage, from a staff perspective, the

argument that this business will be a lawful business in a year's time, specifically that this business has opened prior to obtaining a business licence and the applicant has suggested that a licence should be issued in anticipation of changes in the law which are currently not known. Mr. Moll stated that it is the suggestion of City staff to refuse issuing a business licence until such a time that the application does become lawful.

Mr. Moll advised that the City cannot issue a business licence under the current circumstances.

Dean Davison, Davison Law Group, legal counsel for the applicant

Mr. Davison put forward his arguments in favour of the issuance of a business licence to the applicant. He argued that a law must have some connection to a mandate and questioned the connection of not granting a business licence to a mandate. He asked who was being protected and who is being harmed and requested that Council look at the law. He provided a background on the Corporation involved and spoke to their business practices.

Mr. Davison stated that the Courts recognize that marihuana is being used as a medicine and that persons have the right to access. He suggested that portions of the Maple Ridge bylaw should be struck. He read from affidavits of several persons involved in, and receiving, medical marihuana from the applicant's business. He quoted from the appeal document specifically paragraph 10 page 3 and Section 91(27) of the Constitution Act, both of which speak to the jurisdiction of the Federal Government. He felt that the municipality will be acting *ultra vires* jurisdiction of the Federal Government should it deny the business licence applied for.

Note: Councillor Robson left the meeting at 3:44 p.m.

Mr. Davison provided examples and quotes from other court rulings and wrapped up his arguments by stating the following:

- There has been no evidence of any harm of medical marihuana
- There is evidence it will become legal
- Other cities such as Vancouver and Victoria are issuing licences
- Medical marihuana dispensaries are the jurisdiction of the Federal Government not that of municipalities
- Medical marihuana is a viable reasonable product that people enjoy and if those people were doing something or using improperly, this would be reported to law enforcement

Questions from Council

The following is a summary of some of the questions and concerns put forward by members of Council:

- Has any other national organization opened a business without a business licence
- Does the applicant sell only medical marihuana
- How do people qualify to purchase medical marihuana and what is the legal age limit to be allowed to purchase the product
- Concern was expressed with the age limit due to possible harmful effects on those under the age of 25 and with the lack of clarity from the Federal Government particularly on health concerns of persons under the age of 18 using marihuana
- The statement of Federal jurisdiction versus municipal jurisdiction was questioned in that the business is not legal under Federal regulation; the intent of a business operating without a business licence was also questioned
- Concerns for safety were expressed as it is not known where the medical marihuana bought by the dispensary comes from and how it has been regulated; questions were also raised to whether the dispensary does or will document client usage of the product in how much is being asked for and how much is being used
- Does the dispensary accept membership cards from other dispensaries
- Concern was expressed that the representative for the applicant could not answer some of the questions posed, and that the applicant was not in attendance to answer the questions the representative was unable to respond to

R/2017-251

It was moved and seconded

That the business licence for Weeds Glass & Gifts Ltd. be denied.

CARRIED

4. ***ADJOURNMENT*** - 4:47 p.m.

N. Read, Mayor

Certified Correct

L. Darcus, Corporate Officer