

Subject: Civil Proceedings Regarding Cannabis Related Matters**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2020-0126 for information.

Background:

This report is provided to Council and the public for information. The report serves as a survey style summation of the various civil proceedings that the Town is involved in with regards to cannabis related litigation. No analysis regarding these proceedings is being offered and no financial assessments are included. Such information can be provided by external counsel during future closed sessions. Further this report provides no indication of the timeframe that these matters will be dealt with as both the Courts and the Local Planning Appeal Tribunal (LPAT) have been impacted by the COVID-19 pandemic and it is unknown when these tribunals will facilitate proceedings.

Civil Proceedings Regarding Cannabis Matters:

1. Court application to Ontario Superior Court by Woodstock Biomed Inc. against the Town to quash Interim Control By-law 4046(2018) which restricts the establishment of new cannabis and cannabis related uses as it applies to 770 Foss Road.
2. Appeal to LPAT by CannTrust Inc. against Town By-law 4149(2019) being an amendment to the Town Development Charges By-law 4023(2018) that applies development charges to marijuana production facilities.
3. Appeal to LPAT by Redecan Pharm against By-law 4159(2019) being a by-law to amend By-law 4046(2018) which extended the Interim Control By-law restricting the establishment of new cannabis and cannabis related uses.
4. Complaint lodged by Redecan Pharm against By-law 4202(2020) being the Odorous Industries Nuisance By-law to Ontario Ministry of Agriculture, Food

and Rural Affairs claiming the By-law improperly restricts Redecan Pharm's ability to cultivate cannabis in accordance with normal farm practices. This matter will likely be proceeding to a Normal Farm Practices Board Hearing to resolve.

5. Appeal to LPAT by CannTrust Inc. against Town By-law 4251(2020) and By-law 4252(2020) being Official Plan Amendment No. 9 and a Zoning By-law amendment providing policies and regulations regarding cannabis and cannabis related uses and industrial hemp and industrial hemp related uses.
6. Appeal to LPAT by Redecan Pharm against Town By-law 4251(2020) and By-law 4252(2020) being Official Plan Amendment No. 9 and a Zoning By-law amendment providing policies and regulations regarding cannabis and cannabis related uses and industrial hemp and industrial hemp related uses.
7. Appeal to LPAT by Woodstock Biomed Inc. against Town By-law 4251(2020) and By-law 4252(2020) being Official Plan Amendment No. 9 and a Zoning By-law amendment providing policies and regulations regarding cannabis and cannabis related uses and industrial hemp and industrial hemp related uses.

Conclusion:

Given that the Town received appeals on the Zoning By-law amendment, being By-law 4252(2020), the provisions of the Interim Control By-law 4046(2018) and as amended by By-law 4159(2019) which restrict the establishment of new cannabis and cannabis related uses in certain areas of the Town continues to remain in effect until such time as the appeals on the By-law 4252(2020) have been dealt with.

Prepared and Recommended by:

Barbara Wiens, MCIP, RPP
Director of Community Planning and Development

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer