

Subject: Status Update on the Results of the Ontario Land Tribunal Case Management Conference Hearing Re: Cannabis

Recommendation:

BE IT RESOLVED THAT Council receive Report #2024-0036 – Status Update on the Results of the Ontario Land Tribunal Case Management Conference Hearing Re: Cannabis, for information.

Background:

On August 23, 2022, the Ontario Land Tribunal (OLT) issued an interim order/decision with regards to the appeals filed by Redecan and Redecan Pharm (Redecan), Woodstock Biomed Inc. and CannTrust Inc. (Phoena) against the adoption of Town Official Plan Amendment No. 9 and Zoning By-law Amendment 4252(2020). The Official Plan and Zoning By-law Amendments provide the policy and regulatory requirements for the growing of cannabis in Pelham. The OLT dismissed the appeal of Woodstock Biomed Inc. and acknowledged the withdrawal of the appeal of Phoena and allowed the appeal of Redecan in part. The OLT approved Official Plan Amendment No. 9, as amended during the hearing, and it is in force and in effect. However, the OLT held final approval of Zoning By-law Amendment 4252(2020), as amended, until such time as Redecan provides the following information to the Town satisfaction:

- A description of the current odour control management systems being employed by Redecan;
- A contingency odour management plan; and
- A site plan drawing showing the location of all buildings, building heights and emission sources including identification.

Redecan did provide information to the Town in October, 2023 as it relates to the above items, however the information did not meet the requirements of the Minutes of Settlement agreed to between the Town and Redecan, and the material was not to the Town's satisfaction. It is noted that a considerable amount of time has lapsed since the interim OLT order was issued and to date, Redecan has not fulfilled its obligations. This report provides an update on the status of the results of a recent

OLT Case Management Conference (CMC) regarding the outstanding matters related to the OLT interim order.

Analysis:

At the request of the Town, the OLT held a CMC on January 17, 2024. Attending the CMC was external legal counsel for the Town and for Redecan, Town staff including the Town Solicitor and Director of Community Planning and Development, the Town's odour consultant and a number of residents. It is important to note that a CMC is not a hearing and no evidence is given at a CMC, rather the purpose of a CMC is to obtain direction from the OLT on procedural matters.

The Town, through its external legal counsel, requested the OLT impose a deadline on Redecan to provide the required information to the Town and if the deadline is not met, the OLT revoke the site-specific exceptions that were provided to Redecan in the proposed amendments to Zoning By-law Amendment 4252(2020) identified in the OLT interim order and, then the OLT issue their final order.

Redecan did not object to the imposition of a deadline and requested that they be provided 125 days to provide the information to the Town primarily due to the limited availability of their odour expert to complete the work in a timely manner. The Town requested the deadline be 60 days noting the length of time that has already lapsed since the interim order was issued.

The OLT issued a verbal decision, which will be confirmed in writing, directing Redecan to submit the required documentation to the Town by April 30, 2024. The Town was given 15 days or until May 15, 2024 to review the submission and determine if it is satisfactory. If the submission is not satisfactory, Redecan has an additional 15 days, or until May 30, 2024 to address any outstanding items. If the Town is not satisfied by June 17, 2024 that Redecan has met the conditions of the interim order, then the Town may request that the OLT remove the site-specific zoning exemptions for Redecan. If the information is satisfactory, then the Town would notify the OLT that it is satisfied, and the OLT can issue their final order with the site-specific approvals for Redecan.

Financial Considerations:

There are no financial considerations with regards to this status report.

Alternatives Reviewed:

n/a

Strategic Plan Relationship: Community Development and Growth

This report is a status report regarding the outcome of the CMC held on January 17, 2024, the results being the imposition of deadlines that, would ultimately result in final approval of Zoning By-law Amendment 4252(2020), as amended.

Consultation:

The CAO and Fire Chief, Director of Fire and By-law Services was consulted.

Other Pertinent Reports/Attachments:

OLT Interim Order dated August 23, 2022.

Prepared and Recommended by:

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