

File No.: 04-1000-20-2018-130

March 22, 2018

s.22(1)

Dear s.22(1)

Re: Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")

I am responding to your request of March 7, 2018 for:

Letters of opposition from the neighbourhood notification process sent around January 2017 related to Development Permit application for 2235 Commercial Drive.


All responsive records are attached. Some information in the records has been severed, (blacked out), under s.22(1) of the Act. You can read or download this section here: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00

Under section 52 of the Act you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your request. The Act allows you 30 business days from the date you receive this notice to request a review by writing to: Office of the Information & Privacy Commissioner, info@oipc.bc.ca or by phoning 250-387-5629.

If you request a review, please provide the Commissioner's office with: 1) the request number assigned to your request (#04-1000-20-2018-130); 2) a copy of this letter; 3) a copy of your original request for information sent to the City of Vancouver; and 4) detailed reasons or grounds on which you are seeking the review.

Please do not hesitate to contact the Freedom of Information Office at foi@vancouver.ca if you have any questions.

Yours truly,



Barbara J. Van Fraassen, BA
Director, Access to Information & Privacy

Barbara.vanfraassen@vancouver.ca
453 W. 12th Avenue Vancouver BC V5Y 1V4
Phone: 604 .873.7999
Fax: 604.873.7419

Encl.

:pm

From: s.22(1)

To: ["Freeman, John" <John.Freeman@vancouver.ca>](mailto:John.Freeman@vancouver.ca)

Date: 12/22/2016 2:49:15 PM

Subject: DE419492

Attention Project Facilitator:

As I've written on each request that Commercial Drive residents seem to be bombarded with, I am opposed to changing the use of the existing commercial unit of Eggs Canna to marijuana-related use. We already have the Canna Clinic two doors down from Eggs Canna. As per the city's own bylaws, please enforce the bylaws. We have the BC Compassion Club at 14th, and Canna Clinic here at 6th Ave. There are many others in the neighbourhood, and we do not need any more.

Thank You,

s.22(1)

From: s.22(1)

To: "[Freeman, John](mailto:John.Freeman@vancouver.ca)" <John.Freeman@vancouver.ca>

Date: 12/30/2016 10:10:13 PM

Subject: DE419492 application

Dear John,

I'm writing in regards to the development application DE419492 (2235 Commercial Drive). As it stands, there are already multiple marijuana dispensaries in the neighbourhood, one of which is just one block down (2137 Commercial Drive). In addition to there being two schools within close proximity, we feel that adding more medical marijuana shops does not really provide additional benefits to local residents. If anything, it takes away from the character of the neighbourhood and precludes the addition of local shop that would add to the vibrancy of the area.

In short, we don't support this application.

Regards,

s.22(1)

From: s.22(1)

To: ["Freeman, John" <John.Freeman@vancouver.ca>](mailto:John.Freeman@vancouver.ca)

Date: 12/30/2016 2:04:11 PM

Subject: DE419492

Received your notice of development application in the mail today.

I am trying to decipher what changes the proposal infers and I am assuming that they are actually applying for their business license now.

I believe this is the "store" that puts a young girl in a short skirt outside their door handing out "information" about their business. #Inyourface.

I have two teenagers at home and it has pained me to see the number of marijuana related "pharmacies" increase daily. It's a sad day when the only stores that can afford the high rent on Commercial Drive now are the ones that sell "medical marijuana". My son has been purchasing "medical marijuana" from this place for 2 years now. He is a perfectly healthy young man.

So I am opposed to this application and eagerly await to see what the new rules and regulations will be in April.

From: s.22(1)

To: "Freeman, John" <John.Freeman@vancouver.ca>

Date: 12/23/2016 2:40:30 PM

Subject: "Eggs Canna" application 2235 Commercial Drive

Dear Mr. Freeman:

I have lived at s.22(1) --for thirteen years, and in that time have witnessed the growing presence of legal marijuana dispensaries. While I am in favour of legalizing the sale of marijuana (getting it out of the hands of gangsters and collecting taxes on it), I do not see the need for such a proliferation of marijuana outlets concentrated in one area.

I do not use marijuana myself, but wouldn't dismiss the medical need for it at some point in my life. That said, I doubt that most clients of the "dispensaries" are in pain: what I see (and inevitably smell while walking down Commercial Drive) is recreational use. The application from EGGS CANNA to operate twelve hours a day, seven days a week seems excessive to me, and I am against approval of this application. This amount of commercial drug sales in my neighbourhood doesn't represent the "mom and pop" level of sales; it is a drug dispensing supermarket.

The applicants have a legal right to do business, but I would like to see the hours reduced to a level that still allows them to be competitive with other such businesses on the street. And, while we're at it, I wouldn't want to see another such outlet anywhere on the Broadway to 1st Ave. corridor. Enough, already!

Thanks for your time.

Yours sincerely,

s.22(1)

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s.22(1)

From: s.22(1)

To: "[Freeman, John](mailto:John.Freeman@vancouver.ca)" <John.Freeman@vancouver.ca>

Date: 12/29/2016 5:41:41 PM

Subject: RE: 2235 Commercial Dr, DE419492

Dear Mr. Freeman:

I assume this is your written comment destination since it is the only address on the rezoning card that was placed in our mailbox.

There are 3 pot shops within a couple of blocks of each other. 2235 Commercial shop is one laneway away from the 2237 pot shop (which ALWAYS reeks), and just a few steps from the 2100 block pot shop. That is too many, too close together.

Furthermore, the legal selling of pot seems to be having the effect that users feel they need not respect anyone around them. There are huge numbers of 'smoko' parties happening in the laneway between the 2 shops. I and MANY others do not wish to inhale second-hand drugs! Tobacco smoke does not affect one's judgement, just inflames the allergic lungs. Pot does both, including all the children in the Donald's Grocery right next door. Furthermore, I have witnessed several stoned persons staggering about/into traffic, screaming obscenities, and charging at pedestrians, which I would describe as public inebriation. Yet there seems to be no interest in responsibility for this behaviour.

I realize this is not a fashionable opinion but harmful behaviour should be acknowledged.

Sincerely,

s.22(1)

From: s.22(1)

To: "Freeman, John" <John.Freeman@vancouver.ca>

Date: 1/5/2017 10:36:21 AM

Subject: Re: Development application for Eggs Canna, Commercial Drive

Thanks again - I will forward this.

From: Freeman, John <John.Freeman@vancouver.ca>

Sent: January 5, 2017 5:28 PM

To: s.22(1)

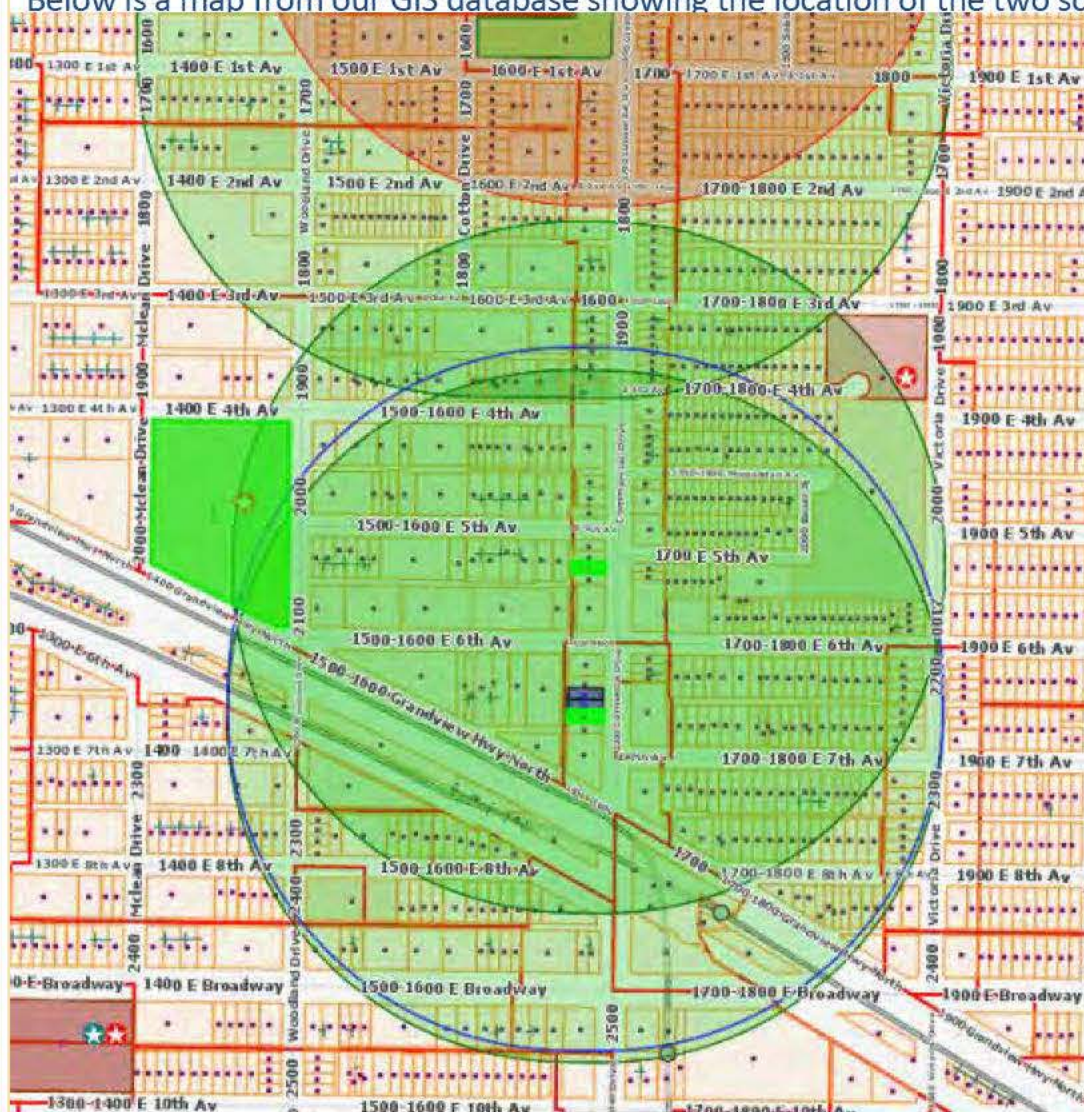
Subject: RE: Development application for Eggs Canna, Commercial Drive

Hi again s.22(1)

Just an FYI along the same lines as our discussion...

A third application, at 2223 Commercial, has appealed and has been overturned in your immediate neighbourhood on Dec 20th.

Below is a map from our GIS database showing the location of the two schools (Grandview & Queen Vic Annex) with their catchment areas; Vancouver Pain Management, Eggs Canna, and the area of interest from 1501 Commercial (red circle) to 1666



The third applicant (2223 Commercial) may be coming in any time to make an application. I thought you and your neighbours might want to know about the more complete picture.

John Freeman Project Facilitator 604 871 6076
Development, Building, & Licensing - City of Vancouver

From: s.22(1)
Sent: Wednesday, January 04, 2017 5:04 PM
To: Freeman, John
Cc: s.22(1)
Subject: Re: Development application for Eggs Canna, Commercial Drive

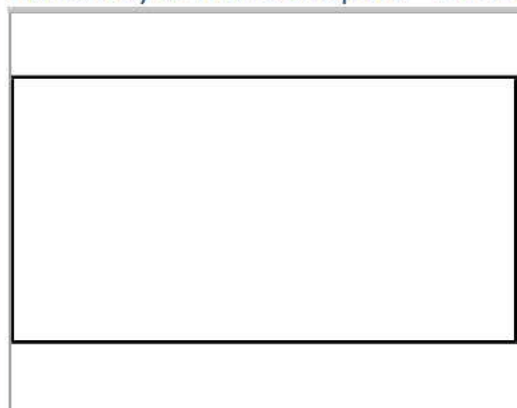
Hi John,
Thanks very much for responding to my letter and for picking up the phone when I called earlier. It is helpful to receive more information about the development application process, and encouragement to call 3-1-1 when I or my neighbours witness bylaw infractions.
We will be paying close attention to this development.

Regards,
s.22(1)

From: Freeman, John <John.Freeman@vancouver.ca>
Sent: January 5, 2017 12:51 AM
To: s.22(1)
Cc: s.22(1)
Subject: RE: Development application for Eggs Canna, Commercial Drive

Hi s.22(1)

Thank you very much for your email about **2235 Commercial Drive**. Please take a look at our Medical Marijuana webpage for more information: <http://vancouver.ca/doing-business/medical-marijuana-related-business-licence.aspx>
If you notice behaviour in your neighbourhood relating directly to dispensaries in contravention of our bylaws please call 311 (for example: smoking/consumption on store premises, serving or advertising to minors, sales of edibles or creating a nuisance) to make a report. We use 311 to track complaints and to help determine enforcement response.

	<p>Medical marijuana-related retail dealers and compassion ...</p> <p>vancouver.ca</p> <p>To operate a medical marijuana-related retail business or compassion club in the City of Vancouver, you need a development permit and business licence.</p>
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Also, please note that the Board of Variance (<http://vancouver.ca/your-government/board-of-variance.aspx>) overturned a refusal from the City for the proposed dispensary at this location due to the proximity of a school or community center. If you have any questions about this process I am happy to help or put you in touch directly with the BOV@vancouver.ca. The City Bylaws regulating Medical Marijuana Businesses are specific about the distances between approved locations and to schools/community centers. The Board is the only body able to make allowances for any locations less than 300m from the above.

Board of Variance and Parking Variance
Board | City of ...

vancouver.ca

The board operates under the terms of Board of Variance Bylaw and The Vancouver Charter, section 572. Regulates the development of property in Vancouver by ...

Your letter will become part of the official file for this Development Application (**DE419492**). Staff will review the comments from the General Public with regards to this Application. If you have responded within the comments period ending **January 9th 2017**, you will receive an update when the Application has arrived at a Decision by the Director of Planning and if it is issued. All comments will be considered up until the date of Decision. Your feedback is very important to the process and will help shape this application.

Your email will only be used to communicate with you about this Development Application. Please note that all comments and responses to this application are subject to, and may be released, pursuant to the Freedom of Information and Protection of Privacy Act. The Act does, however, protect your privacy by prohibiting disclosure of personal information (such as names, addresses and other identifying information).

Kind Regards,

John Freeman Project Facilitator 604 871 6076

John.freeman@vancouver.ca Development, Building and Licensing - City of Vancouver

From: s.22(1)
Sent: Wednesday, January 04, 2017 4:01 PM
To: Freeman, John; s.22(1)
Subject: Development application for Eggs Canna, Commercial Drive
Importance: High

Dear John Freeman,

My name is s.22(1)

I recently received notice of a development application submitted by **Eggs Canna** for its Commercial Drive outlet. While I support the use and sale of medical marijuana, I am concerned about the increasingly high concentration of marijuana dispensaries on Commercial Drive.

I urge the City to come up with a plan that limits the number of dispensaries in a given radius. Along an eight-block stretch of Commercial Drive, we already have:

BC Pain Society (2908 Commercial)
BC Compassion Club Society (2995 Commercial)
Canna Clinic (2223 Commercial)
Vancouver Pain Management Society (2137 Commercial)
The existing **Eggs Canna** outlet (2235 Commercial)

I don't see a similarly high concentration of liquor stores on Commercial Drive.

I have nothing against recreational marijuana use by adults (in moderation), but I am concerned that marijuana is increasingly easy for Vancouver youth to access. Reports by local media have shown that medical marijuana dispensaries routinely ignore laws and bylaws governing medical marijuana. In practice, just about anyone who looks like an adult can walk into a medical marijuana dispensary and purchase marijuana for recreational use.

As s.22(1) the effects of cannabis on the developing brain in a three-part series. The data show that cannabis is as harmful as alcohol in youth up to about the age of 25. This series became my most widely read project over the past two years, indicating a high level of public concern.

Here is a link to the main article: <http://www.theglobeandmail.com/life/health-and-fitness/health/your-kids-brain-on-pot-the-real-effects-of-marijuana-on-teens/article21127612/>

Here is a link to more than 60 sources cited in the main article (scroll down):

<http://www.theglobeandmail.com/life/health-and-fitness/health/48-resources-you-should-read-to-understand-marijuanas-effects-on-teens/article21126310/>

Here is a third article on Canadian youth's perception of pot as harmless (and even brain-enhancing): <http://www.theglobeandmail.com/life/health-and-fitness/health/young-canadians-see-marijuana-as-a-harmless-herb-theyre-wrong/article21125976/>

Having a cannabis dispensary on every block increases marijuana's visibility to youth and normalizes its recreational use. East Van prides itself on being an inclusive community, but must the Drive become a top marijuana destination? Or, as one neighbour put it, Vancouver's unofficial "Pot Block"?

It's tough to imagine that the existing shops are not already serving local residents' marijuana needs.

As you review current and future development applications by marijuana dispensaries, please inform me and my neighbours of the City's plan to limit concentration of marijuana dispensaries in our neighbourhood, and Vancouver as a whole. (Moderation, please.)

Thank you for your time and consideration in reading this letter.

s.22(1)

From: s.22(1)

To: "Freeman, John" <John.Freeman@vancouver.ca>

Date: 2/15/2017 10:55:56 PM

Subject: RE: Process may be overturned by BOV: DE419492 (Eggs Canna) at 2235 Commercial drive

John,

Thanks for the information. It would be very disheartening if all 3 entities could fight this further per your email below and end up with approved licences to operate. (To all copied people:..Please read John's email and send around to concerned area persons).

As noted, all 3 should be turned down per the Bylaw simply due to school proximity (let alone the distance to each other).

I will pass this onto the neighborhood parties that seem interested. We will be looking for ways to protest this effort via email as a start.

I will enquire with the Secretary of the BOV as suggested (and ask my neighbours to also petition and ask this to stop). We don't need this many Medical Marijuana shops all in one small strip. Makes no sense. Simply disheartening and does not encourage or reflect our Grandview Woodland community.

Regards

s.22(1)

On Feb 15, 2017 2:31 PM, "Freeman, John" <John.Freeman@vancouver.ca> wrote:

Hi s.22(1)

Only the Board of Variance can relax these requirements of the Bylaw. It is the view of Development Services (we administer the zoning and development Bylaws) that none of these should be allowed because of the proximity to (2) schools and each other. The BOV recently overturned our refusal of 211 E 16th Ave for being 20m from a compliant, approved dispensary (we call them MMRU). There may be three approved within 60m if the Board allows 3187 Main St to operate.

I suggest bringing this up with the Secretary to the Board of Variance for more details. It seems likely that the Board would overturn our decisions near this part of Commercial and the neighbourhood may end up with at least three MMRU within a couple of blocks.

Eggs Canna may appeal our decision and move forward to a BOV hearing. 2223 Commercial may do the same once they are refused – again.

I will be sending out notification to the neighbourhood about the new application from Canna Clinic at 2223 Commercial in the near future.

Regards,

John Freeman Project Facilitator 604 871 6076

Development, Buildings, & Licensing - City of Vancouver

UPCOMING TIME OUT OF OFFICE March 13th - 17th

From: s.22(1)
Sent: Wednesday, February 15, 2017 2:04 PM
To: Freeman, John
Subject: Re: Why is City BOV involved with DE419492 (Eggs Canna) at 2235 Commercial Drive?

John

Thank you very much for the update re the rejection of this application. I hope this decision is final..... Or can it be overturned?

Please let me know if there is an opportunity for input regarding the Canna Clinic review at 2223 commercial drive.

If the City follows its own bylaws, that 2223 operation should be closed or rejected as it is in violation of the distance to schools and proximity to other similar dispensaries.

I also appreciate the update re the 2137 commercial drive site (pain management society). I wonder why there was a relaxation re the bylaws for this operation (re distance to schools ..since they are in violation of the 300m distance.) Would you be able to update me on this matter?

Again, thank you for your email and responses to my comments in advance.

Regards

s.22(1)

On Feb 15, 2017, at 1:06 PM, Freeman, John <John.Freeman@vancouver.ca> wrote:

Hi s.22(1)

The City has refused the application of Eggs Canna at 2235 Commercial Dr. The application at 2137 Commercial Dr has been approved and they will apply for a Business License in the near future. 2223 Commercial Dr was also overturned recently and will now be subject to a full review.

Regards,

John Freeman Project Facilitator 604 871 6076

Development, Buildings, & Licensing - City of Vancouver

UPCOMING TIME OUT OF OFFICE March 13th - 17th

From: s.22(1)

Sent: Sunday, January 29, 2017 9:15 PM

To: Ng, Louis

Cc: Freeman, John

Subject: Why is City BOV involved with DE419492 (Eggs Canna) at 2235 Commercial Drive?

Dear Board of Variance (BOV) members;

I have been notified from the Vancouver city project facilitator John Freeman that the BOV members have overturned the City's decision to refuse the requested change of use request for Development Application DE419492 (Eggs Canna) at 2235 Commercial Drive.

Respectfully, I would like to state my opposition to this possible change in use application, and also ask the BOV members to explain why they think overturning the City's own bylaws in regard to marijuana dispensaries makes sense.

I have been a long term resident in the area, and would not support any type of monocultural retail use along the Drive in such a small area. Diversity is critical and I question the BOV's support for only one type of retail use that sells the same product at two other locations in a small area of the Drive.

What are the BOV's reasons for overturning the City's decision to not approve the requested change of use request for Development Application DE419492 (Eggs Canna) at 2235 Commercial Drive? How does the BOV's possible approval of this application play an integral role in the City's plans to promote and support the continued growth of a popular family-oriented community?

As a reminder to the BOV, this application's bylaw failures are listed below:

1) The Eggs Canna location is too close to nearby schools (under 300m). The bylaw is clearly written stating the distance must be more than 300m. The direct measurements on any map indicate this location (AND the Canna Clinic AND the Pain Management Society) are all too close to either or both the Grandview Elementary School and the Queen Victoria Annex School.

The BOV should not be able to overturn the City Bylaws in regard to proximity to schools. Children will be walking through or near these areas and they create interest that is not appropriate for our youth.

As an additional point to the City and BOV, I also do not understand how either the Canna Clinic or the Pain Management Society is allowed to operate unless the marijuana dispensary bylaws are changed with further public input.

Schools and the neighbourhood around us support the fundamental lifestyle of families and multi-cultural exposure that have been a part of Grandview Woodland. Vape shops, marijuana dispensaries, and Quick Pay Day loan operations are more an adult lifestyle choice that should not be on full display in family-oriented neighbourhoods on the Drive. Dispensaries encourage children to consider using currently illegal substances through its direct exposure and advertising in this contained area.

2) The Eggs Canna site is within 300m of other similar marijuana dispensaries. This again is in direct conflict with the City- approved bylaw written for these kinds of dispensaries. Why would this even be considered (and in fact, why has the Canna Clinic been allowed to open and operate)?

Why is the BOV refusing the City's rejection of this suggested change in use? It should not be allowed to move forward when it is in contravention of the City Bylaw.

From conversations with neighbours, include neighbours who are raising young children in the neighbourhood, I do not view an increase in the number of dispensaries on Commercial Drive to be welcomed, as a better mixed use of commercial retail or restaurant space makes more sense. Unless we re-designate Commercial Drive as an approved Marijuana distribution area, then it does not make sense to have so many approved within 120m of each other AND most importantly near elementary schools. If a designated marijuana area was ever to be considered, it should require public input and approval before assuming it can be inserted piece meal into one area.

The independent mixed use commercial stores along Commercial Drive have been a driver for interest and success; changing it to focus on dispensaries or similar styled retail shops

does not help develop Commercial Drive or Grandview Woodland. This action by the BOV to consider allowing another marijuana dispensary into the neighbourhood appears to go against the work of the Grandview-Woodland Citizen's Assembly to develop the area into a vibrant family-oriented community.

I look forward to a response from the BOV about having this application overturned and to also be provided with an explanation about why this change in use application is being considered further.

I trust that the City Bylaws will ultimately be honoured before this matter is finalized.

Sincerely

s.22(1)

From: s.22(1)

To: ["Freeman, John" <John.Freeman@vancouver.ca>](mailto:John.Freeman@vancouver.ca)

Date: 12/29/2016 1:55:47 PM

Subject: 2235 Commercial Drive (DE419492)

Hi John,

I just left you a voicemail message.

I s.22(1) and wanted to have a chat with you with respect to the above referenced development application.

My mobile # s.22(1)

I look forward to speaking with you.

s.22(1)

From: s.22(1)

To: "Freeman, John" <John.Freeman@vancouver.ca>

Date: 12/30/2016 6:46:17 PM

Subject: 2235 Commercial Drive - DE419492 - Medical Marijuana-Related Use Development Application

Hello Mr. Freeman,

I write to you with regards to the 2235 Commercial Drive application by "Eggs Canna" to change from retail to medical marijuana-related use.

According to City of Vancouver, Zoning and Development Bylaw No. 3575, section 11.28.2:

"A Medical Marijuana-related Use is not permitted:

(a) within 300 metres of the nearest property line of a site containing another Medical Marijuana-related Use;

(b) within 300 metres of the nearest property line of a site containing a School - Elementary or Secondary, Community Centre or Neighbourhood House..."

Further, this type of premises should be at least 300 metres of "youth facilities that serve vulnerable youth".

Contrary to the above by-law, Eggs Canna is within 300 metres of a number of social and community centres for children and at-risk youth:

1. Grandview Elementary School - 2055 Woodland Drive

<https://www.vsb.bc.ca/schools/grandview>

The school premises also contain a large park, playground and vegetable and fruit garden for the children.

2. Grandview Terrace Childcare Centre - 2075 Woodland Drive

<http://www.grandviewterracechildcare.com/>

A daycare and out of school facility for children 3 to 12 years of age. They also provide full-time summer programs for children.

3. Queen Victoria (Nelson Annex) Elementary School - 1850 E. 3rd Ave.

<https://www.vsb.bc.ca/schools/queen-victoria-grandview-annex>

Again, this premises encapsulates a large field, playground and community garden for children.

4. McSpadden Park - 2125 Victoria Drive

<http://covapp.vancouver.ca/parkfinder/parkdetail.aspx?inparkid=54>

This is a large park, upon which the Queen Victoria Elementary School and playground sit.

5. Drive Youth Employment Services - 2106 Commercial Drive

<http://www.driveyouthemployment.ca/>

This facility for unemployed youth is designed to help youth between 16 and 30 years secure sustainable employment. They also offer one-to-one Case Management services and a drop-in resource room.

Drive Youth Employment Services is also part of the Frog Hollow Neighbourhood House.

6. The Frames Film Program - 2106 Commercial Drive

<http://www.framesfilmproject.com>

As set out in their mission, this program is for "multi-barriered (ie. mental health, homelessness, unemployed)" youths, ages 16 to 30, to receive support from a full youth Case Management Team, a Frames' Social Worker and Film Instructor.

7. Royal Canadian Legion Branch 179 - 2205 Commercial Dr.

<http://rcibranch179.ca/monthly-events/>

This is a community center for the neighbourhood - with events, programs and other activities being hosted for the community.

8. Ministry of Social Development and Social Innovation - 2350 Commercial Dr.

<http://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/ministries/social-development-and-social-innovation>

The purpose of this Ministry is to: 1) provide income and disability assistance to those in need; 2) delivering employment programs and services to unemployed and underemployed individuals; 3) supporting community living services that help adults with developmental disabilities and their families develop connections and inclusion with their communities; and 4) supporting social innovation and social entrepreneurship to improve social outcomes for all British Columbians.

9. WC Shelly Park - 1500 E 8th Ave

<http://covapp.vancouver.ca/parkfinder/parkdetail.aspx?inparkid=63>

This park contains a children's playground as well as an open play area.

Additionally, there are two retailers, who if they are not already applying to be Medical Marijuana-related Use facilities, that are clearly selling marijuana within 300 meters of Eggs Canna.

1. Canna Clinic Commercial Drive - 2223 Commercial Dr.

<http://cannaclinics.org/#focus>

They advertise themselves to be "BC's Leading Medical Marijuana Dispensary". It is located on the same block as Eggs Canna.

2. Vancouver Pain Management Society - 2137 Commercial Dr.

<https://www.painmanagementsociety.org/>

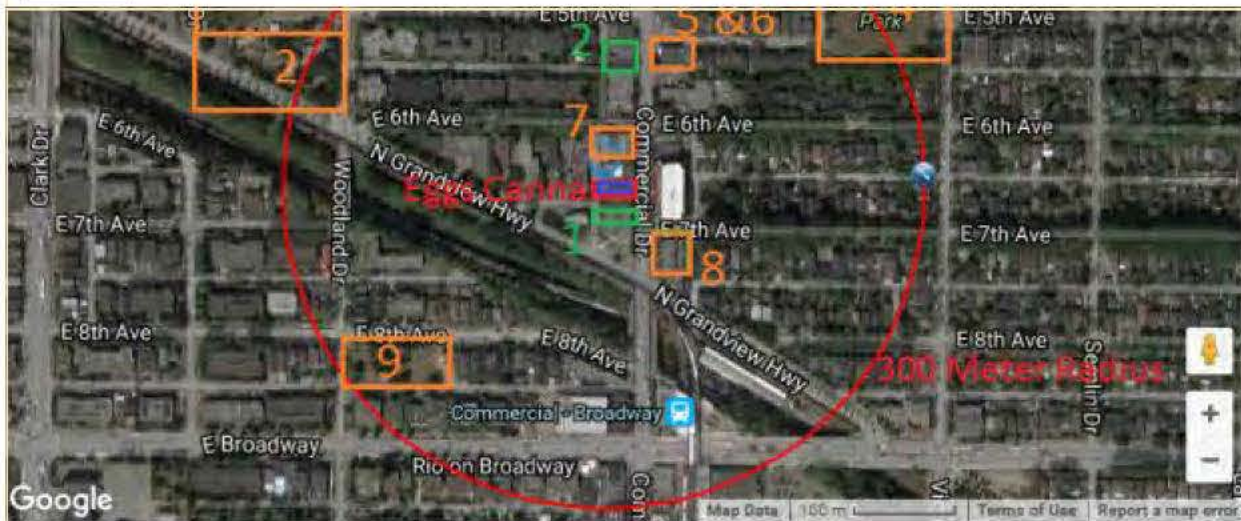
This is also a marijuana dispensary that has an active development application in the works.

For your convenience, I have plotted the above facilities on a map of the area, which is attached. This map sets out the 300 meter radius around the proposed facility. The at-risk youth, children and community facilities are plotted with an orange-coloured number corresponding to the paragraph numbers set out above. The marijuana facilities are plotted with green coloured numbers.

Thank you for your time. I hope you take the above into consideration in deciding this application.

Best regards,

s.22(1)



From: s.22(1)

To: ["Freeman, John" <John.Freeman@vancouver.ca>](mailto:John.Freeman@vancouver.ca)

Date: 12/23/2016 1:12:37 PM

Subject: 2235 Commercial Drive

We are opposed to it because it is so close to an elementary school.

We all know that is not use only for medical purpose. Just have a look at the clientele !

Thank you for your time and I hope that you will do all that is possible to stop this to happen.

s.22(1)