

File No.: 04-1000-20-2018-131

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 related to Development Permit application for 231 Abbott Street.**

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](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](mailto: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 (#04-1000-20-2018-131); 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](mailto: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:** [Hsieh, Katrina](#)  
**Subject:** 231 Abbott St DP 2017 00529  
**Date:** Thursday, August 03, 2017 11:10:30 AM

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Hi Katrina,

I'm writing regarding Romeo Jacobs application to change the use of the existing Retail Unit from Retail to Medical Marijuana Related Use be turned down.

The neighbourhood is already very compromised and has multiple low income tenants and SRO's and social housing properties.

The retail unit in questions is on the ground level unit of a character building that mixes owned residences and charming retail units. Standard retail units are breathing life and energy into what has long been a very bleak community.

Let's give that neighbourhood a chance to better itself instead of feeding into the problem by adding another drug related storefront.

A large part of the Gastown community is on income assistance and many local residents already struggle with drug addiction. To place a retail marijuana storefront within this struggling community seems inconsiderate and not beneficial to the prosperity and health of the community.

I appreciate your consideration on this matter and hope that this application will be turned down.

Let's do our best to be considerate and not to create more of slum than what's already there.

Thank you!

**From:** s.22(1)  
**To:** [Hsieh, Katrina](#)  
**Subject:** 231 Abbott Street - DP-2017-00529  
**Date:** Wednesday, August 02, 2017 9:48:25 AM

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Hi,

I'd like to add my voice to **opposing** the rezoning application of Red Med at 231 Abbott Street.

I feel like I shouldn't really need to write this letter as the business has been operating illegally for several years without any care for it's current zoning, I presume the application is only sparked by recent changes and not due to a deeply regretful feeling of wishing to meet their obligations as a business.

We live s.22(1) The unit gets quite a lot of direct sunlight in the Summer and is often warm, requiring us to have our windows open to try and keep it cool. About 50% of the time our apartment is filled with the smell of marijuana smoke, I presume not all of this is directly related to Red Med but there's probably a pretty reasonable correlation. The laws about smoking away from doorways are seemingly disregarded and despite making multiple complaints, never enforced.

The business also seems to attract a certain type of clientele. As everyone is already aware, the area is filled with a very diverse mix of individuals but I don't know if entrenching a business which attracts more drug related traffic is particularly wise. it's a blemish on Vancouver and Gastown specifically for tourists to see our beautiful heritage areas adorned with promotion of what's still legally a very grey area and probably quite surprising for foreign visitors.

Additionally, increasing the hours until 10pm would be a disaster, the street is noisy enough as it is without allowing for late retail. It's a residential area as well as recreational but the noise from neighbouring bars is already enough. I'm not sure many other "medical" related businesses require to stay open until 10pm... except maybe the liquor store.

Thanks in advance

**From:** s.22(1)  
**To:** [Hsieh, Katrina](#)  
**Subject:** 231 Abbott Street [DP-2017-00529]  
**Date:** Wednesday, August 02, 2017 3:15:37 PM

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Hello,

I would like to voice my concerns regarding the proposed change to the usage of the space at 231 Abbott Street.

Gastown is changing in a very positive way. Some older buildings are being cleaned up, while there are other new condominiums planned in the neighbouring streets. Money is being invested. More families are attracted to the neighbourhood and are already calling the area home (including the building this retail space operates in). It is a step in the wrong direction to permanently allow this business to operate in the area, especially in the epicentre of an area of the city that draws in an abundance of tourism. It simply sends the wrong message.

Our city holds the preservation of heritage buildings at a high level. Allowing this space, within a piece of Vancouver's history, to become a legally operating "Medical" Marijuana facility also undermines the integrity of the heritage status.

I also question why a "Medical" facility needs to operate until such a late hour. This is a residential building.

As a resident of s.22(1) I strongly oppose this amendment. I look forward to the day where I no longer have to shield my children from the unwanted smells of drugs entering our beautiful home. It just shouldn't be the way.

Thank you for your time,

s.22(1)

**From:** s.22(1)  
**To:** [Hsieh, Katrina](#)  
**Subject:** 231 Abbott Street DP-2017-00529  
**Date:** Sunday, July 30, 2017 9:37:31 PM

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Hi Katarina,

I wanted to provide some feedback on this development application.

I'm not against medical marijuana but the hours of operation for this kind of space are way too long. I think it should be restricted to 6pm on Friday/Saturday, and closed on Sunday or Monday (at least one day closure)

This is a prime entertainment area and thus selling marijuana on Friday and Saturday night past 6pm does not seem to meet any reasonable "medical" use. At that point it's becoming a bar.

Even London Drugs is not open such long hours on the weekend (Sunday it closes at 8pm)

Thank you for your time,

s.22(1)

Please feel free to contact me with updates on this application.

**From:** s.22(1)  
**To:** [Hsieh, Katrina](#)  
**Subject:** 231 Abbott Street  
**Date:** Tuesday, August 01, 2017 2:59:07 PM  
**Attachments:** [image001.png](#)

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Hi Katrina,

I have never written in before opposing a development application so am not sure of the correct process. But as an owner in Gastown, I am AGAINST this medical marijuana related use for this property. This area struggles enough as it is with drug addicted residents. I do not think this neighbourhood needs another opportunity for crime related incidents due to drug related activity, and my understanding is these stores bring more crime into the neighbourhoods. These stores do not report their break-ins to the police in fear of being shut down. If they are in fear of being shut down, then let's not let them open their doors in the first place. You and I both know the people buying marijuana from these stores are, for the most part, not buying it for medical reasons, even though they get their hands on a prescription.

I am against this store.

Thank you,

s.22(1)



**From:** s.22(1).  
**To:** [Hsieh, Katrina](#)  
**Subject:** Re: 231 Abbott Street Application DISAPPROVAL  
**Date:** Wednesday, July 26, 2017 2:20:42 PM

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s.22(1)

And I have not received permission to release their addresses, as they wish to oppose it but remain anonymous. They don't mind to provide names, but no addresses.

Thanks

On Wed, Jul 26, 2017 at 1:37 PM, Hsieh, Katrina <[Katrina.Hsieh@vancouver.ca](mailto:Katrina.Hsieh@vancouver.ca)> wrote:

Hello s.22(1)

Thank you for taking the time to comment on the application at 231 Abbott St.

We will take your comments into consideration and provide an update once the Director of Planning has made the decision.

Please provide your full name and address and the 6 other residents in the area who opposed this application so that we make record the opposition.

Your comments and privacy are protected as we do not give our names and personal information.

Regards,

**Katrina Hsieh**

Project Coordinator

Development Review Branch

Development, Buildings & Licensing

t. [604.871.6483](tel:604.871.6483)



**From:** s.22(1)  
**Sent:** Tuesday, July 25, 2017 6:36 PM  
**To:** Hsieh, Katrina  
**Subject:** 231 Abbott Street Application DISAPPROVAL

To whom this may concern:

We received a letter in the mail regarding a notice of development application for a medical marijuana related retail coming to 231 Abbott Street.

I would like to express our utmost concern and disappointment on this retail use. There are several of these retails around the area and thus would be a terrible idea to add another one, attracting the wrong crowd to further come. The litter that has come from these similar retails are not acceptable.

I speak for myself, our family, and 6 other residents of the area who are home owners.

Again, we are not okay with this application and will do our best to make sure the city does not approve this application.

Regards

s.22(1)

From: s.22(1)  
To: Hsieh, Katrina  
Subject: Re: DP-2017-00529 (pot shop)  
Date: Thursday, August 03, 2017 3:28:12 PM

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Hello Katrina,

\*\*\*\*\*Firstly, I am requesting my identity be kept from REDMED or any of the owner/developers of 231 Abbott st, for my own safety\*\*\*\*\*

I am a long-time owner and resident in s.22(1)

The Development Application DP-2017-00529 involves one of the 4 retail spaces in the s.22(1) (231 Abbott st).

The Notice of Development Application sent out by the City of Vancouver describes it as a commercial building.

It is a residential building with just 4 retail units at the ground floor.

My concern is that a residential building- with children living in it- is not an appropriate location for a pot store.

- the smell of the pot is very pungent some days s.22(1), and travels up s.22(1) (not smoke smell, but the bud itself).

-there is loitering already, even though a sign warns against it.

-the hours are 7 days a week and long every day which creates unavoidable noise under all the windows s.22(1) (residential, residents with varying sleep and work schedules, trying to live, study, work, rest, unwind, eat meals with family, etc),

-the types of clients that are accessing this store are usually young adults that are not medicinal users- they are recreational users. Medical prescriptions are highly unlikely. s.22(1) was offered free samples of a pot food product years ago- they had no medical card or prescription for pot).

-this RedMed has never been a retail store. They sold pot from day one. They hung 5 or 6 t-shirts on a wall as a "legitimizer" for their reason of operation.

-Redmed is not respectful of the residents, regarding their storage of the pot in ways that allow the stench to permeate the buildings public areas, and into some s.22(1)

-RedMed is not respectful of the building residents because it has flouted construction bylaws in the past and has created significant noise at least 2 nights after 8PM. Once night was from 8pm until 4-5 AM. Non-emergency police were understaffed, and of course the noise complaint office at city hall closes after traditional office hours, so no bylaw officer can attend to document or fine violators.

-The clients the building residents have seen going into the pot store often double park on the street or in s.22(1) Alley while they go into to buy their weed, creating difficulty accessing s.22(1) garbage bin, and impeding traffic flow on our street, which increases risk of an accident.

In summary, the creation of an inviting, healthy, safe neighborhood depends on living spaces that are safe and welcoming to all ages- thereby making Gastown an attractive place for residents from a wide variety of backgrounds to live and raise families... and this creates neighborhoods that attract tourism and commerce that is safe and one that the city of Vancouver can be proud of. A pot store in a small building that is RESIDENTIAL in it's majority is not a good fit.

Thank you for your time,

Sincerely

s.22(1)

**From:** [Do Not Reply - The Wynford Group](#)  
**To:** [Hsieh, Katrina](#)  
**Subject:** Strata Plan LMS 2412 - Development Permit DP-2017-00529  
**Date:** Monday, July 31, 2017 3:44:52 PM  
**Attachments:** [image001.png](#)  
[Pages from City of Vancouver.Red Med Retail.2412.pdf](#)  
**Importance:** High

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Attached please find correspondence from Strata Plan LMS 2412 and commercial unit located at 231 Abbott Place.

Should you have any questions or concerns, please contact the Strata Manager, Rodney LeGrow at 604-261-0285 or [property@wynford.com](mailto:property@wynford.com).

**Be advised that this email address is for outgoing mail only.**

**\*\*Please do not reply to this email.\*\***

Thank you,



Moving Stratas Forward

815 – 1200 W 73rd Ave Vancouver BC V6P 6G5  
p 604 261 0285 f 604 261 9279

[wynford.com](http://wynford.com)

This e-mail address and its use are provided as a convenience and shall not be construed as provided for the purpose of receiving any time-sensitive or formal notice or record of document to The Wynford Group or The Strata Corporation unless acknowledged and agreed under separate communication by all parties.

**CONFIDENTIALITY & PRIVACY:** This message may contain information that is confidential or subject to protection under legislation. If you have received it in error, any distribution or copying is prohibited. Please notify us, and destroy this communication. Thank you.

July 31, 2017

City of Vancouver, Development Review Branch  
515 West 10th Avenue  
Vancouver, BC V5Z 4A8

**VIA EMAIL: [Katrina.hsieh@vancouver.ca](mailto:Katrina.hsieh@vancouver.ca)**  
Original to follow in mail

**Attention: Katrina Hsieh, Project Coordinator**

Dear Ms. Hsieh:

**Re: Strata Plan LMS 2412, Abbott Place  
231 Abbott Street, Vancouver, BC V6B 2K7  
Development Permit: DP-2017-00529**

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We write on behalf of the Council of Owners, Strata Plan LMS 2412, Abbott Place, regarding DP-2017-00529 which would permit "Red Med" to change from Retail use to "Medical Marijuana Related".

Abbott Place is strongly opposed to the approval of the Development Permit at 231 Abbott Street. The owners ask that the City of Vancouver deny the permit for the reasons outlined below.

### **Reasons for Abbott Place's Opposition to the DP-2017-00529:**

Red Med's dispensary business has been the source of problems, complaints and friction since it opened at 231 Abbott Street four years ago in June 2013.

The majority of Abbott Place owners oppose Red Med's dispensary. In January 2017, a bylaw banning the "growing, producing, harvesting, storing, marketing, selling or distribution of marijuana" was passed by a 3/4 vote resolution of the residential strata owners of Strata Plan LMS 2412 at a general meeting. This bylaw indicates that the majority of owners do not want a marijuana dispensary at Abbott Place.

### **3. Use of property**

- (12) *A resident or visitor must not use a strata lot or the common property (including limited common property) for any of the following uses or purposes:*
- (a) *The purpose of growing, producing, harvesting, storing, marketing, selling or distribution of marijuana or any other "controlled substance" as that term is defined in the Controlled Drugs and Substances Act, S.C 1996, c. 19, as amended;*
  - (b) *Any business that does not have valid and current permits or licenses as may be required by any applicable laws.*

There has been friction for years between Red Med and the residential owners. A review of the Strata Minutes show that Red Med's illegal marijuana dispensary has been a repeated concern since it opened in June 2013. They have not been a good neighbour and have not respected the rights and livability of neighboring residents.

At the Strata's **Annual General Meeting** held on February 27, 2014, objections about odour and illegal activity were raised about Red Med:

**Medical Marijuana Dispensary:**

Some owners expressed their concerns with respect to the smell of the marijuana permeating into the residential lobby which is affecting the well-being of some residents who are affected by not only the smell but also how it will affect the owner's investments when attempting to sell their strata lot. The owners would like to have the commercial unit install an exhaust system in the strata lot which would exhaust the smell of the marijuana out of the building. The owner of the commercial strata lot informed the Strata Council that he takes these complaints seriously and he has instructed his tenants to take all measures to prevent the smell of marijuana permeating into the residential lobby.

While the owner of 231 Abbott promised to address the odour complaint, any actions that were taken have been minor and ineffective.

In July 2017, a resident submitted the following complaint to The Wynford Group about the "strong odor" coming from and around the Red Med facility located at 231 Abbott Street:

"The odor is a strong marijuana smell caused by consumption around and possibly inside Red Med's premises. The strong odor is mostly present during Red Med's business hours and caused by Red Med's customers as well as employees smoking marijuana products purchased at Red Med's store. Marijuana products are consumed in front of Red Med's store, possibly inside and in the Trounce alley.

"The symptoms I experience occasionally are coughing and shortness of breath when being around Red Med's dispensary at the time when marijuana is consumed by Red Med's customers and employees and that is quite often and on a daily basis. The marijuana odor is present all the time around Red Med." – *Abbott Place Owner, July 2017*

**SUMMARY OF CONCERNS:**

LMS 2412 (Abbott Place) is opposed to the approval of the development permit at 231 Abbott Street for the following reasons.

1. **Majority Oppose:** The majority of LMS 2412 owners are opposed to having a marijuana dispensary as indicated by their bylaw #3(12) which was passed by a 3/4 vote resolution at the Annual General Meeting held on May 24, 2016.
2. **Complaints:** Strata records show that Red Med has been the subject of complaints and friction since it opened. They have not mitigated the nuisance factors (noise, odour and patron conduct) caused by their business.

3. **Violation of COV, Section 11.28.2 (a) Ignite Smoke Shop**, which sells related marijuana goods is only 66 metres away at 109 W Cordova St:  
*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;*
4. **Violation of COV, Section 11.28.2 (b) Child Care: Woodward's YMCA Child Care is less than 200 metres from Red Med:**  
*A Medical Marijuana-related Use is not permitted:*  
*(b) within 300 metres of the nearest property line of a site containing a School - Elementary or Secondary, Community Centre or Neighbourhood House;*
5. **Violation of COV, Section 11.28.2 (g) Red Med has an ATM in their store:**  
*A Medical Marijuana-related Use is not permitted: (g) in conjunction with an automated banking machine.*
6. **Investigation into Building Permits:** The Wynford Group has asked the City to investigate whether building permits were issued for construction work done at 231 Abbott Street in the Spring of 2017. The only permit on file appears to be DP-2017-00529. (Complaint Reference #9945740).
7. **No Business License:** Red Med does not have a business license to sell marijuana, and appears not to have any business license. They have been illegally selling marijuana at 231 Abbott since June 2013. They advertised their cannabis dispensary at Vancouver Health Expo in July 2013, at which time they had 200 customers. (See YouTube video: <https://www.youtube.com/watch?v=UaP0wjTmewA>).
8. **Abbott Place Owners Feel Powerless.** They have expressed fear and reluctance about publicly voicing their concerns about Red Med because the City and the Vancouver Police have not enforced existing laws and have allowed Red Med to operate illegally since June 2013.

LMS 2412 respectfully requests that the City deny their development permit.

Yours truly,

THE WYNFORD GROUP  
Managing Agents for  
LMS 2412, Abbott Place  
Per:



Rodney LeGrow  
Strata Manager

cc: Council President