

File No.: 04-1000-20-2019-726

December 12, 2019

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 November 16, 2019 for:

1. **Neighborhood responses related to the application for a non-medical cannabis retail store licence at 2223 Commercial Drive; and**
2. **Response from the City regarding this application.**

Date Range: August 1, 2019 to October 1, 2019.

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, and within 30 business days of receipt of this letter, you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your FOI request 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 (#04-1000-20-2019-726); 2) a copy of this letter; 3) a copy of your original request; and 4) detailed reasons why you are seeking the review.

Yours truly,

Cobi Falconer, FOI Case Manager, for



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

Barbara.vanfraassen@vancouver.ca
453 W. 12th Avenue Vancouver BC V5Y 1V4

*If you have any questions, please email us at foi@vancouver.ca and we will respond to you as soon as possible. Or you can call the FOI Case Manager at 604.871.6584.

Encl.

:pm

From: s.22(1)
To: "Cannabis Comment" <Cannabis.application@vancouver.ca>
Date: 9/9/2019 9:14:35 PM
Subject: About DP #2017-0011

Hello there,

We write to you today as long time residents of Vancouver wanting our thoughts noted about this location and storefront at 2223 Commercial Drive. And the permit #2017-0011.

There is another LEGAL marijuana dispensary on 2137 at the same street, I have commented several times about this before, and this store continues to have permits to develop. s.22(1) believe in rules and laws being in place for a reason and this place doesnt seem to follow them!

We do not support this development permit!

Thanks for all you continue to do for our beloved City.

Feel free to contact us if we can provide further comment

s.22(1)

From: s.22(1)

To: "Cannabis Comment" <Cannabis.application@vancouver.ca>

Date: 9/9/2019 10:09:52 AM

Subject: Cannabis at 2223 Comercial Drive

Hi,

I am writing to express my view regarding to a Provincial cannabis retail store licence at

2223 Commercial Drive, Vancouver.

This is not a suitable location for a cannabis store.

It is near the Commercial-Broadway station - about 222 m away.

People will be walking pass by the store everyday for the Skytrain.

The store will eventually encourage people to take the Skytrain for cannabis.

There is Grandview Bowling 60 m from the location. School children will be passing by it.

Grandview Elementary school is 295 m from the location.

Please take above items in your consideration.

Best regards,

s.22(1)

From: s.22(1)
To: "Cannabis Comment" <Cannabis.application@vancouver.ca>
Date: 9/9/2019 5:44:51 PM
Subject: Comments for Development Permit

Hello,

I write to you today on behalf of my family about the development permit at 2223 Commercial Drive (#2017-0011).

When I speak of this particular permit, I want to take a moment to voice concern with them receiving a legal license. I know there is another store that is legal or going to be from what I know, close to this one at 2137 Commercial Drive, so how can this one continue to have permits to apply for a legal license in such close proximity?

I am not understanding these new cannabis laws as clearly as I thought, as I have seen this and other stores continue to try to become legal when it is clear they should not be given second chances.

I have opposed this location before and continue to do so,

s.22(1)

From: s.22(1)
To: "Cannabis Comment" <Cannabis.application@vancouver.ca>
Date: 9/9/2019 4:59:08 PM
Subject: Comments re: 2017-0011

Good day,

I am writing today to let you know that myself and my family have just returned s.22(1) only to find that there is yet ANOTHER development permit application on the windows of 2223 Commercial drive.

Myself and my family still oppose the above named permit (2017-0011) as:

1. This business was previously applying with a different name, it does not make sense to be able to try again with whatever name you want
2. This location should be barred

Speaking for my family, we hope the City will disprove this permit once and for all.

Thank you,

s.22(1)

From: s.22(1)
To: "Cannabis Comment" <Cannabis.application@vancouver.ca>
Date: 9/9/2019 4:05:44 PM
Subject: Commercial Drive 2223 & Permit #2017-0011

Hello there,

I am writing today once more about the permit 2017-0011 and the business there. Previously when I wrote in I can see from my emails they were called Canna clinic then. Why have they been allowed to apply simply with a different name? I do not think this is right.

The name of the business makes no difference in the actions the business has taken. They were still open for a long time after marijuana legalization and acted like there were no laws. I cannot and do not support these actions in my neighborhood. This reapplication with this new business name is offensive to me, even that they were allowed to do this.

I once more please ask to take my email and opposition into consideration here.

s.22(1)

From: s.22(1)
To: "Cannabis Comment" <Cannabis.application@vancouver.ca>
Date: 9/9/2019 5:14:06 PM
Subject: DP#2017-0011

Dear City of Vancouver Officials,

Sorry for the late comments on this, but I have just seen the next development sign at 2223 Commercial Drive, where Canna Clinic used to be. This email is about their permit 2017-0011. I want you to know first I am not against marijuana, I am against people and business that do not follow the law.

I have been a resident of s.22(1) for quite some time now, and I must say I am confused to see what must be a third or 4th name on this store and permit. Why is this allowed? is anybody just allowed to reapply with new business names?

This new business name, is just the old problem Canna Clinic in disguise. As I believe I have said in several emails before, they have had police on site often while open over the past years and I am sure you can look these up on file. This business is an embarrassment to our community.

Please be aware of my thoughts, my family does agree.

Regards.

s.22(1)

From: "Holm, Kathryn" <Kathryn.Holm@vancouver.ca>

To: "Huska, Joshua LCLB:EX (Joshua.Huska@gov.bc.ca)" <Joshua.Huska@gov.bc.ca>

"morganmeredith@protonmail.com" \ (morganmeredith@protonmail.com) <morganmeredith@protonmail.com>

CC: "Hicks, Sarah" <Sarah.Hicks@vancouver.ca>

"LCRB Senior Licensing Analysts LCLB:EX \ (LCRB.SLA@gov.bc.ca)" <LCRB.SLA@gov.bc.ca>

"Dyck, Gillian LCRB:EX \ (Gillian.Dyck@gov.bc.ca)" <Gillian.Dyck@gov.bc.ca>

Date: 9/24/2019 2:31:40 PM

Subject: Letter of Recommendation - 2223 Commercial Drive

Attachments: Recommendation to LCRB - 2223 Commercial Dr.pdf

Dear Josh Huska and Morgan Meredith,

Please find attached our letter of recommendation to the province regarding your application for a provincial cannabis retail licence.

Kathryn

Kathryn Kolbuch Holm, P.Eng. | Director, Licensing & Community Standards

Chief Licence Inspector

Development, Buildings, & Licensing

City of Vancouver | 515 W 10th Ave

Vancouver B.C. V5Z 4A8

(O) 604.873.7545

Kathryn.Holm@vancouver.ca

September 24, 2019

Joshua Huska, Manager
Licensing Division
PO Box 9292 Stn Provincial Govt.,
Victoria, B.C. V8W 9J8

Morgan Meredith
1206542 B.C. Ltd.
morganmeredith@protonmail.com

Dear Joshua Huska and Morgan Meredith,

**RE: Application for Provincial Non-Medical Cannabis Retail Store Licence at 2223
Commercial Drive, Vancouver**

As authorized in Section 34 (5) of the *Cannabis Control and Licensing Act*, Vancouver City Council have delegated authority to the Chief Licence Inspector under municipal Licence By-law 4450 Section 9A.2 to provide comments and recommendations on applications for Provincial non-medical cannabis retail store licences. The Chief Licence Inspector has considered the application for a non-medical cannabis retail licence at 2223 Commercial Drive and recommends that the licence be issued.

The following information was considered in arriving at this decision.

Location of Business and Impact on the Community

The proposed cannabis retail site is located in Zoning District C-2C which allows Cannabis Store as a conditional retail use. A Time-Limited Development Permit, DP-2017-00111, has been issued for Cannabis Store use at this location. The Development Permit application process ensures that the use at this location complies with all Zoning and Development By-law requirements, and that it is compatible with surrounding uses.

The Time-Limited Development Permit at 2223 Commercial Drive allows for on-going assessment of land use compatibility with the surrounding community. Development Permit DP-2017-00111 expires on November 21, 2019.

A Good Neighbour Agreement between the City and the business operator will set out expectations that the business will be responsive to community concerns and responsible for creating a positive relationship with the community.

Community Comments

Neighbourhood notification was conducted by means of a site sign advising the community of the application for a Provincial non-medical cannabis retail store licence at 2223 Commercial Drive. The sign provided an email address and phone number for comments. It was posted from August 26, 2019 to September 9, 2019.

A total of 9 comments were received in response to the application. No comments supported the application; 9 comments opposed the application.

Respondents are most concerned with proximity to another cannabis retail store, incompatibility with the neighbourhood and previous operation's practices.

Next Steps for the Applicant

By way of this letter, the Chief Licence Inspector recommends to the BC Liquor & Cannabis Regulation Branch (LCRB) that your application for a Provincial non-medical cannabis retail store be issued. The LCRB will make the final determination.

If you are approved for a Provincial non-medical cannabis retail licence you will also require a City of Vancouver *Retail Dealer – Cannabis* business licence. Below are the steps that must be complete before your City business licence is issued:

1. A Provincial non-medical cannabis retail licence has been issued to you
2. If you make any building modifications:
 - A Building Permit has been issued
 - An Occupancy Permit has been issued
3. A City Property Use Inspector has inspected your store. Please contact us to set an inspection date as soon as you have been issued your Provincial licence.
4. You have submitted a City of Vancouver general business licence application form (attached). The form is also available from the City Business Licence website at <https://vancouver.ca/doing-business/get-a-business-licence.aspx>
5. You have met with the Chief Licence Inspector to:
 - Sign a Good Neighbour Agreement
 - Pay your business licence fee

Yours truly,

A handwritten signature in black ink, appearing to read 'Kathryn Holm', with a long, sweeping horizontal line extending to the right.

Kathryn Holm, P.Eng.
Chief Licence Inspector
604-873-7545
Kathryn.Holm@vancouver.ca

cc: Via email:
Sarah Hicks, Manager, Licence Office
Gill Dyck, Senior Licensing Analyst, LCRB



BUSINESS LICENCE GENERAL APPLICATION

DATE: _____

PART 1: COMPANY INFORMATION – Complete ALL fields

LEGAL ENTITY TYPE: ☐ Sole Proprietor ☐ Partnership ☐ BC Corporation/Society ☐ Extra Provincial Company/Society ☐ Other

LIST EACH Sole Proprietor / Partner's names below. For BC Corporation/Society or Extra Provincial Company/Society, list ONE (1) Director/Owner name

1.	Business Phone #:	Home Phone #:	Cellular #:
2.	Business Phone #:	Home Phone #:	Cellular #:
3.	Business Phone #:	Home Phone #:	Cellular #:

BC Corporation/Society or BC Extra Provincial Company/Society Name: (If applicable)

BC Corporation/Society or BC Extra Provincial
Company/Society Registration No:

(Copies of BC Registration Documents Required for our records)

Trade Name/Doing Business As: (If applicable)

Business Licence Start Date:

☐ Immediately ☐ Other: _____

Describe in detail the nature of your business and the intended use of the premise. (Both primary and secondary uses).
Attach additional sheet(s) if more space is needed.

PART 2: CONDITIONS OF A HOME BASED BUSINESS – Applicable to Vancouver Home Based Business Locations ONLY

☐ N/A – Out of Town OR Vancouver Commercial/Industrial Business Location - Proceed to Part 4 of this form.

****Home-based business** means a craft or occupation conducted as an accessory use subordinate to the principal residential use of a dwelling unit (residence), and must only be conducted within the principal building on the site.

1. A home-based business allows a portion of the residence to be used for a craft and/or occupation for administration purposes only (mailing and telephone).
2. No clients are permitted to attend the premise at any time.
3. No partnerships and/or employees are permitted to engage in the running of the business from this residence.
4. No person other than one resident member of the family occupying the residence shall be engaged in the home-based business on the premises.
5. No more than three (3) home-based business licenses shall be issued for one residence.
6. Where located in a residential building, there shall be nothing to indicate from the exterior of the dwelling unit or building that it is being used for any purpose other than its principal and approved residential use (no signage permitted).
7. No products or materials shall be sold from or within the residence.
8. No products, materials, or equipment shall be stored outside of the residence, or any accessory building on the property.
9. No offensive noise, odor, vibration, smoke, heat or other objectionable effect shall be produced.

I do not require a space in a commercial building to carry on this business and wish to use my place of residence as my business address. If I am not the owner of the dwelling unit, I have discussed and received permission to operate the home-based business from the property owner/manager.

The information provided may be shared in accordance with the Freedom of Information Act.

I understand and agree to the above noted terms, regulations and conditions.

****BUSINESS OWNER/RESIDENT INITIALS:** _____

PART 3: BUSINESS LOCATION INFORMATION – Complete ALL fields

Business Location Address: <i>(Vancouver PO Box not permitted)</i>	Business Location Type: <input type="checkbox"/> Vancouver Commercial/Industrial Premise <input type="checkbox"/> Vancouver Home Based /Residential Premise <input type="checkbox"/> Owner of the property <input type="checkbox"/> Tenant of the property <input type="checkbox"/> Out of Town
Business Mailing Address: <i>(ONLY IF different than business address)</i>	Business Email Address: I prefer my annual business licence renewal be sent: <input type="checkbox"/> By Mail OR <input type="checkbox"/> By E-mail

515 West 10th Avenue, Vancouver, BC V5Z 4A8
 Tel: 3-1-1, Outside Vancouver: 604.873.7000
 Email: licenceoffice@vancouver.ca Website: vancouver.ca

(Please turn over)

Provide information for your Vancouver business location: (If applicable)

_____ Total # of regular & part-time employees (including business owner) at business location

_____ Total # of company &/or employee vehicles at business location

_____ Total square footage of business location

Provide information for your Vancouver commercial/industrial premise location: (If applicable)

_____ Occupancy date of commercial/industrial business location

☐ YES ☐ NO Are you sharing space with another company at the commercial/industrial business location?

☐ YES ☐ NO Will you be/have you performed any structural alterations to the commercial/industrial business location?

_____ Building/development permit No.(s) _____ Occupancy permit no. _____

_____ Total # of coin operated vending machines _____ Total # of bank/ATM machines _____

Restaurants: Total # interior seats: _____ Total # of exterior seats: _____ Liquor Service: ☐ YES ☐ NO Licence No# _____

Do you have a program in place to separate and recycle the following items (*check only if your business does not generate this type of material)

-Compostable organics – food scraps, yard trimmings, clean wood waste ☐ YES ☐ NO ☐ DON'T CREATE* ☐ UNKNOWN

-Recycling – paper, cardboard, glass/plastic/metal containers ☐ YES ☐ NO ☐ DON'T CREATE* ☐ UNKNOWN

PART 4: APPLICANT STATEMENT

I/We the undersigned confirm as the business owner(s)/agent for the owner(s) that the above noted information is correct and agree to comply with ALL relevant provisions of the Licence By-law No. 4450 and other applicable City By-laws. It is also understood that the business owner(s) is/are responsible for the overall management of the business including staff while representing the owner(s)' business. Further, failure to meet these obligations may result in the business licence being suspended or reported to City Council for possible revocation. The information provided may be shared in accordance with the Freedom of Information Act.

Business Owner/ Director Signature #1:

Print Name: _____	Signature: _____	Date: _____
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Business Owner/ Director Signature #2:

Print Name: _____	Signature: _____	Date: _____
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Business Owner/ Director Signature #3:

Print Name: _____	Signature: _____	Date: _____
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Representative Signature: Letter of Authorization from 1 Owner/Director will be required in the absence of Owner/Director signature above.

Print Name: _____	Signature: _____	Contact Phone #: _____	Date: _____
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PART 5: APPLICATION REQUIREMENTS – To avoid delays in processing, submit the following items with your application:

<input type="checkbox"/> \$58.00 non-refundable application fee. (Mandatory)	An additional pro-rated licence fee is required upon licence approval as per Schedule "A" of Licence By Law No 4450.
<input type="checkbox"/> 1 piece of valid government issued photo identification (Mandatory) for Business Owner(s).	Sole Proprietor/General Partnership: Required for EACH OWNER. BC Corporation/Society & Extra Provincial Company/Society: Required for 1 OWNER/DIRECTOR ONLY
<input type="checkbox"/> Letter of Authorization for Representative and Representative's government issued photo identification (Mandatory)	A document signed by the Owner/Director of the company which authorizes a representative to apply on their behalf in the absence of the Owner's/Director's signature above.
<input type="checkbox"/> Copy of BC Corporation Society Company Summary (Mandatory if Applicable)	Required for all BC Corporations/Societies & Extra Provincially registered Companies/Societies.
<input type="checkbox"/> Copy of BC Registration Statement for Extra Provincial Company/Society & foreign jurisdiction's company registration documents listing all Owners/Directors of the company	*NOTE: Any foreign entity, including federal and foreign corporations <u>must register</u> as an extra provincial company with BC Registry Services.
<input type="checkbox"/> Business Licence Transfer Authorization Form. (If applicable)	Required in addition to the General Business Licence Application form to transfer a valid business licence. Licence transfers are permitted once (1) per calendar year.

☐ Police Information Check (PIC).

(If applicable)

Police Information Check (PIC) may be required pending licence review. ie: Vulnerable Sectors. Original PIC required from Vancouver Police Department. Note: RCMP PIC NOT ACCEPTED.

LICENCE DEPARTMENT USE ONLY

APPROVALS REQUIRED: ☐ ZONING ☐ BUILDING ☐ POLICE ☐ HEALTH ☐ CLI ☐ OTHER: _____

CLASSIFICATION(S): 1. _____ LICENCE NUMBER: _____
2. _____ LICENCE NUMBER: _____

Page 2 of 2

From: s.22(1)
To: "Cannabis Comment" <Cannabis.application@vancouver.ca>
Date: 9/9/2019 9:20:39 PM
Subject: My Thoughts On Permit 2017-0011

Good day,

I am writing to provide my feelings on this once again permit at the location of 2223 on Commercial Drive and Canna clinic or whereabouts it 'used' to be. I am strongly opposed to the development further of this permit. This store has been nothing but problematic for years with whatever name they choose to operate under. They have never followed the law and have given me no trust in them so I have no choice but to oppose this.

Thanks very much,

s.22(1)

From: s.22(1)
To: "Cannabis Comment" <Cannabis.application@vancouver.ca>
Date: 9/9/2019 4:25:58 PM
Subject: Permit 2017-0011

To whom it may concern,

I am writing today to raise my concerns about the permit numbered #2017-0011 at the location of 2223 Commercial drive and their attempts to get a retail license. This location in particular has concerned me for many years, my family has lived here for s.22(1) so I know the area quite well and this business has always been a nuisance.

This store was previously called something different, I can't remember what but I am sure your files will note that; and now I can see it is a different name on their permit. Can someone please tell me how they have allowed a re-application with another name? I do not understand how the City has let this through.

They have always had trouble, and pushed people away from our beautiful neighborhood. My family lives at s.22(1) and we love it here, I don't want to have to move away because of the riff raff this store brings when they have more power when they are legal.

Please take my comments into thoughts with this permit, and know I am confused how they are in this process again.

Thanks for your time,

s.22(1)

From: s.22(1)

To: "Hicks, Sarah" <Sarah.Hicks@vancouver.ca>

"So, Mandy" <mandy.so@vancouver.ca>

"Cannabis Comment" <Cannabis.application@vancouver.ca>

"Greer, John" <john.greer@vancouver.ca>

"Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>

"Holm, Kathryn" <Kathryn.Holm@vancouver.ca>

Date: 9/9/2019 3:18:28 PM

Subject: Regarding DP #2017-0011

To whom it may concern;

My name is s.22(1), you may recognize my name as I have written in before but still fail to receive any kind of response worth anything from any department, so here I am again. I feel like the criminals illegally operating trying to get legally licensed receive more respect then the citizens that live and pay taxes in this area.

I write today concerning what was 'Canna Clinic' at 2223 Commercial Drive in Vancouver. This location previously had a development permit under the name 'HOB0, LightBox, Canna Clinic' and when came time for public comment, I sent mine in and I know a few of my friends also emailed in their concerns. I tried to reach out to anyone I could find that might have any information as to why this location had even gotten so far in the process with their poor track record, but apparently, I do not warrant a response from anyone.

I was trying to get some clarity as to what the City of Vancouver is doing or planning on doing with the development of this location for 'cannabis retail', so you can imagine my surprise and concern when searching the address '2223 Commercial Drive' in the city's website, all these letters OPPOSING the location came up! Please see link: <https://vancouver.ca/files/cov/2019-334-release.pdf>

There are clearly many residents including me that did NOT want this location to be turned into a marijuana retail store, so this is ridiculous and offensive that the City could even allow this location another development permit just under what appears to be a different business name. The ADDRESS itself should be barred – how can this business that has continued to break the laws throughout the years keep slipping through the cracks and given more opportunities to advance? Do they have money the city is motivated by? The city of Vancouver's priority should be its citizens (us) and the communities we reside in and our safety, not whatever these priorities seem to be.

As I said previously in my letters which I am sure you can find, these operators are clearly selling or trying to partner with different entities to try and bypass the fact that they operated illegally for many years without care or consideration for the laws. First, they were 'Canna Clinic' and then 'Hobo Cannabis Store' and now I have seen another development permit sign in their window with ANOTHER company name. Can someone please explain to me how the City is allowing this?

Has the City of Vancouver or the police department done a check to ensure that no other illegal activity was being carried out behind what appear to be "closed doors?" It is common knowledge in the area that they are currently running a 'dial-a-dope' service out of this property and their other location at 2347 E. Hastings, here is the link <https://peak426.com/> My good friend lives in the

How can the City not see that these business operators don't want to do things legally and right? And this isn't the only one they are constantly changing their names and websites to ensure that while they look as if they are trying to become legal, they do not stop making money illegally to then fund their 'legal' operations. This is a joke and slap in the face to the entire legalisation process. They are criminals and it is SCARY that a city is trying to legalize and legitimize CRIMINALS. THIS ADDRESS CONTINUES TO CONDUCT ILLEGAL ACTIVITIES OUT OF ITS LOCATION THEREFORE SHOULD NOT BE AWARDED A LICENSE—PERIOD, LETS STOP THIS NONSENSE. By this logic the citizens will always be on high alert that criminals at this address will always create new companies to try and bypass this process.

There is already a legal store a few doors down from this location at 2137 Commercial Drive, which just adds to my confusion how this one can again be in the running when there is already a store in such close proximity? Makes me feel like the City is being motivated by something we don't know about, which is disappointing. Also, this notification went up during summer when citizens are away on long holidays, I almost missed this second application myself. Was this done on purpose?

I love my community and everyone in it and try to keep active on what's going on, and the overwhelming sentiment in this community is that this business is NOT WANTED and that they continue to break the law.

There were 49 letters sent in AGAINST this application, and many more who did not want a public record of their concerns for fear of retaliation etc. THEY WERE SELLING ILLEGALLY THE ENTIRE TIME THE NOTICE WAS UP! IS THIS NOT ENOUGH TO DEMONSTRATE WHAT TYPE OF OPERATORS THEY ARE? WHAT MORE DO WE NEED TO DO TO PROTECT OUR COMMUNITY? I would like answers from the city who have failed to send me even ONE email back. If an address is denied HOW ARE THEY AGAIN ALLOWED TO APPLY? Do we need to worry about this address on an ongoing basis?

I oppose this application and ALL applications at this address because:

1. They are running a dial-a-dope service out of this location
2. These are criminals, and any address with a previous history of operating illegally should NOT be welcomed into the new legal framework. Why are we giving criminals a competitive advantage?
3. There were 49 letters previously received opposing this application
4. There is another legal shop at 2137 Commercial which violates the city of Vancouver's 300 m distance requirement

I really hope this is the last time I need to take time away from my day to write in about this address.

Regards,