

File No.: 04-1000-20-2020-595

December 11, 2020

s.22(1)



To whom it may concern:

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 3, 2020 for:

Inspection of premises at 5496 Victoria Drive showing selling of cannabis violation, Ref. No.: CF 2020-010002. Date of inspection: September 30, 2020.

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 (#04-1000-20-2020-595); 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,

[Signature on file]

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.

:kt

REGISTERED AND REGULAR MAIL

October 14, 2020
CF-2020-010002

1230187 BC LTD
5496 VICTORIA DR
VANCOUVER BC V6P 3V8

Contact Person:

Lizzy Delaney
Property Use Inspector
604-829-9496
lizzy.delaney@vancouver.ca

ORDER

RE: 5496 VICTORIA DRIVE

On September 30, 2020, a Property Use Inspector conducted an inspection of the above-cited property. The inspection confirmed that your building is being occupied as a cannabis retailer prior to obtaining the required City of Vancouver business licence.

Section 3(1) of Vancouver Licence By-law No. 4450 states:

No person shall carry on within the City any business, trade, profession or other occupation without holding a subsisting City licence therefor.

To clarify, having reviewed the City of Vancouver records, there is no business licence on file permitting this use of the building.

As such, you are ordered to **IMMEDIATELY** cease operating as a cannabis retailer at 5496 Victoria Drive.

Please be advised that failure to comply with this order will result in the matter being referred to the City Prosecutor with a request to approve charges against you under the applicable By-law(s). If charges are subsequently laid you will be required to attend Provincial Court and will face liability upon conviction to a fine of not less than \$500.00 for each day that the offence continues.

The imposition of fines by the Court will not absolve you from the requirement to comply with the By-law.

If you are selling your property you should disclose the contents of this order to the prospective purchaser and their representatives.

For questions or concerns regarding this matter please contact Lizzy Delaney, Property Use Inspector, by phone at 604-829-9496 or by email at lizzy.delaney@vancouver.ca.

Yours truly,

A handwritten signature in black ink, appearing to read 'Kathryn', followed by a long, sweeping horizontal line.

Kathryn Holm, M. Sc., P. Eng.
Chief Licence Inspector and
Director of Licences and Inspections

Copy: 1230187 BC LTD

s.22(1)

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s.22(1)

A rectangular grey box redacting information, likely a name or title, located below the second 'Copy' line.

From: [Holm, Kathryn](#)
To: [Wong, Cassandra](#)
Subject: RE: 5496 Victoria Dr (LIC) - ORDER FOR APPROVAL - Immediate Licence Order - Cannabis (CF-2020-010002)
Date: Friday, October 9, 2020 4:35:00 PM

Approved, thanks.
Kathryn

From: Wong, Cassandra
Sent: Friday, October 9, 2020 3:11 PM
To: Holm, Kathryn
Subject: 5496 Victoria Dr (LIC) - ORDER FOR APPROVAL - Immediate Licence Order - Cannabis (CF-2020-010002)

Hi Kathryn,

RE: **5496 Victoria Drive**
CF-2020-010002

Please see attached Immediate Licence Order - Cannabis (CF-2020-010002) for your review and approval.

DP was refused – 14 Day Z&D Order in next email.

Thank you,
Cass

Cassandra Wong | Bylaw Compliance and Administration
Development, Buildings and Licensing | City of Vancouver
cassandra.wong@vancouver.ca
604-871-6663



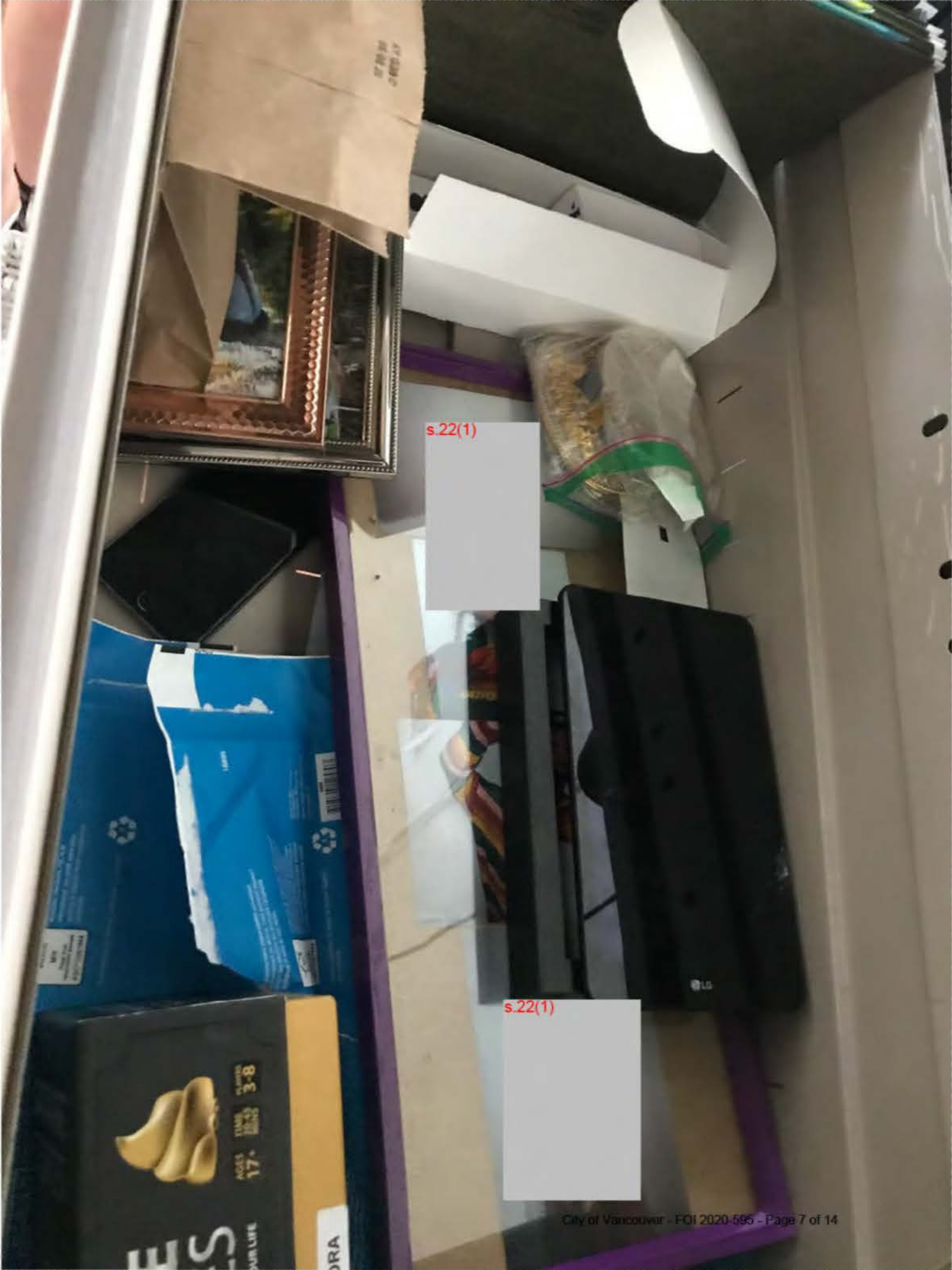
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 Please consider the environment before printing this email

| Last Update By | Last Update Date | Locked? | Note Type | Note Text |
|-------------------------------------|---------------------|---------|--------------|--|
| Kimberly Li, Property Use Inspector | 2020-07-28 11:22:18 | True | General Note | <p>20 Jul 2020 Inspection photos to be filed under documents.</p> <p>Found no cannabis in retail area and back office.</p> <p>Inspection revealed per the following dates that the store opens & operating:</p> <p>***2020 - unable to spot cannabis products</p> <p>04, 11, 17, 25 Aug</p> <p>03, 04 Sep (Darren found that store was closed at 8pm).</p> <p>03, 08, 14, 23, 30 Sep (OPEN)</p> <p>11 Sep (inspection at 8:25pm, store was closed)</p> |
| Kimberly Li, Property Use Inspector | 2020-10-29 16:26:31 | False | General Note | <p>13, 29 Oct (store opened, sandwich board on side walk, OPEN sign was turned on)</p> |







s.22(1)

s.22(1)





s.22(1)

| | | | |
|------------------|-----------------------|---------------------------------|-------------------------------|
| CF Number | CF-2020-010002 | Date of Inspection (yyyy/mm/dd) | 2020/11/03 |
| Main Address | 5496 VICTORIA DR | Specifics and/or Suite # | Main Floor |
| Tenant | 1230187 BC Ltd | Number of Storeys | 2 storeys |
| Owner | s.22(1) | Permit Number | DP-2019-00203: Refused |
| Owner | | Permit Number | |
| Agent | N/A | Approved Use of Building/Land | Retail Store (Clothing/Shoes) |
| District Zone | C-2 | Present Use of Building/Land | Retail Store (Cannabis) |
| Business License | 2020 169062 000 00 RD | | |

Reason for Inspection Complaint generated through 311 - Lagan #101014375413

Narrative/Observations

November 3, 2020: Re-inspection of location to determine if Order dated October 14, 2020 to "IMMEDIATELY cease operating as a cannabis retailer at 5496 Victoria Drive" has been adhered to or not.

Inspection at 3:30 PM revealed that cannabis is still being sold at this location. I asked s.22(1) if any "weed" was being sold today, she offered me a menu on a phone/personal tablet. I did not get a photo of this menu upon this inspection, however, there were multiple types of cannabis products for sale but the specific product I requested was not on the menu. The employee offered me further information on how to obtain the specific product I requested, noting places to purchase this product online. The product I requested was CBD edibles (gummies).

I took the information given to me and left the store. There were no other patrons in the store at time of inspection, and no cannabis was displayed or advertised, but was offered for sale upon request.

Requirements

Licence Bylaw No. 4450 - Section 3.(1).

Recommendations

Refer for prosecution.

Photos Taken? ☐ Yes ☒ No

Date Report Made: November 4, 2020

Lizzy Delaney
Inspector's Name

| Violation Details | |
|---|---|
| Violation Number: VI-2020-05151 | Violation: Cannabis being sold at location without cannabis business license. |
| Violation Date: Sep 30, 2020 | Licence Bylaw No. 4450 - Section 3.(1): No person shall carry on within the City any business, trade, profession or other occupation without holding a subsisting City license therefor. |
| Violation Type: Licence Bylaw No. 4450 | Violation Instructions: Refer for prosecution. |
| Resolve By: | |
| Violation Status: | |

| | | | |
|------------------|---|---------------------------------|----------------------------------|
| CF Number | CF-2020-010002 | Date of Inspection (yyyy/mm/dd) | 2020/09/30 |
| Main Address | 5496 VICTORIA DRIVE, Vancouver, BC V6P 3V8 | Specifics and/or Suite # | Main Floor |
| Tenant | 1230187 BC Ltd | Number of Storeys | 2 storeys |
| Owner | s.22(1) | Permit Number | DP-2019-00203: Refused |
| Owner | | Permit Number | |
| Agent | N/A | Approved Use of Building/Land | Retail Store (Clothing/Shoes) |
| District Zone | C-2 | Present Use of Building/Land | Retail Store (Cannabis) |
| Business License | 2020 169062 000 00 RD | | |

Reason for Inspection Complaint generated through 311 - Lagan #101014375413

Narrative/Observations

September 30, 2020: Inspection at 2:45 PM revealed that the store sells a variety of cannabis products. I inquired about purchasing cannabis and was offered a menu (see photo below). I was offered to purchase cannabis at this location by a female employee, s.22(1) There were no other patrons in the store during my inspection.

NOTE: The business license issued does co-relate to the current business which is operating at this time.

Requirements

Licence Bylaw No. 4450 - Section 3.(1).

Recommendations

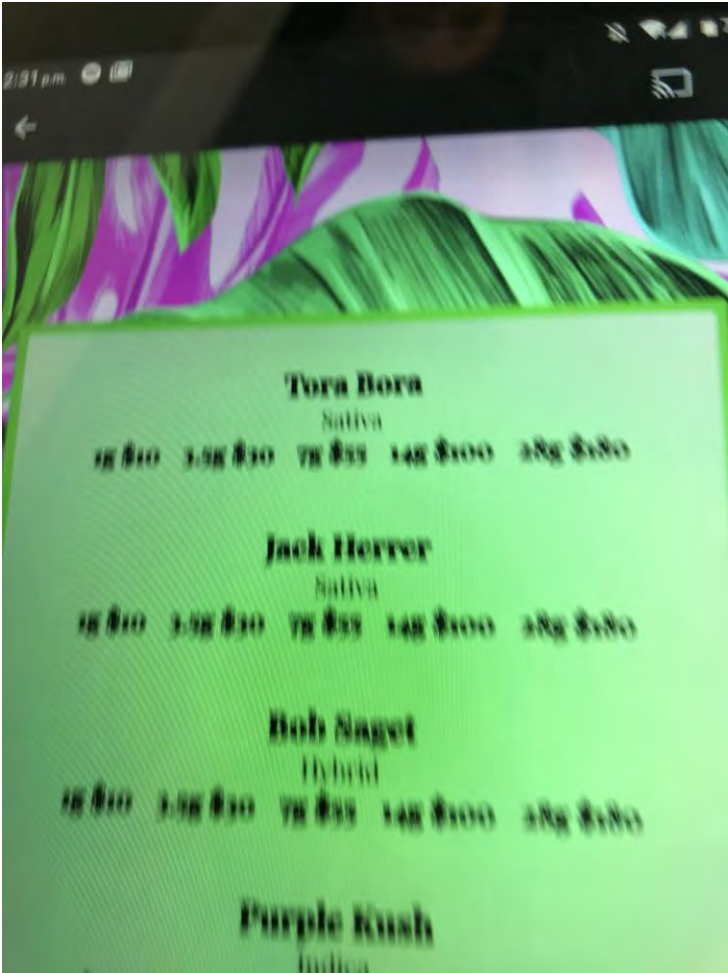
Send IMMEDIATE ORDER to the operator (1230187 BC Ltd) to cease use.

Photos Taken? ☒ Yes ☐ No

Date Report Made: September 30, 2020

Lizzy Delaney
Inspector's Name

| Violation Details | |
|--|--|
| Violation Number: VI-2020-05151 | Violation: Cannabis being sold at location without cannabis business license. |
| Violation Date: Sep 30, 2020 | Licence Bylaw No. 4450 - Section 3.(1): No person shall carry on within the City any business, trade, profession or other occupation without holding a subsisting City license therefor. |
| Violation Type: Licence Bylaw No. 4450 | Violation Instructions: Send IMMEDIATE ORDER to the operator (1230187 BC Ltd) to cease use. |
| Resolve By: | |
| Violation Status: | |

| Photo | Description |
|--|---|
|  | 1/ Cannabis menu provided by employee at 2:45 PM. |