



September 30, 2020

Honourable Steve Clark
Minister of Municipal Affairs and Housing
Email: steve.clark@pc.ola.org

Honourable Ernie Hardeman
Minister of Agriculture, Food and Rural Affairs
Email: minister.omafra@ontario.ca

Honourable Christine Elliott
Minister of Health
Email: christine.elliott@pc.ola.org

Dear Ministers,

Re: Stopping Illicit Cannabis Grow Operations

At the regular council meeting of September 21, 2020, Council reviewed correspondence from Debbie France dated September 13, 2020 requesting support for the Provincial and Federal Governments to work towards developing a standardized and enforceable solution to stop illicit cannabis grow operations. As a result of the review, the following resolution was passed,

R20-09-348

Moved By Councillor Verbeek
Seconded By Deputy Mayor Meloche

That correspondence from Debbie France, dated September 13, 2020 asking that Council consider supporting the Provincial and Federal Governments working towards developing a standardized and enforceable solution to stop illicit cannabis grow operations, be received and supported; and

That a letter of support be sent to the Minister of Municipal Affairs and Housing, the Minister of Agriculture, Food and Rural Affairs, the Minister of Health, Essex MP, Chris Lewis, MPP Essex Taras Natyshak and a copy of the correspondence to Debbie France.

CARRIED



Council urges the Government to take measures to close the loopholes that have allowed illegal grow ops to operate freely causing residents to suffer from unintended consequences of some of the components of cannabis legislation.

Yours truly,

A handwritten signature in black ink, appearing to read "R. Auger", written over a white background.

Robert W. Auger, L.L.B.
Town Solicitor, Legal and Legislative Services/Clerk
Ext. 1132
Email: rauger@essex.ca

RWA/lam

Enclosure

c.c. Chris Lewis MP Essex
Email: chris.lewis@parl.gc.ca

Taras Natyshak MPP Essex
Email: tnatyshak-qp@ndp.on.ca

Debbie France
Email: debbiefrance@live.ca

From: [Auger, Robert](#)
To: [Hall, Robin](#); [Moroz, Lynn](#); [Brown, Shelley](#)
Subject: Fwd: Stop Illicit Cannabis Grow Operations
Date: Sunday, September 13, 2020 10:25:06 AM
Attachments: [Sept 7, 2020.pdf](#)
[ATT00001.htm](#)

please add as correspondence for the September 21 meeting

Sent from my iPhone

Begin forwarded message:

From: Debbie France <debbiefrance@live.ca>
Date: September 13, 2020 at 9:38:15 AM EDT
To: Clerks <clerks@essex.ca>, CouncilMembers <CouncilMembers@essex.ca>
Subject: Stop Illicit Cannabis Grow Operations

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Attention to the Clerk and Mayor Snively at the Town of Essex,
Kindly share the information beneath and lead discussion at your next council agenda meeting to share the cannabis issues that we are all facing.
Thanks kindly,
Debbie France

Stop Illicit Cannabis Grow Operations

This email is being sent to all municipalities in Ontario who are being unjustly impacted by the outbreak in cannabis grow operations that choose not to follow municipal bylaws and regulations.

These grow operations are surging throughout Ontario exposing residents to personal safety and health risks.

What has caused the problem?

Loopholes in cannabis legislation

Loophole after loophole in cannabis legislation continues to be exploited. The legalization of cannabis was meant to keep cannabis from our youth and to get it off the black market. According to law enforcement, legislation has had the opposite effect. It has allowed organized crime to gain an even stronger foothold.

Why work together with other municipalities?

Residents are suffering from the unintended consequences of some of the

components of cannabis legislation.

- Many cannabis operations are operating without the required municipal permits, required set-backs and in areas not municipally zoned for cannabis operations.
- According to police, there is a threat to community safety. Guns have been seized at raids. Profits have been known to fund other crimes such as methamphetamine labs and cannabis can be used as currency to trade for cocaine and guns coming from United States. Organized crime has found a way to be comfortably sheltered within existing cannabis laws.
- Obnoxious skunk-like odours are adversely impacting the health and well being of residents.
- Risks to drinking water supply from excessive water usage and chemical contamination.
- Light and noise pollution.
- Greenhouses and other facilities that could be used for more legitimate job creating purposes are often being used for illicit cannabis production.
- Residents are afraid to voice their concerns in public as they fear the criminal element.
- A standardized and enforceable solution will significantly reduce many of the costs municipalities are currently facing.

Over the last few weeks, I have fielded phone calls and emails from residents of Norfolk County and across the province who live in municipalities attempting to control the outbreak. The municipalities all appear to be going to great lengths to help their impacted residents but the common response from everyone is that there isn't an immediate enforceable solution.

In developing a solution, it is important to consider the contributing factors to this problem

- It appears as though many cannabis producers are boldly going forward with their operation without regard for municipal regulations believing they can potentially hide behind the Ministry of Agriculture, Right to Farm legislation that was established to protect farmers who feed our country.
- Far too often, cannabis operations disregard compliance to local bylaws and zoning regulations. Court cases often take years.
- Many cannabis operations are difficult to monitor and are improperly regulated.
- There doesn't seem to be a cannabis tracking system in place for the vast majority of these operations. Where is the cannabis going?
- The secluded locations of these growers make it challenging for enforcement.
- Police raids have revealed that many of these operations are growing beyond their allowable plant limits.
- When the national cannabis prescription average is 2 grams per day as of March 2020 one has to question why the College of Physicians and Surgeons are not questioning or investigating prescriptions as high as 100-150 grams per day.

The purpose of the Cannabis Act was to displace the illicit market but it has actually given it a banner to flourish under a legal license.

Unfortunately, our Federal Government put us in this position. It's long overdue for our Provincial Minister of Municipal Affairs and Housing, and our Federal and Provincial Ministers of Health, Agriculture and Justice to place the personal safety and health of residents first.

What should a solution involve?

- Change in Federal and Provincial legislation and/or regulation is required to eliminate the loopholes that the criminal element has taken advantage of.
- Delegation of inspection authority to local municipalities would allow for fire, health and building inspections. Law enforcement would continue to have authority of plant count and the validity of operational authenticity.
- There is a need to verify prescriptions and the doctors who issue them.

THE ASK...

1. This issue **MUST** be raised at the Federation of Canadian Municipalities (FCM), Rural Ontario Municipalities Association (ROMA) and the Association of Municipalities of Ontario (AMO).

2. We are requesting municipalities to join together and place this at the top of our Provincial and Federal Governments "must urgently fix" list. All levels of government need to be involved in developing a standardized and enforceable solution. Reach out to your MP's and MPP's.

There is strength and leverage in numbers. Join together with other municipalities and demand an enforceable solution from our Ministers.

Thanks kindly,
Debbie France
751 Townsend Concession Rd 14
Simcoe, Ontario, N3Y 4K3
519 426 8626
Resident of Norfolk County

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Cannabis Reference Material

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- 6) Police Intervention - Cannabis production allegedly fueling synthetic drug production labs
- 7) Police Intervention – raids involving production exceeding limits
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Note: The list of links in this document is a small representation of information mostly connected to news articles that show there are significant issues connected to Marijuana Cultivation in Agricultural areas throughout the Province of Ontario. We encourage anyone viewing this document to search and reach out in their municipality to discover how the issues are unfolding in the Municipality they call home. Further investigation is likely to uncover similar issues in areas throughout the Province of Ontario and across the Country. We expect that further investigation is likely to uncover other elected officials who have been actively trying to find solutions for the constituents they were elected to serve. We encourage anyone viewing this information to connect with the author of the letter that accompanies this list or they can email their contact information and concerns to debbiefrance@live.ca and a representative of this group will reply to help address their concerns.

Cannabis Articles

1) *General knowledge*

Article: Gaping hole in pot legislation is hitting Norfolk hard (Ontario Farmer Jan 24, 2020)
(Perhaps best article to understand entire issue)

<https://www.ontariofarmer.com/features/gaping-hole-in-pot-legislation-is-hitting-norfolk-hard/>

Article: Change is in the wind (Ontario Planners June 1, 2018)
(Outlines challenges for Municipalities from a planning perspective)

<https://ontarioplanners.ca/blog/planning-exchange/june-2018/change-is-in-the-wind>

Cannabis Reference Material

Article: Stench among concerns as Bradford council hears about cannabis cultivation in Holland Marsh (Barrie Today Jun 14, 2020)

(Outlines common complaints amongst those living nearby grow ops)

<https://www.barrietoday.com/local-news/bradford-council-hears-from-public-about-cannabis-cultivation-in-holland-marsh-2433271>

Article: County council concerned by marijuana licences (Belleville Intelligencer June 25, 2020)

<https://www.intelligencer.ca/news/local-news/county-council-concerned-by-marijuana-licences>

2) Cannabis land use reports

Article: Final Land Use Study on Cannabis Production in The Town of Pelham

(Explains potential issues between Municipal By-laws & Farm & Food Protection Act relating to Cannabis) Review sections... 3.1, 3.2, 3.3, 3.5, 3.7 to understand potential issues

<https://pelham-pub.escribemeetings.com/filestream.ashx?DocumentId=21743>

3) Municipalities not permitting Cannabis grow ops on agricultural lands

Article: Brighton sets limits on where cannabis production facilities can locate (Northumberland news Apr 9, 2019)

<https://www.northumberlandnews.com/news-story/9274359-brighton-sets-limits-on-where-cannabis-production-facilities-can-locate/>

Article: Prime agricultural land no place for cannabis, Oro-Medonte coalition says (Simcoe May 31, 2020)

<https://www.simcoe.com/news-story/10001301-prime-agricultural-land-no-place-for-cannabis-oro-medonte-coalition-says/>

4) Municipal Panel & Roundtable Discussion with Local & Provincial Law Enforcement

Article: East Gwillimbury Cannabis Production Facilities Panel Discussion OPP & YRP discuss organized crime's active involvement in Cannabis production and the risks that it poses to residents (YouTube video)

<https://youtu.be/Oisv7MEIV14>

Article: Hastings-Lennox & Addington Roundtable on Illicit Cannabis Operations – Fed MP Derek Sloan

<https://www.facebook.com/watch/?v=3216967588368948&extid=jTObBPn7swAbfxrz>

5) Police Intervention - Police shut down massive illegal cannabis operation, seize more than 100k plants (CBC News Aug 21, 2020)

Article: <https://www.cbc.ca/news/canada/hamilton/project-woolwich-cannabis-niagara-1.5695691>

Cannabis Reference Material

6) Police Intervention - Cannabis production allegedly fueling synthetic drug production labs (Project Moon)

Article: More than \$45m in drugs and cash seized as twin drug gangs dismantled in York Region
(CP24 Aug 8, 2019)

<https://www.cp24.com/news/more-than-45m-in-drugs-and-cash-seized-as-twin-drug-gangs-dismantled-in-york-region-1.4541063>

7) Police Intervention – raids involving production exceeding limits

St. Catharines

Article: Niagara police bust \$34m illegal cannabis operation (Global News July 1, 2020)

<https://globalnews.ca/news/7128873/niagara-illegal-cannabis-grow-op/>

King Township

Article: Police seize \$4.7m in illegal drugs after search of former Joe’s Garden property in King
(York Region Oct 7, 2019)

<https://www.yorkregion.com/news-story/9633352-police-seize-4-7m-in-illegal-drugs-after-search-of-former-joe-s-garden-property-in-king/>

Article: 8 charged after \$400k worth of ‘excess cannabis’ found on King Township grow-op
(CBC News Oct 2, 2018)

<https://www.cbc.ca/news/canada/toronto/eight-charged-marijuana-trafficking-cannabis-farms-york-region-1.4847114>

Article: Police bust marijuana grow op in King Township worth \$6.5m, seize 4,000 plants
(CTV News Aug 3, 2018)

<https://toronto.ctvnews.ca/police-bust-marijuana-grow-op-in-king-township-worth-6-5m-seize-4-000-plants-1.4039863>

Stouffville

Article: Police bust cannabis grow op in excess of licence limits near Aurora
(YorkRegion Jan 29, 2019)

<https://www.yorkregion.com/news-story/9148816-police-bust-cannabis-grow-op-in-excess-of-licence-limits-near-aurora/>

8) Police Intervention - Cannabis busts at US/Canada border

Article: Canadian resident arrested in relation to massive cannabis bust at U.S. border
(Global News June 16, 2020)

<https://globalnews.ca/news/7070697/canadian-involved-significant-drug-seizure-u-s-border/>

Cannabis Reference Material

9) Federal MP's mentioned in articles who are actively requesting Health Canada to solve Cannabis issue

Article: MP Finley brings the issue of unlicensed large-scale marijuana producers to Parliament (Norfolk Today July 27, 2020) - **Fed MP Diane Finley**
<https://www.norfolktoday.ca/2020/07/27/96986/>

Article: Stomp out cannabis criminality: Sloan (Quinte News July 2, 2020) - **Fed MP Derek Sloan**
<https://www.quintenews.com/2020/07/02/stomp-out-cannabis-criminality-sloan/>

Article: 'Stinks like 10000 skunks': Tottenham residents want more potent restrictions for medical-marijuana growers (Simcoe Feb 11, 2020) - **Fed MP Terry Dowdall**
<https://www.simcoe.com/news-story/9844540--stinks-like-10-000-skunks-tottenham-residents-want-more-potent-restrictions-for-medical-marijuana-growers/>

10) Municipal guide to Cannabis legislation (by FCM)

<https://fcm.ca/en/resources/municipal-guide-cannabis-legalization>

11) The final report of the task force on Cannabis legalization and regulation

<https://hoban.law/2017/01/the-final-report-of-the-task-force-on-cannabis-legalization-and-regulation/>

12) Municipalities who have refused requests for exceptions to bylaws

Article: Marijuana setback relief denied (Simcoe Reformer May 29, 2019)
<https://www.simcoereformer.ca/news/local-news/marijuana-setback-relief-denied>

Article: Council officially denies the marijuana micro-cultivation facility (NewTecTimes March 6, 2020)
<http://newtectimes.com/?p=24388>

13) Court cases - Bylaw/Zoning violations

Article: Cannabis producer pleads guilty to violating bylaw (Simcoe Reformer Feb 20, 2020)
<https://www.simcoereformer.ca/news/local-news/cannabis-producer-enters-guilty-plea>

Article: East Gwillimbury takes medical marijuana facility to court (York Region Aug 12, 2020)
<https://www.yorkregion.com/news-story/10134439-east-gwillimbury-takes-medical-marijuana-facility-to-court/>

Cannabis Reference Material

14) Nuisance bylaw amendment - Cannabis odour

Article: Council enacts nuisance by-law addressing cannabis odour concerns
(Bradford Today Jun 19, 2020)

<https://www.bradfordtoday.ca/local-news/council-enacts-nuisance-by-law-addressing-cannabis-odour-concerns-2441245>

Article: Hamilton targets large-scale personal grow operations with nuisance bylaw amendment
(Global News Apr 23, 2020)

<https://globalnews.ca/news/6857506/city-of-hamilton-nuisance-bylaw-amendments-personal-grow-operations-cannabis/>

Article: Nuisance bylaw to deal with cannabis odour coming soon to Lincoln
(Niagara This Week Aug 3, 2020)

<https://www.niagarathisweek.com/news-story/10128119-nuisance-bylaw-to-deal-with-cannabis-odour-coming-soon-to-lincoln/>

Article: Pelham gives stamp of approval on odour bylaw to deal with cannabis operations
(Niagara This Week Mar 27, 2020)

<https://www.niagarathisweek.com/news-story/9918340-pelham-gives-stamp-of-approval-on-odour-bylaw-to-deal-with-cannabis-operations/>

Article: Niagara area town buys \$5,000 device to measure weed smell after repeated complaints from residents (Timmins Today Jul 7, 2020)

<https://www.timminstoday.com/around-ontario/ontario-niagara-area-town-buys-5000-device-to-measure-weed-smell-after-repeated-complaints-from-residents-2545977>

15) Municipalities that have requested assistance from Province

Article: Council supports request for more control over cannabis production in municipalities
(Bradford Today May 22, 2020)

<https://www.bradfordtoday.ca/local-news/council-supports-request-for-more-control-over-cannabis-production-in-municipalities-2366228>