



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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Type	POLICY		Policy No	POL – 1802
Title	Non-Medical Cannabis Retail Store License Applications			
Author	CAO, P. DeJong	Reviewed By:		
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### **Purpose**

The purpose of this Policy is to provide guidance for staff, Council and the general public regarding Non-Medical Cannabis Retail Store License Applications under the *Cannabis Control and Licensing Act*, the *Cannabis Distribution Act*, and regulations under these pieces of legislation.

### **Background**

The stated policy of the BC Provincial Government is that applications for Cannabis Retail Store Licenses will not be approved in the face of opposition from a local government. However, the general manager of the Liquor and Cannabis Regulation Branch (LCRB) must, under s.33 (2) of the Cannabis Control and Licensing Interim Regulation, give a local government notice of an application for a Cannabis Retail Store License. Upon receipt of notice, the local government may choose to:

- (a) not make any recommendation, which should end the application process because the LCRB cannot issue a license without the local government's support; or
- (b) choose to make comments in respect of an application.

It should be noted that if the local government chooses to make any comments and recommendations on the prospective licensee's application to the LCRB, it must "gather the views of residents". The requirements of this obligation are more fully set out as follows:

- Receiving written comment in response to a public notice of the application
- Conducting a public hearing in respect of the application
- Holding a referendum, or
- Using another method the local government considers appropriate.

It is up to the local government to determine the area, relative to the licensee's application, where resident's views must be gathered. Gathering the views of residents of the area and



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providing a recommendation to the LCRB must be unique to each provincial license application. In other words, past recommendations cannot be used in a new licensing process. Each individual application must be considered separately by the local government.

In addition, the recommendations and comments the local government provides to the LCRB must:

- be in writing (this may or may not be in the form of a resolution)
- show that the local government has considered the location of the proposed store
- include the views of the local government on the general impact on the community if the application is approved
- include the views of residents if the local government has gathered residents' views, and a description of how they were gathered
- include the local government's recommendation as to whether the application should be approved or rejected and provide the reasons upon which the recommendation is based.

The local government should also provide any supporting documents referenced in their comments. If the recommendation does not meet the regulatory requirements, the LCRB will ask the local government to provide new or amended comments that address outstanding issues.

If a local government intends to consistently choose option (a) above and avoid the requirements of option (b), it may provide the LCRB with a policy statement which the LCRB will share with prospective license applicants to preclude unwanted applications. However, as noted above, if applications are received, they must be forward to the local government.

### **Current Lions Bay Regulations**

Zoning and Development Bylaw No. 520, 2017 (the Zoning Bylaw) prohibits *cannabis* production, except as permitted under Part 2 [Production for Own Medical Purposes and Production by a Designated Person] of the *Access to Cannabis for Medical Purposes Regulations*.

Moreover, the Zoning Bylaw expressly *prohibits cannabis retail stores* in all zones. *Cannabis retail store* means premises at which *cannabis* is packaged, stored, dispensed, distributed, traded or



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sold, or otherwise provided to a person with or without a medical prescription, but excludes activity or conduct that is authorized and licenced pursuant to the *Access to Cannabis for Medical Purposes Regulations*.

### **Policy**

Given that Zoning and Development Bylaw No. 520, 2017 (the Zoning Bylaw) prohibits *cannabis (as defined in Bylaw No. 520)* production and *cannabis retail stores (as defined in Bylaw No. 520)* in all zones, and given that the Village of Lions Bay wishes to avoid the obligations associated with making any comments in respect of any Cannabis Retail Store License Applications under the new regulations, the Village of Lions Bay Council hereby adopts the following policy:

The Village of Lions Bay will respond in the following manner to any notices of cannabis retail store license applications from the LCRB:

“Thank you for your Notice of Application No. \_\_\_. Per Council Policy No. 1802 and section 4.3 of Zoning and Development Bylaw No. 520, 2017, as amended, the Village of Lions Bay will not be providing any recommendation to the LCRB with respect to this application and, as a result, we understand you will be rejecting the application. Please let us know if you require any further information.”

Adopted by Council:	September 4, 2018
Updated:	

Certified a true copy of Policy No. 1802: Non-Medical Cannabis Retail Store License Applications, adopted by Council September 4, 2018.

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Peter DeJong, Corporate Officer