

# **MUNICIPAL ENFORCEMENT & POA COURT IMPLICATIONS**

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# ONTARIO LEGISLATION – MUNICIPAL ENFORCEMENT

- Municipalities will be directly impacted by the provincial legislative regime governing the sale and use of cannabis:
  - *Cannabis Act, 2017* – October 17, 2018 (regulations pending)
  - *Ontario Cannabis Retail Corporation Act, 2017*
  - *Smoke-Free Ontario Act, 2017* (paused for review)



# MUNICIPAL RESPONSIBILITIES & CONCERNS

Areas of municipal responsibility impacted by cannabis legalization:

- Business licensing
- Building inspection
- Bylaw enforcement
- Public Health (enforcement, education)
- Property standards
- Zoning
- Paramedic services
- Police
- POA Courts

# MUNICIPAL RESPONSIBILITIES & CONCERNS

Areas of municipal concern for administration and enforcement:

- Illegal storefront dispensaries
- Enforcement of rules (e.g. public use, home grow, retail sales)
- Complaints on home grow, public use and odour
- Fire, building inspection and licensing of retail and multi-unit residential buildings
- Consumption in municipal long-term care facilities and social housing sites
- Enforcement of smoking prohibitions and medical cannabis use
- Public intoxication



# MUNICIPAL ENFORCEMENT - CHALLENGES

- Bylaw enforcement is called upon to address resident concerns related to cannabis (e.g. public use, home grow, odour complaints)
- Bylaw officers do not have the same tools as police to enforce certain aspects of the current *Cannabis Act, 2017*
- Municipalities do not have the tools and training to enforce the rules governing:
  - Recreational public consumption
  - Home grow
  - Medical cannabis in public places

## ENFORCEMENT - *SMOKE FREE ONTARIO ACT (SFOA)*

- Public Health Inspectors enforce the *Smoke Free Ontario Act, 1994* and the *Electronic Cigarettes Act, 2015*
- The Province paused the *Smoke Free Ontario Act, 2017* to review the vaping provisions
- *SFOA 2017* includes provisions governing medical cannabis and provides some clarification on places of use (not yet in force due to legislative pause)
- *SFOA, 1994* is silent on the use of medical cannabis

# MUNICIPAL ENFORCEMENT – TOOLS NEEDED

- Clarify who is expected to enforce the rules governing cannabis consumption and retail licensing
- Establish an individual's duty to identify oneself to an enforcement officer (e.g. s. 33 *Highway Traffic Act, 1990*)
- Mirror the provisions in the *Liquor Licensing Act, 1990* governing the handling of intoxicated persons
- Provide powers of entry, inspections, testing, copying of documents and certificates of analysis
- Enhance municipal powers to regulate home cultivation using the Building Code, Fire code, electrical safety standards and other applicable legislation
- Mirror the regulatory powers of the SFOA, 2017 to address matters relating to enforcement and prosecution of offences

# POA COURTS AND PROSECUTIONS

- Provincial offences are set out in:
  - Amendments to the *Highway Traffic Act, 1990*
  - Ontario's *Cannabis Act, 2017*
  - *Smoke-Free Ontario Act, 2017*
- New offences are anticipated to increase charges and program costs
- Prosecutions, police and judiciary will require training on legislation and evidence
- Municipalities must be able to retain fine revenue from matters related to federal cannabis legislation to support program costs



# FUTURE MUNICIPAL CHALLENGES

- Regulation of edible products (expected to be legalized by October 2019)
- Public consumption venues