

Request to Appear as a Delegation

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Name of Delegation: Prospective Port Moody Retail Cannabis Operators

Name of Primary Contact Person: Rylie Ableman

Name(s) of Delegation Member(s) in Attendance:

Rylie Ableman, Darryl Ableman, William Scott Hamilton

Purpose of Delegation:

We are speaking to ask Council to direct City Staff to fairly interpret the city's Corporate Policy with regards to rezoning applications for retail cannabis stores.

Details of Request:

As passed on April 9, 2019, the City of Port Moody's Cannabis Retail Use Corporate Policy states that "the City will only accept rezoning applications for Cannabis Retail Use following the receipt of a referral for a provincial licence received directly from the LCRB." The LCRB has a standard procedure for processing applications for retail cannabis stores, which involves forwarding a referral to city governments after applications are completely submitted and have met the provincial licensing requirements. Several applicants for cannabis retail stores in Port Moody have had provincial referrals forwarded to the city and attempted to submit a municipal cannabis retail rezoning application, but city staff have refused to intake their applications as they have not yet completed the province's "fit and proper" financial check.

The "fit and proper" check takes place after the provincial referral, is not conducted by the LCRB itself, and is tied to the applicant rather than the application (i.e. an applicant who has submitted multiple provincial applications only has to pass the "fit and proper" check once). This puts local business owners at a disadvantage compared to already established chain retail cannabis stores, which have already completed the "fit and proper" check by default. It is also unfair, as the City's corporate policy and rezoning application information only mention the provincial referral, not the "fit and proper" check - in fact, applicants were only made aware that the "fit and proper" check was required until after the city received their provincial referral! If it was made clear from the start that all potential applicants would have to complete the "fit and proper" stage before staff would intake their rezoning application, resources could have been allocated to prioritize submitting their provincial application, at least giving them a chance to meet the deadline.

We are requesting to appear as a delegation in order to ask Council to direct staff to treat retail cannabis rezoning applications for locations which have received a provincial referral prior to October 15, as they are directed to by corporate policy, including scheduling their public hearings for the same date.

Additional Information in Support of Request:

City staff were quoted as saying that they wait for completion of the "fit and proper" check so that only serious applications would be considered. The application fee for a provincial cannabis license is \$7,500 - it is hard to believe that anyone would take the time to complete the substantial provincial application and pay a \$7,500 application fee if they were not serious about their application!

According to the LCRB website¹:

The application process includes:

- *Application evaluation by the branch. The timeline varies depending on the complexity of the application and whether the applicant has provided all required documentation or follow up material, if requested, in a timely manner.*
- *Security screenings and financial integrity checks. The timeline for these depends on the complexity of the corporate structure and the number of key players involved in the business applying for the licence. Security screening is more in depth than criminal record checks. Scroll down this page or click on the “Security and Financial Checks” title link within this page for detailed information.*
- *A recommendation from the local government or Indigenous nation. The timeline to provide a recommendation is dependent on the readiness or particular methods employed by the local government or Indigenous nations.*

The LCRB has explained that *“applications that meet provincial licensing requirements and have paid the application fee will be referred to local governments for recommendation”*.²

This is the same language used in the City of Port Moody’s Cannabis Retail Corporate Policy, under Procedures³:

“2. The LCRB will forward a referral to the City of Port Moody for applications that meet the provincial licensing requirements and have paid the provincial application fee.”

It is clear that the intent of the Cannabis Retail Corporate Policy is for the City of Port Moody to intake all applications which received a referral from the LCRB prior to the deadline (originally September 30, later extended to October 15) at the same time.

¹ <https://justice.gov.bc.ca/cannabislicensing/policy-document/application-timelines>

² (as per the City of North Vancouver’s [Cannabis Retail FAQs](#))

³ <https://www.portmoody.ca/en/business-and-development/resources/Documents/CRU-CP.pdf>

The “Fit and Proper” stage of the application is **not** processed by the LCRB, and takes place **after** the LCRB deems an application complete and meeting the provincial requirements. Three of the applicants in Port Moody who have completed the “fit and proper” stage already have licenses in other parts of the province⁴:

- **Westcanna** - 710 Twelfth Street, New Westminster BC (license no. 450108)
- **Burb** - 1502 Broadway St, Port Coquitlam BC (license no. 450139) and 24-2755 Lougheed Highway, Port Coquitlam BC (license no. 450140)
- **Kiaro** - 1316 Kingsway, Vancouver BC (license no. 450043)

Due to their existing licenses, these three applicants essentially passed the “fit and proper” stage by default, giving them an unfair advantage over applicants intending to open their first store in Port Moody.

⁴ <https://justice.gov.bc.ca/cannabislicensing/map>