



City of Hamilton
GENERAL ISSUES COMMITTEE

Meeting #: Meeting#-xx-xxxx
Date: December 18, 2018
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

Stephanie Paparella, Legislative Coordinator (905) 546-2424 ext. 3993

	Pages
1. CEREMONIAL ACTIVITIES	
2. APPROVAL OF AGENDA	
(Added Items, if applicable, will be noted with *)	
3. DECLARATIONS OF INTEREST	
4. APPROVAL OF MINUTES OF PREVIOUS MEETING	
5. COMMUNICATIONS	
5.1 Correspondence from the Honourable Vic Fedeli, Minister of Finance, respecting the Ontario Legislation Implementation Fund (OFLIF), November 20, 2018	3
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respecting a business base on the question of whether physical cannabis
retail stores should be permitted in Hamilton.

7. CONSENT ITEMS

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13. GENERAL INFORMATION / OTHER BUSINESS

14. PRIVATE AND CONFIDENTIAL

15. ADJOURNMENT

Ministry of Finance
Office of the Minister

Ministère des Finances
Bureau du ministre

NOV 29 2018



7th Floor, Frost Building South
7 Queen's Park Crescent
Toronto ON M7A 1Y7
Telephone: 416-314-6331

7^e étage, Édifice Frost Sud
7 Queen's Park Crescent
Toronto ON M7A 1Y7
Téléphone: 416-314-6331

November 20, 2018

Dear Head of Council (elect):

Recently, Ontario's Government for the People moved to a new cannabis retail model to meet our key priorities of combatting the illegal market and keeping our children and communities safe.

Today, the Province is beginning the fulfillment of its commitment to provide \$40 million in funding over two years to municipalities to help with the implementation costs of recreational cannabis legalization.

The Ontario Cannabis Legalization Implementation Fund (OCLIF) will be distributed as follows:

- In early January, the first payment of \$15 million will be made to all municipalities on a per household basis, adjusted so that at least \$5,000 is provided to each municipality. This will enable all municipalities to proceed with their planned legalization activities.
- A second payment of \$15 million will then be distributed following the deadline for municipalities to opt-out under the *Cannabis Licence Act*, which is January 22, 2019.
 - Municipalities that have not opted-out as of January 22, 2019 will receive funding on a per household basis, adjusted so that at least \$5,000 is provided to each municipality. This funding will support initial costs related to hosting retail storefronts.
 - Municipalities that have opted-out will receive only a second \$5,000 each.
- The Province is setting aside \$10 million of the municipal funding to address costs from unforeseen circumstances related to the legalization of recreational cannabis, and priority will be given to municipalities that have not opted-out. Further details will be provided at a later date.

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- Finally, if Ontario's portion of the federal excise duty on recreational cannabis over the first two years of legalization exceeds \$100 million, the Province will provide 50 per cent of the surplus only to municipalities that have not opted-out as of January 22, 2019.

Our government is committed to respecting taxpayers and their hard-earned money. We believe municipalities have an obligation to do likewise.

As such, municipalities must use this funding to address the costs that directly relate to the legalization of recreational cannabis. Examples of permitted costs include:

- increased enforcement (e.g. police, public health and by-law enforcement, court administration, litigation);
- increased response to public inquiries (e.g. 311 calls, correspondence);
- increased paramedic services;
- increased fire services; and
- by-law / policy development (e.g. police, public health, workplace safety policy).

Lower-tier and upper-tier municipalities will receive a 50/50 split of the allocation. The household numbers will be split between the upper- and lower-tier, and the allocation calculated accordingly. Decisions to adjust the split in allocation and transfer funding can be made at the local level as needed. Upper-tier municipalities will receive funding in relation to opt-out decisions made by the lower-tier municipality.

The Deputy Minister of Finance will write to your Treasurer with further details on the administration of this funding and attach each municipality's specific allocation notice.

To assess the impact of the funding, the Association of Municipalities of Ontario and the City of Toronto have been asked to work with the Ministry of Finance to establish a process by which a sample group of municipalities can assess the use and impact of these funds. More information on this process will be provided at a later date.

Our government is committed to building a retail system for cannabis sales that will help eliminate the illegal market and is safe and reliable with rules that keep cannabis out of the hands of children and youth, while keeping our roads safe. Complementary to this municipal funding, the Province continues to do the following:

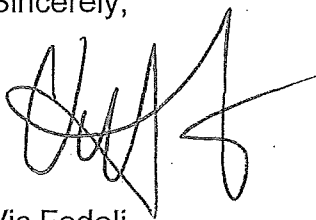
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- Increase the capacity of law enforcement to help detect drug impaired driving through training. The Province has also created a specialized legal team to support drug impaired driving prosecutions, increased capacity at the province's Centre of Forensic Sciences, and has created a Cannabis Intelligence Coordination Centre.
- Support local boards of health (public health units) by providing a suite of tools and resources for enforcement of the *Smoke-Free Ontario Act, 2017*, which includes rules for smoking and vaping of cannabis.
- Conduct an integrated public awareness campaign to communicate the rules and regulations for recreational cannabis and educate Ontarians about the health and safety measures in place to protect them.

We appreciate the efforts of municipalities in the implementation of the federal government's legalization of cannabis and look forward to continuing to work together.

Sincerely,



Vic Fedeli
Minister of Finance

- c: The Honourable Caroline Mulroney, Attorney General
The Honourable Steve Clark, Minister of Municipal Affairs and Housing
Paul Boniferno, Deputy Attorney General
Greg Orencsak, Deputy Minister of Finance
Laurie LeBlanc, Deputy Minister of Municipal Affairs and Housing
Renu Kulendran, Ontario Legalization of Cannabis Secretariat, Ministry of Attorney General
Nicole Stewart, Executive Lead, Cannabis Retail Implementation Project, Ministry of Finance
Kate Manson-Smith, Assistant Deputy Minister, Local Government and Planning Policy Division, Ministry of Municipal Affairs and Housing
Dan Miles, Chief of Staff



Hamilton-Wentworth Catholic District School Board
Believing, Achieving, Serving

*Chairperson of the Board
Mr. P.J. Daly*

November 21, 2018

*Mayor Eisenberger and Members of Hamilton City Council
Hamilton City Hall
2nd Floor ~ 71 Main Street West
Hamilton, Ontario
L8P 4Y5*

Dear Mayor Eisenberger and Members of City Council:

I am writing with regard to Cannabis Store locations and buffer zones to schools. At our meeting last evening, the Trustees of our Board voted unanimously to express our deep concern with the establishment under Bill 36 of a minimum distance of 150 meters (approximately 500 feet) between cannabis stores and schools.

To bring some perspective to our concern, you would know that 150 meters is the approximate size of one and a half sports playing fields and less than the distance for a student to walk from one end of any of our Secondary School buildings to the other. The walking distance for a grade 1 to 8 student in our system to be eligible to receive bus transportation is a minimum of 1.6 kms.

Our schools spend much time in educating students about the negative health impact of cannabis and other drug use. Equally importantly, staff work to ensure that our schools, particularly our Secondary schools, are safe spaces of learning free from drugs, alcohol or any other items that would negatively impact the learning environment. The 150 meters can in no way be considered consistent with the messaging and efforts of our schools to promote healthy lifestyle choices and positive and safe learning environments. This cannot be seen as a safe buffer zone. The many and serious issues associated with the proposed walking distance are very real and will greatly impact schools and local

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communities. Most concerning, the distance will certainly lead to increased use and exacerbate the already serious health issues associated with cannabis use by young people.

In light of the established minimum distance, we urge you not to permit retail cannabis stores/outlets in the City of Hamilton. At a minimum, we would respectfully request that a final decision be deferred until consultation/thoughtful discussions can take place regarding this very important matter.

We would be pleased to discuss our concerns with you.

Yours very truly,

A handwritten signature in black ink, appearing to read 'P. J. Daly', with a long, sweeping underline that extends to the right.

*Patrick J. Daly
Chairperson of the Board*

PJD/lm

6.1

Form: Request to Speak to Committee of Council

Submitted on Thursday, November 1, 2018 - 1:46 pm

==Committee Requested==

Committee: Planning

==Requestor Information==

Name of Individual: Clayton McCann**Name of Organization:** Department of Anthropology;
McMaster University**Contact Number:** (905) 525-9140 Ext. 24424**Email Address:** mccanc5@mcmaster.ca**Mailing Address:****Reason(s) for delegation request:**

I'm writing to communicate a grave concern, that of precarious cannabis labour in Hamilton, in the form of illicit dispensary wage workers. I have written city officials and await feedback. I have written the provincial leader of the NDP, who represents Hamilton, as well as the Premier, ONT AG, Bill Blair, the PM, and Bill Morneau (the latter 5 having zero response). I'm deeply concerned for workers in illicit cannabis dispensaries (under Ontario's new Law, Bill 174) in the province, and especially in Hamilton, as police have begun raiding dispensaries here, and rounding up workers (see:

<https://www.cbc.ca/news/canada/hamilton/hamilton-police-execute-warrant-georgia-peach-cannabis-dispensary-1.4880436>).

There are obviously risks in this unstable labour market, in a city with limited opportunities for young adults with minimal educational prospects.

I write to request the opportunity to speak to committee regarding this matter.

- Clayton McCann MA, MFA, PhD Student & Cannabis Studies Research; McMaster University, Department of Anthropology

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

6.2

Form: Request to Speak to Committee of Council

Submitted on Thursday, November 15, 2018 - 3:41 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Clint Younge

Name of Organization: Personal re: Cannabis Options
IN/OUT

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: Speaking on the topic of opting in on Cannabis Legislation from a retail perspective.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

6.3

Form: Request to Speak to Committee of Council

Submitted on Friday, November 16, 2018 - 4:20 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Britney Guerra

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request:

Speaking to council on December 11th about Cannabis Retail by request of Ken Leendertse and Larry Di Anni.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

6.3



Cannabis Retail Viability Study

Sample of 2,625 respondents within
the City of Hamilton.

Conducted on December 14th & 15th 2018



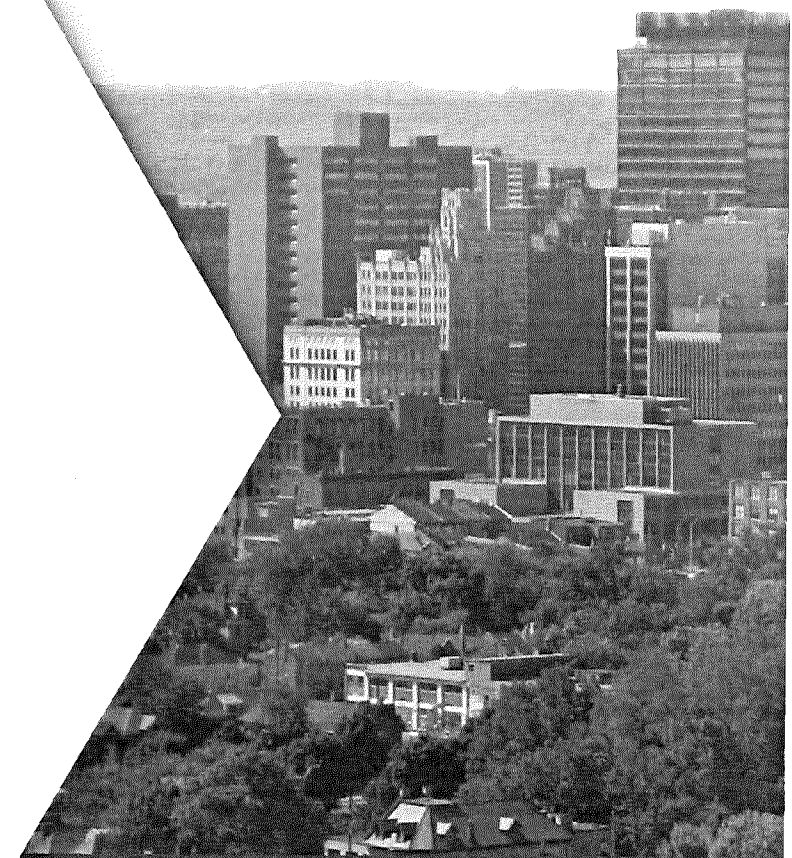
905.296.3794



Info@PrimeContact.ca



PrimeContact.ca



Methodology

The PrimeContact Research Group

Cannabis Retail Sales Research Study - Opinion Poll December 14th & 15th, 2018 Hamilton, Ontario

Methodology: This study was sponsored by Larry Di Ianni Consulting and conducted by National Public Research, PrimeContact's Polling division. The methodology design is by National Public Research.

Results are based on an Interactive Voice Response (IVR) telephone survey of 2,625 randomly selected households across the City of Hamilton. Data was obtained through available directory data and public white pages phone numbers. The poll was conducted on December 14th & 15th, 2018. All results based on the full sample are accurate +/- 1.9%, 19 times out of 20. Sub breakouts will be less accurate due to smaller samples. In some cases, percentages have been rounded and will not always equal 100%. Responses, sub MOEs and raw results are available upon request through clients. Where required, the data has been statistically weighted by age, region, and other variables to ensure that our sample reflects the population which is based on the latest Census data. This research is not necessarily predictive of all future outcomes, but captures public opinion at one point in time. PrimeContact's data repository is the Public Research Academy. All polling results are housed in the Academy's data repository. PrimeContact is 100% Canadian-owned.

Research Sponsor: Larry Di Ianni Consulting

IVR Poll conducted by National Public Research & PrimeContact Inc.

The poll was conducted in a live IVR environment.

MOE / Methodology: Established by National Public Research & PrimeContact Inc.

Date of Poll: December 14th & 15th, 2018

Total Sample: 2,625

MOE: +/- 1.9%, 19 times out of 20

Cannabis Retail Viability Study

Executive Summary

The vast majority of the population would prefer purchasing cannabis within the city limits from a regulated cannabis retailer (62%) and the vast majority of respondents believe that illegal sales (69%) would go up if the City of Hamilton chooses to not allow private cannabis retail locations. The majority of Hamiltonians (65%) also believe crime would go up if the City does not allow the retail sale of legal & regulated cannabis. This research suggests regulated retail cannabis locations are perceived to provide an accessible and/or safe option for individuals purchasing this product. In contrast, removing this purchase option could foster conditions for an underground market to continue to operate serving growing demands for recreational cannabis.

Note: Percentages have been rounded and may not equal 100%

Question 1: On October 1st, 2018, recreational cannabis became legal throughout Canada. Now that it is legal, would you purchase or consider purchasing cannabis to use for a recreational purpose?

Answer	Age	18-25	26-35	36-45	46-55	56-65	66+
	Overall						
Would Purchase	18.4%	26.6%	35.1%	21.6%	20.7%	18.9%	9.0%
Would Consider Purchasing	9.8%	6.3%	5.3%	15.1%	13.3%	12.1%	6.4%
Would Not Consider Purchasing	58.5%	54.7%	42.1%	48.9%	52.4%	59.4%	70.8%
Would Never Purchase	13.3%	12.5%	17.5%	14.4%	13.6%	9.6%	13.8%
Unsure or Undecided	3.2%	1.5%	6.6%	4.1%	3.3%	3.3%	1.9%

Highlights & Gender Comparison

30% of respondents will purchase or consider purchasing recreational cannabis and of the respondents who would purchase cannabis, males make up 63% and females make up 37%.

Note: Percentages have been rounded and may not equal 100%.

Total Sample: 2625 MOE: +/- 1.9%, 19 times out of 20

Samples have been normalized through gender and age weighting based on 2016 census data. Undecided has been factored out of the percentages. MOE on subsamples will be higher.

Question 2: The City of Hamilton can choose to allow private retail sales of cannabis within the city through private regulated retailers. Do you think that Hamilton should allow private regulated retail sales of cannabis or do you think Hamilton should not allow private regulated retail sales of cannabis?

	Age	18-25	26-35	36-45	46-55	56-65	66+
Answer	Overall						
Hamilton should allow private regulated retail sales	55.5%	54.2%	60.3%	57.4%	54.6%	62.8%	49.3%
Hamilton should not allow private regulated retail sales	44.5%	45.8%	39.7%	42.6%	45.4%	37.2%	50.7%
Unsure or Undecided	8.1%	9.2%	4.9%	11.0%	6.6%	6.8%	9.7%

Highlights & Gender Comparison

The majority of respondents (56%) vs (45%) feel regulated private retail sales of cannabis should be permitted in Hamilton. The majority of both male (57%) and female (52%) respondents feel private retail sales of cannabis should be permitted in Hamilton compared to males (43%) and females (48%) who are against allowing private retailers.

Note: Percentages have been rounded and may not equal 100%.

Total Sample: 2625 MOE: +/- 1.9%, 19 times out of 20

Samples have been normalized through gender and age weighting based on 2016 census data. Undecided has been factored out of the percentages. MOE on subsamples will be higher.

Question 3: If you were to purchase recreational cannabis, which option would you prefer in making your purchase?

	Age	18-25	26-35	36-45	46-55	56-65	66+
Answer	Overall						
Private regulated retail location within your city	62.4%	48.3%	71.1%	59.5%	60.8%	66.2%	62.0%
Private regulated retail location outside of your city	5.5%	5.2%	0.0%	7.4%	5.4%	5.2%	6.7%
Online through the government website	26.9%	27.6%	24.4%	27.3%	28.8%	24.7%	28.1%
Through an unregulated cannabis dealer	5.2%	19.0%	4.4%	5.8%	5.0%	3.9%	3.3%
Unsure or Undecided	22.0%	10.8%	26.2%	16.6%	21.1%	15.0%	29.5%

Highlights & Gender Comparison

63% of the people surveyed would prefer making a purchase of recreational cannabis at a private regulated retail location within the City. Both males and females would overwhelmingly prefer to purchase recreational cannabis in a private regulated retail location within the City of Hamilton. In contrast, 27% of males and 28% of females would prefer purchasing recreational cannabis online and the remainder through other options.

Note: Percentages have been rounded and may not equal 100%.

Total Sample: 2625 MOE: +/- 1.9%, 19 times out of 20

Samples have been normalized through gender and age weighting based on 2016 census data. Undecided has been factored out of the percentages. MOE on subsamples will be higher.

Question 4: If the City of Hamilton decided to NOT allow private regulated retail sales of legal cannabis, do you feel this will increase crime or decrease crime?

Answer	Age	18-25	26-35	36-45	46-55	56-65	66+
	Overall						
Increase Crime	64.5%	48.9%	59.2%	59.1%	64.9%	70.2%	67.2%
Decrease Crime	35.5%	51.1%	40.8%	40.9%	35.1%	29.8%	32.8%
Unsure or Undecided	33.9%	27.7%	19.7%	35.9%	38.2%	31.8%	38.2%

Highlights & Gender Comparison

The majority of the population agree that if the City of Hamilton decided to not allow private retail sales of legal cannabis, crime would increase. Both males and females feel crime would increase. In fact, 64% of males and 68% of females believe this would lead to more crime compared to 36% of males and 32% of females who believe the decision would result in a decrease in crime.

Note: Percentages have been rounded and may not equal 100%.

Total Sample: 2625 MOE: +/- 1.9%, 19 times out of 20

Samples have been normalized through gender and age weighting based on 2016 census data. Undecided has been factored out of the percentages. MOE on subsamples will be higher.

Question 5: If a municipality chooses not to allow private retail sales of legal and regulated cannabis, do you agree or disagree the city's decision would increase illegal cannabis sales in the underground market?

	Age	18-25	26-35	36-45	46-55	56-65	66+
Answer	Overall						
Will result in an increase of illegal sales	69.1%	63.3%	61.1%	68.1%	64.8%	71.3%	74.1%
Will not result in an increase of illegal sales	30.9%	36.7%	38.9%	31.9%	35.2%	28.7%	25.9%
Unsure or Undecided	18.2%	24.6%	11.5%	20.0%	13.2%	15.5%	22.9%

Highlights & Gender Comparison

The overwhelming majority of people surveyed (69%) believe illegal sales of cannabis would increase if the City of Hamilton does not allow private retail locations. The majority of males (70%) and females (71%) believe we would see an increase of illegal sales in the underground market, compared to the males (31%) and females (28%) who feel it Will not result in an increase of illegal sales.

Note: Percentages have been rounded and may not equal 100%.

Total Sample: 2625 MOE: +/- 1.9%, 19 times out of 20

Samples have been normalized through gender and age weighting based on 2016 census data. Undecided has been factored out of the percentages. MOE on subsamples will be higher.

Ward 1 Breakout

Question 1: On October 1st, 2018, recreational cannabis became legal throughout Canada. Now that it is legal, would you purchase or consider purchasing cannabis to use for a recreational purpose?

Answer	Overall	Ward 1 S=211
Would Purchase	18.4%	16.6%
Would Consider Purchasing	9.8%	12.7%
Would Not Consider Purchasing	58.5%	59.0%
Would Never Purchase	13.3%	11.7%
Unsure or Undecided	3.2%	2.8%

Question 2: The City of Hamilton can choose to allow private retail sales of cannabis within the city through private regulated retailers. Do you think that Hamilton should allow private regulated retail sales of cannabis or do you think Hamilton should not allow private regulated retail sales of cannabis?

Answer	Overall	Ward 1 S=177
Hamilton should allow private regulated retail sales	55.5%	59.1%
Hamilton should not allow private regulated retail sales	44.5%	40.9%
Unsure or Undecided	8.1%	7.3%

Question 3: If you were to purchase recreational cannabis, which option would you prefer in making your purchase?

Answer	Overall	Ward 1 S=163
Private regulated retail location within your city	62.4%	63.8%
Private regulated retail location outside of your city	5.5%	5.5%
Online through the government website	26.9%	25.2%
Through an unregulated cannabis dealer	5.2%	5.5%
Unsure or Undecided	22.0%	22.1%

Question 4: If the City of Hamilton decided to NOT allow private regulated retail sales of legal cannabis, do you feel this will increase crime or decrease crime?

Answer	Overall	Ward 1 S=162
Increase Crime	64.5%	68.9%
Decrease Crime	35.5%	31.1%
Unsure or Undecided	33.9%	36.4%

Question 5: If a municipality chooses not to allow private retail sales of legal and regulated cannabis, do you agree or disagree the city's decision would increase illegal cannabis sales in the underground market?

Answer	Overall	Ward 1 S=159
Will result in an increase of illegal sales	69.1%	67.8%
Will not result in an increase of illegal sales	30.9%	32.2%
Unsure or Undecided	18.2%	17.5%

Ward 2 Breakout

Question 1: On October 1st, 2018, recreational cannabis became legal throughout Canada. Now that it is legal, would you purchase or consider purchasing cannabis to use for a recreational purpose?

Answer	Overall	Ward 2 S=160
Would Purchase	18.4%	18.7%
Would Consider Purchasing	9.8%	11.6%
Would Not Consider Purchasing	58.5%	58.1%
Would Never Purchase	13.3%	11.6%
Unsure or Undecided	3.2%	3.1%

Question 2: The City of Hamilton can choose to allow private retail sales of cannabis within the city through private regulated retailers. Do you think that Hamilton should allow private regulated retail sales of cannabis or do you think Hamilton should not allow private regulated retail sales of cannabis?

Answer	Overall	Ward 2 S=135
Hamilton should allow private regulated retail sales	55.5%	54.0%
Hamilton should not allow private regulated retail sales	44.5%	46.0%
Unsure or Undecided	8.1%	6.7%

Question 3: If you were to purchase recreational cannabis, which option would you prefer in making your purchase?

Answer	Overall	Ward 2 S=130
Private regulated retail location within your city	62.4%	64.2%
Private regulated retail location outside of your city	5.5%	1.1%
Online through the government website	26.9%	27.4%
Through an unregulated cannabis dealer	5.2%	7.4%
Unsure or Undecided	22.0%	26.9%

Question 4: If the City of Hamilton decided to NOT allow private regulated retail sales of legal cannabis, do you feel this will increase crime or decrease crime?

Answer	Overall	Ward 2 S=130
Increase Crime	64.5%	71.2%
Decrease Crime	35.5%	28.8%
Unsure or Undecided	33.9%	43.8%

Question 5: If a municipality chooses not to allow private retail sales of legal and regulated cannabis, do you agree or disagree the city's decision would increase illegal cannabis sales in the underground market?

Answer	Overall	Ward 2 S=129
Will result in an increase of illegal sales	69.1%	76.0%
Will not result in an increase of illegal sales	30.9%	24.0%
Unsure or Undecided	18.2%	19.4%

Ward 3 Breakout

Question 1: On October 1st, 2018, recreational cannabis became legal throughout Canada. Now that it is legal, would you purchase or consider purchasing cannabis to use for a recreational purpose?

Answer	Overall	Ward 3 S=158
Would Purchase	18.4%	27.9%
Would Consider Purchasing	9.8%	8.2%
Would Not Consider Purchasing	58.5%	49.0%
Would Never Purchase	13.3%	15.0%
Unsure or Undecided	3.2%	7.0%

Question 2: The City of Hamilton can choose to allow private retail sales of cannabis within the city through private regulated retailers. Do you think that Hamilton should allow private regulated retail sales of cannabis or do you think Hamilton should not allow private regulated retail sales of cannabis?

Answer	Overall	Ward 3 S=134
Hamilton should allow private regulated retail sales	55.5%	63.1%
Hamilton should not allow private regulated retail sales	44.5%	36.9%
Unsure or Undecided	8.1%	9.0%

Question 3: If you were to purchase recreational cannabis, which option would you prefer in making your purchase?

Answer	Overall	Ward 3 S=128
Private regulated retail location within your city	62.4%	69.3%
Private regulated retail location outside of your city	5.5%	6.9%
Online through the government website	26.9%	15.8%
Through an unregulated cannabis dealer	5.2%	7.9%
Unsure or Undecided	22.0%	21.1%

Question 4: If the City of Hamilton decided to NOT allow private regulated retail sales of legal cannabis, do you feel this will increase crime or decrease crime?

Answer	Overall	Ward 3 S=124
Increase Crime	64.5%	68.7%
Decrease Crime	35.5%	31.3%
Unsure or Undecided	33.9%	33.1%

Question 5: If a municipality chooses not to allow private retail sales of legal and regulated cannabis, do you agree or disagree the city's decision would increase illegal cannabis sales in the underground market?

Answer	Overall	Ward 3 S=120
Will result in an increase of illegal sales	69.1%	72.8%
Will not result in an increase of illegal sales	30.9%	27.2%
Unsure or Undecided	18.2%	14.2%

Ward 4 Breakout

Question 1: On October 1st, 2018, recreational cannabis became legal throughout Canada. Now that it is legal, would you purchase or consider purchasing cannabis to use for a recreational purpose?

Answer	Overall	Ward 4 S=221
Would Purchase	18.4%	13.0%
Would Consider Purchasing	9.8%	8.8%
Would Not Consider Purchasing	58.5%	63.7%
Would Never Purchase	13.3%	14.4%
Unsure or Undecided	3.2%	2.7%

Question 2: The City of Hamilton can choose to allow private retail sales of cannabis within the city through private regulated retailers. Do you think that Hamilton should allow private regulated retail sales of cannabis or do you think Hamilton should not allow private regulated retail sales of cannabis?

Answer	Overall	Ward 4 S=183
Hamilton should allow private regulated retail sales	55.5%	52.1%
Hamilton should not allow private regulated retail sales	44.5%	47.9%
Unsure or Undecided	8.1%	9.8%

Question 3: If you were to purchase recreational cannabis, which option would you prefer in making your purchase?

Answer	Overall	Ward 4 S=170
Private regulated retail location within your city	62.4%	69.2%
Private regulated retail location outside of your city	5.5%	6.7%
Online through the government website	26.9%	17.5%
Through an unregulated cannabis dealer	5.2%	6.7%
Unsure or Undecided	22.0%	29.4%

Question 4: If the City of Hamilton decided to NOT allow private regulated retail sales of legal cannabis, do you feel this will increase crime or decrease crime?

Answer	Overall	Ward 4 S=164
Increase Crime	64.5%	68.1%
Decrease Crime	35.5%	31.9%
Unsure or Undecided	33.9%	29.3%

Question 5: If a municipality chooses not to allow private retail sales of legal and regulated cannabis, do you agree or disagree the city's decision would increase illegal cannabis sales in the underground market?

Answer	Overall	Ward 4 S=158
Will result in an increase of illegal sales	69.1%	73.8%
Will not result in an increase of illegal sales	30.9%	26.2%
Unsure or Undecided	18.2%	17.7%

Ward 5 Breakout

Question 1: On October 1st, 2018, recreational cannabis became legal throughout Canada. Now that it is legal, would you purchase or consider purchasing cannabis to use for a recreational purpose?

Answer	Overall	Ward 5 S=233
Would Purchase	18.4%	10.2%
Would Consider Purchasing	9.8%	10.7%
Would Not Consider Purchasing	58.5%	62.2%
Would Never Purchase	13.3%	16.9%
Unsure or Undecided	3.2%	3.4%

Question 2: The City of Hamilton can choose to allow private retail sales of cannabis within the city through private regulated retailers. Do you think that Hamilton should allow private regulated retail sales of cannabis or do you think Hamilton should not allow private regulated retail sales of cannabis?

Answer	Overall	Ward 5 S=181
Hamilton should allow private regulated retail sales	55.5%	44.8%
Hamilton should not allow private regulated retail sales	44.5%	55.2%
Unsure or Undecided	8.1%	9.9%

Question 3: If you were to purchase recreational cannabis, which option would you prefer in making your purchase?

Answer	Overall	Ward 5 S=169
Private regulated retail location within your city	62.4%	62.7%
Private regulated retail location outside of your city	5.5%	10.3%
Online through the government website	26.9%	23.8%
Through an unregulated cannabis dealer	5.2%	3.2%
Unsure or Undecided	22.0%	25.4%

Question 4: If the City of Hamilton decided to NOT allow private regulated retail sales of legal cannabis, do you feel this will increase crime or decrease crime?

Answer	Overall	Ward 5 S=165
Increase Crime	64.5%	62.6%
Decrease Crime	35.5%	37.4%
Unsure or Undecided	33.9%	35.2%

Question 5: If a municipality chooses not to allow private retail sales of legal and regulated cannabis, do you agree or disagree the city's decision would increase illegal cannabis sales in the underground market?

Answer	Overall	Ward 5 S=161
Will result in an increase of illegal sales	69.1%	70.5%
Will not result in an increase of illegal sales	30.9%	29.5%
Unsure or Undecided	18.2%	18.0%

Ward 6 Breakout

Question 1: On October 1st, 2018, recreational cannabis became legal throughout Canada. Now that it is legal, would you purchase or consider purchasing cannabis to use for a recreational purpose?

Answer	Overall	Ward 6 S=196
Would Purchase	18.4%	14.6%
Would Consider Purchasing	9.8%	7.6%
Would Not Consider Purchasing	58.5%	67.6%
Would Never Purchase	13.3%	10.3%
Unsure or Undecided	3.2%	5.6%

Question 2: The City of Hamilton can choose to allow private retail sales of cannabis within the city through private regulated retailers. Do you think that Hamilton should allow private regulated retail sales of cannabis or do you think Hamilton should not allow private regulated retail sales of cannabis?

Answer	Overall	Ward 6 S=161
Hamilton should allow private regulated retail sales	55.5%	46.2%
Hamilton should not allow private regulated retail sales	44.5%	53.8%
Unsure or Undecided	8.1%	9.9%

Question 3: If you were to purchase recreational cannabis, which option would you prefer in making your purchase?

Answer	Overall	Ward 6 S=152
Private regulated retail location within your city	62.4%	63.5%
Private regulated retail location outside of your city	5.5%	4.3%
Online through the government website	26.9%	27.8%
Through an unregulated cannabis dealer	5.2%	4.3%
Unsure or Undecided	22.0%	24.3%

Question 4: If the City of Hamilton decided to NOT allow private regulated retail sales of legal cannabis, do you feel this will increase crime or decrease crime?

Answer	Overall	Ward 6 S=151
Increase Crime	64.5%	68.0%
Decrease Crime	35.5%	32.0%
Unsure or Undecided	33.9%	31.8%

Question 5: If a municipality chooses not to allow private retail sales of legal and regulated cannabis, do you agree or disagree the city's decision would increase illegal cannabis sales in the underground market?

Answer	Overall	Ward 6 S=145
Will result in an increase of illegal sales	69.1%	73.4%
Will not result in an increase of illegal sales	30.9%	26.6%
Unsure or Undecided	18.2%	24.8%

Ward 7 Breakout

Question 1: On October 1st, 2018, recreational cannabis became legal throughout Canada. Now that it is legal, would you purchase or consider purchasing cannabis to use for a recreational purpose?

Answer	Overall	Ward 7 S=166
Would Purchase	18.4%	18.4%
Would Consider Purchasing	9.8%	8.9%
Would Not Consider Purchasing	58.5%	58.2%
Would Never Purchase	13.3%	14.6%
Unsure or Undecided	3.2%	4.8%

Question 2: The City of Hamilton can choose to allow private retail sales of cannabis within the city through private regulated retailers. Do you think that Hamilton should allow private regulated retail sales of cannabis or do you think Hamilton should not allow private regulated retail sales of cannabis?

Answer	Overall	Ward 7 S=141
Hamilton should allow private regulated retail sales	55.5%	52.7%
Hamilton should not allow private regulated retail sales	44.5%	47.3%
Unsure or Undecided	8.1%	7.1%

Question 3: If you were to purchase recreational cannabis, which option would you prefer in making your purchase?

Answer	Overall	Ward 7 S=128
Private regulated retail location within your city	62.4%	60.0%
Private regulated retail location outside of your city	5.5%	3.2%
Online through the government website	26.9%	29.5%
Through an unregulated cannabis dealer	5.2%	7.4%
Unsure or Undecided	22.0%	25.8%

Question 4: If the City of Hamilton decided to NOT allow private regulated retail sales of legal cannabis, do you feel this will increase crime or decrease crime?

Answer	Overall	Ward 7 S=120
Increase Crime	64.5%	72.0%
Decrease Crime	35.5%	28.0%
Unsure or Undecided	33.9%	37.5%

Question 5: If a municipality chooses not to allow private retail sales of legal and regulated cannabis, do you agree or disagree the city's decision would increase illegal cannabis sales in the underground market?

Answer	Overall	Ward 7 S=119
Will result in an increase of illegal sales	69.1%	65.9%
Will not result in an increase of illegal sales	30.9%	34.1%
Unsure or Undecided	18.2%	23.5%

Ward 8 Breakout

Question 1: On October 1st, 2018, recreational cannabis became legal throughout Canada. Now that it is legal, would you purchase or consider purchasing cannabis to use for a recreational purpose?

Answer	Overall	Ward 8 S=163
Would Purchase	18.4%	14.0%
Would Consider Purchasing	9.8%	6.4%
Would Not Consider Purchasing	58.5%	66.2%
Would Never Purchase	13.3%	13.4%
Unsure or Undecided	3.2%	3.7%

Question 2: The City of Hamilton can choose to allow private retail sales of cannabis within the city through private regulated retailers. Do you think that Hamilton should allow private regulated retail sales of cannabis or do you think Hamilton should not allow private regulated retail sales of cannabis?

Answer	Overall	Ward 8 S=126
Hamilton should allow private regulated retail sales	55.5%	54.4%
Hamilton should not allow private regulated retail sales	44.5%	45.6%
Unsure or Undecided	8.1%	9.5%

Question 3: If you were to purchase recreational cannabis, which option would you prefer in making your purchase?

Answer	Overall	Ward 8 S=111
Private regulated retail location within your city	62.4%	65.9%
Private regulated retail location outside of your city	5.5%	3.4%
Online through the government website	26.9%	25.0%
Through an unregulated cannabis dealer	5.2%	5.7%
Unsure or Undecided	22.0%	20.7%

Question 4: If the City of Hamilton decided to NOT allow private regulated retail sales of legal cannabis, do you feel this will increase crime or decrease crime?

Answer	Overall	Ward 8 S=110
Increase Crime	64.5%	73.3%
Decrease Crime	35.5%	26.7%
Unsure or Undecided	33.9%	31.8%

Question 5: If a municipality chooses not to allow private retail sales of legal and regulated cannabis, do you agree or disagree the city's decision would increase illegal cannabis sales in the underground market?

Answer	Overall	Ward 8 S=108
Will result in an increase of illegal sales	69.1%	74.7%
Will not result in an increase of illegal sales	30.9%	25.3%
Unsure or Undecided	18.2%	19.4%

Ward 9 Breakout

Question 1: On October 1st, 2018, recreational cannabis became legal throughout Canada. Now that it is legal, would you purchase or consider purchasing cannabis to use for a recreational purpose?

Answer	Overall	Ward 9 S=118
Would Purchase	18.4%	13.9%
Would Consider Purchasing	9.8%	7.0%
Would Not Consider Purchasing	58.5%	69.6%
Would Never Purchase	13.3%	9.6%
Unsure or Undecided	3.2%	2.5%

Question 2: The City of Hamilton can choose to allow private retail sales of cannabis within the city through private regulated retailers. Do you think that Hamilton should allow private regulated retail sales of cannabis or do you think Hamilton should not allow private regulated retail sales of cannabis?

Answer	Overall	Ward 9 S=88
Hamilton should allow private regulated retail sales	55.5%	56.3%
Hamilton should not allow private regulated retail sales	44.5%	43.8%
Unsure or Undecided	8.1%	9.1%

Question 3: If you were to purchase recreational cannabis, which option would you prefer in making your purchase?

Answer	Overall	Ward 9 S=82
Private regulated retail location within your city	62.4%	62.3%
Private regulated retail location outside of your city	5.5%	4.3%
Online through the government website	26.9%	29.0%
Through an unregulated cannabis dealer	5.2%	4.3%
Unsure or Undecided	22.0%	15.9%

Question 4: If the City of Hamilton decided to NOT allow private regulated retail sales of legal cannabis, do you feel this will increase crime or decrease crime?

Answer	Overall	Ward 9 S=81
Increase Crime	64.5%	55.9%
Decrease Crime	35.5%	44.1%
Unsure or Undecided	33.9%	27.2%

Question 5: If a municipality chooses not to allow private retail sales of legal and regulated cannabis, do you agree or disagree the city's decision would increase illegal cannabis sales in the underground market?

Answer	Overall	Ward 9 S=80
Will result in an increase of illegal sales	69.1%	66.2%
Will not result in an increase of illegal sales	30.9%	33.8%
Unsure or Undecided	18.2%	11.3%

Ward 10 Breakout

Question 1: On October 1st, 2018, recreational cannabis became legal throughout Canada. Now that it is legal, would you purchase or consider purchasing cannabis to use for a recreational purpose?

Answer	Overall	Ward 10 S=173
Would Purchase	18.4%	12.0%
Would Consider Purchasing	9.8%	10.8%
Would Not Consider Purchasing	58.5%	59.0%
Would Never Purchase	13.3%	18.1%
Unsure or Undecided	3.2%	4.0%

Question 2: The City of Hamilton can choose to allow private retail sales of cannabis within the city through private regulated retailers. Do you think that Hamilton should allow private regulated retail sales of cannabis or do you think Hamilton should not allow private regulated retail sales of cannabis?

Answer	Overall	Ward 10 S=146
Hamilton should allow private regulated retail sales	55.5%	42.5%
Hamilton should not allow private regulated retail sales	44.5%	57.5%
Unsure or Undecided	8.1%	13.0%

Question 3: If you were to purchase recreational cannabis, which option would you prefer in making your purchase?

Answer	Overall	Ward 10 S=131
Private regulated retail location within your city	62.4%	55.2%
Private regulated retail location outside of your city	5.5%	8.6%
Online through the government website	26.9%	33.3%
Through an unregulated cannabis dealer	5.2%	2.9%
Unsure or Undecided	22.0%	19.8%

Question 4: If the City of Hamilton decided to NOT allow private regulated retail sales of legal cannabis, do you feel this will increase crime or decrease crime?

Answer	Overall	Ward 10 S=128
Increase Crime	64.5%	66.7%
Decrease Crime	35.5%	33.3%
Unsure or Undecided	33.9%	36.7%

Question 5: If a municipality chooses not to allow private retail sales of legal and regulated cannabis, do you agree or disagree the city's decision would increase illegal cannabis sales in the underground market?

Answer	Overall	Ward 10 S=126
Will result in an increase of illegal sales	69.1%	69.4%
Will not result in an increase of illegal sales	30.9%	30.6%
Unsure or Undecided	18.2%	22.2%

Ward 11 Breakout

Question 1: On October 1st, 2018, recreational cannabis became legal throughout Canada. Now that it is legal, would you purchase or consider purchasing cannabis to use for a recreational purpose?

Answer	Overall	Ward 11 S=77
Would Purchase	18.4%	12.2%
Would Consider Purchasing	9.8%	6.8%
Would Not Consider Purchasing	58.5%	60.8%
Would Never Purchase	13.3%	20.3%
Unsure or Undecided	3.2%	3.9%

Question 2: The City of Hamilton can choose to allow private retail sales of cannabis within the city through private regulated retailers. Do you think that Hamilton should allow private regulated retail sales of cannabis or do you think Hamilton should not allow private regulated retail sales of cannabis?

Answer	Overall	Ward 11 S=63
Hamilton should allow private regulated retail sales	55.5%	45.0%
Hamilton should not allow private regulated retail sales	44.5%	55.0%
Unsure or Undecided	8.1%	4.8%

Question 3: If you were to purchase recreational cannabis, which option would you prefer in making your purchase?

Answer	Overall	Ward 11 S=54
Private regulated retail location within your city	62.4%	53.7%
Private regulated retail location outside of your city	5.5%	7.3%
Online through the government website	26.9%	36.6%
Through an unregulated cannabis dealer	5.2%	2.4%
Unsure or Undecided	22.0%	24.1%

Question 4: If the City of Hamilton decided to NOT allow private regulated retail sales of legal cannabis, do you feel this will increase crime or decrease crime?

Answer	Overall	Ward 11 S=52
Increase Crime	64.5%	67.7%
Decrease Crime	35.5%	32.3%
Unsure or Undecided	33.9%	40.4%

Question 5: If a municipality chooses not to allow private retail sales of legal and regulated cannabis, do you agree or disagree the city's decision would increase illegal cannabis sales in the underground market?

Answer	Overall	Ward 11 S=52
Will result in an increase of illegal sales	69.1%	74.4%
Will not result in an increase of illegal sales	30.9%	25.6%
Unsure or Undecided	18.2%	25.0%

Ward 12 Breakout

Question 1: On October 1st, 2018, recreational cannabis became legal throughout Canada. Now that it is legal, would you purchase or consider purchasing cannabis to use for a recreational purpose?

Answer	Overall	Ward 12 S=228
Would Purchase	18.4%	12.6%
Would Consider Purchasing	9.8%	6.8%
Would Not Consider Purchasing	58.5%	64.4%
Would Never Purchase	13.3%	16.2%
Unsure or Undecided	3.2%	2.6%

Question 2: The City of Hamilton can choose to allow private retail sales of cannabis within the city through private regulated retailers. Do you think that Hamilton should allow private regulated retail sales of cannabis or do you think Hamilton should not allow private regulated retail sales of cannabis?

Answer	Overall	Ward 12 S=192
Hamilton should allow private regulated retail sales	55.5%	48.4%
Hamilton should not allow private regulated retail sales	44.5%	51.6%
Unsure or Undecided	8.1%	4.2%

Question 3: If you were to purchase recreational cannabis, which option would you prefer in making your purchase?

Answer	Overall	Ward 12 S=175
Private regulated retail location within your city	62.4%	59.6%
Private regulated retail location outside of your city	5.5%	5.1%
Online through the government website	26.9%	31.6%
Through an unregulated cannabis dealer	5.2%	3.7%
Unsure or Undecided	22.0%	22.3%

Question 4: If the City of Hamilton decided to NOT allow private regulated retail sales of legal cannabis, do you feel this will increase crime or decrease crime?

Answer	Overall	Ward 12 S=171
Increase Crime	64.5%	55.6%
Decrease Crime	35.5%	44.4%
Unsure or Undecided	33.9%	42.1%

Question 5: If a municipality chooses not to allow private retail sales of legal and regulated cannabis, do you agree or disagree the city's decision would increase illegal cannabis sales in the underground market?

Answer	Overall	Ward 12 S=167
Will result in an increase of illegal sales	69.1%	66.7%
Will not result in an increase of illegal sales	30.9%	33.3%
Unsure or Undecided	18.2%	19.2%

Ward 13 Breakout

Question 1: On October 1st, 2018, recreational cannabis became legal throughout Canada. Now that it is legal, would you purchase or consider purchasing cannabis to use for a recreational purpose?

Answer	Overall	Ward 13 S=273
Would Purchase	18.4%	9.8%
Would Consider Purchasing	9.8%	10.2%
Would Not Consider Purchasing	58.5%	62.4%
Would Never Purchase	13.3%	17.7%
Unsure or Undecided	3.2%	2.6%

Question 2: The City of Hamilton can choose to allow private retail sales of cannabis within the city through private regulated retailers. Do you think that Hamilton should allow private regulated retail sales of cannabis or do you think Hamilton should not allow private regulated retail sales of cannabis?

Answer	Overall	Ward 13 S=232
Hamilton should allow private regulated retail sales	55.5%	53.4%
Hamilton should not allow private regulated retail sales	44.5%	46.6%
Unsure or Undecided	8.1%	11.2%

Question 3: If you were to purchase recreational cannabis, which option would you prefer in making your purchase?

Answer	Overall	Ward 13 S=218
Private regulated retail location within your city	62.4%	59.3%
Private regulated retail location outside of your city	5.5%	6.0%
Online through the government website	26.9%	31.7%
Through an unregulated cannabis dealer	5.2%	3.0%
Unsure or Undecided	22.0%	23.4%

Question 4: If the City of Hamilton decided to NOT allow private regulated retail sales of legal cannabis, do you feel this will increase crime or decrease crime?

Answer	Overall	Ward 13 S=215
Increase Crime	64.5%	60.9%
Decrease Crime	35.5%	39.1%
Unsure or Undecided	33.9%	38.1%

Question 5: If a municipality chooses not to allow private retail sales of legal and regulated cannabis, do you agree or disagree the city's decision would increase illegal cannabis sales in the underground market?

Answer	Overall	Ward 13 S=205
Will result in an increase of illegal sales	69.1%	66.5%
Will not result in an increase of illegal sales	30.9%	33.5%
Unsure or Undecided	18.2%	18.5%

Ward 14 Breakout

Question 1: On October 1st, 2018, recreational cannabis became legal throughout Canada. Now that it is legal, would you purchase or consider purchasing cannabis to use for a recreational purpose?

Answer	Overall	Ward 14 S=150
Would Purchase	18.4%	11.2%
Would Consider Purchasing	9.8%	7.0%
Would Not Consider Purchasing	58.5%	71.3%
Would Never Purchase	13.3%	10.5%
Unsure or Undecided	3.2%	4.7%

Question 2: The City of Hamilton can choose to allow private retail sales of cannabis within the city through private regulated retailers. Do you think that Hamilton should allow private regulated retail sales of cannabis or do you think Hamilton should not allow private regulated retail sales of cannabis?

Answer	Overall	Ward 14 S=128
Hamilton should allow private regulated retail sales	55.5%	45.0%
Hamilton should not allow private regulated retail sales	44.5%	55.0%
Unsure or Undecided	8.1%	13.3%

Question 3: If you were to purchase recreational cannabis, which option would you prefer in making your purchase?

Answer	Overall	Ward 14 S=125
Private regulated retail location within your city	62.4%	55.2%
Private regulated retail location outside of your city	5.5%	10.4%
Online through the government website	26.9%	30.2%
Through an unregulated cannabis dealer	5.2%	4.2%
Unsure or Undecided	22.0%	23.2%

Question 4: If the City of Hamilton decided to NOT allow private regulated retail sales of legal cannabis, do you feel this will increase crime or decrease crime?

Answer	Overall	Ward 14 S=124
Increase Crime	64.5%	63.9%
Decrease Crime	35.5%	36.1%
Unsure or Undecided	33.9%	33.1%

Question 5: If a municipality chooses not to allow private retail sales of legal and regulated cannabis, do you agree or disagree the city's decision would increase illegal cannabis sales in the underground market?

Answer	Overall	Ward 14 S=121
Will result in an increase of illegal sales	69.1%	70.2%
Will not result in an increase of illegal sales	30.9%	29.8%
Unsure or Undecided	18.2%	22.3%

Ward 15 Breakout

Question 1: On October 1st, 2018, recreational cannabis became legal throughout Canada. Now that it is legal, would you purchase or consider purchasing cannabis to use for a recreational purpose?

Answer	Overall	Ward 15 S=98
Would Purchase	18.4%	13.7%
Would Consider Purchasing	9.8%	3.2%
Would Not Consider Purchasing	58.5%	68.4%
Would Never Purchase	13.3%	14.7%
Unsure or Undecided	3.2%	3.1%

Question 2: The City of Hamilton can choose to allow private retail sales of cannabis within the city through private regulated retailers. Do you think that Hamilton should allow private regulated retail sales of cannabis or do you think Hamilton should not allow private regulated retail sales of cannabis?

Answer	Overall	Ward 15 S=80
Hamilton should allow private regulated retail sales	55.5%	44.9%
Hamilton should not allow private regulated retail sales	44.5%	55.1%
Unsure or Undecided	8.1%	2.5%

Question 3: If you were to purchase recreational cannabis, which option would you prefer in making your purchase?

Answer	Overall	Ward 15 S=71
Private regulated retail location within your city	62.4%	55.6%
Private regulated retail location outside of your city	5.5%	7.4%
Online through the government website	26.9%	37.0%
Through an unregulated cannabis dealer	5.2%	0.0%
Unsure or Undecided	22.0%	23.9%

Question 4: If the City of Hamilton decided to NOT allow private regulated retail sales of legal cannabis, do you feel this will increase crime or decrease crime?

Answer	Overall	Ward 15 S=68
Increase Crime	64.5%	56.1%
Decrease Crime	35.5%	43.9%
Unsure or Undecided	33.9%	39.7%

Question 5: If a municipality chooses not to allow private retail sales of legal and regulated cannabis, do you agree or disagree the city's decision would increase illegal cannabis sales in the underground market?

Answer	Overall	Ward 15 S=66
Will result in an increase of illegal sales	69.1%	51.7%
Will not result in an increase of illegal sales	30.9%	48.3%
Unsure or Undecided	18.2%	12.1%

6.4

Form: Request to Speak to Committee of Council

Submitted on Tuesday, November 27, 2018 - 10:20 am

==Committee Requested==

Committee: General Issues Committee

==Requestor Information==

Name of Individual: Keanin Loomis**Name of Organization:** Hamilton Chamber of Commerce**Contact Number:** 9055221151**Email Address:** k.loomis@hamiltonchamber.ca**Mailing Address:**120 King St. W. Plaza Level
Hamilton, Ontario
L8P 4V2

Reason(s) for delegation request: The Hamilton Chamber of Commerce serves as the definitive voice of local business in Hamilton. On December 18th, Keanin's delegation would provide committee members with the business case on the question of whether physical cannabis retail stores should be permitted in Hamilton.

Will you be requesting funds from the City? No**Will you be submitting a formal presentation?** Yes

October 30, 2018

Dear Mayor Eisenberger & Hamilton City Councillors,

Since its inception in 1845, the Hamilton Chamber of Commerce has served as the definitive voice of local business. Throughout its history, the Chamber has played an important role in advocating for policies that enhance the social and economic prosperity of our city.

Over the years, the Hamilton Chamber of Commerce and the City of Hamilton have maintained a constructive dialogue to address the concerns of our 1,000 members and the wider business community. Under this capacity, we thank the City's Director, Licensing and By-Law Services, Ken Leendertse, for sitting down with us to seek our input. This letter is our official position on the question of whether physical cannabis retail stores should be permitted in Hamilton.

The Hamilton Chamber of Commerce supports legitimate recreational cannabis retail stores in Hamilton and thereby recommends that city councillors 'opt-in' and allow their existence within city limits as of April 1st, 2019.

The cannabis industry is now a legal form of agriculture and commerce that is already contributing to the further diversification of our economy. Deloitte projects the legal sales of cannabis to generate up to \$4.34 billion across Canada in the first year of legalization alone (full report found [here](#)). It would be a missed opportunity to disallow legitimate brick and mortar retail businesses that are looking to contribute to the local economy.

The City of Hamilton is already establishing a strong market share in the booming cannabis industry, and we are poised for growth. At present, Hamilton is home to several licensed cannabis producers that employ hundreds, if not thousands of people, and bring in billions of dollars in revenue. Allowing vertical integration, from seed to production to physical retail, is not just sensible economics, but allows our local economy to have greater participation in this growing, profitable industry.

120 King Street West
Plaza Level
Hamilton, ON L8P 4V2
www.hamiltonchamber.ca

Office: (905) 522-1151
Fax: (905) 522-1154
hcc@hamiltonchamber.ca



For those concerned about a lack of local control under the provincial regime, we remind councillors that consumer preference and the law of market competition will ultimately determine the right number of retailers for our city and drive up the individual standards of those retailers. As noted in Deloitte's market report, "like any other retailer, those selling cannabis will need to meet or exceed [consumer] expectations and needs if they intend to succeed". This suggests legitimate retail stores, if permitted in Hamilton, would be both profitable and reputable. If neighbouring communities decide to "opt-out" of retail, our local stores will be also bringing in revenue from outside our city.

Finally, the large number of cannabis dispensaries in Hamilton that existed prior to legalization suggests consumer demand is strong enough to support the existence of retail in this city. And despite online delivery options now available, Deloitte research also indicates that almost half (47%) of all recreational products in Canada will be bought from physical locations, based on consumer preference. Prohibiting recreational cannabis retail stores in Hamilton would ignore clear consumer preferences that have been established – it would simply be unrealistic and would just encourage continued illicit retail operations.

Based on these considerations, the Hamilton Chamber of Commerce endorses the approval of legitimate recreational cannabis retail stores in Hamilton.

The Chamber is pleased to play a role in facilitating a constructive dialogue on critically important municipal issues. Thank you for your consideration.

With kind regards,



Keanin Loomis, President and CEO
k.loomis@hamiltonchamber.ca
905-522-1151 x229

120 King Street West
Plaza Level
Hamilton, ON L8P 4V2
www.hamiltonchamber.ca

Office: (905) 522-1151
Fax: (905) 522-1154
hcc@hamiltonchamber.ca

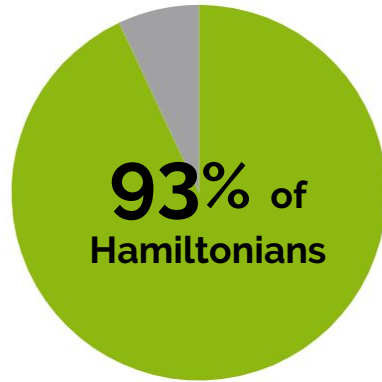




Keanin Loomis

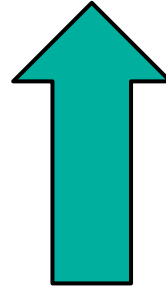
President & CEO Hamilton Chamber of Commerce

“Cannabis has the opportunity to be to Hamilton what the grape is to Niagara Region.”



Agree there is a lot of money to be made in the legal cannabis industry.

\$4.34 billion



In projected sales across Canada in the first year of legalization.

\$1/gram



From provincial excise taxes distributed among opt-in municipalities.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
General Manager's Office

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	December 18, 2018
SUBJECT/REPORT NO:	Cannabis Provincial Legislation (PED18249) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Jason Thorne (905) 546-2424 Ext. 4339
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Cannabis Retail Stores be permitted to operate in the City of Hamilton, in accordance with the *Cannabis Licence Act, 2018*;
- (b) That the City Manager be directed to provide written notice, prior to January 22, 2019, to the Alcohol and Gaming Commission of Ontario (AGCO) to advise that the City of Hamilton will permit Cannabis Retail Stores in Hamilton;
- (c) That the City of Hamilton Cannabis Policy Statement, attached as Appendix "A" to Report PED18249, be approved;
- (d) That the Mayor submits the City of Hamilton Cannabis Policy Statement to the Province of Ontario along with a request that it be used to guide the Province in making decisions on the approval of cannabis licences in the City of Hamilton;
- (e) That the Director of Licensing and By-law Services or their designate be delegated the authority, on behalf of the City, to provide written submissions upon request of the Registrar as to whether the issuance of a retail store authorization is in the public interest, having regard to the needs and wishes of the residents, and that the Director of Licensing and By-law Services be guided in the exercise of this authority by the City of Hamilton Cannabis Policy Statement, attached as Appendix "A" to Report PED18249;

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- (f) That the estimated first phase of funding, in the amount of \$574,493, to be funded from the Ontario Cannabis Legalization Implementation Fund for costs that directly relate to the legalization of recreational cannabis be allocated as outlined in Appendix “B” to Report PED18249;
- (g) That staff be directed to report back to the General Issues Committee once the second phase of funding, under the Ontario Cannabis Legalization Implementation Fund, is announced with recommendations on how the funds should be allocated;
- (h) That the item respecting Private Retail Cannabis Stores be identified as complete and removed from the Planning Committee’s Outstanding Business List.

EXECUTIVE SUMMARY

The Provincial government introduced the *Cannabis Licence Act, 2018*, (CLA) through Bill 36 which sets out a licensing scheme for Private Retail Cannabis Stores. The licensing scheme is regulated by the Alcohol and Gaming Commission of Ontario (AGCO) and creates two types of licences; a Retail Operator Licence and a Cannabis Retail Manager Licence. The CLA also creates a retail store authorization which authorizes its holder to operate a specific Cannabis Retail Store. A retail store authorization will only be issued to a holder of a Retail Operator’s Licence.

Subsection 41(1) of the CLA gives the authority to municipalities to decide to opt in or out of allowing Retail Cannabis Stores in their community. In order to opt out, a resolution must be passed by Council not later than January 22, 2019 and in accordance with the CLA and regulations thereunder, notice of the resolution shall be provided to the Registrar no later than three business days after the resolution is passed and not later than January 22, 2019. If notice is not submitted in the manner required under *O. Reg. 468/18*, the municipality is opted in by default.

A municipality is not permitted to license Retail Cannabis Stores through business licensing, or establish a specific zone category for any proposed Retail Cannabis Store. If the City of Hamilton opts in, retail cannabis stores would generally be permitted in any area zoned for commercial or mixed use, such as Business Improvement Areas (BIA), strip malls, plazas, malls, big box centres, or neighbourhood retail such as variety stores. In most circumstances, if a retail cannabis store was seeking to establish in one of these areas, the only municipal approval required would be a Building Permit, if applicable.

The enforcement of the CLA will be at the discretion of the Provincial government through the AGCO and power to make regulations under the CLA will rest with the Lieutenant Governor in Council. Retail Cannabis Stores, regardless of whether the City of Hamilton were to opt in or opt out, would not be subject to municipal enforcement under the City’s Zoning or Licensing By-laws. Municipal enforcement authority is limited

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to those matters that apply to all retail stores in the City, such as property standards, noise and yard maintenance.

Alternatives for Consideration – See Page 13**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Under the Ontario Cannabis Legalization Implementation Fund, the Province will provide \$40M over two years to help municipalities with the implementation costs of recreational cannabis legalization. Use of these funds is restricted to costs that directly relate to the legalization of recreational cannabis. The province will distribute two payments of \$15M Province wide. The first payment will be made proportionally to all municipalities. The second payment will be made proportionally only to those municipalities who opt in by January 22, 2019. The last \$10M will be set aside by the Province to address costs for unforeseen circumstances related to the legalization of recreational cannabis, with priority given to municipalities that have not opted out. Further, the Province has indicated that if the Provincial share of the Federal Excise Tax over the first two years exceeds \$100M, the Province will provide 50% of the surplus to municipalities.

There is no commitment to fund beyond the two years.

For the City of Hamilton, the Provincial funding would be as follows under an “opt in” or an “opt out” scenario.

City of Hamilton Opt In

- (a) First payment of \$574,493 will be distributed to the City in January 2019. The payment is the City’s share of the first \$15M which is based on 2018 MPAC household numbers, 225,291 (see Appendix “C”);
- (b) Second payment will be based on the 2018 Municipal Property Assessment Corporation (MPAC) household numbers and is anticipated to be similar to the first payment; and,
- (c) Surplus payment: if the Provincial share of the Federal Excise Tax over the first two years exceeds \$100M, the Province will provide 50% of the surplus to municipalities.

City of Hamilton Opt Out

- (a) First payment of \$574,493 will be distributed to the City in January 2019. The payment is the City’s share of the first \$15M which is based on 2018 MPAC household numbers, 225,291 (see Appendix “C”);
- (b) Second payment is a maximum of \$5,000; and,

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- (c) The Provincial share of the Federal Excise Tax surplus payment will not be applicable to municipalities who have opted out.

It should be noted that the confirmed Provincial funding described above is insufficient to cover the ongoing costs to the municipality associated with the legalization of cannabis, in both an opt in and an opt out scenario. Legalization of cannabis is expected to result in increased costs for the Healthy and Safe Communities and Planning and Economic Development Departments regardless of whether the City opts in or out. Appendix “B” outlines additional enforcement costs related to one additional Tobacco Enforcement Officer in Public Health and two additional By-law Enforcement Officers in Municipal Law Enforcement. In addition to these costs, staff have previously reported to Council on additional expected costs of the legalization of cannabis related to repairs to social housing units.

Staffing: The legalization of cannabis as outlined in the Financial Implications Section includes three additional full-time equivalents.

Legal: The Provincial statutory framework was proclaimed in force as of November 16, 2018. The Lieutenant Governor in Council has been given broad powers to pass regulations under the CLA, and *O. Reg. 468/18* was filed on November 14, 2018 to detail how licences will be issued by the Provincial Registrar for the AGCO.

Where Council decides to opt in and permit retail cannabis stores, the CLA provides no mechanism to opt out at a later time. Alternatively, where Council decides to initially opt out it will have the opportunity to opt in at a later time. Further, under the CLA the municipality is permitted to make non-binding written submissions respecting proposed retail approvals and has no opportunity to license retail stores or institute zoning controls.

The City and its residents may make submissions to the Registrar on whether or not approval of a licence is in the public interest, having regard to the needs and wishes of the residents of the municipality. The Registrar will issue public notice of the application, so that members of the community and the municipality will have a 15 day notice period whereby they can make written submissions directed to the following public interests only:

- (a) Protecting public health and safety;
- (b) Protecting youth and restricting their access to cannabis; and,
- (c) Preventing illicit activities in relation to cannabis.

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The Registrar will consider public interest and determine whether or not issuance of the licence is in the public interest, so any submissions by the City or its residents are non-binding. The Registrar may also issue licences with conditions, so it is a possibility that some concerns raised by residents or municipalities could be addressed by having conditions added to a licence. Regardless of the submissions, the ultimate decision rests with the AGCO.

HISTORICAL BACKGROUND

On August 13, 2018, the Provincial government announced that they will be abandoning the Provincially run cannabis stores for the privatization of retail cannabis stores.

On August 16, 2018, the Planning Committee directed staff to prepare a report on the Province's announcement to privatize cannabis sales.

At its meeting of September 12, 2018, Council approved Item 14 of Planning Committee Report 18-013 directing staff to report back to the Planning Committee with recommendations with respect to the regulation of private retail cannabis stores in the City of Hamilton and that the report outline options for the potential application of the Province's proposed opt out clause.

"WHEREAS, recreational cannabis will be legalized in Canada as of October 17, 2018;

WHEREAS, the Province of Ontario has indicated that the Ontario Cannabis Store website will be the only legal option for purchasing recreational cannabis once it becomes legalized on October 17, 2018;

WHEREAS, the Province of Ontario has indicated that it will be introducing legislation that would open up a regulated private retail model for cannabis that would launch by April 1, 2019;

WHEREAS, the Province of Ontario is currently consulting on the scope of its proposed legislation for a regulated private retail model for cannabis;

WHEREAS, the Province has indicated that the new legislation will include some form of "opt out clause" that municipalities may exercise within a very limited time window;

WHEREAS, it is not yet determined what regulatory authorities municipalities will have for the regulation of private retail cannabis stores other than their existing

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zoning powers which in Hamilton generally would permit this use in any commercially zoned property; and,

WHEREAS, there will be a very limited amount of time for the City of Hamilton to put in place any local regulations with respect to private retail cannabis stores, including the potential use of the “opt out clause”, prior to the opening of retail stores on April 1, 2019;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to prepare a report with recommendations with respect to the regulation of private retail cannabis stores in the City of Hamilton for the first Planning Committee meeting of the new term of Council;
- (b) That the report outlines options for Council’s consideration for the potential application of the Province’s proposed “opt out” clause;
- (c) That staff be directed to meet with the local interested proprietors to discuss the potential impacts on the private retail cannabis industry and that the input be used as a market sounding for inclusion in the report;
- (d) That the Mayor write to the Premier, appropriate Ministers and Ministries, and to the Association of Municipalities of Ontario, to communicate to them that it is the City’s position that the Province’s approach to the regulation of private cannabis retail stores in Ontario must ensure that municipalities have the ability to regulate the following in a manner that is appropriate to the municipality:
 - (i) separation distances from sensitive land uses such as parks, schools, day cares and healthcare facilities
 - (ii) over-concentration of dispensaries in one area of the city
 - (iii) the total number of dispensaries city-wide and within particular areas of the city
 - (iv) general issues of urban design such as location of entrances and transparency of facades
 - (v) on-site advertising and signage
 - (vi) hours of operation
 - (vii) property standards compliance

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- (viii) ability to restrict or prohibit operations by operators that routinely violate municipal standards such as noise, nuisance or property standards.”

Staff was directed to meet with the local interested proprietors to discuss the potential impacts on the private retail cannabis industry and that the input be used as a market sounding for inclusion in the Report.

On September 27, 2018, the Province tabled Bill 36 that was an Act to enact a new Act and make amendments to various other Acts respecting the use and sale of cannabis and vapour products in Ontario.

On October 17, 2018, Federal cannabis legislation came into force.

The Province is responding with a plan to sell cannabis online via the Ontario Cannabis Store (OCS) web platform to meet the Federal legislative timeline and concurrently consumer demand. The Province has identified April 1, 2019 as the date for allowing for retail cannabis sales by privately-run dispensaries. The framework surrounding the approval of local dispensaries is outlined in Bill 36 and the CLA, which received Royal Assent on October 17, 2018 and which was proclaimed in force on November 16, 2018.

On November 14, 2018, the Province also filed *O. Reg. 468/18*, a regulation under the CLA. Effective November 16, 2018 the ACGO is considered the regulator of private recreational cannabis retailing in Ontario. Other matters addressed by the regulation include separation distances from schools, hours of operation, public and Council commenting, and training requirements for employees.

The AGCO will begin accepting retail store applications effective December 17, 2018.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The CLA prohibits a municipality’s ability to restrict land use and zoning of proposed cannabis dispensaries and to establish a municipal licensing requirement for the use.

The *Cannabis Control Act, 2017* (CCA) ensures the sale of cannabis is in accordance with the *Ontario Cannabis Retail Corporations Act, 2017*, the CLA establishes prohibitions including appropriate enforcement and sanctions.

RELEVANT CONSULTATION

Legal Services, Corporate Services, Public Health, Planning, Economic Development, Hamilton Police Services, Chamber of Commerce, Business Improvement Areas and

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current Cannabis Industry Stakeholders were consulted in the preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

At its meeting of September 12, 2018, Council approved Item 14 of Planning Committee Report 18-013 directing staff to report back to the Planning Committee with recommendations with respect to the regulations of Private Retail Cannabis Stores in the City of Hamilton and that the Report outline options for the potential application of the Province's proposed opt out clause.

Opt In or Out

Council must determine if they will opt in or out of allowing cannabis retail sales in Hamilton. While there are no provisions in the CLA that would allow a municipality who opts in to later reverse that decision and opt out, Section 41 of the CLA states that a municipality that opts out initially will be permitted to lift the prohibition to permit cannabis retail stores and that such a decision will be final and cannot be reversed.

In accordance with Subsection 41(5) of the CLA and Subsection 22(1) of *O. Reg. 468/18*, a municipality that fails to formally opt out prior to January 22, 2019 will be considered opted in, by default.

Business Licensing By-laws

Subsection 42(1) of the CLA states that the authority to pass a Business Licensing By-law within the meaning of the *Municipal Act, 2001* does not include the authority to pass a by-law providing for a system of licensing respecting the sale of cannabis, holder of a licence or authorization issued under this Act or Cannabis Retail Stores. This clause effectively prohibits the municipality from considering a Municipal Business Licensing Scheme that could define radial separation, support nuisance control, and limit over concentration of Cannabis Stores.

Planning Act and Zoning By-laws

Subsection 42(2) of the CLA does not permit the municipality to pass a by-law under Sections 34 (Zoning By-laws), 38 (Interim Control) or 41 (Site Plan Control) of the *Planning Act* that has the effect of distinguishing between a use of land, a building or a structure that includes the sale of cannabis and a use of land, a building or a structure that does not include the sale of cannabis. This provision prevents the City from defining a Cannabis Retail Store in its Zoning By-law and from determining appropriate regulations for the use of a Cannabis Retail Store (i.e. location, radial separation distance, size, etc.) in its Zoning By-law. The use would therefore be permitted in any zone that permits a retail use, such as BIAs, strip malls, plazas, malls, mixed use buildings, big box centres, or neighbourhood retail such as variety stores. In most

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circumstances, if a retail cannabis store was seeking to establish in one of these areas, the only municipal approval required would be a Building Permit.

Restricting Locations

Subsection 4(12) of the CLA authorizes the Registrar to refuse to issue a retail store authorization for a Cannabis Retail Store that would be located less than a specified distance to a school or other prescribed land use, or in any other circumstance that may be prescribed. The CLA authorizes the Lieutenant Governor in Council to make regulations relating to prescribed circumstances and reasons for refusals.

Provincial regulations released on November 14, 2018 establish separation distances for schools, and not for other types of sensitive uses (e.g. parks, day cares), and the required radial separation is established at 150 m. The map attached as Appendix “D” to this Report outlines for illustrative purposes a 150 m radial separation from schools in Hamilton.

Retail Sales at Point of Production

Subsection 4(4) of the CLA allows licensed producers to operate a single retail store located on or within the site set out in the licence. For zoning purposes in the A1 (Agriculture) and A2 (Rural) zones, the size of a retail outlet is capped at 200 sq. m. The CLA and associated regulations do not establish a minimum or maximum store size. It is noted that there are other uses which are licensed/regulated by the Province such as wineries and micro-breweries which are required to comply with municipal by-law regulations with respect to building setbacks, gross floor area, etc. In those cases where a licensee is seeking to build a building larger than the current as-of-right zoning permissions, then the licensee can make an application for either a minor variance or a rezoning at which time the merits of the application will be considered.

Issuance, Refusal of Retail Store Authorization

The CLA governs the issuance, renewal and expiry of retail operator licences, cannabis retail manager and retail store authorizations. The CLA sets out the process for public and municipal input on locations for retail cannabis stores. Public notice will be displayed at all locations proposed for a Cannabis Retail Store specified in the application, the same will also be posted on the AGCO’s website. Residents and the municipality will have 15 days in which to issue written submissions on each application on whether issuance of the licence is in the public interest considering the needs and wishes of residents. The CLA requires these submissions to be considered by the Registrar in determining the issuance of a retail store authorization approval, but do not ensure that a retail store authorization would be declined where a municipality was not in favour of the proposed location, as the ultimate decision rests with the Registrar. Matters of public interest are specified by regulation, which limits the scope of comments that would be considered by the Registrar to the following interests:

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- (a) Protecting public health and safety;
- (b) Protecting youth and restricting their access to cannabis; and,
- (c) Preventing illicit activities in relation to cannabis.

Delegated Authority

The Association of Municipalities of Ontario has recommended that municipalities identify a “key senior staff lead” for the purpose of responding to notifications from the AGCO within the 15-day window, for municipalities that elect to opt in.

The Director of Licensing and By-law Services currently has a similar delegated authority related to other matters. Providing this delegated authority to the Director of Licensing and By-law Services will ensure all City Departments and members of Council are notified and all responses are coordinated and completed within the 15-day window.

Policy Statement

The Association of Municipalities of Ontario has recommended that municipalities adopt a ‘Municipal Cannabis Retail Policy Statement’. Such a Policy Statement could address what a municipality sees as significant local sensitive uses. This would give municipal staff direction in responding to the 15-day window during the commenting process. For example, a Policy Statement may identify specific sensitive uses and express some parameters to consider proximity to them. A proposed City of Hamilton Cannabis Policy Statement is attached to this Report as Appendix “A”. It should be noted that this Policy Statement does not have any regulatory authority and is not binding on the Province. It merely describes the wishes of the City of Hamilton as it relates to the Province’s review and decision-making on license applications

Clustering or Caps

Section 12 of *O. Reg. 468/18* made under the CLA addresses market concentration. A single operator will be restricted to only operate a maximum of 75 retail stores. The maximum of 75 has been set to prevent a high degree of market consolidation by one operator, promote opportunities for small business and promote investment in the cannabis retail market.

There is no provision under the CLA to cap the overall number of stores in a municipality, or to restrict their concentration in a particular area.

Municipal Funding

Provincial funding details are described under the Financial Implications Section of this Report.

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Operating Requirements

Provincial regulations released on November 14, 2018 establish operating requirements for retail cannabis stores, including the following:

- (i) Retail cannabis stores will be allowed to open from 9:00 a.m. – 11:00 p.m. each day of the week;
- (ii) 75 stores per operator will be the amount allowable to promote small business opportunities;
- (iii) Retail employees will be subject to training requirements for responsible sales; and,
- (iv) Licences will not be issued to a corporation if more than 9.9% is owned or controlled by one or more licensed producers or affiliates, whether direct or indirect ownership.

Public Health Perspective

From Public Health's perspective, it is favourable to opt in to a retail model recognizing that an opt out retail model leaves an online platform as the sole mechanism through which individuals can legally purchase cannabis. This option necessitates that people plan their cannabis use well in advance. Unfortunately, this often is not the case. Having a legalized product that people cannot readily access will likely drive them towards the illegal market, which could allow for the proliferation of organized crime, loss of revenue, and potential product contamination leading to increased harms.

The Provincial government has limited the municipal authority regarding retail outlets. An opt in model is, from Public Health's perspective, preferable given the evidence that illicit cannabis can only be stopped if legal cannabis is readily available and is competitive with the illegal market. Public Health supports a culture of moderation and is committed to educating our citizens about the health consequences surrounding use and ensuring that the consumption of cannabis is done responsibly and safely. A regulated model for sale of legalized product can reduce access for youth who are one of the groups most at risk from the harms of cannabis.

Economic Development Perspective

Opting in to the Provincial model may dissuade the illegal operators, which would be a benefit to the local business environment, and particularly the BIAs. New retail stores also fill retail vacancies and increase opportunities for jobs creation. A potential concern is that retail cannabis stores may create upward pressure on retail lease rates which could negatively affect other businesses. Over-concentration of retail cannabis stores in certain locations may also be detrimental to other business types in those locations.

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SUBJECT: Cannabis Provincial Legislation (PED18249) (City Wide) - Page 12 of 14**Chamber of Commerce Perspective**

The Hamilton Chamber of Commerce is in support of opting in to allow Private Cannabis Stores. In their view, opting in supports the growth of the industry and the ability to open up new markets. The competitiveness of the industry will ensure a high-quality retail establishment that will create employment and additional business opportunity.

The Stoney Creek Chamber of Commerce has expressed concerned about the lack of communication and education from the Province on how the new cannabis stores will operate and where they will be located.

Cannabis Industry Stakeholder Perspective

Current Cannabis Industry Stakeholders are in full support of opting in for the municipality. They indicate that each store employs approximately 30-40 people creating additional well-paying jobs. They believe the legalized stores will reduce crime and create less opportunity for the illegal market and organized crime.

The stakeholders believe that the cannabis stores will have a positive impact on tourism and meets with the City's vision of being Open for Business. They also see that opting in will assist in supporting harm reduction to provide an opportunity to address the opioid crisis. Lastly, from their own experience, they have seen a positive impact on surrounding businesses as customers and staff access local shops while attending the cannabis stores.

CLOSING OF EXISTING ILLEGAL CANNABIS STORES

The CCA gives specific authority to policing services to close down existing illegal dispensaries. Tools include closure orders as well as significant fines to bring these retail stores into compliance.

Following is an overview from the Hamilton Police Service (HPS) perspective as well as an outline of the new enforcement powers under the CCA. These powers are different from those afforded to the AGCO for controlling licensed cannabis stores under the CLA.

Enforcement and Hamilton Police Service Perspective

The HPS has indicated that it will support the municipality in their decision regarding cannabis retail sales in the City of Hamilton. The HPS is committed to ensuring only legal activity is permitted in the City of Hamilton and will act on any illegal activity as it relates to the operation of cannabis retail sales. The HPS has expressed the need for the new, higher fines to be upheld in court and will communicate with the Attorney General's Office for support with this initiative.

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Municipal enforcement will be limited to enforcing infractions related to property standards, signs, noise, public nuisance and yard maintenance through Administrative Penalties and Provincial Offences Notices, even when/if accompanying the HPS.

New Enforcement Powers

Under the CCA the new enforcement powers include closure orders and significant fines for those convicted. The fines can extend to landlords or property owners that allow illegal stores to operate. On conviction for certain offences under the CCA, an individual can face fines up to \$250,000 and/or imprisonment for a term of two years less a day for a first offence and corporations could face fines up to a maximum of \$1M for a first offence. Depending on whether it's an individual or corporation, subsequent offences can include fines ranging from \$10,000 to \$500,000 for each day the offence occurs or continues.

By-law Officer Designations

Subsection 21(1) of the CCA provides that powers of Police Officers, with the exception of Section 19 - arrest powers, may be exercised by any other person or class of persons designated in writing by the Minister. Subsection 21(2) of the CCA provides the opportunity to ensure that restrictions are included as part of the designation.

Licensing and By-Law Services does not recommend the designation of Municipal Law Enforcement (MLE) Officers as an option. Designations of MLE Officers would significantly increase the cost to the City for cannabis legalization enforcement. The designation would create liability with respect to the use of police powers, including issues of logistics of product and money seized. We believe that it is cost prohibitive and strongly do not recommend seeking designations, as the powers should remain the privy of the HPS.

ALTERNATIVES FOR CONSIDERATION

Council may consider opting out of allowing cannabis retail sales in the City of Hamilton. If Council elects to pass a resolution to opt out initially, Council could decide to opt in at a later date. If Council decides to opt out, a resolution must be sent to the Registrar no later than three business days after the resolution is passed and not later than January 22, 2019 pursuant to Subsections 41(1) and (5) of the CLA and Subsections 22(1) and (2) of the *O. Reg. 468/18*.

To opt out, Council should consider the following recommendation;

- (a) That cannabis retail stores not be permitted to operate in the City of Hamilton, in accordance with the *Cannabis Licence Act, 2018*;

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- (b) That the City Manager be directed to provide written notice, prior to January 22, 2019, to the Registrar no later than three business days after the resolution is passed and not later than January 22, 2019 to advise that the City of Hamilton will not permit cannabis retail stores in Hamilton;
- (c) That the estimated first phase of funding, in the amount of \$574,493, to be funded from the Ontario Cannabis Legalization Implementation Fund for costs that directly relate to the legalization of recreational cannabis be allocated as outlined in Appendix “B” to Report PED18249.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial - First payment of \$574,493 will be distributed to the City in January 2019. The payment is the City’s share of the first \$15M which is based on 2018 MPAC household numbers, 225,291 (see Appendix “C”);

Second payment is a maximum of \$5,000; and,

The Provincial share of the Federal Excise Tax surplus payment will not be applicable to municipalities who have opted out.

Staffing - The legalization of cannabis as outlined in the Financial Implications Section includes three additional full-time equivalents. By opting in or out, the requirement for additional enforcement staff is required during the two-year transition period as funding by the Province.

Legal - N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” City of Hamilton Cannabis Policy Statement

Appendix “B”: Estimated Implementation Costs

Appendix “C”: Minister of Finance, Ontario Cannabis Legalization Implementation Funding Package

Appendix “D”: 150 m Radial Separation from Schools Map

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City of Hamilton Cannabis Policy Statement

For the purposes of this Policy Statement, a Cannabis Retail Store shall mean a store licensed by the Alcohol and Gaming Commission of Ontario (AGCO).

1. Cannabis Retail Stores and Sensitive Activities:

In order to help ensure public health and safety, protect youth and reduce illegal sales, Retail Cannabis Stores should generally not be located within 300 metres of:

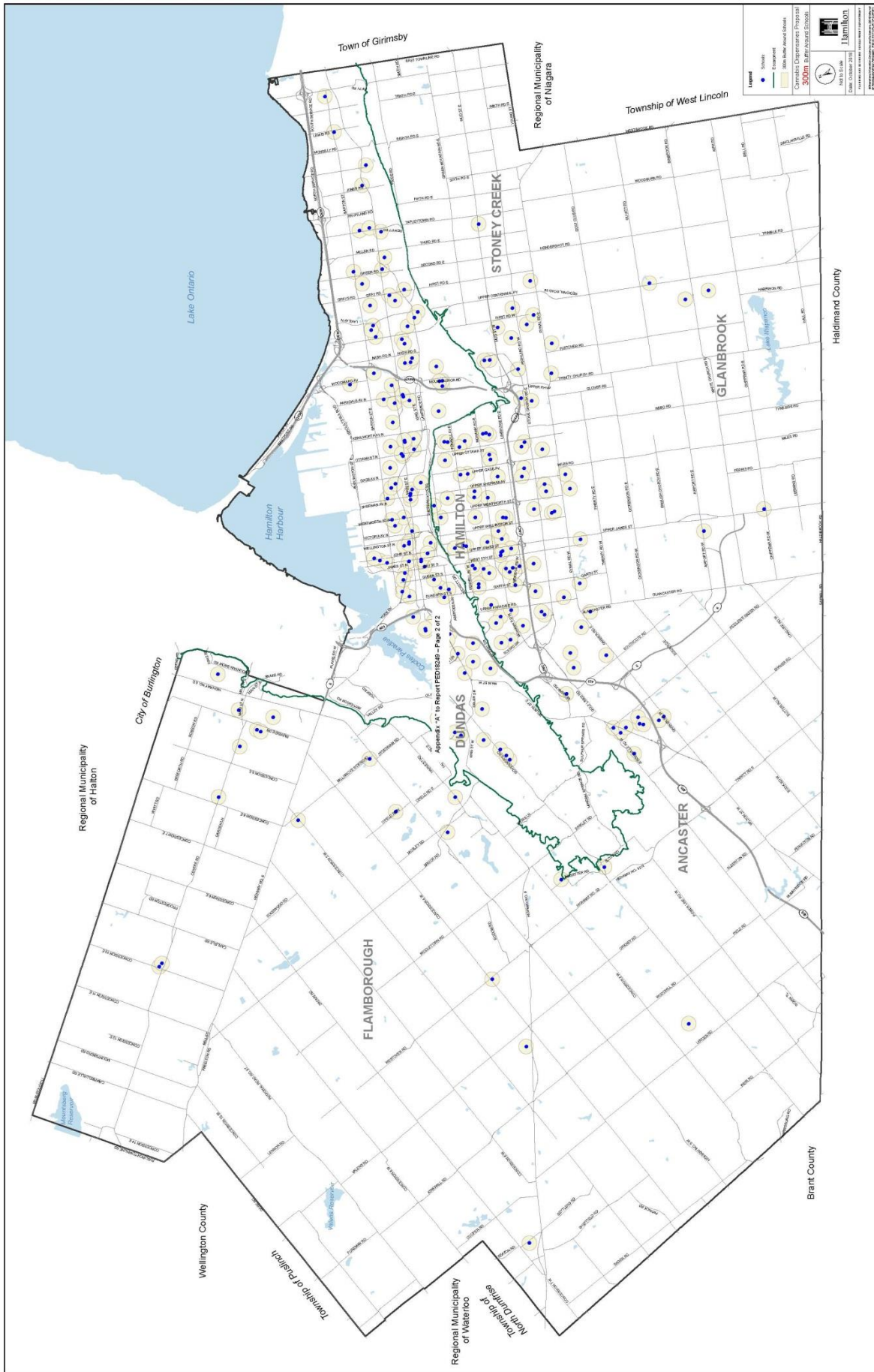
- Schools
- Parks and Open Spaces
- Alcohol and Detox Centres
- Day Nurseries/Child Care Centres
- Libraries
- Community Centres
- Mental Health/Addiction Centres

2. Cannabis Retail Stores should not be permitted in:

In the interest of public health and safety, Cannabis Retail Stores should not be permitted in the following:

- Areas that already have a high concentration of Cannabis Retail Stores (i.e. the "clustering" of stores should be avoided)
- Locations that have insufficient parking or transit access
- Locations that are in predominantly residential areas

3. Attached is a map showing the retail/commercial zones of the municipality and that would be prohibited with a 300 metres radial separation from schools:



**Appendix “B” to Report PED18249
Page 1 of 1**

Legalization of Cannabis

Estimated Incremental Enforcement Costs

Healthy and Safe Communities

	Description	Annual Cost	One-Time Cost	FTE
Public Health	One (1) Tobacco Enforcement Officer	\$93,000	\$0	1
Public Health	Health Promotion and Prevention	\$20,000	\$0	0

Planning and Economic Development

	Description	Annual Cost	One-Time Cost	FTE
Licensing and By-law Services	Two (2) Municipal Law Enforcement (MLE) Officers	\$220,000	\$0	2
Licensing and By-law Services	One (1) Vehicle for Officers	\$0	\$26,000	0

Note: FTE means full time equivalent

Report FCS18052, approved by Council in July 2018, provided additional information on estimated costs for the implementation of Cannabis Legalization.

Ontario Cannabis Legalization Implementation Fund 2018-19 First Payment - Allocation Notice



City of Hamilton

2518

The Ontario Cannabis Legalization Implementation Fund (OCLIF) is provided to municipalities to help with the implementation costs of recreational cannabis legalization.

Funding Allocation	\$574,493
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A Funding Amount based on Number of Households (A1 x A2 ÷ 100)	\$574,493
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1. Number of Households	225,291
2. Funding Amount per 100 Households	\$255

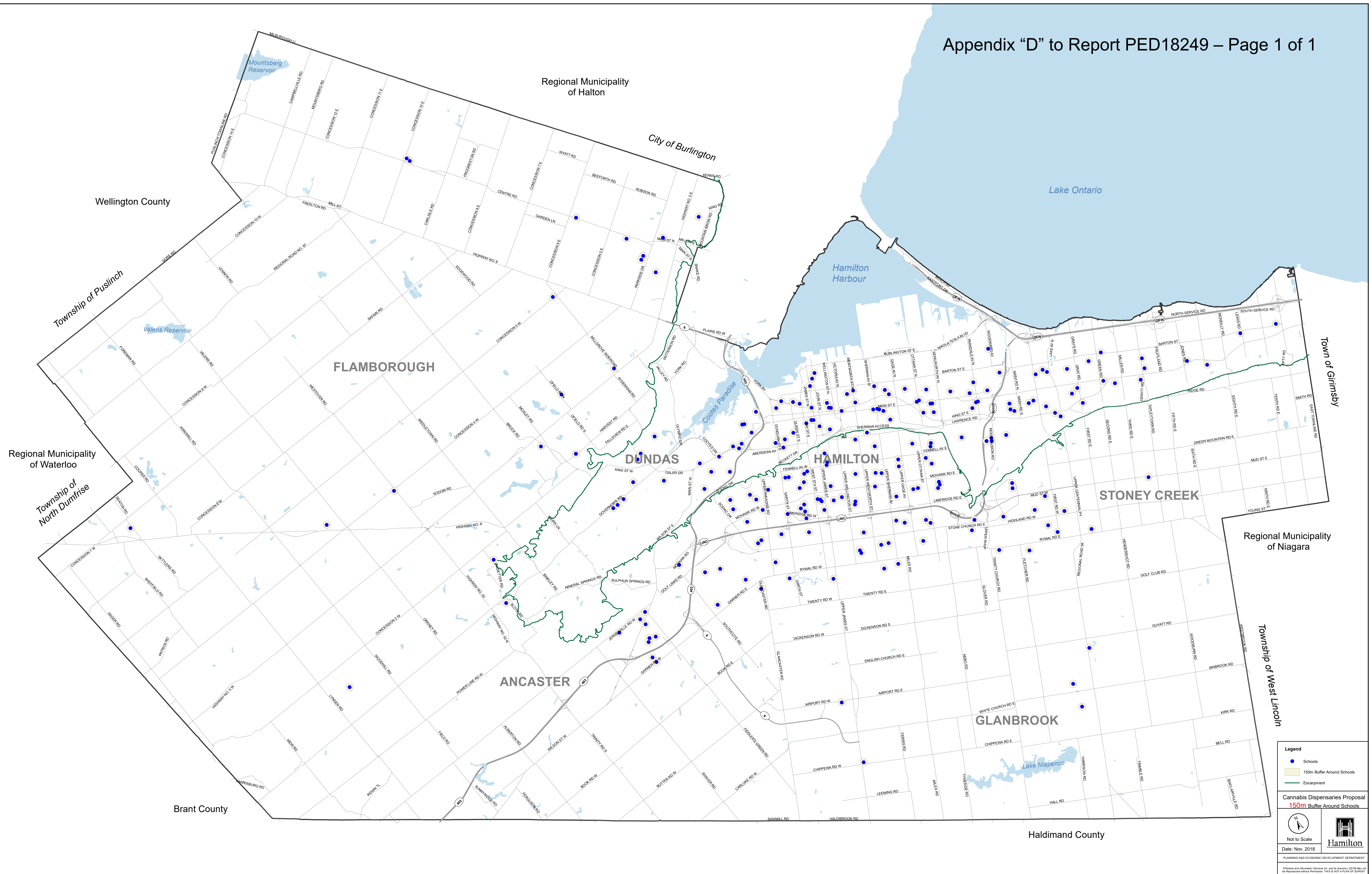
Notes and Data Sources

A - funding amount is rounded up to the nearest dollar.

A1 - household figures are based on the 2018 returned roll provided by the Municipal Property Assessment Corporation (MPAC).

A2 - represents the funding amount per 100 households for single-tier municipalities.

Appendix "D" to Report PED18249 – Page 1 of 1



Legend

- Schools
- 150m Buffer Around Schools
- Escarpment

Cannabis Dispensaries Proposal
150m Buffer Around Schools

Not to Scale
Date: Nov. 2018

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
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Cannabis Retail Stores in Hamilton

(PED18249)

Presentation to General Issues Committee

December 18, 2018

OPT-IN / OPT-OUT

- City has until January 22 to inform the Province if it wishes to “opt-out” of allowing cannabis retail stores. If no decision is made by that date, the City will be deemed to have opted-in by default.
- If the City opts-in, it cannot opt-out later.
- If the City opts-out, it can opt-in at a later date.
- City staff are recommending that Council opt-in.
- Today’s GIC report will go to a special Council meeting that has been set for January 14.

PROVINCIAL FRAMEWORK

- On September 12, 2018, Council approved a motion that the Province's approach must ensure municipalities can regulate the following in a manner that is appropriate to the municipality:
 - (i) separation distances from sensitive land uses such as parks, schools, day cares and healthcare facilities
 - (ii) over-concentration of dispensaries in one area of the city
 - (iii) the total number of dispensaries city-wide and within particular areas of the city
 - (iv) general issues of urban design such as location of entrances and transparency of facades
 - (v) on-site advertising and signage

PROVINCIAL FRAMEWORK

- Cont'd:
 - (vi) hours of operation
 - (vii) property standards compliance
 - (viii) ability to restrict or prohibit operations by operators that routinely violate municipal standards such as noise, nuisance or property standards

- On October 17, the Province's *Cannabis Licence Act* received Royal Assent and *O. Reg. 468/18* was passed on November 14.

REGULATING LOCATIONS

- Municipalities cannot locally license cannabis retail stores and they cannot create a special zoning category for cannabis retail stores.
- Therefore, municipalities cannot:
 - allow them in some retail areas but not others
 - establish a cap on the number of stores
 - limit the concentration of stores
 - establish separation distances
- Provincial regs establish 150 metre separation distance for schools.
- Cannabis producers are also allowed to have on-site retail stores.
- On Dec. 13, Province announced only 25 licences will be issued province-wide for “initial phase” of openings on April 1, 2019.

COMMENTING ON LICENCE APPLICATIONS

- Public and municipalities have 15 days to provide comments.
- Staff are recommending delegating commenting authority to the Director of Licensing and By-law Services or their designate.
- Staff are recommending that Council adopt a “Municipal Cannabis Retail Policy Statement” that states that cannabis stores should generally not be located:
 - within 300 metres of schools, parks/open spaces, alcohol and detox centres, day nurseries/child care centres, libraries, community centres and mental health/addiction centres
 - in areas that already have a high concentration of stores
 - in locations that have insufficient parking or transit access
 - in locations that are in predominantly residential areas

FINANCIAL CONSIDERATIONS

- Ontario Cannabis Legalization Implementation Fund will provide \$40M over two years to help municipalities with implementation costs.
 - \$15M proportionally to all municipalities (\$574,493 for Hamilton)
 - \$15M proportionally only to municipalities that opt-in
 - \$10M to address costs for “unforeseen circumstances”
- If the Provincial share of the Federal Excise Tax over the first two years exceeds \$100M, the Province will provide 50% of the surplus to municipalities that opt-in.
- There is no commitment to fund beyond the initial two years.

FINANCIAL CONSIDERATIONS

- Staff recommended allocation for first phase of provincial funding (\$574,493 available):

Healthy and Safe Communities

	Description	Annual Cost	One-Time Cost	FTE
Public Health	One (1) Tobacco Enforcement Officer	\$93,000	\$0	1
Public Health	Health Promotion and Prevention	\$20,000	\$0	0

Planning and Economic Development

	Description	Annual Cost	One-Time Cost	FTE
Licensing and By-law Services	Two (2) Municipal Law Enforcement (MLE) Officers	\$220,000	\$0	2
Licensing and By-law Services	One (1) Vehicle for Officers	\$0	\$26,000	0

ENFORCEMENT

- Number of illegal operators in Hamilton peaked at approx. 80 stores. Current estimate is just over 30 stores operating.
- Over 2 years, City by-law officers charged 57 businesses/landlords.
- With enactment of the Cannabis Licence Act, dispensaries are no longer in violation of City by-laws.
- Cannabis Licence Act includes new powers for closure orders and significant fines for those convicted:
 - individuals face fines up to \$250,000 and/or imprisonment for a term of two years less a day for first offence.
 - corporations face fines up to \$1M for first offence.
 - subsequent offences can include fines ranging from \$10,000 to \$500,000 for each day the offence occurs or continues.

OTHER JURISDICTIONS

Municipalities that have opted-in:

- Toronto
- Ottawa
- Guelph (recommended)
- London (recommended)

Municipalities that have opted-out:

- Brampton
- Burlington
- Lincoln
- Mississauga
- Markham
- Pickering
- Richmond Hill
- Oakville

SUMMARY OF STAFF RECOMMENDATIONS

- Cannabis Retail Stores be permitted to operate in Hamilton.
- City adopt a Cannabis Retail Policy Statement (see Appendix A) and request that it be used to guide the Province in making decisions on the approval of cannabis licenses in Hamilton.
- The Director of Licensing and By-law Services or their designate be delegated the authority to comment on the issuance of retail store authorizations based on the Cannabis Retail Policy Statement.
- The first phase of provincial funding of \$574,493 be allocated as outlined in Appendix B.
- Staff report back to GIC once the second phase of funding is announced with recommendations on how the funds should be allocated.

QUESTIONS

Licensing & By-law

Ken Leendertse / Dawn Johnson

Policing & Enforcement

Deputy Chief Dan Kinsella

Public Health

Dr. Elizabeth Richardson / Kevin McDonald

Zoning

Joanne Hickey-Evans

Economic Development

Glen Norton

Financial Impact

Brian McMullen

Legal

Nicole Auty / Ron Sabo

CITY OF HAMILTON MOTION

General Issues Committee: December 18, 2018

MOVED BY COUNCILLOR S. MERULLA.....

SECONDED BY COUNCILLOR.....

Dispensaries for Recreational Cannabis Retail Sale

WHEREAS, the Federal Government of Canada has legalized cannabis use for recreational purposes;

WHEREAS, the Province of Ontario has, through their constitutional authority under the federation of Canada, pursued the legalization of recreational cannabis use in Ontario;

WHEREAS, the social costs have been established by the City of Hamilton and Hamilton Police Services;

WHEREAS, the legalization of cannabis in Ontario will increase revenue significantly to the Province of Ontario;

WHEREAS, nearly half of the City of Hamilton’s operating budget is dedicated to provincially mandated programs, with little or no authority from Council; and,

WHEREAS, a lack of sustainable revenue-sharing from the Province of Ontario related the retail sale of cannabis to municipalities will amplify the regressive downloading crisis in Hamilton;

THEREFORE, BE IT RESOLVED:

That the City of Hamilton opt out of providing dispensaries for recreational cannabis retail sale, until a sustainable revenue-sharing formula is established between the Province of Ontario and the City of Hamilton.