

**Pilon, Janet**

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**Subject:** Residential cannabis growth by-law

**From:** M K

**Sent:** August 7, 2020 1:01 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Residential cannabis growth by-law

Mayor and Council Members,

I am contacting each of you regarding the lack of any residential cannabis growth by-laws.

To provide some brief context, a couple behind our family home grows cannabis; a porous combination of chain link and picket fence separates our backyards, and much of their vegetation ends up on our property. They decided to grow their cannabis along this fence, and the plants are up against our property line. We have a small city lot (90 feet deep) with a shallow backyard, which puts their cannabis quite close to our home.

I suspect that most people have not seen a mature cannabis plant in person. They can grow upwards of 20 feet. Currently, the ones along our property line are over 12 feet high, towering at least 6+ feet over our fence. It dominates the view from our home, particularly from our small child's bedroom window.

We called the by-law department to see if there were any by-laws that our neighbours were violating. At a minimum, we assumed that cannabis plants would need to be planted at a reasonable distance from property lines. Nope. We were told that there is not a single by-law regarding residential cannabis growth.

I find this odd and negligent for four main reasons:

1. Safety - In addition to growing tall (up to 20 feet!), cannabis also grows quite wide. If there is no minimum distance from property lines required when planting, the plant will end up crossing property lines beyond a homeowner's control. Pets and children will play amongst cannabis plants. If a pet, or my child, or a guest's child ingests my neighbour's cannabis, who may I hold responsible?

2. Property value - When selling a home, a soaring 12 foot wall of cannabis along a property line is rarely included as a selling feature. It smells and, for better or for worse, not everyone is progressive enough to appreciate living a few feet away from unrestricted cannabis growers and frequent smokers; many home buyers, particularly those with children, would move on to another property. It is not unreasonable to believe that unrestricted cannabis growth along a person's property line will make selling a home more difficult and less profitable.

3. Conflict - In speaking with family and friends, I've not found a single person who would be comfortable with their neighbour growing 12+ foot cannabis plants along their property line. While, admittedly, this evidence is purely anecdotal, it's not difficult to imagine that this sentiment is fairly representative of most homeowners. How are there no by-law guidelines for an issue that is somewhat controversial? There are no restrictions for residential cannabis growth. Anything goes.

"Deal with it," says the city and the police.

"Try having a conversation with your neighbor," says the city and the police.

Are you not creating a source of conflict? Homeowners may not want to "deal with it," and what happens when the "conversation with the neighbour" goes nowhere? What is next?

4. Odour - As I have mentioned, these giant plants are along our property line and, therefore, quite close to our yard, patio, and house. I suspect that many of you have not smelled a garden's worth of cannabis in person. In contrast to cannabis smoking, the smell of cannabis growth is persistent. We no longer use our backyard, and, most upsetting, the smell has reached our young child's bedroom.

Our son should not have to sleep on weed scented bedsheets in "the best city to raise a child."

For the aforementioned reasons, I need help in understanding how a previously illegal drug became legal overnight without a single by-law put in place. Burlington has a by-law which limits cannabis growth height to one metre (roughly 3 feet). Is that not a fairly reasonable restriction? Set plants back a few metres from the property line, perhaps?

Has council even considered the majority of individuals who choose not to live a cannabis lifestyle, those without 12 foot plants in the yard? All rights have been given to a tiny minority of people who want to grow cannabis, without any restrictions, in their yards. No thought or consideration has been given to the families that have to deal with the oftentimes negative and intrusive effects.

The by-law department told us that this issue is in your hands; please demonstrate responsibility by establishing reasonable restrictions regarding residential cannabis growth.

Marija Kott