

REPORT FROM THE DEPUTY CLERK AND ACCESSIBILITY COORDINATOR

DESCRIPTION

Re: Personal Recreational Cannabis Draft Personal Recreational Cannabis By-Law Update

RECOMMENDATION

That the report from the Deputy Clerk and Accessibility Coordinator be received;

And that based on the legal opinion of the City's solicitor, concerns regarding the personal production of recreational cannabis be addressed through public education;

And that the committee approve the attached PSA notice as an interim, first step towards community education and awareness.

BACKGROUND

The Clerks and Planning Department has done a great deal of research and information gathering including stipulations of *The Municipal Guide to Cannabis Legislation* in an effort to develop a personal recreation cannabis By-Law specifically for the members of the Elliot Lake community as a result of communicated public concerns.

At the September 6, 2022 By-Law and Planning Committee meeting a synopsis of the public input submitted during the four-week timeframe was amalgamated into a report and presented to committee for review and consideration. During this meeting it was noted that the drafted By-Law would then be presented to the Police Board meeting the following day of September 7, 2022. In attendance during this meeting was an expert on the Cannabis Legislation and legalization process along with staff, OPP, community members and members of council. During this meeting the question of enforcement and the ability to enforce was discussed in length. This point has been confirmed by legal counsel that *"given that the by-law is likely to have opponents, it is possible that an application to quash the By-law would be brought pursuant to Section 273 of the Municipal Act, 2001. Responding to an application to quash the by-law would come at a significant cost to the City even if the City was ultimately successful."*

ANALYSIS

As a result of the recent request to the Elliot Lake Council to address the ongoing cannabis issues within the community the Clerks and Planning Department has been working to find a suitable solution. This along with the Police Board meeting and all other forms of feedback received on this item has brought staff to the recommendation to the committee that this matter be addressed through public education and awareness as opposed to implementing a potentially unconstitutional by-law at this time. All medical cannabis related items are still regulated under the Medical Cannabis Act, all commercial operations will abide the AGCO rules and regulations.

The attached letter will further identify the advice obtained from the City's solicitor on this matter.

FINANCIAL IMPACT

N/A

LINKS TO STRATEGIC PLAN

Health and community wellness

SUMMARY

Following the advice of the City solicitor, the expert on the Cannabis Legislation and legalization, and OPP it is recommended that the committee approve the attached PSA notice as an interim measure for community education and awareness through the applicable platforms via the City's website, Facebook page and monthly mailer.