
MEMORANDUM

PDS-C 4-2021

Subject: Response to Town of Pelham Motion on Cannabis Appeals

Date: February 17, 2021

To: Planning and Economic Development Committee

From: Pat Busnello, Acting Director of Development Approvals

The purpose of this memorandum is to provide an update on a motion from Town of Pelham Council regarding cannabis related litigation. At its meeting on October 5, 2020, Pelham Council passed a motion ([see Town Motion here](#)) that, in part, requested that the Region seek Party status in the various Local Planning Appeal Tribunal (LPAT) appeals that were initiated by cannabis producers against decisions of the Town of Pelham on cannabis-related planning amendments. The Town's position was that, as a Party, the Region could offer direct evidence, planning expertise and testimony in support of the Town's recently amended Official Plan and Zoning By-law, which were modified, in part, with the input of Regional staff.

Background

In October 2018, Pelham Council directed Town staff to undertake a review of planning policies and regulations pertaining to cannabis related uses and to develop appropriate policies and regulations to manage and control these uses. An Interim Control By-law (ICBL) was passed and subsequently extended to restrict all cannabis related uses in the Town in order to complete the review. RedeCan Pharm has appealed the extension to the ICBL. Accordingly, town staff initiated an Official Plan (OPA) and Zoning By-law Amendment (ZBA) process for cannabis production and processing policies in July 2019. The Region provided comments to the Town on a draft OPA and ZBA in August 2019. The Town held a Public Meeting in October 2019 but the OPA and ZBA were not passed at that time.

Subsequently, in April 2020, the Region received a request for comments from the Town on a revised OPA and ZBA for cannabis policies and regulations. Following a meeting with Regional and Town staff, the Chair of the Town's Cannabis Control Committee and their planning consultant to discuss Regional concerns, the

amendments were revised to ensure conformity with Provincial and Regional policies. As a result of the revisions, the OPA was exempted from Regional Council approval in accordance with the *Planning Act*, the Memorandum of Understanding with the local area municipalities, and exemption Policy 14.E.7 of the ROP.

The final OPA and ZBA no longer prohibited cannabis as an agricultural use; however, included policies that Regional staff noted may distinguish cannabis from other crop types and Regional staff suggested modifications to ensure all commodity groups are treated equally.

Town Council approved the final OPA and ZBA on July 13, 2020 without the suggested modifications by Regional staff. Cann Trust Inc., RedeCan Pharm and Woodstock Biomed Inc. appealed the OPA and ZBA in August 2020.

Party Status

A summary of the civil proceedings against the Town pertaining to cannabis related matters can be found at the following link: [Town Report - Summary of Civil Proceedings](#). The Region was requested to seek Party status in the various proceedings to offer evidence in support of the amendments. The Town initiated the amendments and Regional staff determined that the amendments were exempt from Regional approval. The Town is the approval authority and there is no Regional mandate to warrant the Region seeking Party status. The Town has the ability to request that Regional staff appear before the LPAT to provide evidence. For these reasons it is recommended that the Region does not seek party status.

Respectfully submitted and signed by

Pat Busnello, MCIP, RPP
Acting Director, Development Approvals