

After opting in, now what?

By Brock Weir

Retail cannabis outlets may have received the green light from Aurora Council last week, but there is still work to do when it comes to pushing for tighter regulations, according to lawmakers.

As The Auroran reported last week, Council voted 5 ? 1 to opt-in to allowing retail cannabis sales, making Aurora one of just two York Region municipalities to say yes, following Whitchurch-Stouffville.

With their approval, however, came a request to the Alcohol and Gaming Commission of Ontario (AGCO), the provincial body regulating retail cannabis, to consider tightening restrictions as a matter of public interest when considering applications from potential private retailers along with proposed locations of where they hope to operate.

Retail pot shops under current legislation are not allowed to locate within 150 metres of schools, both public and private, but these restrictions do not follow for other places that youth might congregate, such as parks, community and recreation centres, and daycare facilities.

As such, in voting yes last Monday, Council called on the AGCO to review further restrictions that might be in the public interest.

?If Council does permit private cannabis retail stores, Council cannot enact a bylaw to license these stores, nor can they enact a bylaw that zones private cannabis retail stores as a separate land use from any other permitted retail use within the Town,? said Town Solicitor Patricia De Sario in a presentation at the January 21 Special Council meeting. ?However, operators of these stores are still required to comply with the Town's Official Plan and zoning bylaw in regards to zones and standards that apply to all retail stores. The store may only be located in a retail zone and must comply with retail setbacks and other standards.

?While there is a minimum distance separation from schools, there is no legislative requirement that prohibits a store from being too close to daycares, nurseries or other similar educational institutions that don't fit into either of those definitions. There are no minimum distance separations from other sensitive land uses such as parks, community centres, libraries, addiction centres and other private cannabis retail stores, or any other place that has similar type uses.

?Staff suggest that minimum distance setbacks from sensitive land uses would fall under ?matters of public interest' as defined by legislation and, therefore, AGCO should take these uses also into consideration as a matter of public interest when reviewing retail store authorization applications. Therefore, if Council chooses to opt in and permit private cannabis retail stores, then these issues might be addressed [in the resolution].?

The Province, she added, has made it clear that any money received by the municipality from the province through the sale of cannabis must only be used to pay for the implementation costs related to the legalization of cannabis, such as increased enforcement, increased response to public enquires, increased fire and paramedic services, as well as the development of related policies and bylaws.

?If Council chooses to opt in?[staff recommend] a resolution be passed that sets out Council-approved matters of public interest that AGCO should consider for every application and that delegates authority to Town Staff to make submissions on applications to the AGCO based upon these Council-approved matters of public interest.?

Council ultimately did just that.

In stating his position in favour of opting in, Mayor Tom Mrakas said that since cannabis is now a legal and controlled substance, energy would be best spent on looking at ways of managing the issue.

?Every municipality in the Province is going to bear the cost of the implementation of this Federal legislation and, in my mind, not enough has been done to support our municipalities in addressing these added costs.

?Rather than focusing on highly regulated retail sales, I believe our focus should be on developing a task force to deal with the management of enforcement issues as they relate to public health concerns of cannabis use in public spaces, in multi-unit housing, on impaired driving and safety standards related to home growing. We need a Regional strategy to address the complex issues associated with managing the associated enforcement issues.?

Added Councillor Sandra Humfries: ?We're hoping for the best for our Town. We'll make sure of it through superior enforcement with every retail store that gets opened here.?

Councillor Rachel Gilliland was of a similar view, noting that it was important to ?acknowledge the Province is committed to increasing the capacity of law enforcement'? to detect drug impairment through specialized training and through the support of local boards of health by giving them the tools they need to tackle the issue.

?I would have preferred greater control [over cannabis retail] through our bylaws and [the Province has] removed that from us as

well,? noted Councillor John Gallo. ?It is certainly not the best scenario, but it is what we have.?