



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall  
1229 Esquimalt Road  
Esquimalt, B.C. V9A 3P1

## Legislation Text

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### REQUEST FOR DIRECTION

**DATE:** February 2, 2021

Report No. CSS-21-002

**TO:** Laurie Hurst, Chief Administrative Officer

**FROM:** Blair McDonald, Director of Community Safety Services

**SUBJECT:**

Cannabis Retailers - Hours of Operation

**ESSENTIAL QUESTION:**

Does Council wish to change the allowable hours of operation for Cannabis Retailers as prescribed by the Business Licence Regulation Bylaw?

**RECOMMENDATION:**

That the Committee of the Whole receive Staff Report No. CSS-21-002 for information, provide any additional direction to staff as the COTW considers advisable, and direct staff to prepare a report for Council's consideration.

**BACKGROUND:**

In 2018, the Federal Government of Canada legalized recreational Cannabis. Subsequently the Province of British Columbia established a regime for approval of retail cannabis outlets and regulations relating to sales through the Cannabis Distribution Act. The Provincial statute allows Retail Cannabis stores to be open during the hours of 9 AM to 11 PM daily. Provincial regulations were drafted after significant public consultation.

In October of 2018, Council passed Bylaw No. 2943 which amended the Business Licence Regulation Bylaw, 2013, No. 2810 by amending section 24 to read as follows:

**Cannabis Retailers and Drug Paraphernalia**

24. (1) No person shall operate a business for the purposes of selling cannabis or drug paraphernalia within a 0.5 kilometer radius from any point on the grounds of an Elementary, Junior Secondary or High School within the Municipality.
- (2) No person carrying on a business shall display or permit to be displayed on a street or in any window facing a street, or elsewhere where it can be seen by a person outside

the premises, any cannabis or drug paraphernalia.

- (3) No person carrying on a business shall sell cannabis or drug paraphernalia to any person under the age of 19 years except where the premises are licensed as a pharmacy under the *Pharmacists, Pharmacy Operations and Drug Scheduling Act*.
- (4) No person shall operate a business for the purposes of selling cannabis or drug paraphernalia except between the hours of 9:00 a.m. and 6:00 p.m.

Council of the day passed this amendment before any Cannabis Retailers were approved for operation in the Township.

Council has recently indicated a desire to revisit the allowable hours in which Cannabis Retailers may operate.

### **ISSUES:**

The philosophy of Council was to restrict Cannabis Retailers in the initial stages of operation until some experience was gained with how retailers may operate.

A review of the hours of operation of Provincial Cannabis retailers show that there is a significant variety in the hours they operate. Hours range from as early as 9 AM and staying open as late as 9 PM. Most stores do not stay open until the allowable hour of 11 PM. The usual closing time in the evening, depending on the day of the week, ranges from 6 PM to 9 PM.

A review of some surrounding businesses in the same area as the Cannabis Retailers in the Township show the following hours of operation:

Red Barn - 6 AM to 8 PM - 7 days a week  
Tudor House Liquor - 9 AM to 11 PM - 7 days a week  
Chevron - Open 24 hours  
Tim Hortons - Closes at 9 PM each day  
Talia's Mini Market - Closes at 7 PM most days

An inquiry with VicPD indicates that the Community Resource Officers had "attended both" ... Cannabis Retailers in the Township ... "on December 09, 2020 as part of the *Holiday Connect*. Both businesses were clean and appeared to be managed well. All the staff we spoke with were polite and happy to see us pop in." VicPD "are unaware of any issues surrounding their operations."

### **ALTERNATIVES:**

1. That the COTW receive Staff Report No. CSS-21-002 for information, provide any additional direction to staff as the COTW considers advisable, and direct staff to prepare a report for Council's consideration.
2. That the COTW provide alternative direction to staff.
3. That the COTW request further information from staff.