



The County of Brant Retail Cannabis Policy Statement

1. Background

- 1.1 Bill C-45, the Cannabis Act came into effect on October 17, 2018. The Act legalizes access to recreational cannabis in Canada and controls and regulates how cannabis is grown, distributed and sold.
- 1.2 In Ontario, the Cannabis Licence Act, 2018 and Ontario Regulation 468/18 provide the Registrar of the Alcohol and Gaming Commission of Ontario (AGCO) with the authority to establish standards and requirements respecting the licensing of retail cannabis stores.
- 1.3 On January 8, 2019, County of Brant Council did not pass a resolution to “Opt Out” which resulted in the default position of “Opt-In” whereby allowing licenced retail cannabis outlets in the County of Brant. This decision was provided by Regulation, to the AGCO.

2. Purpose

- 2.1 The purpose of this policy statement is to adopt a format for the County of Brant to provide input to the Alcohol and Gaming Commission of Ontario (AGCO), as well as help prospective recreational cannabis retailers in their consideration of the location of cannabis retail stores in the County of Brant.
- 2.2 Provide municipal staff a framework on which to base comments to the AGCO during the 15 day comment window.
- 2.3 The AGCO is the provincial authority that licenses cannabis retail operators, authorizes cannabis retail locations, and licenses senior store staff. The County of Brant has no licensing authority.
- 2.4 The AGCO regulates and reviews all aspects of the retail operation, including municipal and public input. The County may submit comments to assess if the proposed store location is consistent with the public’s interest as defined in the regulations;

- Protecting public health and safety;
- Protecting youth and restricting their access to cannabis;
- Preventing illicit activities in relation to cannabis.

2.5 Assist individuals and businesses who are planning to make an application to the AGCO to operate a store, understand the local context of where a store may be most appropriate, understanding however, that all licensing is the sole responsibility of the AGCO.

2.6 The County of Brant has chosen to allow retail sales of recreational cannabis. The following provides potential retailers, municipal staff and the public with guidance on commenting to the AGCO when a notice on a specific proposed cannabis retail store site is provided on the site location.

3. Scope

3.1 This policy applies to all Notices of Proposed Retail Cannabis Stores in the County of Brant that will be provided by the AGCO.

4. Principles for Cannabis Retail Store Locations Relationship to Other Applicable Law

4.1 Land Use Planning: The provincial licensing process does not remove the requirement to comply with the zoning by-law and other municipal planning documents. The designations within the Official Plan provide for commercial land uses, and definitions within the Zoning By-Law of the County of Brant are applicable to all retail, including cannabis retail stores.

4.2 The County acknowledges that retail (cannabis) stores are permitted within Commercial Zones (C1- C5) under the County of Brant Zoning By-law #61-16 as amended.

4.3 Municipal Building Inspections: While the licensing of the store operation is the responsibility of the AGCO, the Building Code applies to cannabis retail store locations. Therefore, where a building permit is required, the building inspector will undertake duties as usual. Fire Code compliance is also mandatory.

4.4 Signage must comply with the County of Brant Sign By-law as amended.

5. Cannabis Retail Stores and Sensitive Activities:

5.1 In order to help ensure public health and safety, protect youth and reduce illegal sales, retail cannabis stores are discouraged from being located within 150 metres of properties that are designed to serve youth, including:

- Arenas
 - Community Pools
 - Libraries
 - Youth Centres
 - County owned parks
 - Community Centres
 - Places of Worship
 - Other sensitive facilities for social services that serve persons with mental health or addiction challenges.
 - Childcare Facilities - Applicants are also encouraged to check the official list via the Ministry of Education at <https://www.iaccess.gov.on.ca/LCCWeb/childcare/searchResults.xhtml>
 - The County may also provide comments on other sensitive uses on a case by case basis recognizing the complexities that municipalities face with respect to land uses.
- 5.2 Cannabis retail stores should also have a minimum distance from other cannabis retail stores to prevent clustering. Stores should ideally be part of a retail commercial establishment that provides appropriate traffic circulation and parking on site.
- 5.3 It is the County of Brant's position that the Registrar for the AGCO respect these locally sensitive uses and not permit a retail cannabis store within 150 metres of these uses which is consistent with the provincial requirement.
- 5.4 Provincial regulations made under the Cannabis Act require Cannabis Retail Stores to be located at least 150 metres from a School as defined under the Education Act.
- 5.5 Sensitive uses that are the primary or only occupant of a building, 150 metres shall be measured from the property line of the property on which the sensitive activity is located.
- 5.6 If the sensitive use is not the primary or only occupant of a building, 150 meters shall be measured from the boundary of any space occupied by the sensitive activity within the building.