Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement local

ISSUE DATE: May 10, 2019 **CASE NO(S).:** PL180818
PL180819

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Red Hill Cannabis Inc.
Appellant:	The Green Organic Dutchman Holdings Limited
Subject:	Proposed Official Plan Amendment No. OPA 21
Municipality:	City of Hamilton
OMB Case No.:	PL180818
OMB File No.:	PL180818
OMB Case Name:	Red Hill Cannabis Inc. et al v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Red Hill Cannabis Inc.
Appellant:	The Green Organic Dutchman Holdings Limited
Subject:	By-law No. 18-266
Municipality:	City of Hamilton
OMB Case No.:	PL180818
OMB File No.:	PL180819

Heard: May 2, 2019 in Hamilton, Ontario

APPEARANCES:

Parties	**Counsel*/Representative**
City of Hamilton	Patrick MacDonald and Stephen Chisholm
The Green Organic Dutchman Holdings Limited	Melissa Winch
Red Hill Cannabis Inc.	Anna Toumanians
Beleave Inc.	Andrew Jeanrie

MEMORANDUM OF ORAL DECISION DELIVERED BY GERALD S. SWINKIN AND JOHN DOUGLAS ON MAY 2, 2019

[1] This hearing event before the Local Planning Appeal Tribunal (the "Tribunal") was the first Case Management Conference ("CMC") with respect to the appeals of Official Plan Amendment 21 ("OPA 21") and its implementing amendment by Zoning By-law No. 18-266 (the "Zoning Amendment") as adopted and enacted respectively by the Council of the City of Hamilton (the "City").

[2] The enactments were appealed by The Green Organic Dutchman Holdings Limited ("TGOD") and by Red Hill Cannabis Inc. ("Red Hill").

The Planning Instruments

[3] The purpose of OPA 21, as expressed in its Purpose statement, is to revise medical marihuana growing and harvesting facility policies to reflect the recent approval of the *Cannabis Act* and to include additional regulations related to the use.

[4] The City divides its official plan into a Rural Hamilton Official Plan and an Urban Hamilton Official Plan. OPA 21 effects amendments only to the Rural Hamilton Official Plan.

[5] The implementing Zoning Amendment introduces new definitions into the new

Comprehensive Zoning By-law No. 05-200, as amended, most particularly with respect to a “Cannabis Growing and Harvesting Facility”, and replaces references to medical marihuana throughout the by-law with reference to cannabis in its place.

[6] The Zoning Amendment introduces new Additional Regulations for Cannabis Growing and Harvesting Facility as well as enhanced setback standards from sensitive uses, the latter being the provisions which largely drew the appeals.

The Parties

[7] TGOD and Red Hill are licensed cannabis producers with facilities in the City and they maintain aspirations of expansion for those facilities.

[8] Being formal appellants, TGOD and Red Hill are statutory Parties, as well as the City.

[9] In accordance with the requirements of s. 40 of the *Local Planning Appeal Tribunal Act*, 2017 (“LPATA”), a submission was made to the Tribunal for party status on behalf of Beleave Inc. (“Beleave”). Beleave owns a farm property municipally known as 1653 Hwy. 6 in the former Flamborough area, upon which it presently grows cannabis, and undertakes production of, and research with respect to, cannabis.

[10] Beleave’s counsel, Andrew Jeanrie, advised the Tribunal that Beleave is presently pursuing a private application for official plan amendment and zoning amendment with respect to these lands for the purpose of securing permissions and regulations that will accommodate its operational needs. That application is apparently at the stage where the statutory public meeting will occur within two weeks’ time from the date of the CMC.

[11] Mr. Jeanrie is hopeful that the private application will yield the approvals being sought by Beleave. However, in order to ensure input into the general policies and requirements which emanate from OPA 21 and the Zoning Amendment, Beleave has

sought party status in this proceeding.

[12] None of the statutory parties objected to the grant of party status to Beleave. The Tribunal was satisfied that Beleave has a sufficient interest in the matter as to be of assistance to the Tribunal and can address the statutory tests that would have to be considered by the Tribunal in any ultimate hearing. As such, the Tribunal granted party status to Beleave.

Opportunities for Settlement

[13] Section 39(2) of LPATA obliges the Tribunal to explore with the Parties opportunities for settlement.

[14] The Tribunal was advised that TGOD has settled its issues with the City regarding these matters through the instrumentality of resolution of its private applications for official plan amendment and zoning amendment. In fact, the settlement hearing with respect to those private applications was scheduled to follow this CMC. Upon the approval of the settlement in that proceeding, by way of commitments in formal Minutes of Settlement, TGOD undertook to withdraw its appeals of OPA 21 and the Zoning Amendment.

[15] As of the drafting of the Decision in this proceeding, the Tribunal has conducted that settlement hearing, allowed the TGOD appeals in accordance with forms of official plan amendment and zoning amendment agreed upon between TGOD and the City and approved those amendments. Consequently, the TGOD appeals in this case are withdrawn.

[16] The Tribunal canvassed with counsel for Red Hill the prospect of settlement. Anna Toumanians advised that although only in the early stages, some discussions have occurred between her client and the City and she was optimistic that this may lead to resolution of their issues and ultimate settlement of the appeals.

(The “Rail Deck Case”) (Canadian National Railway Co. v. Toronto (City) 2018 CanLII 102206 (ON LPAT))

[17] All parties were in concurrence that, if the appeals are not settled, the hearing should not be scheduled until the decision of the Divisional Court in the Rail Deck Case has been rendered, as this may impact the treatment of the evidence and filings in this appeal.

[18] The directions which have been sought from the court by way of the stated case address fundamental issues with respect to the matter of affidavit evidence and the question of cross-examination on such affidavits, as well as any evidence which may be adduced at the instance of the Tribunal by requiring the attendance of witnesses before the Tribunal at the hearing.

[19] There are many instances now of hearings being deferred pending the issuance of the court’s disposition on the application which is before it in the Rail Deck Case.

[20] This panel of the Tribunal assented to the requested deferral of the scheduling of the hearing in this matter pending the issuance of the court’s disposition.

[21] The Tribunal determined that following the court’s disposition, counsel in this matter should conduct a discussion as to the impact of that decision on the issues in these appeals and any effect on the procedure which has been, or may be, followed regarding the receipt of evidence in this proceeding. Counsel should then contact the case coordinator at the Tribunal to canvas a date and time for the scheduling of a telephone conference call (“TCC”) amongst the Parties and this Member.

[22] The intention is that the matter of scheduling the hearing of these appeals would be addressed on the TCC as well as any procedural matters that are attendant upon the requirements of LPATA and the Tribunal’s *Rules of Practice and Procedure* in light of the direction from the court regarding same.

[23] The fixing of the date for the TCC should be beyond the last date for the seeking of leave to appeal the court decision, so that the Tribunal and the Parties know whether there will be pursuit of an appeal of that decision or not.

[24] In any event, the TCC should be scheduled no later than six months from the issuance of this disposition.

[25] The Tribunal, in aid of the most effective use of the TCC, requests that counsel submit an agenda in advance of the call setting out the matters to be addressed on the TCC, along with any material that may be apposite in that regard.

Timeline under Ontario Regulation 102/18

[26] In light of the importance of the Divisional Court decision to the conduct of any hearing which may proceed with respect to these appeals, under the authority of s. 1(2).1.ii of Ontario Regulation 102/18, the Tribunal will exclude from the calculation of months in s. 1(1) of that Regulation the time from the CMC hearing until the Tribunal has commenced a hearing of the appeals, in order to secure a fair and just determination of the appeals.

Motion for Partial Approval of Unappealed Portions of OPA 21 and the Zoning Amendment

[27] The City served and filed a Notice of Motion seeking a determination by the Tribunal under s. 17(27) of the Planning Act as to the effectiveness of those portions of OPA 21 which were not appealed and an order under s. 34(31) of the Planning Act providing that those portions of the Zoning Amendment which were not appealed are deemed to have come into force as of the day of by-law enactment.

[28] That Motion was supported by the affidavit of Joanne Hickey-Evans, Manager, Policy Planning and Zoning By-law Reform at the City. Ms. Hickey-Evans' affidavit had attached to it copies of the two planning instruments, which by yellow highlighting

identified the provisions which remained under appeal.

[29] Counsel for the Parties assented to allowing the Motion. The Tribunal was satisfied, based upon the filed evidence and the submissions of counsel, that the annotated planning instruments accurately reflected the provisions which remained under appeal.

[30] Consequently, the Tribunal exercises its authority to determine under s. 17(27) of the *Planning Act* that the provisions set forth on the version of OPA 21 attached to this Decision as Attachment 1 which are not highlighted are in force as of the day after the last day for filing an appeal as to that amendment. The Tribunal also orders, under the authority of s. 34(31) of the *Planning Act* that the provisions of the Zoning Amendment attached as Attachment 2 to this Decision which are not highlighted are in force as of the day of enactment of the Zoning Amendment.

[31] There being no further matters to address, the CMC was adjourned.

[32] The Tribunal orders the determinations and directions which are embodied in this Decision.

"Gerald S. Swinkin"

GERALD S. SWINKIN
MEMBER

"John Douglas"

JOHN DOUGLAS
MEMBER

ATTACHMENT 1

Authority: Item 9, Planning Committee
Report: 18-013 (PED18194)
CM: September 12, 2018
Ward: City Wide

Bill No. 264

CITY OF HAMILTON

BY-LAW NO. 18-264

To Adopt:

Official Plan Amendment No. 21 to the

Rural Hamilton Official Plan

Respecting:

Cannabis Growing and Harvesting Facilities

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 21 to the Rural Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 12th day of September, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

The text highlighted in yellow show the portions of the RHOPA that remain under appeal.

Schedule "1"

Dated: April 10, 2019

Rural Hamilton Official Plan
Amendment No. 21

The following text constitutes Official Plan Amendment No. 21 to the Rural Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to revise medical marihuana growing and harvesting facility policies to reflect the recent approval of the *Cannabis Act* and to include additional regulations related to the use.

2.0 Location:

Lands affected by this Amendment are located within the Agricultural, Rural and Specialty Crop Land Use Designations, as identified on Volume 1, Schedule D of the RHOP.

3.0 Basis:

The basis for permitting this Amendment is:

- The Federal government introduced the *Cannabis Act* which allows for the growing and harvesting of cannabis for recreational purposes. A consistent policy framework for both medical and recreational marihuana is appropriate;

- The addition of separation distances between sensitive land uses and a cannabis production facility additional regulations to separate a cannabis production facility from sensitive land uses; and,

- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Text

4.1.1 Chapter D – Rural Systems/Designations

a. That Policy D.2.1.1.4 of Section D.2.1 – Permitted Uses, be amended by:

i) deleting the words "medical marihuana" and replacing them with "cannabis";

ii) adding three new policies, as follows:

"c) The testing, packaging, and shipping of cannabis shall be *accessory to the cannabis production growing and harvesting* facility;

d) An appropriate setback between a cannabis production growing and harvesting facility and a *sensitive land use* shall be established in the Zoning By-law;

g) In accordance with Section F.1.19 – Complete Application Requirements and Formal Consultation, the following studies shall be submitted as part of an official plan amendment, zoning by-law amendment and site plan applications:

i) Odour and Dust Impact Assessment;
ii) Light Impact Assessment;
iii) Transportation Impact Study;
iv) Hydrogeological studies; and,
v) any other appropriate studies, identified as part of the complete application and formal consultation process; and,"

and renumbering the existing clauses c), d) and e) to clauses e), f) and h).

b. That renumbered Policy D.2.1.1.4 h) of Section D.2.1 – Permitted Uses, be amended by:

i) deleting the words "size and" between the words "building" and "location";

ii) replacing the word "set-backs" with the word "setbacks"; and,

iii) adding the words ", sustainable private services, odour/dust, traffic" between the words "drainage" and "and",

so that the policy reads, as follows:

"D.2.1.1.4 h) The establishment of a new *cannabis production growing and harvesting facility* or the expansion of an existing facility shall be subject to Site Plan approval to address the appropriate building location, setbacks, drainage, sustainable private services, odour/dust, traffic and any other matters."

c. That Section D.6.6 – Permitted uses be amended by adding a new clause c) as follows:

c) a cannabis production growing and harvesting facility, in accordance with the regulations in Policy D.2.1.1.4.

and renumbering the subsequent policies.

4.1.2 Chapter G – Glossary

a. That the definition of Medical Marihuana Growing and Harvesting Facility Production Growing and Harvesting Facility be deleted and replaced with the following new definition:

"**Cannabis Growing and Harvesting Facility**: shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of cannabis, for a facility where a licence, permit or authorization has been issued under applicable federal law."

5.0 Implementation:

An implementing Zoning By-Law Amendment will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. 18-264 passed on the 12th of September, 2018.

The
City of Hamilton

F. Eisenberger
MAYOR

J. Pilon
ACTING CITY CLERK

ATTACHMENT 2

PL180818 - The text highlighted in yellow show the portions of the By-law that remain under appeal.

Authority: Item: 9, Planning Committee
Report :18-013 (PED18194)
CM: September 12, 2018
Wards: City Wide

Dated: April 10, 2019

Bill No. 266

CITY OF HAMILTON

BY-LAW NO. 18-266

To Amend Zoning By-law No. 05-200
Respecting General Text for Greenhouses, Aquaponics and Cannabis Growing and Harvesting Facilities

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to different areas incorporated into the City by virtue of the *City of Hamilton Act, 1999,* S.O. 1999, Chap. 14;

WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

WHEREAS the first stage of the new Zoning By law, being By-law No. 05-200, came into force on the 25th day of May, 2005;

WHEREAS the Council of the City of Hamilton, in adopting Item 9 of Report 18-013 of the Planning Committee, at its meeting held on the 12th day of September, 2018, which recommended that Zoning By-law No. 05-200 be amended as hereinafter provided; and,

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Official Plan Amendment No. 112.

WHEREAS this By-law is in conformity with the Rural Hamilton Official Plan, upon approval of Official Plan Amendment No. 21.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That SECTION 3: DEFINITIONS of By-law No. 05-200 is hereby amended as follows:

1.1 That the definition of **Agricultural Processing Establishment - Stand Alone** be amended by adding the words “or processing of cannabis products” after the words “Agricultural Brewery/Cidery/Winery”.

1.2 That the definition of **Agriculture** be amended by deleting the words “medical marihuana” and replacing with “cannabis”;

1.3 That the definition of **Medical Marihuana Growing and Harvesting Facility** be deleted and replaced with the following new definition

"**Cannabis Growing and Harvesting Facility** shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of cannabis, for a facility where a licence, permit or authorization has been issued under applicable federal law. "

1.4 That the definition of **Urban Farm** be amended by deleting the words "medical marihuana" and replacing with "cannabis".

2. That SECTION 5: PARKING be amended as follows:

2.1. That Subsection 5.6 vi be amended by deleting the words "medical marihuana" and replacing them with "cannabis".

3. That SECTION 9: INDUSTRIAL ZONES be amended as follows:

3.1 That Subsection 9.2.1 - PERMITTED USES is amended by deleting the words "medical marihuana" and replacing them with the word "cannabis".

3.2 That Subsection 9.2.3 l) - Additional Regulations For Medical Marihuana Growing and Harvesting Facility be amended by:

a) deleting the words "medical marihuana" and replacing them with the word "cannabis";

b) amending clause ii) to delete "h)" and replace it with "i); and,

c) adding the following new clause as iii) :

"iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from:

a) any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone; and,

b) any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment, residential care facility, place of worship, day care or park in a Rural Classification Zone."

3.3 That Subsection 9.3.1 - PERMITTED USES is amended by deleting the words "medical marihuana" and replacing them with the word "cannabis".

3.4 That Subsection 9.3.3 s) - Additional Regulations For Medical Marihuana Growing And Harvesting Facility be amended by:

a) deleting the words "medical marihuana" and replacing them with the word "cannabis";

b) amending clause ii) to delete "m)" and replace it with "o); and,

c) adding the following new clause as iii) :

"iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from:

a) any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone; and,

b) any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment, residential care facility, place of worship, day care or park in a Rural Classification Zone."

3.5 That Subsection 9.5.1 - PERMITTED USES is amended by deleting the words "medical marihuana" and replacing them with the word "cannabis".

3.6 That Subsection 9.5.3 k) - Additional Regulations For Medical Marihuana Growing And Harvesting Facility be amended by:

a) deleting the words "medical marihuana" and replacing them with the word "cannabis"; and,

b) deleting the existing clause iii) and replacing it with a new clause as iii) :

"iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone."

3.7 That Subsection 9.6.1 – PERMITTED USES is amended by deleting the words "medical marihuana" and replacing them with the word "cannabis".

3.8 That Subsection 9.6.3 s) - Additional Regulations for Medical Marihuana Growing and Harvesting Facility be amended by:

a) deleting the words "medical marihuana" and replacing them with the word "cannabis"; and,

b) delete clause iii) and replace it with the following new clause :

"iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone."

3.9. That Subsection 9.10.1– PERMITTED USES be amended by adding the following three new uses alphabetically:

a) Aquaponics;

b) Greenhouse; and,

c) Cannabis Growing and Harvesting Facility

3.10 That Subsection 9.10.2 l) – PROHIBITED USES be amended by deleting "agricultural greenhouse";

3.11. That Subsection 9.10.3 - REGULATIONS be amended by adding the following new provisions and renumbering the subsequent clauses:

m) Additional Regulations for Cannabis Growing and Harvesting Facility	In addition to the regulations of Section 9.10.3, the following additional regulations shall apply:
	i) Notwithstanding Section 9.10.3 g), no outdoor storage or outdoor assembly shall be permitted.
	ii) Notwithstanding Section 9.10.3 l), no retail sales shall be permitted.
	iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from: a) any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone; and, b) any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment,

	residential care facility, place of worship, day care or park in a Rural Classification Zone.

3.12. That Subsection 9.11.1- PERMITTED USES be amended by adding the following threes new uses alphabetically:

a) Aquaponics;

b) Greenhouse; and,

c) Cannabis Growing and Harvesting Facility

3.13 That Subsection 9.11.2. iii) be deleted in its entirety and renumber the subsequent clause.

3.14. That Subsection 9.11.3 - REGULATIONS be amended by adding the following new provisions and renumbering the subsequent clauses:

o) Additional Regulations for Cannabis Growing and Harvesting Facility	In addition to the regulations of Section 9.11.3, the following additional regulations shall apply:
	i) Notwithstanding Section 9.11.3 m), no outdoor storage or outdoor assembly shall be permitted.
	ii) Notwithstanding Section 9.11.3 o), No retail sales shall be permitted.
	iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from: a) any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone; and, b) any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment, residential care facility, place of

	worship, day care or park in a Rural Classification Zone.

3.15 That Subsection 9.12.3.1 m) - Additional Regulations for Medical Marihuana Growing and Harvesting Facility be amended by:

a) deleting the words “medical marihuana” and replacing them with “cannabis”;

b) deleting “20” and replacing it with “30” in clause iii);

c) adding the following two new clauses as iii) and iv) and renumbering the subsequent clauses:

“iii) The testing, packaging, and shipping shall be accessory to the cannabis growing and harvesting facility.

iv) Notwithstanding Section 4.12 c), any building, structure used for a cannabis growing and harvesting facility shall be setback a minimum of 150 metres from:

1. any portion of a lot line abutting a Settlement Residential (S1), Settlement Commercial (S2) or Settlement Institutional (S3) Zones; or

2. any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment, residential care facility, place of worship, day care or park.”

4. That SECTION 12: RURAL ZONES be amended as follows:

4.1 That Subsection 12.1.3.1 m) - Medical Marihuana Growing and Harvesting Facility be amended by:

a) deleting the words “medical marihuana” and replacing them with “cannabis”;

b) deleting “20” and replacing it with “30” in clause iii);

c) adding the following two new clauses as iii) and iv) and renumbering the subsequent clauses:

“iii) The testing, packaging, and shipping shall be accessory to the Cannabis Growing and Harvesting Facility.

iv) Notwithstanding Section 4.12 d), any building, structure used for a cannabis growing and harvesting facility shall be setback a minimum of 150 metres from:

1. any portion of a lot line abutting Residential, Institutional Commercial and Mixed Use Zones, Settlement Residential (S1), Settlement Commercial (S2) or Settlement Institutional (S3) Zone; or,

2. any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment, residential care facility, place of worship, day care or park."

4.2 That Subsection 12.2.3.1 m) - Medical Marihuana Growing and Harvesting Facility be amended by:

a) deleting the words "medical marihuana" and replacing them with "cannabis";

b) deleting "20" and replacing it with "30" in clause iii);

c) adding the following two new clauses as iii) and iv) and renumbering the subsequent clauses:

"iii) The testing, packaging, and shipping shall be accessory to the Cannabis Growing and Harvesting Facility.

iv) Notwithstanding Section 4.12 d), any building, structure used for a cannabis growing and harvesting facility shall be setback a minimum of 150 metres from:

1. any portion of a lot line abutting Residential, Institutional Commercial and Mixed Use Zones, Settlement Residential (S1), Settlement Commercial (S2) or Settlement Institutional (S3) Zone; or,

2. any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment, residential care facility, place of worship, day care or park.".

5.0 That Schedule "C" – SPECIAL EXCEPTIONS is amended by:

a) That Special Exceptions 271 and 459 be amended by deleting the words "medical marihuana" and replacing them with "cannabis";

6.0 That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the *Planning Act*.

7.0 That this By-law comes into force in accordance with Section 34 of the *Planning Act.*

PASSED this 12th day of September, 2018

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

CI-18-H