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Solutions to address health and safety issues relating to marijuana production

July 2015

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Background

Residential and illegal grow operations

Illegal marijuana grow operations (MGOs) exist in communities across Alberta, taking place in high-rise apartments in the inner city to family houses in the suburbs to acreages in rural areas. As well, marijuana is being grown in residences owned by individuals that have a personal marijuana production license. While a pending lawsuit may resolve the issue of whether personal production of medical marijuana should be legal, the licensed and illegal grow operations present an indisputable risk to communities.

Similar to other agricultural products, marijuana is inappropriate to grow in residential properties due to significant environmental hazards. In many instances, growers use and dispose of toxic chemicals in a way that pollutes surface and ground water and the soil. In addition, the impact of the humidity and/or alterations to residences can render the buildings structurally unsound and often uninhabitable within a short period of time. Long after the growing is stopped, the site often remains a vacant, abandoned, and dangerous eyesore given ground contamination and a lack of structural integrity.

MGOs attract criminal activity to neighbourhoods. Police report that operators often set trip wires and other devices to secure their operations. As well, drug traffic is drawn into the neighborhoods, increasing break ins and violence. Operators tamper with electricity lines, causing dangerous live electrical lines to become exposed through the yard and house. Major residential fires may consequently erupt and threaten neighbouring properties and public safety.

In response to these concerns, the Government of Alberta undertook a three month consultation process with a broad range of stakeholders in 2013 to gather information about marijuana grow operations and to develop recommended solutions. The resulting *Grow Op Free Alberta Final Recommendations Report* was released in May 2014, identifying 37 key recommendations covering the following topics:

- Detection, Notification and Disclosure
- Community and Environmental Impact
- Inspection and Remediation
- Child Protection
- Safety and Health Hazards
- Utility Usage and Theft
- Licensed Grow Ops—Medical Marijuana Access Program

As requested by the provincial government, AUMA's 2015 Task Force on Marijuana Production reviewed and prioritized these recommendations, considering potential additional actions and municipal roles and responsibilities. These responses are included in the next section.



Medical marijuana production facilities

Medical marijuana has been legal and regulated by Health Canada since 2001. Initially, a federal regulation allowed individuals who had been prescribed medical marijuana to apply for a personal production license or for other individuals to apply for a designated person production license. In 2014, new federal regulations were introduced that requires medical marijuana users to obtain their product solely from commercial suppliers. While the new legislation has a current unresolved court challenge that allows those who held a license under the previous system to continue to grow their own marijuana, it has already led to a large increase in the number of commercial medical marijuana production facilities across the country.

Similar to MGOs and personal production in residences, commercial operations may present health and safety issues if not properly regulated and inspected by the federal or other orders of government, due to the high moisture content in the air, the use of fertilizers, the potential for air quality or odour concerns, and the potential for attempts at theft. In response to these concerns, Health Canada has put in place a number of measures to ensure the safety of these facilities.

Under the new regulations, prospective commercial medical marijuana producers must undergo a five stage process to receive a production license from the federal government:

1. Preliminary screening including an initial review of application materials to ensure they are complete.
2. Advanced screening to review the location of the proposed site, ensure the facility will not have any risk to public safety, and confirm that the facility will be in compliance with all provincial and municipal restrictions.
3. Security clearance of applicants by the RCMP.
4. Review process to confirm that all requirements are met.
5. Site and facility review to ensure that all security and construction requirements are met.

Approved facility operators are required to provide notification to municipal authorities and local police prior to beginning operations. While this ensures that municipalities and police are aware of facilities, the notification process is currently one-way and does not involve opportunity for adequate consultation regarding local concerns.

The federal government reports that requirements are stringently applied and that roughly 60 per cent of applicants are screened out in the first stage and further screening out in subsequent stages. Of 1,200 applications received between March 2014 and June 2015, 880 were rejected or withdrawn. There is currently only one licensed producer in Alberta.

After a site is operational, it is subject to unannounced monthly inspections by Health Canada. To date, 215 inspections have taken place resulting in five license recalls due to product non-



compliance. Municipalities are not involved in these inspections, nor do they receive any information on the results.

While the Health Canada efforts to stringently assess applications and inspect facilities are laudable, there are still several concerns regarding medical marijuana production facilities that may cause public harm. Specifically, the current system fails to give municipalities the opportunity to ensure facilities are developed in areas with compatible surrounding land uses, current taxation systems are inadequate to account for the municipal services facilities concern, and a lack of communication and alignment between Health Canada, provincial governments, and municipalities clouds the process of facility development and impedes public safety operations.

Although the application process requires prospective facilities to be in compliance with municipal regulations (e.g. zoning bylaws), municipalities cannot ensure that facilities are developed in appropriate locations if they are not defined in their zoning bylaw at the time of application for a development permit. Unless otherwise defined, a medical marijuana facility is considered an agricultural use. As such, it may be built on any land that permits agricultural uses.

In addition to land use controls, taxation issues have been raised. Medical marijuana production facilities consume municipal services such as solid waste removal, water, police, and road infrastructure at the municipality's cost. However, under Alberta's Municipal Government Act medical marijuana production facilities are defined as farm buildings under non-residential use for taxation purposes. Farm buildings are taxed at a reduced value, or completely exempted in the case of rural municipalities, meaning that medical marijuana production facilities do not adequately contribute to the costs of the services they consume.

Concerns have also been raised that communication between municipalities and Health Canada, as well as between Health Canada and other levels of government, are not adequate to address concerns regarding site development and public safety challenges. Federal, provincial, and municipal interests in health and safety are currently not coordinated or aligned, leaving potential gaps that could cause public harm should facilities be located beside incompatible land uses such as schools or residential areas. Given that they are on the front line of local issues, municipalities often hear such concerns from the public but are powerless to effectively respond under the current system.

The working group has developed a set of recommendations to address these concerns and ensure medical marijuana facilities are developed and operated safely and without negatively impacting communities.



Recommendations

Residential and illegal grow operations

The AUMA Task Force reviewed the findings of the *Grow Op Free Alberta Final Recommendations Report*, and developed ten priority actions to respond to residential and illegal grow operations. As the Task Force group generally supported the recommendations in the report, there is concern that responsibilities could be downloaded on municipalities that lack the capacity and resources to handle them. Therefore, the working group developed a consensus that the recommendations should be championed by the federal and provincial governments (see appendix B for detailed group feedback and recommendations). These recommendations apply to both residential licensed medical marijuana production that is currently allowed pending the outcome of current litigation, as well as illegal grow operations.

These recommendations are in support of the following specific outcomes that the working group has identified:

- Prevention of the development of additional grow ops
- Discovery of existing grow ops
- Consistency of inspections
- Efficient, consistent, and effective remediation

The ten priority actions that the working group has identified are:

1. Further develop and formalize lines of communication between agencies, municipalities, law enforcement, and the general public regarding grow-ops as well as remediation. Develop a centralized information sharing network administered by the province for the reporting and dissemination of information regarding identified grow ops. (Report Recommendations 2, 3, and 5).
2. Legislate and enable mandatory disclosure for certain groups (e.g. real estate agents, mortgage lenders, insurance companies) if they suspect a property is being or has been used as a grow op. (Report Recommendations 6, 8, and 33).
3. Establish resources and guidelines on environmental contamination testing and remediation standards, including air quality testing guidelines. (Report Recommendations 9, 11, 16, and 30).
4. Develop resources, guidelines, and well-established role clarity for municipal and provincial remediation processes, including ensuring that municipal permits and inspections are appropriately obtained prior to remediation and developing a remediation certificate program. In addition to encouraging municipal partnerships, develop a team to work in conjunction with the provincial Green Team including safety



- codes officers, other inspectors, and AHS officials to assist local officials in the consistent application of standards. (Report Recommendations 12-15, 22, 26, and 27).
5. Require annual or semi-annual landlord inspections and enable landlords with expedient measures for the eviction of grow ops. (Report Recommendation 17).
 6. Expand bylaw and enforcement powers of municipalities to quickly and effectively respond to hazards associated with grow ops. (Report Recommendation 19).
 7. Provide municipalities and the province with clearly defined powers for requiring remediation and for requiring that remediation be performed within a specific period of time. (Report Recommendations 20, 23).
 8. Expedite the process by which municipalities may recover costs associated with remediation or demolition of contaminated and abandoned property. Establish a remediation fund to assist in efficient and speedy remediation. (Report Recommendation 21).
 9. Legislatively empower provincial and municipal entities with expanded powers to conduct mandatory health and safety inspections of reported grow ops. (Report Recommendation 29).
 10. In the development and implementation of changes responsive to the above recommendations, the province should develop teams including appropriate municipal stakeholders and experts to fully explore the municipal impacts of each change to policy and legislation.



Medical marijuana production facilities

The working group identified a series of actions that could be taken at the municipal, provincial, and federal levels to improve the medical marijuana production facility process. These actions (see appendix) have been adapted into the following recommendations for new municipal, provincial, and federal powers and responsibilities.

Municipalities are recommended to:

- Develop and distribute a resource through AUMA to inform municipalities about the medical marijuana production facility licensing process and actions they can take regarding the siting and regulation of production facilities.
- Establish a point of contact in municipalities to receive information about applications for and inspections of licensed medical marijuana facilities.
- Provide feedback on provincially or federally required impact assessments regarding water, sewer, energy usage, environmental impacts, transportation considerations, and public.

The provincial government is recommended to:

- Establish a central point of contact to disseminate information to municipalities about medical marijuana production facilities and the licensing process.
- Involve the Ministry of Environment and Parks in the licensing process to monitor for the environmental impacts of production facilities including water and ground contamination.
- Require applicants to conduct impact and risk assessments regarding water, sewer, energy usage, environmental impacts, transportation considerations, security, and public safety prior to the development of a production facility, and report on them with input or response from impacted municipalities.
- Redefine medical marijuana production as non-agricultural under the Municipal Government Act to allow sufficient taxation of facilities.
- Develop team to work with the Green Team to including safety codes officers, other inspectors, and AHS officials to assist local officials in the consistent application of standards.
- Enable municipal authorities such as police, fire departments, and members of an expanded provincial team to regularly inspect medical marijuana production facilities.



The federal government is recommended to:

- Send applications and updates to an established point of contact at municipalities, and communicate with the point of contact to ensure the proposed use meets all local zoning bylaws prior to passing the applications through stage 1 of the approval process.
- Communicate monthly updates on applications and inspections with affected municipalities.
- Provide a line of communication and online reporting mechanism for municipalities to utilize in exchanging information and concerns with Health Canada.
- Consult with the provincial government to ensure that proposed facilities are compliant with local and provincial rules.
- Allow municipal authorities, local fire, and local police to accompany Health Canada inspectors in monthly inspections.
- Conduct public notification and consultation with Health Canada officials as a stage in the licensing process.
- Establish and clarify definitions, requirements, and processes in the application procedure and ongoing inspections to formalize and enhance current practices such as monthly inspections.



Concluding comments

The recommendations of the Working Group on Marijuana Production were arrived at after careful deliberation and significant discussion and research. These recommendations, however, should not be viewed as the final word on municipal interests on this issue. As the recommendations emphasize, these are complex issues that require continued engagement and cooperation of all three levels of government, including in the development and implementation of policy and legislative changes stemming from these recommendations.

These recommendations should be considered in the light of the extremely diverse contexts, capacities, and resources of Alberta municipalities. For this reason, across-the-board downloading of additional responsibilities to municipalities should be avoided. Additional powers granted to municipalities should be accompanied by appropriate supports and guidance that allow municipalities to rely in varying degrees on the expertise of the federal and provincial government, as well as the expertise and resources of other municipalities through partnership.



Appendix

Medical marijuana issues

This table reflects the working group’s identification of concerns related to medical marijuana production facilities. For municipal, provincial, and federal levels of government, it identifies current tools as well as a desired future state for each of these concerns.

Issue	Municipal tools and authorities	Provincial tools and authorities	Federal tools and authorities
<p>Improvement of notification and communication regarding applications, inspections, and changes.</p>	<p>Current state: Land Use Bylaw, development permit applications</p> <p>Future state: Establish point of contact to receive information about applications, inspections etc.</p>	<p>Current state: None</p> <p>Future state: Establish central point of contact to disseminate information to municipalities.</p> <p>Involvement of Ministry of ESRD in issue of plant disposal, wastewater, etc.</p>	<p>Current state: Notification regarding application for license. Health Canada requires proof that the applicant provided notice, then they follow up with the municipality. Additional requirement to provide municipality with the address.</p> <p>Future state: Request applications and updates to be send to established municipal point of contact.</p> <p>When confirming notification with CAO, check with municipality to ensure that the proposed use meets local zoning bylaws prior to passing the application through stage 1 of the approval process.”</p> <p>Prior to final approval of application, all applicable permits have been granted.</p>



Issue	Municipal tools and authorities	Provincial tools and authorities	Federal tools and authorities
			<p>Monthly updates on applications, inspections, etc.</p> <p>Line of communication for complaints to municipalities. Online reporting.</p>
Application process	<p>Current state: Municipal may require prospective applicant to contact both Police and Fire Authority prior to application demonstrating intent (this is what City of Edmonton does).</p>	<p>Current state: None.</p> <p>Future state: Required impact study regarding water, sewer, energy usage, environmental impact, transportation considerations, public safety.</p> <p>Municipality would have to report back to authority regarding the impacts. Reporting would need to be mandatory.</p>	<p>Current state: Comprehensive application process involving criminal background check, municipal notification, etc. No opportunity for municipal input other than acknowledgment of notification.</p> <p>Licenses are only valid for 1-2 years, requires a reapplication process with full screening requirements.</p> <p>Future state: Municipalities are provided opportunities for input on the application including siting and relevant permits (see other recommendations). Municipalities are asked to provide input on reapplications.</p>
Siting of facilities.	<p>Current state: Land Use Bylaw can restrict locations. However, each municipality may have completely different</p>	<p>Current state: None.</p> <p>Future state: Siting subject environmental impact study.</p>	<p>Current state: License approval process requires obtaining of development permit (where applicable), giving municipality ability to control</p>



Issue	Municipal tools and authorities	Provincial tools and authorities	Federal tools and authorities
	<p>zoning and bylaw restrictions.</p> <p>Future state: All municipalities are aware of need for Land Use Bylaws regulating this use. Consistent zoning and bylaw restrictions are used across jurisdictions.</p>		<p>location through Land Use Bylaw. If land is zoned for agricultural use this does not apply.</p> <p>Future state: License is contingent on proof of municipal permits. Health Canada needs to consult Alberta Environment. Have to demonstrate compliance with local and provincial rules, including consulting with local law enforcement and emergency responders to ensure they are aware of facility and can plan for potential incidents.</p>
<p>Scope and regularity of site and product inspections.</p>	<p>Current state: Development and Building permits required.</p> <p>Fire Safety Codes Officer has the ability to conduct building inspections to enforce maintenance items and Fire Code compliance.</p> <p>Future state: Municipalities are informed about the inspection process and results and provided an opportunity to accompany HC inspectors.</p>	<p>Current state: Fire and safety code inspections as applicable.</p> <p>Future state: Develop a team to work in conjunction with Green Team including safety codes officers, other inspectors, and AHS officials to assist local officials in the consistent application of standards.</p>	<p>Current state: Health Canada conducts surprise inspections on every facility on a monthly basis. Municipalities are not notified of specific inspection findings and do not accompany federal inspectors. Health Canada intends to publish general information about inspections quarterly, but not specific sites' violations.</p> <p>Future state: Municipalities are informed about the inspection process and</p>



Issue	Municipal tools and authorities	Provincial tools and authorities	Federal tools and authorities
	<p>Municipalities are authorized to inspect facilities independently. Currently, Building Safety Codes officers may inspect on building permit completions only.</p> <p>Inspect for contamination/potential to be brownfield, treatment of waste, emissions (Alberta Environment), air quality on a complaint basis, annual fire inspections (fire inspection triggers follow-ups on permits), initial inspection by first responders in order to develop an emergency response plan for facility.</p> <p>Variable inspection schedule (frequent inspections at first, less frequent once there is a positive track record)</p>		<p>results. Municipal authorities are allowed to accompany Health Canada inspectors.</p>
<p>Security issues regarding the transportation of product, security of sites, screening of staff, and potential for criminal activity.</p>	<p>Current state: None. Fire department has concerns with unapproved building security measures that may have negative consequences with responding emergency personnel.</p> <p>Future state: Local police and fire are informed, consulted, and involved in the licensing and application process, as well as inspections.</p>	<p>Current state: None.</p> <p>Future state: Periodic Green Team inspections.</p>	<p>Current state: Background check of prospective operators is extensive; previous connections to drugs will disqualify. Additionally look at all personnel.</p> <p>Health Canada inspections look at site security.</p> <p>Future state: Health Canada inspections</p>



Issue	Municipal tools and authorities	Provincial tools and authorities	Federal tools and authorities
	<p>Routine joint task (HC, Fire, Police) inspections to ensure ongoing Code and operational compliance.</p> <p>Local police and first responders have an opportunity to create a proactive emergency response plan for the facility.</p>		<p>involve local police or other authorities.</p>



<p>Need for more public involvement and communication regarding selection of locations, updates on sites, and ongoing inspections.</p>	<p>Current state: Land Use Bylaw require public involvement (i.e. if sites are only allowed in a direct control zone, require public consultation to rezone an area to that use).</p> <p>Future state: Opportunities are established for public input and consultation, about issues within municipal control (e.g. zoning) as well as notifications about municipally-controlled inspections.</p>	<p>Current state: None</p> <p>Future state: Province establishes means of disseminating information about applications and inspections.</p>	<p>Current state: Approval process does not require public input.</p> <p>Future state: Licensing and inspection processes include public notification and consultation with HC officials.</p>
<p>Lack of detail in regulations.</p>	<p>Current state: None.</p> <p>Future state: None.</p>	<p>Current state: None.</p> <p>Future state: Development of regulations that prescribe provincial processes and standards for medical marijuana production.</p>	<p>Current state: Unclear definitions, requirements, and process. Many current processes are not defined in the regulation.</p> <p>Future: Exact definitions are established, process is clarified for municipalities.</p> <p>Describe in the regulations various processes (e.g. monthly inspections) not currently in the regulations.</p>



<p>Property taxation issues</p>	<p>Current state: Marijuana production currently falls under the property taxation category of farm land or farm buildings and is taxed at a reduced rate or fully exempted.</p> <p>Future state: Municipalities are empowered to tax marijuana production facilities at the non-residential rate.</p>		
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Illegal Grow Operation Feedback Table

This table reflects the working group's identification of priority recommendations from the *Grow Op Free Alberta* report as well as their concerns and proposed actions.

Recommendation #	Reason for concern	Proposed action
<p>1. Create a public awareness campaign targeted at industry and the general public to increase public awareness of the signs of a MGO, increase knowledge about the safety and health risks associated with MGOs in homes and increase awareness of where to report suspected MGOs.</p>	<ul style="list-style-type: none"> Public awareness is very important and providing good information on how to spot a MGO will help the general public respond. This requires strong Provincial leadership with all stakeholders. 	<ul style="list-style-type: none"> Development of a province-wide awareness campaign.
<p>2. Improve police reporting across the province to effectively and consistently track the MGO problem.</p> <p>3. Work with police agencies to establish protocols or ways to ensure municipalities are notified of a confirmed MGO.</p>	<ul style="list-style-type: none"> A greater knowledge base will better prepare local first responders to identify and respond to MGOs. Focusing on prevention is a more effective means of combatting MGOs. Municipalities and law enforcement do not adequately communicate despite having information that may help one another (eg. municipalities may have records of excessive energy use at a property that may indicate a possible MGO site) 	<ul style="list-style-type: none"> Create a province-wide map of MGO properties, including common characteristics, etc., coordinated by Alberta Justice. Create a centralized information-sharing network where law enforcement officials can collaborate in discussing MGO situations. Educate municipalities and law enforcement on the benefits of sharing information. The province could consider providing support to assist local municipalities in developing this relationship with first responders (guide, best practices, benefits, etc.).



Recommendation #	Reason for concern	Proposed action
		<ul style="list-style-type: none"> Police information on known MGOs be made known to other law enforcement agencies and to municipalities.
<p>5. Explore the creation of a process to report information about confirmed grow ops. Make the information available to the general public as well as to agencies involved in the detection, notification and remediation of grow ops.</p>	<ul style="list-style-type: none"> Public information availability The more you can expose an MGO to the general public the greater the pressure will be to close it. 	<ul style="list-style-type: none"> Province wide information sharing Requires Provincial Legislation (maybe a FOIP amendment). Make the information on known MGA's available to the public and to municipalities.
<p>6. Consider options to require real estate agents, when they have knowledge, to disclose to potential purchasers whether the property they are selling was previously used as a MGO.</p>	<ul style="list-style-type: none"> Concern is that an innocent buyer could purchase a former grow op and become sick and be saddled with an expensive remediation. I also wonder if the mortgage company would decline the mortgage given their current protocols. 	<ul style="list-style-type: none"> Develop a provincial/municipal team to work with the real estate industry to investigate the issues and develop recommendations. Once completed create legislation requiring the release of this information.
<p>7. Work with mortgage lenders and insurance companies to ensure government actions under these recommendations will result in these</p>	<ul style="list-style-type: none"> Currently the remediation and indoor air quality systems appear to be not accepted by mortgage lenders and insurance companies. This prevents these properties from being occupied in a timely manner and attaches a stigma that is unjustified. 	<ul style="list-style-type: none"> Develop a provincial/municipal team to work with mortgage lenders and insurance companies to investigate and make recommendations to address this issue.



Recommendation #	Reason for concern	Proposed action
agencies agreeing to mortgage and insure remediated former MGO properties.		



<p>8. Work with mortgage lenders and insurance companies to develop ways to report suspected MGOs to the local police agency and municipality if they become aware a property either has been, or is currently being, used for these purposes.</p>	<ul style="list-style-type: none"> • Important to ensure prompt and uniform reporting. 	<ul style="list-style-type: none"> • Mortgage and Insurance companies should be compelled to report suspected MGO's. This requires Provincial or possible Federal legislation
<p>9. Establish environmental contamination testing guidelines.</p>	<ul style="list-style-type: none"> • Very important that consistent testing should be conducted and consistent standards met • This is best carried out by province, as many municipalities would lack capacity to test, and it is unreasonable to expect each municipality to have a qualified tester, as some municipalities rarely encounter MGOs 	<ul style="list-style-type: none"> • Develop provincial testing program under Environment and Parks. • Allow municipal officials to become qualified to test if they choose
<p>11. Establish qualifications for environmental and remediation consultants.</p>	<ul style="list-style-type: none"> • No real consistency within either industry and this again calls into question the quality of the remediation. This applies to both the illegal grow op and the residential medical grow op once it has been discovered, closed and remediated. 	<ul style="list-style-type: none"> • Develop a provincial/municipal team to work with both stakeholder groups in the investigation of qualifications. Once completed create the accepted provincial qualifications
<p>16. Explore the creation of a classification system to indicate the level of remediation required for an MGO property, for</p>	<ul style="list-style-type: none"> • In many situations, a lack of province-wide standards equates to a regulatory gap in which municipalities are forced to address issues that are not their responsibility, and for which they are not qualified to do so. 	<ul style="list-style-type: none"> • Create set standards and qualifications. Consider possibility of multiple standards depending on property type, as residential property may have different issues than industrial or rural property. • This could be done by adapting recommendation 16, in which a



<p>example, from levels 1 to 5.</p>		<p>level of contamination is established for each site, and remediation requirements are reflective of the severity of contamination.</p>
<p>13. Develop and make publicly available standardized inspection and remediation permits, forms and associated processes for the province.</p>	<ul style="list-style-type: none"> • No consistency across the province. This inconsistency prevents mortgage companies from having any confidence in the remediation process. • Inconclusive timely remediation process of buildings 	<ul style="list-style-type: none"> • Develop a provincial/municipal team to share best practices in the creation of standardized inspection and remediation permits, forms and associated processes
<p>12. Develop a provincial inspection and remediation process guideline for municipalities when dealing with grow ops.</p> <p>13. Develop and make publicly available standardized inspection and remediation permits, forms and associated processes for the province.</p> <p>14. Outline the roles of the various agencies involved in the MGO inspection and remediation process to address ongoing confusion and debate about individual responsibilities.</p>	<ul style="list-style-type: none"> • Complex process • Municipalities want to ensure properties are safe, both to protect property owners and limit liability • Without a clear remediation process, may be very difficult to sell property 	<ul style="list-style-type: none"> • Collaboration between municipalities and province in developing guidelines, standardized forms and processes, etc. • Municipal Affairs and Environment and Parks should be involved in establishing the process guidelines.



<p>14. Outline the roles of the various agencies involved in the MGO inspection and remediation process to address ongoing confusion and debate about individual responsibilities.</p> <p>15. Explore ways to remove barriers to improve information sharing among agencies involved in inspecting and remediating MGOs to ensure these properties are remediated.</p>	<ul style="list-style-type: none"> • Complicated jurisdictional boundaries • Outlining and defining roles and responsibilities of all involved is always a good strategy. • The concern is that different agencies holding information specific to their area of expertise and not sharing it with other agencies who could benefit from that knowledge results in a fractured or silo response to the problem. 	<ul style="list-style-type: none"> • Outline agency roles. • Provincial leadership involving all stakeholders. • Put a group of relevant agencies together to create a process for sharing information.
<p>17. Consider legislation requiring landlords to inspect a property yearly and evict a tenant immediately if a grow op is discovered. Create and distribute communication materials about the inspection process to landlords.</p>	<ul style="list-style-type: none"> • Currently landlords are surprised that a tenant is growing marihuana (illegally or medical). Some landlords who are a party to the illegal grow will state that they and no knowledge of the grow. • The landlord should be able to reach out for support from Court and Police on any eviction procedure. This could be a very dangerous situation to put a homeowner in if they are the ones confronting a tenant with a MGO. 	<ul style="list-style-type: none"> • Develop a provincial/. • Municipal team to create legislation that requires the property to be inspected every six months, yearly is typically too late, a grow could already have happened.
<p>Consider legislation to ensure municipalities have the authority to deal with the</p>	<ul style="list-style-type: none"> • Allowing municipalities with greater authority to address structural/hazardous issues of MGOs may allow for faster remediation of MGOs 	<ul style="list-style-type: none"> • Any additional municipal powers regarding structures must be voluntary, not required, as some municipalities will lack the capacity to address these concerns. Expanded municipal



<p>hazardous issues of a property.</p>	<ul style="list-style-type: none"> • Municipalities can currently deal with un-sightly premises under the MGA, and hazardous issues I would think would fall To Alberta Environment. If the Municipality is to play a role then their authority needs to be defined in legislation. • Building Structural issues not rectified. • Smaller municipalities do not have the expertise to deal with structural issues, both in terms of personnel and knowledge. 	<p>powers should not be seen as a replacement for provincial responsibilities.</p> <ul style="list-style-type: none"> • Building Safety Codes Officer can enforce Building Code compliance. • Provincial certification of inspectors that could be contracted by smaller communities.
<p>20. Support municipalities in requiring people to make a property safe for rebuilding within a legislated period of time.</p>	<ul style="list-style-type: none"> • After the dismantlement the property can sit in a derelict state and does create an unsafe condition within the community. 	<ul style="list-style-type: none"> • Develop a provincial/municipal team to create legislation that requires the property to be remediated or demolished with a year of the dismantlement by Police. • Time is of the essence when an MGO is shut down. A maximum time period should be given for rehabilitation or else the Municipality should have the power to finish the work and apply and force a sale of the property to recover all costs.
<p>20. Support municipalities in requiring people to make a property safe for rebuilding within a legislated period of time.</p> <p>21. Explore with municipalities the possibility of a faster, more efficient process than the current</p>	<ul style="list-style-type: none"> • Municipalities often required to shoulder financial burden for remediation if owner is absent. • Abandonment for several years results in property deteriorating further. • Three year wait to seize property causes financial uncertainty for municipality and likely reduces the property value, reducing the revenue that the municipality 	<ul style="list-style-type: none"> • Create exception to three-year delay in seizing property when property is confirmed MGO. Perhaps a one-year window would be more appropriate. • Create a streamlined, consistent remediation process that is realistic for both urban and rural municipalities. • Provide municipalities with provincial support



<p>tax roll system to help municipalities recover the costs associated with remediating or demolishing an abandoned property formerly used as a grow op.</p>	<p>will eventually be able to recover.</p>	<p>(grant/technical support) when remediating former MGOs.</p> <ul style="list-style-type: none"> • Either the province needs to come up with a funding source or changes need to be made to the Municipal Government Act that shortens recovery time when a municipality has to remediate or demolish a property.
<p>22. Encourage partnerships between municipalities that have more experience with MGOs and those that lack experience and capacity to deal with the marijuana grow ops in their communities.</p>	<ul style="list-style-type: none"> • The concern is inconsistency across the province in regards to how MGOs are currently managed including illegal, med grows, and commercial. • Different levels of experience and challenges in different municipal size and type • Currently, municipalities with limited MGO experience may struggle to navigate complex remediation process, which may result in inconsistencies from one jurisdiction to another. • Sharing experiences in addressing MGOs on different property types (residential, commercial, high density, agricultural, etc.) could provide guidelines that would help in almost any situation 	<ul style="list-style-type: none"> • Develop a provincial committee to first study best practices and through the partnership establish more consistent methods of MGO management (all categories). • Province forms a working group of municipalities familiar with remediating different types of MGOs. Ideally, have different municipal types and capacities (rural and urban, large and small, etc.) to maximize scenarios covered. Form best practices guide for different types of property based on working group input.
<p>23. Explore ways for mortgage holders of abandoned grow op properties to take title and either make the property safe for rebuilding or demolish the property.</p>	<ul style="list-style-type: none"> • Make property safe for rebuilding 	<ul style="list-style-type: none"> • Mortgage holder responsible • Clearly define a maximum period in which the mortgage or insurance company can respond.



<p>26. Consider ways to ensure MGOs are remediated only after the proper permits and inspections are obtained.</p>	<ul style="list-style-type: none"> • This is another tool to ensure consistency and the safety of subsequent property owners. 	<ul style="list-style-type: none"> • This should be a legislative tool that accompanies the development of consistent standards, qualifications, etc.
<p>27. Develop a certificate program for MGO remediation modelled after Alberta Environment and Sustainable Resource Development's Remediation Certification program indicating the property has no remaining toxic hazards.</p>	<ul style="list-style-type: none"> • The concern is that the mortgage companies at this time do not have faith in the quality of the remediation. 	<ul style="list-style-type: none"> • Develop a provincial/municipal team to develop a Remediation Certification program that will satisfy all concerns from mortgage companies and increase the public trust in a remediated property.
<p>28. Develop a communications plan regarding the <i>Drug Endangered Children Act</i> that:</p> <ul style="list-style-type: none"> • Outlines the roles and responsibilities of police in exercising their authority; • Provides guidance for exercising that authority; and • Increases awareness of the significant risk to children exposed to drug manufacturing, 	<ul style="list-style-type: none"> • Child endangerment 	<ul style="list-style-type: none"> • Clearly outline roles and responsibilities of Drug Endangered Children Act



trafficking and other serious drug activity.		
29. Consider allowing court orders to be granted for mandatory health and safety inspections of reported MGO properties.	<ul style="list-style-type: none"> • Ensuring code and safety compliance 	<ul style="list-style-type: none"> • Propose mandatory inspections
30. Consider establishing indoor air quality testing guidelines as part of the remediation process.	<ul style="list-style-type: none"> • Although the current program works relatively well there are inconsistencies that do bring into question the remediation quality. 	<ul style="list-style-type: none"> • Develop a provincial/municipal team to develop the criteria for indoor air quality testing guidelines that will satisfy all concerns from mortgage companies and increase the public trust in a remediated property.
33. Review the barriers preventing the flow of information between utility companies and police authorities, and identify the barriers that can be addressed. In the context of the Supreme Court of Canada decision in R v. Gomboc, identify the information that is appropriate to be shared and give police agencies access to the information that can be used to identify active	<ul style="list-style-type: none"> • Assist in identifying MGOs 	<ul style="list-style-type: none"> • Enact provincial legislation



marijuana grow ops.		
35. Develop a communication and awareness campaign directed at homeowners of former and current licensed MGOs to encourage them to voluntarily submit to a health and safety inspection.	<ul style="list-style-type: none"> The appeal in regards to the residential med grow program will be completed in early fall this year. If the program is discontinued there will be a large inventory of damaged residential properties that may not be remediated properly. 	<ul style="list-style-type: none"> Develop a provincial communication campaign to raise awareness of the risks of not having the property remediated. Work with Health Canada in the acquisition of the addresses. (Calgary) continue to inspect these properties when identified through Police process (tips on grow ops)
36. Explore ways to regulate the operation of commercial grow ops licensed through MMAP, including the location of these operations and all other issues under provincial authority.		<ul style="list-style-type: none"> Provincial regulations to allow municipal enactment for commercial grow ops
37. Develop progress reports every six months for a two-year period to ensure the recommendations are effectively implemented.	<ul style="list-style-type: none"> Accountability 	<ul style="list-style-type: none"> Mandatory compliance inspections is key for successful implementation



Acknowledgements

Task Force

The task force, comprised of municipal administrators and subject matter experts, advised the creation of this report and enclosed recommendations. AUMA thanks them for their commitment and advice. The members of the task force included:

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