



Administration and Operations Committee Report

To: To the Chair and Members of the Administration and Operations Committee
From: Greg Bergeron, Manager of Enforcement and Regulatory Services
Date: December 13, 2022
Report #: RPT-708-22
Subject: Nuisance Odour and Lighting By-law
Purpose: For Approval

Recommendation

WHEREAS, at the County of Brant Policy Development and Strategic Direction Committee meeting on September 13, 2022, the Committee approved, in principle, a draft by-law as it relates to nuisance odours and lighting emanating from Cannabis Production Facilities operating under registration certificates issued under the Federal Access to Cannabis for Medical Purposes Regulations (ACMPR)

AND WHEREAS, the Committee carried the recommendation that the by-law come into force and effect on January 1, 2023, subject to final revisions and to allow for Officer training and calibration of equipment.

THAT the final version of the Nuisance Odour and Lighting By-law be approved by the Committee for enactment by Council on December 20, 2022 and come into force and effect on January 1, 2023.

Strategic Plan Priority

Strategic Priority 5 - Healthy, Safe, and Engaged Citizens

Report

Background

This report is being submitted as a follow-up to RPT 298-22 which has been attached for additional context, impacts and historical background.

Analysis

At the September 13, 2022, Policy Development and Strategic Direction Committee meeting, the Committee approved, in principle, a draft by-law as it relates to nuisance odours and lighting emanating from Cannabis Production Facilities operating under registration certificates issued under the Access to Cannabis for Medical Purposes Regulations (ACMPR). The date of enactment was deferred to the new year pending additional revisions, calibration of equipment and training of appropriate staff in the use of the equipment.

As approved by Committee and Council, staff engaged the services of an odour consultant to assist with the development of the technical language contained in the by-law. Redline

changes depicting additions and omissions from the draft by-law which was presented to the Committee and Council in September 2022, is attached for information and transparency.

On the advice of the consultant, the requirements for the submission of Best Practices Management Plan for Odour (BMPP) from Cannabis Production Facilities is the preferred approach when violations of the by-law are documented as it allows some flexibility in working toward compliance which is consistent with the County of Brant Enforcement Policy. The consultant reports that (BMPPs) are often used by the Ministry of the Environment, Conservation and Parks officials as an effective compliance and enforcement tool.

Conclusion

The final version of the by-law provides several compliance and enforcement options to ultimately reach an acceptable level of compliance or to hold offending facilities accountable while balancing the rights of those who are legally authorized to grow cannabis under the ACMPR and the rights of those being negatively impacted by the lighting and odour emanating from these facilities.

Attachments

- 1) RPT 298-22 – September 13, 2022
- 2) Draft By-law – red line version to reflect changes from September 13, 2022.
- 3) Full and final version for adoption

Reviewed By

Jyoti Zuidema, Solicitor & Corporate Counsel

Copied To

Darryl Lee, CAO
Jyoti Zuidema, Solicitor & Corporate Counsel
Amanda Paine, Supervisor of Enforcement and Regulatory Services

By-law Required	Yes
Agreement(s) or other documents to be signed by Mayor and /or Clerk	Yes