

# CITY OF TORONTO

## MARIJUANA GROW OPERATIONS STRATEGY/IMPLEMENTATION

- Background
- Strategy
- Implementation/Challenges/Experience

# BACKGROUND

- 2003 Ontario Association of Chiefs of Police report called “Green Tide: Indoor Marijuana Cultivation and its impact on Ontario”
- Highlights of the report:
  - 2002— cost to Ontario \$100 million
    - 85% from stolen electricity
  - Likelihood of fire is 40 times greater
  - Risk to children
  - York, Peel & Waterloo regions combined -17% located within 500 metres of schools
  - Health risks to occupants
  - 2001- TPS dismantled 33,----- 2003-----140, by date of report in 2004, 248 dismantled with street value of \$83.2 million

# BACKGROUND

- March 2, 2004 Minister of Community Safety & Correctional Services announced the formation of the Green Tide Summit
- October 2004 the Minister announced the introduction of new legislation to deal with Marijuana Grow Ops (MGO's)

# BACKGROUND

- Billion dollar/year business
- Fuels the trafficking of guns & hard drugs
- Threatens the health and safety of our communities



# BACKGROUND

- City of Toronto Act and Municipal Act Amendments contain provisions for Municipalities to inspect a building when notified in writing, by a Police Force, that a building contains a Marijuana Grow Operation
- Divisions and Agencies start to develop a strategy late in 2004 following the Green Tide Summit

# STRATEGY

- AGENCIES INVOLVED IN ADMINISTRATION AND DEVELOPMENT OF THE STRATEGY

Municipal Licensing & Standards (MLS)  
Toronto Building  
Water & Waste Water Services  
Toronto Police Services (TPS)  
Toronto Fire Services (TFS)  
Toronto Public Health (TPH)  
Electrical Safety Authority (ESA)

# STRATEGY

- AGENCIES INVOLVED IN ADMINISTRATION AND DEVELOPMENT OF THE STRATEGY

Toronto Hydro-Electrical System Limited (THES)  
Technical Standards and Safety Authority (TSSA)  
Natural Gas Supplier (if applicable)  
Ministry of the Environment (MOE)  
Toronto Real Estate Board (TREB)

# STRATEGY

- Municipal Licensing and Standards (ML&S) took the lead role
- Upon receipt of reports from TPS, ML&S staff inspect premises from the exterior
- Issue orders under s15.8 of the Building Code Act and sometimes under the Property Standards By-law
- The orders request the following reports from professionals regarding the condition:
  - of the structure
  - the presence of mould
  - the electrical system



# IMPLEMENTATION CHALLENGES/EXPERIENCES

- Staff concerned about growing number of open files as there is no clear way to bring closure to an open file where owners could not be located
- Response to orders by owners and banks was only approximately 40%
- Getting these cases through the courts was a lengthy process and time consuming

# IMPLEMENTATION CHALLENGES/EXPERIENCES

- Inspection of interior of buildings used for grow operations – Health and Safety of staff
- Issuance of orders is a concern since an inspection of the interior is not conducted
- Enforcement – evidence
- Occupancy or sale of premises without remediation –Premises occupied by unsuspecting purchasers/tenants

# IMPLEMENTATION CHALLENGES/EXPERIENCES

- Notification to interested parties/public –Posting information on property, posting addresses on internet
- Legal issues –Registering orders on title, proper wording on orders, compliance with statutory authority, methods of notifying public, slander of title
- Concerns of cost incurred by innocent property owners, re-occupancy

# REVISION / UPDATE OF STRATEGY

- Press release by City (Building/MLS) April 2006

The Chief Building official will issue orders to prohibit occupancy where appropriate

Municipal Licensing register Property Standards Orders on title

- New rounds of meetings between the Buildings Division, ML&S, Legal Services and TPH



# REVISION / UPDATE OF STRATEGY

## ■ Toronto Public Health:

- prepared a report for council

- developed a draft process to fit within the existing strategy

- will issue unsafe orders under the Health Protection and Promotion Act. (HPPA)

- will direct the orders be posted/post themselves

# REVISION / UPDATE OF STRATEGY

- Following a symposium facilitated by the OFM summer of 2008, the City of Toronto decided to change its approach
- It was agreed that Toronto Building would use its powers under the Building Code Act to address the unsafe conditions posed by buildings used as MGO's

# REVISION / UPDATE OF STRATEGY

- Before Toronto Building could assume its new role it had to develop practices to implement the direction
- Staff worked with Legal Services and other divisions to develop a policy, model orders, notices etc.

# REVISION / UPDATE OF STRATEGY

- The policy makes provisions for:
  - Staff to issue unsafe orders
  - Staff to register those orders on title
  - The CBO/DCBO to prohibit occupancy if an owner fails to comply with the unsafe order or occupies the premises prior to remediation
  - The City to have a property remediated and the cost of the remediation placed on the tax roll
  - Toronto Public Health to review and approve environmental reports related to mould infestation



# REVISION / UPDATE OF STRATEGY

- Toronto Building assumed its new role on December 1, 2008
- The division has established a group comprised of managers, senior inspectors and a director to deal with MGO's
- The team responds to reports from Toronto Police and issues Unsafe Orders when unsafe conditions, as defined by the Building Code, are observed from the police reports or photographs from Toronto Fire Services

# REVISION / UPDATE OF STRATEGY

- Since December, Toronto Building has received 94 reports of properties being used as MGO's and Methlabs from Toronto Police and 3 from York Region Police for a total of 97
  - 6 were Methlabs and were addressed based on circumstances
  - 49 unsafe orders were issued
  - 27 referred to ML&S
  - 6 are to be inspected and determinations made regarding the issuance of orders
  - 1 Order to comply issued for work without a permit
  - 14 files have been cleared to date

# REVISION / UPDATE OF STRATEGY

- Public Health Involvement:
  - Toronto Building forwards environmental reports to Toronto Public Health for review and approval

# REVISION / UPDATE OF STRATEGY

## ■ Cost Recovery

- Council passed two by-laws to enable the recovery of costs associated with inspections and investigation of MGO's
- Ch. 441 of the Municipal Code was amended in 2006 to allow for the recovery of costs associated with activities related to MGO's among other activities
- In Dec. 2008 Council passed a by-law to amend ch. 363 of the Municipal Code to require a permit fee of \$5000.00 for an application for a permit associated with MGO's and \$750.00 for the review of an environmental report associated with an MGO by Toronto Public Health.



# REVISION / UPDATE OF STRATEGY

## ■ Experiences/Challenges

- Collection of the fee for TPH review of environmental reports where a Building Permit is not required
- Police Reports not identifying unsafe conditions under OBC
- Ensuring that services are not reconnected before the premises are remediated or cleaned up under the Property Standards By-law
- Securing a contract for the services of an environmental consultant, professional engineer and a contractor to carry out the work where the City is required to take control of a property and cause the remedial work to be carried out.
- Police reports and TFS photographs delayed
- Owners are slow to respond to orders

# REVISION / UPDATE OF STRATEGY

## ■ Next Steps

- Staff are working with PMMD staff to start the process of submitting an RFP for an environmental consultant, professional engineer and a contractor to carryout remedial work on behalf of the City where necessary
- Continue to meet with the other divisions and agencies involved with the Marijuana Grow Operation Strategy to discuss ways to improve the process by coordinating our enforcement activities
- Toronto Building MGO group continues to meet to discuss experiences and ways to improve our response.