

Authority: Licensing and Standards Committee Item 7.8,
as adopted by City of Toronto Council on September 26 and 27, 2007
Enacted by Council: September 27, 2007

CITY OF TORONTO

BY-LAW No. 1076-2007

To adopt a new Municipal Code Chapter 565, Marijuana Grow Operations.

WHEREAS the *City of Toronto Act, 2006* (the “*Act*”) provides that, where a police force has notified the City that premises contained a marijuana grow operation, the City of Toronto shall ensure that an inspection of the lands and building is conducted within a reasonable period of time after the notification and that appropriate actions are taken for the protection of the health and safety of the public; and

WHEREAS the *Act* provides that Council may pass by-laws in respect of the health, safety and well-being, and protection of persons and property; and

WHEREAS the *Act* further provides that Council may pass by-laws to establish a system of escalating fines and impose fees and charges for services or activities done by the City or its local boards, including the recovery of costs for administration and enforcement;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The Municipal Code of the City of Toronto is amended by adding the new municipal code chapter attached as Schedule “A” to this by-law.

ENACTED AND PASSED this 27th day of September, A.D. 2007.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE “A”

**Chapter 565
MARIJUANA GROW OPERATIONS**

**ARTICLE I
Interpretation**

§ 565-1. Definitions.

ASSESSMENT ROLL — The provincial tax assessment roll under the *Assessment Act*.

CONTRACTOR — A person retained by the City or a local board of the City to provide goods or services required for the purposes of inspection, investigation, administration and clerical activities undertaken in the enforcement of this chapter, or any other Act, regulation or by-law as a result of a property having contained a marijuana grow operation.

ENFORCEMENT CHARGES — Charges for the recovery of costs, including labour and material costs or amounts paid to a contractor, for inspection, investigation, administration and clerical activities done by or on behalf of the City or a local board of the City, including the Toronto Police Services Board, as set out in Chapter 441, Fees and Charges, but shall not include remedial costs otherwise recoverable by the City under section 386 of the *City of Toronto Act, 2006*.

INSPECTOR — Any person undertaking an inspection required for the purposes of the enforcement of this chapter, and shall include a by-law enforcement officer, or officer, employee or agent of the City or a local board of the City, or any member of the Toronto Police Service.

MARIJUANA GROW OPERATION — Any property or portion of a property which the Toronto Police Service, the Ontario Provincial Police or the Royal Canadian Mounted Police has identified in writing to the City as having contained a marijuana grow operation.

OCCUPANT — Any person or persons over the age of 18 years in possession of a property.

OWNER — Includes:

- A. The person for the time being managing or receiving the rent of a property, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if the property were let;
- B. A lessee or occupant of a property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property; and
- C. Any person who takes possession of a property under a charge or mortgage registered on title to the property.

PROPERTY — A building or structure or part of a building or structure, and includes the lands and premises appurtenant to a building or structure and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections on the property, and includes vacant property.

ARTICLE II
Prohibition

§ 565-2. Prohibition on Marijuana Grow Operations.

- A. No person, owner or occupant shall cause, permit or allow a marijuana grow operation on or in a property within the City of Toronto.
- B. No owner or occupant shall cause, permit or allow an unsafe, dangerous, offensive or unwholesome condition to exist on or in a property as the result of a marijuana grow operation.
- C. No owner or occupant shall cause, permit or allow water, rubbish, or noxious, offensive or unwholesome odours, liquids or materials to collect or accumulate in or around a property as a result of a marijuana grow operation.
- D. Every owner or occupant of a property that contained a marijuana grow operation shall immediately:
 - (1) Remove all equipment or materials used in the marijuana grow operation;
 - (2) Remove and restore any alteration to the property made as a result of the marijuana grow operation;
 - (3) Repair any damage to the property caused by the marijuana grow operation, including, but not limited to, mould or water damage; and
 - (4) Obtain and comply with all inspections, orders, permits and approvals required for the lawful use of the property.
- E. No person shall allow a property or any portion of a property to be used as a dwelling or for any other purpose which requires occupation of the property by persons unless it has been remediated, restored or repaired as required under § 565-2D.

ARTICLE III
Inspection and Notice

§ 565-3. Inspections.

- A. Subject to compliance with section 377 of the *City of Toronto Act, 2006*, an inspector may enter in or upon the property of any person at any reasonable time for the purposes of inspecting the property and determining whether this chapter or an order issued under this chapter are being complied with, and may for that purpose:

- (1) require the production for inspection of documents or things relevant to the inspection;
 - (2) inspect and remove documents and things relevant to the inspection for the purpose of making copies or extracts;
 - (3) require information from any person concerning a matter related to the inspection; and
 - (4) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- B. Where an inspector determines that a property is in contravention of this chapter, he or she may by way of written order served upon the owner and/or occupant, declare the property to be in contravention of the provisions of this chapter and require the owner or occupant to undertake such work as may be required to correct the contravention.
- C. An order made under this chapter may be served personally or by registered mail to the last known address of the person to whom it is issued and service by registered mail shall be deemed to have taken effect 5 business days after the date of mailing.
- D. Where service cannot be given as required under § 565-3C, sufficient service shall be deemed to have been given if an inspector places a placard containing the order in a conspicuous place on the property where the contravention occurred.
- E. No person shall deface, cover up or remove a placard placed under § 565-3D.
- F. An inspector may, where an inspector has been prevented or is likely to be prevented from exercising his or her powers under § 565-3A, undertake an inspection pursuant to an order issued under section 378 of the *City of Toronto Act, 2006*.

§ 565-4. Non-compliance and cost recovery.

- A. If an owner or occupant fails to comply with a written order of an inspector, the City may, at all reasonable times, enter on the property and effect compliance at the expense of the owner or occupant who has failed to comply, and may recover the costs of doing so from the responsible person by action or by adding them to the tax roll and collecting them in the same manner as property taxes.
- B. The inspector shall deliver to the owner or occupant, written notice of the costs to the last known address of the occupant or the registered address of the owner, as identified on the assessment roll.

- C. In the event that the person who has failed to comply does not pay the costs under § 565-4B within ninety (90) days of the date of the written notice of the costs under § 565-4B, the costs shall be a lien against the property and shall be added to the tax roll and collected in the same manner as property taxes.
- D. Where the City is advised that a property contains or contained a marijuana grow operation, any enforcement charges incurred as a result in respect of the property shall be at the expense of any owner and occupant of the property and the City may, in the event that the charges are not paid within ninety (90) days of the date of written notice of such charges to the owner and occupant, add the enforcement charges to the tax roll for properties where all of the owners are responsible for the payment of the enforcement charges and collect them in the same manner as property taxes.

ARTICLE IV Penalty

§ 565-5. Offence and Fines.

Every person who contravenes the provisions of this chapter, including the failure to comply with an order issued under this chapter or section 385 of the *City of Toronto Act, 2006*, and every director or officer of a corporation who knowingly concurs in a contravention of the provisions of this chapter by the corporation, is guilty of an offence and is liable to a fine of not more than:

- A. \$5,000 for a first offence;
- B. \$25,000 for a second offence; or
- C. \$100,000 for a third or subsequent offence.