



# Corporate Report

NO: R056

COUNCIL DATE: April 20, 2009

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## REGULAR COUNCIL

TO: Mayor & Council DATE: April 20, 2009  
FROM: Fire Chief FILE: 0360-20  
SUBJECT: Resolution to the UBCM and FCM Regarding Medical Marihuana Grow Operations

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## RECOMMENDATION

The Fire Services Department recommends that Council:

1. receive this report for information;
2. resolve to forward the resolution as contained in Appendix "A" of this report to the Union of British Columbia Municipalities (UBCM) and to the Federation of Canadian Municipalities (FCM) with the request that this resolution be considered at their respective 2009 Conventions.

## INTENT

To obtain Council approval for a UBCM and FCM resolution intended to increase the regulation and safety of medical marihuana grow operations in the City of Surrey and other Canadian communities.

## BACKGROUND

Administered by Health Canada, the Marihuana Medical Access Regulations (MMAR) permit access to marihuana for medical use for Canadians needing such medical treatment. Once approved under the MMAR, individuals have three options for obtaining marihuana:

1. They can apply under the MMAR to access Health Canada's supply of marihuana;
2. They can apply for a personal use production license under which they can cultivate and process marihuana for their own use; or
3. They can designate someone with a designated-person production license to cultivate and process marihuana on their behalf.

According to Health Canada, individuals licensed under the MMAR are required to observe all other laws, including bylaws such as zoning, fire, and safety regulations. However, Health

Canada has advised “it is not the mandate of Health Canada to verify the safety standard of each production site.” Further, Surrey staff has learned that there is no procedure in place to alert local governments about the approval of a MMAR license in any particular local government jurisdiction.

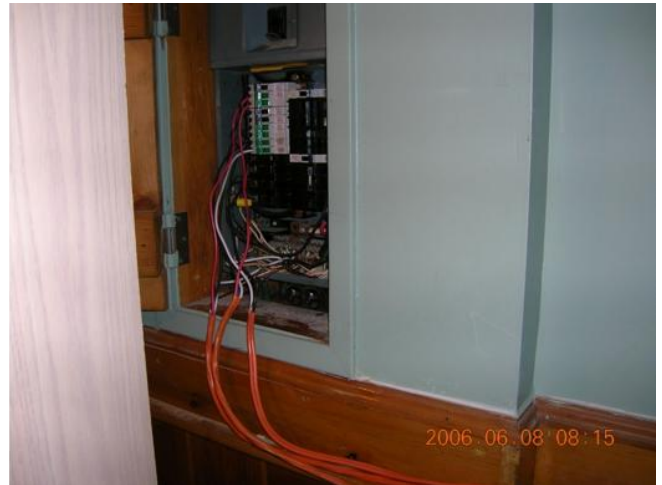
As of July 4, 2008, 2,017 individuals in Canada had MMAR licenses to cultivate and process medical marijuana. This number is up from 1,374 in July 2007, 1,045 in June 2006 and 586 in July 2005. Of the 2,017 licenses, 1,715 held a personal-use production licence and 302 held a designated-person production licence.

## DISCUSSION

Canadian Fire Services Departments are finding that marijuana growers licensed under the MMAR are not adhering to zoning, fire and safety regulations. This may be due to the lack of knowledge of the requirements, lack of enforcement or perhaps to avoid exposing themselves to criminal activity by keeping the operation as low key as possible. Whatever the reason, based on experience by Fire Services Departments across Canada, the MMAR licence holders are performing electrical wiring and equipment installations themselves, generally without knowledge of safe electrical practices.

As municipalities across Canada conduct public safety inspections of houses suspected of containing illegal grow operations, they are encountering an increased number of legal medical grow operations that share the same hazards as the illegal operations.

The City of Surrey’s Electrical Fire Safety Team has inspected eight residential MMAR grow operations in the past three years. The City was alerted to the sites because they were consuming electricity at a rate five times the average for a typical single-family residence. Violations of municipal regulations were found at all sites as well as numerous violations of the provincial electrical code, building code and fire code. Most of the sites required immediate electrical system remediation. In most locations there was also evidence of improper chemical storage, mould and excessive moisture, fire hazards, and structural changes that were contrary to code requirements in relation to fire separations.



**Scenes from medical grow operations in Surrey, B.C.**  
**Top: electrical safety hazards for work performed without permit or inspection.**  
**Middle: signs of mould and excessive moisture, as well as electrical safety issues.**  
**Bottom: various electrical and fire hazard issues.**

Research that was conducted by the Centre for Criminal Justice Research at the University of the Fraser Valley concluded that residences containing a marihuana grow operation have a 1 in 22 probability of having a house fire compared to a residence with no grow operation where the probability is 1 in 525. The study also found that property damage from a fire in a residence containing a grow operation was nearly double the value of damage accruing from a fire in a residence without a grow op.

Fires in houses with marihuana grow operations typically result from the improper installation of the high-wattage electrical equipment used to grow marihuana. Electrical inspectors have observed there is little difference in the electrical installations between legal and illegal grow operations. In both cases, there generally is little regard to ensuring electrical installations are done properly, which exposes the occupants of such dwellings and their neighbours to a very real electrical and fire safety threat.

Electrical inspectors have also observed cases where a tenant applies for and obtains a medical grow license without the knowledge or consent of the owner of the property. Such installations can have serious impacts on the future value and insurability of the premises, which is clearly contrary to the owner's interests.

MMAR license holders are changing the use of buildings without the necessary permits or inspections that are necessary to ensure the safety of occupants, neighbors, and emergency responders. No procedure has been put in place by Health Canada to inform any local government about the issuance of an MMAR license in their community. This means that local governments have no knowledge about such operations so as to take action to ensure that appropriate permits are issued or inspections conducted so that sites containing medical grow operations meet all necessary building, fire and electrical safety regulations and, just as importantly, are remediated after the license is expires.

## **CONCLUSION**

The Fire Chiefs' Association of British Columbia has expressed grave immediate concern over the health, safety and welfare of the public and firefighters who unsuspectingly and increasingly come in contact with the dangers associated with marihuana grow operations. There is evidence that medical marihuana grow operations represent the same threat to public safety as illegal operations. Growing marihuana indoors in a residential setting – legally or not – tends to result in health, fire and safety hazards related to electrical system modifications, structural changes and excessive moisture.

Based on the above discussion, it is recommended that Council resolve to forward to the UBCM and the FCM for consideration at their respective 2009 Conventions, the resolution that is attached as Appendix "A" to this report. This resolution is the natural next step in the City of Surrey's proactive work regarding marihuana grow operations and its efforts to increase public safety in our community.



Len Garis  
Fire Chief

## **UBCM Resolution – Licenses Issued Under Medical Marihuana Use Regulations**

WHEREAS Health Canada is issuing an increasing number of licenses under the Marihuana Medical Use Regulations to allow the cultivation and processing of marihuana for medical purposes, and

WHEREAS, based on the experience of municipal fire departments, these “legal” medical grow operations are not complying with municipal bylaws or provincial electrical, fire, health, safety and building regulations;

AND WHEREAS Health Canada does not have a process in place to notify municipalities when such licenses are issued for sites within their jurisdiction and, as such, municipalities are not aware of the locations of such operations and cannot ensure that they comply with provincial and local regulations that act to protect the safety of the public;

THEREFORE BE IT RESOLVED that Health Canada be requested to take immediate action to modify its legislation and regulations to require that any applicant for license under the Marihuana Medical Use Regulations for the purpose of cultivation and/or processing of marihuana for medical purposes be required to demonstrate compliance with all local bylaws and all electrical, fire, health, building and safety regulations prior to issuance of such a license;

AND BE IT FURTHER RESOLVED that Health Canada be requested to institute a process by which local governments are notified of licenses that are issued by Health Canada under the Marihuana Medical Use Regulations.

Submitted by  
The City of Surrey