

**Ministry of the Solicitor General**

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**MEMORANDUM TO:** All Chiefs of Police and  
Commissioner Thomas Carrique  
Chairs, Police Services Boards

**FROM:** Stephen Waldie, for  
Stephen Beckett  
Assistant Deputy Minister  
Public Safety Division and Public Safety Training Division

**SUBJECT:** **Amendments to the *Cannabis Control Act, 2017***

<b>DATE OF ISSUE:</b>	<b>June 7, 2019</b>
<b>CLASSIFICATION:</b>	<b>General Information</b>
<b>RETENTION:</b>	<b>Indefinite</b>
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At the request of the Ministry of the Attorney General, I am sharing a communication regarding recent amendments to the *Cannabis Control Act, 2017*.

Please review the attached memo from Renu Kulendran, Executive Director of the Ontario Legalization of Cannabis Secretariat.

Sincerely,

A handwritten signature in black ink, appearing to read "Waldie".

Stephen Waldie, for  
Stephen Beckett  
Assistant Deputy Minister  
Public Safety Division and Public Safety Training Division

Attachment

**Ministry of the Attorney General**

Ontario Legalization of Cannabis  
Secretariat

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**Ministère du Procureur général**

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**MEMORANDUM TO:** Stephen Beckett  
Assistant Deputy Minister  
Public Safety Division and Public Safety Training Division  
Ministry of the Solicitor General

**FROM:** Renu Kulendran  
Executive Director  
Ontario Legalization of Cannabis Secretariat  
Ministry of the Attorney General

**DATE:** June 7, 2019

**SUBJECT:** **Amendments to the *Cannabis Control Act, 2017***

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I am writing to you regarding recent amendments to the *Cannabis Control Act, 2017*.

On May 2, 2019, Bill 108, *More Homes, More Choice Act, 2019* was introduced. The legislation included amendments to the *Cannabis Control Act, 2017* (the “Act”) to provide police with enhanced tools to address the illegal sale and distribution of cannabis.

On June 6, 2019, Bill 108 received Royal Assent, and as a result the amendments to the Act came into force, with an effective date of June 6, 2019.

This memo provides information on the Act amendments that have come into force.

We ask that the information be distributed to Chiefs of Police and to the Commissioner of the Ontario Provincial Police as soon as possible.

Amendments to Section 18 (interim closure authority)

1. Removal of Interim Closure Authority residence exemption

Section 18 of the Act provides an interim closure authority that allows for the immediate closure of premises and the removal of any persons on the premises if a charge is laid against a person for a contravention of sections 6 or 13 of the Act; or contraventions of clauses 10(1)(a) or (c) or subsection 10(2) of the *Cannabis Act* (Canada), provided there are reasonable grounds to believe that the premises were used in the alleged contravention.

Prior to June 6, 2019, this authority did not apply to premises used for residential purposes.

Amendments to the Act made by Bill 108 remove the residential exemption, permitting law enforcement personnel to close or bar entry, regardless of whether the premises is being used for residential purposes.

## 2. Interfering with premises closed

In addition, section 18 of the Act was also amended to prohibit any person from entering or attempting to enter a premises that has been closed under the authority of Section 18, until the final disposition of the charge and subject to an order lifting the closure (subsection 18(3.1)). Subsection 18 (3.2) adds an exception for police officers or other emergency responders who may enter barred premises in exigent circumstances.

## 3. Order to close premises

Section 25 of the Act has been amended by adding two subsections under subsection 25(2) to provide that no person shall enter or attempt to enter a premises that is closed under subsection (1) until the closing order is suspended or discharged under this section (2.1). Subsections (2) and (2.1) clarifies that this prohibition does not apply with respect to the entry, in exigent circumstances, of police officers or other emergency responders.

Additionally, paragraph 4 of section 24 of the Act was amended by striking out the reference to subsection 25(11), which has been repealed.

## 4. Limitations on Costs in a s.18 Application to Court

Subsection 18(4) of the *Cannabis Control Act, 2017* permits a person with an interest in a barred premises to submit an application to the Superior Court of Justice for an order that entry to the premises cease to be barred. The court may order that entry to the premises cease to be barred, subject to any conditions specified by the court.

Subsection 18(4.1) has been added to provide that no costs may be awarded in an application, except as against the applicant.

## Minimum fines for individuals

The Act prohibits any person from selling or distributing recreational cannabis, other than an authorized cannabis retailer (section 6). The Act also prohibits landlords from knowingly permitting such activities on their premises (section 13). Corporations and individuals convicted of section 6 and section 13 offences are subject to penalties, including a maximum fine of \$250,000 or imprisonment of not more than two years less a day (for individuals), and a maximum fine of \$1,000,000 (for corporations).

The amendments made by Bill 108 to the Act establish minimum fines for an individual convicted of section 6 or section 13 offences as follows:

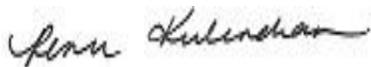
<b>Unlawful sale and distribution (s.6)</b>	
	<b>Minimum Fine</b>
Fine upon first conviction	\$10,000
For each day or part of a day on which the offence occurs or continues on subsequent offences	\$5,000
<b>Allowing property to be used for unlawful sale or distribution (s.13)</b>	
	<b>Minimum Fine</b>
Fine upon first conviction	\$10,000
For each day or part of a day on which the offence occurs or continues on subsequent offences	\$5,000

Obstruction of police enforcement activity

In addition, the amendments also prohibit a person from hindering, obstructing or interfering with, or attempting to hinder, obstruct or interfere with, a police officer or person designated under section 21 of the Act to enforce provisions of the Act (Section 21.1).

Thank you for your assistance in this matter.

Sincerely,



Renu Kulendran  
Executive Director  
Ontario Legalization of Cannabis Secretariat