

Appendix A: Letter from Department of Justice Canada



Department of Justice Ministère de la Justice
Canada Canada

900-840 Howe Street
Vancouver, British Columbia
V6Z 2S9

Telephone 604-666-4304
Facsimile 604-775-5942
Email: bj.wray@justice.gc.ca

June 5, 2014

By Email to: len.garis@ufv.ca

Len Garis
Adjunct Professor
Centre for Criminal Justice Research
School of Criminology and Criminal Justice
University of the Fraser Valley
A-202, 33844 King Road
Abbotsford, BC V2S 7M8

Dear Mr. Garis:

Re: *Allard et al. v. Her Majesty the Queen in Right of Canada*
Instruction Letter for Expert Report

Thank you for agreeing to provide the Attorney General of Canada (“AGC”) with an expert report in the matter of *Allard et al. v. Her Majesty the Queen in Right of Canada*. As discussed, this Federal Court litigation involves a constitutional challenge to the *Marihuana for Medical Purposes Regulations* (the “MMPR”).



Background Information

The plaintiffs in this litigation, all of whom are medical marihuana users, are challenging the constitutionality of the MMPR on the basis that they cause several unjustified violations of their rights to liberty and security of the person under the Canadian *Charter of Rights and Freedoms*. The plaintiffs' constitutional challenge in *Allard* focuses on four aspects of the MMPR that differ from the old medical marihuana regime: (1) the elimination of personal cultivation of marihuana in favour of requiring approved individuals to purchase from licensed producers; (2) the restriction that licensed producers may not cultivate marihuana in dwelling places or outdoor areas; (3) the limit on possession of marihuana to either 150g or 30 times the amount prescribed for daily consumption by the individual's medical practitioner, whichever is less; and (4) the failure of the MMPR to permit the production and possession of non-dried marihuana such as cannabis oils, salves, tinctures and edibles.

The plaintiffs have obtained an injunction from the Court that permits them to continue personal production of medical marihuana until the constitutionality of the MMPR is decided by the Court.

The AGC is the defendant and it is the AGC's position that the current medical marihuana regime is constitutionally sound, a position that will be defended by legal counsel on behalf of the AGC.

Facts and Assumptions

The facts alleged by the plaintiffs are outlined in the Amended Notice of Civil Claim which is enclosed.

Questions for Your Expert Report

Please address the following matters in your expert report:

1. Discuss the potential fire and electrical hazards of growing marihuana in a residential dwelling.
2. Discuss the contamination that may be caused by growing marihuana in a residential dwelling.
3. Discuss the risks that marihuana growing operations in residential dwellings pose to first responders.
4. Discuss the differences, if any, between illicit marihuana residential growing operations and medical marihuana residential growing operations in terms of potential fire hazards, contamination, and risks to first responders.



Format of Your Expert Report

Your report must be prepared in accordance with the Federal Courts Rules. As such, we ask that you do the following within the body of your report:

1. Set out the issues to be addressed in the report;
2. Describe your qualifications on the issues to be addressed;
3. Attach your current curriculum vitae as a schedule to the report;
4. Attach this letter of instruction as a schedule to the report;
5. Provide a summary of your opinions on the issues addressed in the report;
6. Set out the reasons for each opinion that is expressed in the report;
7. Attach any publications or other materials specifically relied on in support of the opinions;
8. If applicable, provide a summary of the methodology used in the report;
9. Set out any caveats or qualifications necessary to render the report complete and accurate, including those relating to any insufficiency of data or research and an indication of any matters that fall outside of your field of expertise; and,
10. Particulars of any aspect of your relationship with a party to the proceeding or the subject matter of your report that might affect your duty to the Court.

Please number each paragraph of your report as this will aid us in referring to your report in Court.

Please sign and date your report.

Duty to the Court

As an expert witness, you have a duty to the Court which is set out in the attached Code of Conduct for Expert Witnesses. Please carefully review this Code of Conduct and, after doing so, sign the attached Certificate and send it back to us.

Due Dates and Procedural Matters

We are required to file our expert reports on or before November 1, 2014. The trial has been set for three weeks commencing February 23, 2015. You may be required to attend the trial for cross-examination and, if so, we will attempt to accommodate your schedule to the extent possible.

Please keep all correspondence pertaining to this assignment in a separate "Expert Witness Report" folder.

We look forward to receiving a draft of your report the **first week of September, 2014.**

[REDACTED]

Please do not hesitate to contact me by telephone at 604-666-4304 if you require further information or have questions regarding the foregoing.

Yours truly,

Original Signed

BJ Wray
Counsel

Enclosures: Certificate for Expert Witnesses; Code of Conduct for Expert Witnesses; Amended Notice of Civil Claim

Appendix B: Certificate for Expert Witnesses

Court File No. T-2030-13

FEDERAL COURT

BETWEEN:

**NEIL ALLARD
TANYA BEEMISH
DAVID HEBERT
SHAWN DAVEY**

PLAINTIFFS

and

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

DEFENDANT

Certificate Concerning Code of Conduct for Expert Witnesses

I, Len Garis, having been named as an expert witness by the Defendant, Her Majesty the Queen in Right of Canada, certify that I have read the Code of Conduct for Expert Witnesses set out in the schedule to the *Federal Courts Rules* and agree to be bound by it.

Date: JUNE 6, 2014



Len Garis
Adjunct Professor
Centre for Criminal Justice Research
School of Criminology and Criminal
Justice
University of the Fraser Valley
A-202, 33844 King Road
Abbotsford, BC V2S 7M8

Appendix C: Code of Conduct for Expert Witnesses

DORS/98-106 — 14 Janvier 2014

SCHEDULE (Rule 52.2)

CODE OF CONDUCT FOR EXPERT WITNESSES

GENERAL DUTY TO THE COURT

1. An expert witness named to provide a report for use as evidence, or to testify in a proceeding, has an overriding duty to assist the Court impartially on matters relevant to his or her area of expertise.
2. This duty overrides any duty to a party to the proceeding, including the person retaining the expert witness. An expert is to be independent and objective. An expert is not an advocate for a party.

EXPERTS' REPORTS

3. An expert's report submitted as an affidavit or statement referred to in rule 52.2 of the *Federal Courts Rules* shall include
 - (a) a statement of the issues addressed in the report;
 - (b) a description of the qualifications of the expert on the issues addressed in the report;
 - (c) the expert's current *curriculum vitae* attached to the report as a schedule;
 - (d) the facts and assumptions on which the opinions in the report are based; in that regard, a letter of instructions, if any, may be attached to the report as a schedule;
 - (e) a summary of the opinions expressed;
 - (f) in the case of a report that is provided in response to another expert's report, an indication of the points of agreement and of disagreement with the other expert's opinions;
 - (g) the reasons for each opinion expressed;
 - (h) any literature or other materials specifically relied on in support of the opinions;
 - (i) a summary of the methodology used, including any examinations, tests or other investigations on which the expert has relied, including details of the qualifications of the person who carried them out, and whether a representative of any other party was present;
 - (j) any caveats or qualifications necessary to render the report complete and accurate, including those relating to any insufficiency of data or research and an indication of any matters that fall outside the expert's field of expertise; and
 - (k) particulars of any aspect of the expert's relationship with a party to the proceeding or the subject matter of his or her proposed evidence that might affect his or her duty to the Court.
4. An expert witness must report without delay to persons in receipt of the report any material changes affecting the expert's qualifications or the opinions expressed or the data contained in the report.

ANNEXE (règle 52.2)

CODE DE DÉONTOLOGIE REGISSANT LES TÉMOINS EXPERTS

DEVOIR GÉNÉRAL ENVERS LA COUR

1. Le témoin expert désigné pour produire un rapport qui sera présenté en preuve ou pour témoigner dans une instance a l'obligation primordiale d'aider la Cour avec impartialité quant aux questions qui relèvent de son domaine de compétence.
2. Cette obligation l'emporte sur toute autre qu'il a envers une partie à l'instance notamment envers la personne qui retient ses services. Le témoin expert se doit d'être indépendant et objectif. Il ne doit pas plaider le point de vue d'une partie.

LES RAPPORTS D'EXPERT

3. Le rapport d'expert, déposé sous forme d'un affidavit ou d'une déclaration visé à la règle 52.2 des *Règles des Cours fédérales*, comprend
 - a) un énoncé des questions traitées;
 - b) une description des compétences de l'expert quant aux questions traitées;
 - c) un *curriculum vitae* récent du témoin expert en annexe;
 - d) les faits et les hypothèses sur lesquels les opinions sont fondées, et à cet égard, une lettre d'instruction peut être annexée;
 - e) un résumé des opinions exprimées;
 - f) dans le cas du rapport qui est produit en réponse au rapport d'un autre expert, une mention des points sur lesquels les deux experts sont en accord et en désaccord;
 - g) les motifs de chacune des opinions exprimées;
 - h) les ouvrages ou les documents expressément invoqués à l'appui des opinions;
 - i) un résumé de la méthode utilisée, notamment des examens, des vérifications ou autres enquêtes sur lesquels l'expert se fonde, des détails sur les qualifications de la personne qui les a effectués et une mention quant à savoir si un représentant des autres parties était présent;
 - j) les mises en garde ou réserves nécessaires pour rendre le rapport complet et précis, notamment celles qui ont trait à une insuffisance de données ou de recherches et la mention des questions qui ne relèvent pas du domaine de compétence de l'expert;
 - k) tout élément portant sur la relation de l'expert avec les parties à l'instance ou le domaine de son expertise qui pourrait influencer sur son devoir envers la Cour.
4. Le témoin expert doit signaler immédiatement aux personnes qui ont reçu le rapport tout changement important ayant une incidence sur ses qualifications et les opinions exprimées ou sur les données figurant dans le rapport.

EXPERT CONFERENCES

5. An expert witness who is ordered by the Court to confer with another expert witness

(a) must exercise independent, impartial and objective judgment on the issues addressed; and

(b) must endeavour to clarify with the other expert witness the points on which they agree and the points on which their views differ.

SOR/2010-176, s. 13

CONFÉRENCES D'EXPERT

5. Le témoin expert à qui la Cour ordonne de s'entretenir avec un autre témoin expert doit, à la fois :

a) faire preuve d'un jugement indépendant, impartial et objectif quant aux questions traitées;

b) s'efforcer de clarifier avec les autres témoins experts les points sur lesquels ils sont en accord et ceux sur lesquels ils ont une divergence d'opinions.

DOCS/2010-176, art. 13

Appendix D: Amended Notice of Civil Claim

No. T-2030-13

FEDERAL COURT

M
PROPOSED CLASS PROCEEDING

BETWEEN:

NEIL ALLARD
TANYA BEEMISH
DAVID HEBERT
SHAWN DAVEY

COUR FÉDÉRALE
FEDERAL COURT
Copie du document
Copy of Document
Déposé / Filed
Reçu / Received

Date 21 JAN 201
Greffier M.H.
Registrar

PLAINTIFFS

AND:

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

DEFENDANTS

AMENDED STATEMENT OF CLAIM

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiffs. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you are required to prepare a statement of defence in Form 171B prescribed by the Federal Courts Rules serve it on the plaintiff's solicitor or, where the plaintiff does not have a solicitor, serve it on the plaintiff, and file it, with proof of service, at a local office of this Court, **WITHIN 30 DAYS** after this statement of claim is served on you, if you are served within Canada.

If you are served in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period for serving and filing your statement of defence is sixty days.

Copies of the Federal Court Rules information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

Vancouver, January _____, 2014 Issued by:

(Registry Officer)

Pacific Centre, 3rd Floor
701 West Georgia Street
Box 10065
Vancouver, BC V7Y 1B6

Address of Local Office: Pacific Centre, 3rd Floor
701 West Georgia Street
Box 10065
Vancouver, BC V7Y 1B6

TO: The Attorney General of Canada
Attention: Mr. William F. Pentney, Deputy Attorney General of Canada

THE CLAIMS OF THE PLAINTIFFS

1. The Plaintiffs claim as follows:
 - a. A Declaration pursuant to s.52 (1) of the *Canadian Charter of Rights and Freedoms* ("the *Charter*") that 'a constitutionally viable exemption' from the provisions of the *Controlled Drugs and Substances Act* must exist to enable the medical use of Cannabis, by medically approved persons, in any of its effective forms. This constitutional right includes the right of the patient (or a person designated by the patient as a caregiver 'person responsible for the patient' where the patient is unable to exercise this right), to both possess and use Cannabis in any forms and also to cultivate or produce and possess Cannabis in any form, for the treatment of the patient's medical condition.
 - b. A Declaration, pursuant to s.52 (1) of the *Charter*, that the *Marihuana for Medical Purposes Regulations (MMPR)* that came into force on June 19, 2013, (and run concurrently with the *Medical Marihuana Access*

[REDACTED] [REDACTED] [REDACTED]

Regulations (MMAR) until March 31, 2014 when the MMAR will be repealed by the MMPR) are unconstitutional to the extent that:

- i. They fail to provide for the continued personal production of their medicine by the patient or a designated caregiver 'person responsible for the patient' where the patient is unable to exercise this right, as provided for currently in the *MMAR*;
- ii. The *MMPR* unreasonably restricts the s. 7 *Charter* constitutional right of a medically approved patient to reasonable access to their medicine by way of a safe and continuous supply and,

and are inconsistent with the s.7 *Charter* right and are not saved by s. 1 of the *Charter*.

- c. A Declaration, pursuant to s.52 (1) of the *Charter*, that the limits in the *Narcotic Control Regulations (NCR)*, *MMAR* and in the *MMPR*, to possessing, selling or providing only "dried marijuana" are arbitrary and constitute an unreasonable restriction on the s. 7 *Charter* rights of these patients and are inconsistent therewith and in violation thereof and not saved by s. 1 of the *Charter*, in accordance with the principles and findings underlying the judicial decision in *R. v. Smith* 2012 BCSC 544.
- d. A Declaration, pursuant to s.52 (1) of the *Charter*, that the provisions in the *MMPR* that specifically limit production by a 'Licenced Producer' of Cannabis to "indoors", prohibiting any, even temporary, outdoor production and prohibiting production in "a dwelling house," are unconstitutional, to the extent that they might be found to be applicable to a patient generally, a patient personal producer or his or her designated caregiver as such limits and restrictions amount to arbitrary unreasonable restrictions on the patients s.7 *Charter* right to possess, produce and store for their medical purposes, and are inconsistent therewith and these limitations are not saved by section 1 of the *Charter*;
- e. A Declaration, pursuant to s.52 (1) of the *Charter*, that the provisions in the *MMPR* that specifically restrict the amounts relating to possession and storage by patients, including the "30 x the daily quantity authorized or 150 gram maximum, whichever is the lesser", and other limitations applicable or imposed upon 'Licenced Producers' in relation to their registered clients

after September 30th, 2013 as reflected in the amended *MMAR* sections 41-48.

g. An Order under s.24(1) of the *Canadian Charter of Rights and Freedoms*, as the appropriate and just final remedy, in the nature of:

i. a permanent constitutional exemption from ss.4,5 and 7 of the *Controlled Drugs and Substances Act* for all persons medically approved under the *Narcotic Control Regulations (NCR)*, the *MMAR* or the *MMPR*, including those patients who have a caregiver 'person responsible' for them designated to produce for them, including that designated producer, until such further Order of the court;

or, in the alternative

ii. a permanent exemption/ injunction preserving the provisions of the *MMAR* relating to personal production, possession, production location and storage by a patient or designated caregiver 'person responsible' and related ancillary provisions, and if necessary, limiting the applicability of certain provisions of the *MMPR* to such patients or designated caregivers 'person responsible' that are inconsistent with their s.7 *Charter* Rights. Such order to continue until such time as the Defendant makes appropriate amendments to the *MMPR* or otherwise to comply with any decision of this Court to ensure the full ambit and scope of the patient's constitutional rights pursuant to s. 7 of the *Charter*, without any unreasonable, inconsistent and unnecessary restrictions thereon.

h. Costs, including special costs and the Goods and Services Tax and Provincial Services Tax, on those costs, if appropriate; and

i. Such further and other relief as this Honourable Court deems appropriate and just in all of the circumstances.

/ patients are unconstitutional, to the extent that they are applicable to a patient generally, a patient personal producer or his or her designated caregiver as such limits in the *MMPR* amount to arbitrary unreasonable restrictions on the patients s.7 *Charter* right to possess, produce and store for their medical purposes, and are inconsistent therewith and these limitations are not saved by section 1 of the *Charter*.

f. An Order pursuant to s.24(1) of the *Canadian Charter of Rights and Freedoms*, as the appropriate and just interim remedy, in the nature of:

i. An interim constitutional exemption from ss.4,5 and 7 of the *Controlled Drugs and Substances Act* for all persons medically approved under the *Narcotic Control Regulations C.R.C., c.1041 (NCR)*, the *MMAR* or the *MMPR*, including those patients who have a caregiver 'person responsible' for them designated to produce for them, including an exemption for that caregiver 'person responsible' designated producer, pending trial of the merits of the action or such further Order of the court as may be necessary;

or, alternatively

ii. an interlocutory exemption/injunction preserving the provisions of the *MMAR* relating to personal production, possession, production location and storage, by a patient or designated caregiver 'person responsible for the patient' and related ancillary provisions, and if necessary, limiting the applicability of certain provisions of the *MMPR* to such patients or designated caregivers that are inconsistent with their s. 7 constitutional right under the *Charter* pending the decision of this Court on the merits of this action.

or alternatively, and together with

iii. an interim/interlocutory order in the nature of *mandamus* to compel the Defendant to process all applications, renewals and modifications to any licences pursuant to the *MMAR* in accordance with all of its provisions (other than those challenged as unconstitutional herein), notwithstanding ss.230, 233-234, 237-238, 240-243 of the *MMPR* relating to applications under the *MMAR*

THE PARTIES

2. The Plaintiff Neil Allard, is a resident of British Columbia and has been medically retired since 1999 and has an address for service, care of Conroy and Company, 2459 Pauline St., Abbotsford, BC.
3. The Plaintiff Tanya Beemish is a resident of British Columbia, unemployed, disabled and on a disability pension and the Plaintiff David Hebert is a resident of British Columbia, is Tanya Beemish's common-law husband and the person responsible for her as her caregiver and designated producer under the *MMAR* of her medicine. They have an address for delivery care of Conroy and Company 2459 Pauline St., Abbotsford, BC.
4. deleted
5. The Plaintiff Shawn Davey is a resident of British Columbia and is unemployed surviving off of settlement funds and a pension since 2000 and has an address for deliver care of Conroy and Company, 2459 Pauline St., Abbotsford, BC.
6. The Plaintiffs bring these claims for declaratory relief and interlocutory and permanent relief pursuant the *Federal Court Act* and *Rules* and ss.7 and 24(1) of the *Charter of Rights and Freedoms*, on behalf of themselves as persons ordinarily resident in Canada who have been medically approved to use cannabis as medicine as a patient under professional treatment for a condition for which the person is receiving treatment either under:

All persons ordinarily resident in Canada who have been medically approved to use cannabis as medicine as a patient under professional treatment for a condition for which the person is receiving treatment, either under the *Narcotic Control Regulations, C.R.C., c. 1041*, the *Medical Marihuana Access Regulations (MMAR) SOR/2001-227* since July 30th, 2001 or the *Marihuana for Medical Purposes Regulations (MMPR)* since June 19th, 2013 and in particular since September 30th, 2013.

7. The number of patients approved under the *NCR* and under the *MMPR* since June 19th, 2013 or in particular since September 30th, 2013, when no further amendments could be made to existing *MMAR* licences, are unknown. There are approximately 35,000 to 40,000 patients currently holding Authorizations to Possess (ATPs) under the *MMAR*, of which some 24,000 – 30,000 hold Personal Production Licences (PPLs). Some 4,250 of those patients have Authorizations to Possess (ATPs) and

rely upon a person responsible for them as a Designated Grower (DG) to produce their medicine for them. Some 6,000 of those patients obtain their medicine through the government supply. The specific details with respect to these statistics are within the knowledge and possession of the Defendant.

8. The Defendant, Her Majesty the Queen in Right of Canada, as represented by the Attorney General of Canada, is named as the representative of the Federal Government of Canada and the Minister of Health for Canada who is the Minister responsible for Health Canada and certain aspects of the *Controlled Drugs and Substances Act* including the *Narcotic Control Regulations*, the *Marihuana Medical Access Regulations* and program and the *Marihuana for Medical Purposes Regulations* and program.

BACKGROUND

The Controlled Drugs and Substances Act

9. Cannabis, its preparations, derivatives and similar synthetic preparations are listed in Schedule II to the *Controlled Drugs and Substances Act*, S.C. 1996, c.19, and amendments thereto (the "CDSA"). Its production, possession, possession for the purposes of distribution or trafficking, and trafficking, as well as importing and exporting are prohibited by this Statute as a "controlled substance", formerly known as "narcotics".
10. Section 56 of the CDSA permits the Minister for Health for Canada (the "Minister") or his designate, to exempt any person, class of persons, controlled substance or precursor of an a controlled substance from the application of the CDSA or its Regulations if, in the Minister's or the designates opinion, the exemption is necessary for a medical or scientific purpose or is otherwise in the public interest.
11. While no viable constitutional medical exemption to the prohibition against the possession, possession for the purpose of trafficking, trafficking and cultivation or production of cannabis, or other offences, existed prior to July 30th, 2001, the *Narcotic Control Regulations* C.R.C., c.1041, and specifically s.53, continued pursuant to the *Controlled Drugs and Substances Act* provided as follows:
 53. (1) No practitioner shall administer a narcotic to a person or animal, or prescribe, sell or provide a narcotic for a person or animal, except as authorized under this section.

(2) Subject to subsections (3) and (4), a practitioner may administer a narcotic to a person or animal, or prescribe, sell or provide a narcotic for a person or animal, if

(a) the person or animal is a patient under his professional treatment; and

(b) the narcotic is required for the condition for which the person or animal is receiving treatment.

(3) No practitioner shall administer methadone to a person or animal, or prescribe, sell or provide methadone for a person or animal, unless the practitioner is exempted under section 56 of the Act with respect to methadone.

(4) A practitioner of medicine, dentistry or veterinary medicine shall not administer diacetylmorphine (heroin) to an animal or to a person who is not an in-patient or out-patient of a hospital providing care or treatment to persons, and shall not prescribe, sell or provide diacetylmorphine (heroin) for an animal or such a person.

12. This Regulation was amended by the *MMAR* in July, 2001 to add at the end of s.53(1) the words "or the Marihuana Medical Access Regulations". On June 19th, 2013, by virtue of s.127(1) of the *MMPR*, s.53(1) was further amended to include the words at the end after the word "section", "the Marihuana Medical Access Regulations or the Marihuana for Medical Purposes Regulations." The words "Marihuana Medical Access Regulations" are to be deleted upon the repeal of the *MMAR* on March 31st, 2014 by the *MMPR*. In addition the *MMPR* adds the following as sub-section (5):

(5) A health care practitioner may administer **dried marihuana** to a person or prescribe or transfer it for a person if

(a) the person is a patient under their professional treatment; and

(b) the **dried marihuana** is required for the condition for which the person is receiving treatment. (emphasis added)

13. As a result of the decision of the Ontario Court of Appeal in *R. v. Parker* (2000) 49 O.R. (3d) 481 (leave to appeal to the Supreme Court of Canada dismissed) recently reaffirmed in *Her Majesty the Queen and Matthew Mernagh* (2013) O.C.A 67 (February 1st, 2013) (leave to appeal to SCC dismissed July 25th, 2013), the

Government of Canada was required, in order to ensure that the *Controlled Drugs and Substances Act* was in compliance with the Canadian Constitution and in particular s.7 of the *Canadian Charter of Rights and Freedoms*, to put in place a "constitutionally viable medical exemption to the prohibition against the possession and cultivation of marihuana, that requires medical oversight".

14. The failure on the part of the government 'to provide reasonable access for medical purposes' as an exemption to the general prohibition violated s.7 of the *Canadian Charter of Rights and Freedoms* in that the 'liberty' and 'security of the person' of the patient was affected in a manner that was inconsistent with the "principles of fundamental justice".
15. Initially the government, pursuant to s.56 of the *CDSA* issued an "Interim Guidance" document and processed exemptions under that section until ultimately on July 30th, 2001 the *Medical Marihuana Access Regulations (MMAR)* came into effect.

The Medical Marihuana Access Regulations (MMAR) SOR / 2001-227

16. The *MMAR* established a framework or scheme where an individual could apply to Health Canada with the support of their medical practitioner for an "Authorization to Possess" (ATP) "dried marihuana" in accordance with an authorization for medical purposes. The Regulations set out various categories 1 – 3 relating to symptoms of various medical conditions with the latter categories requiring the involvement of one or two specialists. The ATP was subject to annual renewal.
17. There being no lawful supply of seeds or plants, the *Regulations* provided for the individual to obtain a Personal Use Production Licence (PUPL) to produce for them an amount of cannabis and to store and possess certain amounts depending upon a calculation derived from the medical practitioner's authorization of grams per day for the particular ailment.
18. A "Personal Production Licence" (PPL) pursuant to the *Medical Marihuana Access Regulations*, enables the patient to produce and store their own medicine at chosen location in amounts determined according to a formula under the regulations that is dependent upon the number of grams per day authorized by the physician.

19. In addition the *Regulations* provide for a "Designated Person Production Licence" (DPPL) authorizing someone to produce dried marihuana for the patient.
20. All licences are subject to annual renewal and specify not only the number of plants permitted to be produced, but also the amount to be stored and the location of the storage and the specific amount that the patient could possess on his or her person at any time (30 times the daily limit with no maximum).
21. The licence provides for production entirely indoors or partly indoors and partly outdoors subject to some restrictions, including a prohibition against the simultaneous production of marihuana partly indoors and partly outdoors.
22. There is no prohibition against production at one's ordinary place of residence or in any 'dwelling place' and if the production site is not owned by the producer and is not the applicant's ordinary place of residence then the consent of the owner is required.
23. Initially, these Regulations provided that a designated producer could only produce for one patient holding an ATP and there could only be three licences in one place. Furthermore the Regulations are limited to the production and supply of "dried marihuana" and no other form.
24. Subsequent to *Parker (supra)* as a result of further litigation, in both civil and criminal cases, including, *Wakeford v. Canada* [1998] O.J. 3522; [2000] O.J. 1479; [2002] O.J. No. 85, Ont. CA *R. v. Krieger* 2000 ABQB 1012, 2003 ABCA, 2008 ABCA 394, *Hitzig v. Canada* (2003) 177 OAC 321, issues were raised with respect to the lack of a legal source and safe supply thereof, and the government of Canada on July 8th, 2003 announced an "Interim Policy" whereby marihuana seeds and dried marihuana grown by Prairie Plant Systems (PPS) under contract for the government for research purposes would become available to individuals having an exemption under the *MMAR* or under s.56 of the *CDSA*. This policy was to be in place until further clarification was made by the courts.
25. As a result of the Ontario Court of Appeal decision in *Hitzig (supra)* the Government of Canada on December 3rd, 2003 amended the *MMAR* to comply with that decision to some extent but re-enacted the provision permitting a designated producer to only produce for one patient in virtually identical terms. Consequently, while a

government supply of cannabis became available to authorized permit holders who did not have a Personal Production Licence or a Designated Grower, the Designated Grower was once again still limited to producing for only one person.

26. On June 29th, 2005 the Government of Canada made further amendments to the *MMAR* re-defining the types of applicants by merging categories 1 and 2 into category 1, requiring the declaration of only one physician, and merging category 3 into 2 and eliminating the requirement of a declaration from a specialist but still requiring a consultation with one.

27. On October 3rd, 2007 further amendments were made to the *MMAR* but still leaving the designated producer's ability to produce for only one person in place. However, as a result of the decision of the Federal Court of Appeal in *Sfetkopoulos v. AG Canada* 2008 FC 33 (FCTD) and 2008 FCA 328 (FCA), essentially following *Parker* and *Hitzig (supra)* that provision was struck down again as being a negative restriction violating s.7 of the *Charter* in that it was arbitrary and not in accordance with the principles of fundamental justice.

28. In response, the Government of Canada on May 14th, 2009 enacted a new ratio allowing a designated producer to produce for two authorized persons.

29. The *MMAR* also provided that there could only be three production licences at one location and no more. This section was also challenged in the courts and found to be too restrictive in the case of *R. v. Beren and Swallow* (2009) BCSC 429 and the government's response to the striking down of that section was simply to amend the *MMAR* and allow up to four licences at one location.

The Marihuana for Medical Purposes Regulations (MMPR)

30. On June 19th, 2013 the *Marihuana for Medical Purposes Regulations (MMPR)* SOR/2013-119 came into effect. These Regulations run concurrently with the *MMAR* until March 31st, 2014 when, by virtue of s. 267 of the *MMPR*, the *MMAR* will be repealed and all personal use production licences and designated producer licences will be terminated effective that date regardless of the dates specified on the actual licences previously issued. While "access" is increased slightly by the definition of a "Health care practitioner" being expanded to include "nurse practitioners", the

question of "supply" is dealt with by providing for "licenced producers" as the sole source of supply to registered patients, doctors or hospitals for patients.

31. The *MMPR* puts in place a transitional scheme to be implemented between now and March 31st, 2014 whereby persons holding an Authorization to Possess and a Personal Production Licence or a Designated Producer will obtain a notice of authorization from the Minister to sell their plants or seeds to a licenced producer. While the ATP continues to be valid for purposes of registration with a licenced producer up until March 31st, 2015, no more applications under the *MMAR* or renewals or amendments to existing licences are permitted after September 30th, 2013. After that date the patient with an 'Authorization to Possess' is to obtain cannabis by registering as a client with a licenced producer or attending on their health care practitioner and obtaining from them a "medical document" that sets out the authorized grams per day and that authorization can only be filled by a licenced producer directly or indirectly through the doctor or a hospital obtaining it from a licenced producer. ATP's can also continue to access the government PPS supply
32. The *MMPR* continues to limit possession by a patient to "dried marihuana" and the patient cannot possess any more than 30 times the daily quantity authorized or 150 grams whichever is the lesser amount(ss.3-6). The "licenced producers" are not permitted to conduct any activity at a 'dwelling place' and production and related activities can only take place 'indoors' and not 'outdoors'(ss.12 - 15).
33. In the Government of Canada produced "Regulatory impact analysis statement" about the *Marihuana for the Medical Purposes Regulations* in the Canada Gazette, Volume 146, #50 on December 15th, 2012 it is indicated that the main economic cost associated with the proposed *MMPR* would arise from the loss to consumers who may have to pay a higher price for dry marihuana estimated to be \$1.80 per gram to \$5.00 a gram in the status quo to about \$7.60 per gram in 2014 rising to \$8.80 per gram thereafter.
34. As of November 1st, 2013 there were three approved licenced producers(LP's) and one of them is a wholly owned subsidiary of Prairie Plants Systems the former government sole contractor, and goes by the name of 'CanniMed Ltd.' It has indicated that the price of its product will be between \$8.00 and \$12.00 a gram. The others are called "The Peace Naturals Project Inc' and 'Mettrum Ltd.' and their estimated prices are currently unknown to the Plaintiffs.

35. Whereas persons can be approved for the use of cannabis (marihuana) under the *Narcotic Control Regulations* or since September 30th, 2013 under the *Marihuana for Medical Purposes Regulations*, the majority of the persons affected were approved under the *Medical Marihuana Access Regulations* since July 31st, 2001 and continuing until its repeal on March 31st, 2014. According to Health Canada statistics there are:

- 24,185 of those persons held personal use production licences ("PPLs").
- 4,251 persons held designated grower production licences (DGs).
- 6,027 persons had access to Health Canada's supply of dried marihuana (presumably through the government contractor Prairie Plant Systems).
- 27,015 licences were issued to produce entirely indoors
- 3,334 licences were issued to produce entirely outdoors.
- 2,670 licences were issued to individuals producing indoors in the winter and outdoors in the summer.

36. A research survey, supported by the UBC Institute for Healthy Living and Chronic Disease Prevention, of patient characteristics under the MMAR disclosed that some 60 to 70% of those persons authorized to possess cannabis (marihuana) for medicine are on disability pensions and that affordability was a substantial barrier to access by all income groups.

37. As of April, 2013, Health Canada authorized the production of 188,189 kg of Cannabis (marihuana) to be produced under the *MMAR* under the various licences during 2012 broken down as follows:

- 15,752.88 kg : for patients needing to use 1 to 5 g per day;
- 42,054.31kg: for patients needing to use 6 to 10 g per day;
- 89,127.44 kg: for patients needing to use 11 to 20 g per day;
- 12,795.62 kg: for patients needing to use 21 to 50 g per day;
- 3195.21 kg: for patients needing to use 51 to 100 kg per day; and

- 4,854.87 kg: for patients needing to use 101 to 150 g per day.
- Apparently there are 89 persons in Canada with authorizations to possess with dosage levels of 150 g or more per day.

38. The Plaintiffs hold the following licence/s issued by Health Canada, pursuant to the *Medical Marihuana Access Regulations (MMAR)* under the *Controlled Drugs and Substances Act (CDSA)*:

- Neil Allard: personal production licence & authorization to possess as medicine
- (deleted)
- Tanya Beemish: authorization to possess as medicine;
- David Hebert: designated grower licence (for patient Tanya Beemish); and
- Shawn Davey: authorization to possess and personal production licence.

39. The Plaintiff, Neil Allard, age 59, resides in British Columbia. He became severely ill in 1995 and unable to continue work as an Area Counselor at Veterans Affairs Canada, and by 1999 was placed on permanent medical retirement. He suffers from 'Myalgic Encephalomyelitis' and 'clinical depression'.

40. Mr. Allard currently holds an Authorization to Possess (ATP) and a Personal Production Licence ("PPL"), under the *MMAR*, and he has been so authorized on an annual basis since 2004. He is authorized to produce at his residence/dwelling house and constructed a facility for that purpose, at considerable cost and took a course through Malaspina College on how and what to do with respect to marihuana production.

41. Mr. Allard produces indoors and has produced outdoors and in a greenhouse. He is authorized to consume a daily dose of medical marihuana of 20 grams a day and uses the marihuana in various forms. These include edibles, where the dried marihuana is baked into another product for consumption ("Edibles"), juiced, where the leaves from the raw marihuana plant are blended together to form a juice for consumption ("Juiced"), vapourized, where the active ingredients of the dried marihuana are inhaled when comingled with water particles in a vaporizer device ("Vapourized"), and in topical oils, which contain the extracted active ingredients in marihuana and are then applied directly to the skin ("Oils"). He does not smoke dried cannabis (marihuana) in cigarettes/joint form.

42. Additionally, Mr. Allard works with 13 different specific strains of marijuana that he grows organically to help manage his medical condition and says that certain strains do not work for him and are problematic and he is very concerned about quality control. He also asserts that he derives therapeutic benefit from the production of his own Cannabis plants.

43. The Plaintiff, Tanya Beemish, age 27, resides in British Columbia with her common-law spouse, the Plaintiff David Hebert. Ms. Beemish suffers from 'Type One Diabetes' and from a complication thereof called "Gastroparesis" or "delayed gastric emptying" which causes frequent vomiting and causes significant pain and nausea. She has to regularly attend the Emergency department at the Royal Columbian Hospital. She is unemployed and receives a monthly permanent disability pension.

44. Ms. Beemish has held an ATP since 2012 and her common-law spouse, the Plaintiff David Hebert also acts as the person responsible for her as her caregiver Designated Grower ("DG") as she cannot produce her medicine for herself due to her illness and they cannot afford to purchase her medicine from the illicit market. She is unemployed, disabled and on disability pension. They have constructed a safe and secure production facility in their dwelling house, having invested in appropriate equipment for production and related purposes, including safety and security.

45. Ms. Beemish presently consumes between 2-10 grams per day, usually by smoking, and vapourizing, as well as edibles by way of baked goods, juicing, and oils. She relies on two unique "blueberry cross" strains to help manage the pain of her illness. Both Ms. Beemish and Mr. Hebert are concerned about losing control over the production of her medicine in a secure and safe manner at reasonable cost.

46. (deleted)

47. (deleted)

48. (deleted)

49. The Plaintiff Shawn Davey, age 37, resides in British Columbia. He is unemployed due to a brain injury suffered in a motor vehicle accident on June 16th, 2000 and

survives off of funds from a settlement in relation to the motor vehicle accident and a CPP disability pension.

50. Mr. Davey has and ATP and PPL having discontinued the use of a Designated Grower who held the Designated Person Production Licence because that grower could not produce his medicine to a satisfactory standard for him. He is currently authorized to use 25 grams per day that he consumes by way of smoking, edibles and various other forms. He produces indoors in a separate outbuilding on a 5 acre piece of property and has invested heavily in security measures and fire protection measures and has never had a toxic mold problem.

51. Mr. Davey says that he will not be able to afford to purchase from licenced producers at the estimated price of \$8 to \$12 a gram, nor from the illicit market or compassion clubs or dispensaries at similar prices. Cannabis (marihuana) is the only medication that he now uses having stopped the use of all other narcotics and if he is compelled to stop producing for himself at an estimated \$1 to \$4 a gram he would have to return to the narcotics at a cost of approximately \$3,000.00 per month, a portion of which would be defrayed by Pharmacare/insurance coverage. The cost estimated for cannabis (marihuana) from a licenced producer for a month would be more than that and not covered by any Pharmacare/insurance program.

52. Mr. Davey is also very concerned to ensure quality control over his production by way of organics and sanitation to ensure safety and cleanliness and the lack of contamination of any kind.

53. All of the Plaintiffs, except David Hebert, are unemployed and on disability pensions. Some of them have experienced purchasing their medicine from Compassion Clubs/Dispensaries and other aspects of the illicit market or from the government supply but determined that they could not afford to continue to do so for economic and other reasons.

54. Consequently, they each invested substantially in creating their own production facility/room in a dwelling house, or outbuilding, including investing in appropriate indoor production equipment and other related equipment to prevent the escape of odors and for safety and security purposes.

55. Some have also produced in greenhouses and outdoors, at substantial electrical costs savings, as well as indoors. Some have also invested considerable time educating themselves on how to produce, how to produce safely for their medical condition, including organic production, and how to produce certain strains of Cannabis (Marihuana) that are most effective for their medical condition.
56. All of them fear the loss of control over the safe continuous production of their own medicine at reasonable cost, including use of their developed specific effective strains, by the production by others who will be producing for many others, and fear that they will not be able to afford the cost of the medicine to be sold by the new Licence Producers, estimated to be similar to illicit market prices.
57. All of the Plaintiffs reside in British Columbia, and are therefore not limited to using only "dried marihuana" as provided in the *NCR*, *MMAR* and *MMPR* due to the decision in *R v. Smith* 2012 BCSC 544, which is on appeal, and is only applicable in British Columbia and in relation to the *MMAR*. The Plaintiffs use Cannabis in its various forms, including in its raw form for juicing, and making butter, as well as using oils and tinctures, using it in teas, and as salves and creams for topical applications, or by making edibles and by smoking in cigarettes/joints or using a vaporizer or atomizer. Medically approved patients outside British Columbia offend against the Controlled Drugs and Substances Act if they exceed the terms of their license limiting them to "dried marihuana". It is an offense to separate or extract the resin glands from the dead plant material and a further offense to possess those resin glands, whether as resin or "hashish, or when infused into derivative products such as foods, oils or even tea. It is an offence to possess cannabis juice derived from the natural undried plant as it is not "dried marihuana".
58. The Plaintiff Allard is medically retired and the Plaintiff Tanya Beemish is on permanent disability pension. They rely on specific strains and exercise particular control over their production environments due to "immune system" concerns and usually produce in their dwelling house or in an outbuilding on their property adjacent to their dwelling house. (deleted) The Plaintiff Allard has produced partly outdoors but primarily indoors and the Plaintiff Hebert on behalf of Beemish produces indoors. The Plaintiffs not only use cannabis as "dried marihuana" by smoking or vapourizing, but also use it in its natural form through cold press juicing, as well as various other methods of vaporizing and atomizing and some use

extractions such as topical oils for skin conditions and many use edibles or baked goods.

59. The Plaintiffs say that they are able to produce their cannabis at between \$1.00 and \$4.00 a gram or less and that they will not be able to afford the estimated Licenced Producer prices which are comparable to illicit market prices and that affordability is a barrier to access across all income levels.

60. (deleted)

The Constitutional Violations Alleged – Section 7 of the Charter

61. The Plaintiffs plead and rely on ss.1, 7, 24(1) and 52(1) of the *Canadian Charter of Rights and Freedoms* (the "Charter"), Part 1 of the *Constitution Act, 1982* being Schedule B to the *Canada Act, 1982* (U.K.) 1982, c.11 (the "Constitution Act 1982").

62. The Plaintiffs say that they are entitled to a Constitutionally viable exemption from the provisions of the *Controlled Drugs and Substances Act, supra*, to enable their medically approved use of cannabis, in any or all of its effective forms. This includes the right of the patient (or a person responsible for the patient) to produce and possess the cannabis for themselves (or the patient) for medical purposes in order:

- to ensure a safe, quality controlled supply;
- at a reasonable cost that is within their economic means; and
- to do so inside or outside of their dwelling house, subject only to reasonable regulations regarding safety and security.

MMPR – The Omission to Include Personal Production

63. The Plaintiffs say that any unreasonable restriction on their constitutional right of reasonable access, including precluding them from:

- producing for themselves or if unable having somebody produce for them;
- growing in their dwelling house or outside their dwelling house;

- consuming cannabis that is other than "dried marihuana,

will cause the Plaintiffs to have to choose between their liberty and their health. Consequently, this will impact the liberty and security of their person and in a manner that is not in accordance with the principles of fundamental justice, namely, precluding arbitrariness in the deprivation of rights, that does little or nothing to advance the governments interest, gross disproportionality in effects, and an administrative structure made up of unnecessary rules that result in an additional risk to the health of the person and that are manifestly unfair, thereby violating their right to life, liberty and the security of their person and the right not to be deprived thereof except in accordance with the principles of fundamental justice as preserved by s.7 of the *Canadian Charter of Rights and Freedoms* and these provisions are not saved under s.1 of the *Charter*.

NCR/MMAR/MMPR – The Limitation to Dried Marihuana Only

64. The Plaintiffs say that the restriction with respect to "dried marihuana only" in the *MMPR* that also exist in the *MMAR* and *NCR* is an unconstitutional violation of s.7 of the *Charter* as an unreasonable restriction. In British Columbia that provision of the *MMAR* was struck down as unconstitutionally restrictive as that limitation did little or nothing to enhance the government's interest including the government's interest in preventing diversion of the drug, or controlling false and misleading claims of medical benefit and that it was arbitrary and violated s.7 of the *Charter* (*R. v. Smith* 2012 BCSC 544 (currently on appeal to the BCCA). The Plaintiffs say that the decision in *Smith* (*supra*) should be followed federally and applied across Canada (~~deleted~~) to enable medically approved patients to consume their medicine in whatever form is most effective for them and to avoid a form that may be harmful to them, and that such a limitation in the *NCR*, *MMAR* and *MMPR* is unconstitutional as being in violation of s.7 and inconsistent therewith and is not saved by s.1.

MMPR – Other Limitations – Dwelling House, Outdoor and Possession Limits

65. The Plaintiffs say that the proposed *MMPR* restrictions preventing production in a dwelling house and preventing any production outdoors in particular, as well as other restrictions applicable to licenced producers, should not be applicable to the patient or personal producer or designated caregiver because they amount to unnecessary

restrictions in relation to the patient producer or his or her designate and would be unconstitutionally too restrictive. As the patient producer or his designate would not be involved in selling any of their product to any members of the public, none of the provisions of the *MMPR* relating thereto, such as packaging and labeling and the costs thereof, including packaging arbitrary maximum amounts in containers that a person can possess on their person at any one time, such as the maximum of 150 g, regardless of one's authorized dosage, should not apply to the patient, producer or designate, and if any such limits are held to apply they should not be less than 30 times the daily dosage with no maximum, as provided in the *MMAR*

THE RELIEF

66. The plaintiffs claim as follows:

- a. A Declaration, pursuant to s.52 (1) of the *Canadian Charter Of Rights and Freedoms* that 'a constitutionally viable exemption' from the provisions of the *Controlled Drugs and Substances Act (CDSA)*, in accordance with the principles and findings underlying the judicial decisions in *R v. Parker*, (2000), 49 O. R. (3d) 481, *Hitzig v. Canada* (2003) 231 D.L.R. (4th) 104 and *R v. Mernagh*, 2013 ONCA 67, to enable the medical use, by medically approved persons, of Cannabis, in any of its effective forms, includes the right of the patient (or a person designated as responsible for the patient), to not only possess and use Cannabis in any of its forms, but also to cultivate or produce and possess Cannabis in any form, that is effective for the treatment of the patient's medical condition;
- b. A Declaration pursuant s.52(1) of the *Canadian Charter of Rights and Freedoms* that the *Marihuana for Medical Purposes Regulations (MMPR)* that came into force on June 19, 2013, and that run together or concurrently with the *Medical Marihuana Access Regulations (MMAR)* until March 31, 2014, when the *MMAR* will be repealed by the *MMPR*, are unconstitutional to the extent that the *MMPR* unreasonably restricts the s. 7 *Charter* constitutional right of a medically approved patient to reasonable access to their medicine by way of a safe and continuous supply, by failing to provide for the continued personal production of their medicine by the patient or a designated caregiver of the patient, as provided for currently in the *MMAR*, and as such violates the constitutional rights of such patients pursuant to s. 7 of the *Canadian Charter of Rights and Freedoms* and is inconsistent there with and not saved by section 1 thereof;

- c. A Declaration pursuant to s.52 (1) of the *Canadian Charter of Rights and Freedoms* that the limits in *NCR*, *MMAR* and in the *MMPR*, to possessing, selling or providing only "dried marihuana" are arbitrary and constitute an unreasonable restriction on the s. 7 *Charter* rights of these patients and are inconsistent there with and not saved by s. 1 of the *Charter*, in accordance with the principles and findings underlying the judicial decision in *R v. Smith*, 2012 BCSC 544;
- d. A Declaration, pursuant to s.52 (1) of the *Charter*, that the provisions in the *MMPR* that specifically limit production by a 'Licenced Producer' of Cannabis to "indoors", prohibiting any, even temporary, outdoor production and prohibiting production in "a dwelling house," are unconstitutional, to the extent that they might be found to be applicable to a patient generally, a patient personal producer or his or her designated caregiver as such limits and restrictions amount to arbitrary and unreasonable restrictions on the patients s. 7 *Charter* right to possess, produce and store for their medical purposes, and are inconsistent therewith and these limitations are not saved by section 1 of the *Charter*,
- e. A Declaration, pursuant to s.52 (1) of the *Charter*, that the provisions in the *MMPR* that specifically restrict the amounts relating to possession and storage by patients, including the "30 x the daily quantity authorized or 150 gram maximum, whichever is the lesser", and other limitations applicable or imposed upon 'Licenced Producers' in relation to their registered clients / patients are unconstitutional, to the extent that they are applicable to a patient generally, a patient personal producer or his or her designated caregiver as such limits in the *Narcotic Control Regulations (NCR)* and in the *MMPR* amount to arbitrary unreasonable restrictions on the patients s.7 *Charter* right to possess, produce and store for their medical purposes, and are inconsistent therewith and these limitations are not saved by section 1 of the *Charter*.
- f. An Order under s.24(1) of the *Canadian Charter of Rights and Freedoms*, as the appropriate and just interim remedy, in the nature of :
- i. a constitutional exemption from s.4,5 and 7 of the *Controlled Drugs and Substances Act* for all persons medically approved under the *Narcotic Control Regulations (NCR)*, the *MMAR* or the *MMPR*, and/or those patients who have a person responsible for them designated to produce for them, including that designated

producer, pending trial of the merits of the action or such further Order of the court as may be necessary

or in the alternative,

- ii. an interlocutory exemption/injunction preserving the provisions of the *MMAR* relating to personal production, possession, production location and storage, by a patient or designated caregiver and related ancillary provisions, and if necessary, limiting the applicability of certain provisions of the *MMPR* to such patients or designated caregivers that are inconsistent with their s. 7 constitutional right under the *Charter* pending the decision of this Court on the merits of this action;

or alternatively, and together with

- iii. An Order in the nature of mandamus to compel the Defendant to process all Applications, Renewals or modifications to any licences applied to pursuant to the *MMAR* in accordance with all of its related provisions, notwithstanding ss.230, 233-234, 237-238, 240-243 of the *MMPR* that relate to such applications under the *MMAR* that were made before and after September 30, 2013 and a declaratory Order that those medically approved persons are entitled to continue to possess, store and use marihuana for medical purposes both before and after March 31st, 2014 and that they are not required to destroy all product as of that date.

g. An Order under s.24(1) of the *Canadian Charter of Rights and Freedoms*, as the appropriate and just final remedy, in the nature of:

- i. a permanent constitutional exemption from s.4,5 and 7 of the *Controlled Drugs and Substances Act* for all persons medically approved under the *Narcotic Control Regulations(NCR)*, the *MMAR* or the *MMPR*, and/or those patients who have a person responsible for them designated to produce for them, including that designated producer, until such further Order of the court;

or, in the alternative

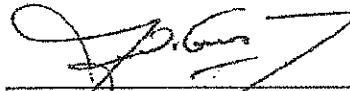
- ii. a permanent exemption/ injunction preserving the provisions of the *MMAR* relating to personal production, possession,

production location and storage by a patient or designated caregiver and related ancillary provisions, and if necessary, limiting the applicability of certain provisions of the *MMPR* to such patients or designated caregivers that are inconsistent with their s.7 *Charter* Rights. Such order to continue until such time as the Defendant makes appropriate amendments to the *MMPR* or otherwise to comply with any decision of this Court to ensure the full ambit and scope of the patient's constitutional rights pursuant to s. 7 of the *Charter*, without any unreasonable, inconsistent and unnecessary restrictions thereon

- h. Costs, including special costs and the Goods and Services Tax and Provincial Services Tax, on those costs, if appropriate; and
- i. ~~Such further and other relief as this Honourable Court deems appropriate and~~ just in all of the circumstances.

The Plaintiffs propose that this action be tried in the City of Vancouver, Province of British Columbia.

DATED this 20th day of January 2014 at the City of Abbotsford, in the Province of British Columbia



John W. Conroy, Q.C.
Solicitor for the Plaintiff

Conroy & Co
2459 Pauline Street
Abbotsford, BC, V2S 3S1
Telephone: 604 852 5110
Fax: 604 859 3361

Appendix E: Curriculum Vitae – Len Garis

Work Experience

June 2013 – Present

Affiliated Research Facility

- John Jay College of Criminal Justice / The Christian Regenhard Centre for Emergency Response Studies, New York

May 2013 – June 2014

Past President

- Fire Chiefs' Association of British Columbia

June 2011 – May 2013

President

- Fire Chiefs' Association of British Columbia

February 2011 – Present

Adjunct Faculty, Part-time Studies Program

- British Columbia Institute of Technology

May 2010 – Present

Adjunct Professor in the School of Criminology and Criminal Justice

- University of the Fraser Valley

September 2001 – Present

Fire Chief

- City of Surrey Fire Services

February 2001 – September 2001

Acting Fire Chief

- City of Surrey Fire Services

June 1998 – February 2001

Assistant Fire Chief

- City of Surrey Fire Services

April 1991 – June 1998 (paid position) and 1984 - 1991 (volunteer position)

Director of Protective Services (Fire Chief)

- Corporation of the District of Pitt Meadows

1988 - 1991

Coordinator / Instructor

- Justice Institute of British Columbia, Fire Academy

1987 - 1988

Specifications Consultant

- Hub Fire Engines

1985 - 1986 and 1987

Marine Fire Fighting Instructor

- Pacific Marine Training Institute

1986 - 1987

Fire and Safety Officer

- Expo '86 Corporation Vancouver, B.C.

1971 - 1986

Metallurgical Inspection Shift Supervisor

- Inter-Provincial Steel & Pipe Ltd.

Recognition

June 2013

International City/County Management Association (ICMA)

- *2013 Community Health and Safety Award. "Evidence-based Fire Reduction Strategy and Home Safe Program"*

January 2013

Queen Elizabeth II Diamond Jubilee Medal

- *In honour of significant contributions and achievements by Canadians*

October 2012

Ministry of Justice – Appreciation

- *For contributions to "Transforming the Fire/Rescue Service in British Columbia" report, Leadership Group*

October 2011

Solicitor General – Community Safety & Crime Prevention Award (Crime Reduction Strategy)

- *Outstanding Leadership in the area of promoting and implementing crime prevention and community safety strategies. "Electrical Fire Safety in one theme"*

September 2011

Union of British Columbia Municipalities (2011 Community Overall Excellence Award)

- *"Home Safe" project was one of five entry's from the City of Surrey that placed the City in first place overall.*

October 2006

Union of British Columbia Municipalities (2006 Excellence Awards – Best Practices)

- *Honorable Mention in the Best Practices category of the Excellent Awards for a paper and practice on "Eliminating Residential Grow Operations"*

December 2005

Lieutenant Governor of British Columbia / Award for Public Safety

First Annual Award

- *An Alternative Approach to Eliminating Residential Marijuana Grow Operations*

May 2005

British Columbia Fire Chiefs Association (2005 Flame Award)

- *Selected for a Matter of Public Safety for the work on Electrical Safety Issues surrounding Marijuana Grow Operations*

September 2005

Solicitor General – Community Safety & Crime Prevention Award (Organization)

Maple Ridge Crystal Meth Task Force

- *Educating retailers and employers on the common ingredients used to make meth*

October 2005

Ministry of Public Safety and Solicitor General / Office of the Fire Commissioner –

Recognition for the Surrey Electrical Fire Safety Inspection Team

- *Matter of Public Safety for the work on Electrical Safety Issues surrounding Marijuana Grow Operations*

August 2004

Union of British Columbia Municipalities (2004 Excellence Awards – Best Practices)

- *Winner in the Best Practices category of the Excellence Awards for a paper and practice on “Surrey Fire Service Attendance Management Program*

August 2003

Union of British Columbia Municipalities (2003 Excellence Awards – Best Practices)

- *Selected as the award of Merit recipient in the Best Practices category of the Excellence Awards for a paper and practice on Reducing Uncertainties for Predicting Annual Staffing Costs”*

1998

Fraser Institute / Financial Post - Second Prize, Economy in Local Government Award

- *Proposal for Communications in the Fire Service*

1997

Canadian Association Municipal Administrators (CAMA) – Education Award

- *Proposal for residential sprinklers*

1996/1997

Fraser Institute / Financial Post - First Prize, Economy in Local Government Award

- *Proposal for Residential Sprinklers*

Appointments

August 2010- August 2014

International Public Safety Advisory Group Global Transportation Hub – Crown Corporation Province of Saskatchewan

- *Chair*

November 2012- Present

National Council Against Marijuana Grow Operations & Clandestine Laboratories

- *Member*

November 2012- Present

Canadian Centre for Security Sciences, Chair Tri-Services Communities of Practices

- *Chair Member Fire Services*

October 2011- Present

Bachelor of Public Safety Administration Degree (JIBC) Program Advisory Committee

- *Member*

August 2010- August 2014

International Public Safety Advisory Group Global Transportation Hub – Crown Corporation Ptovince of Saskatchewan

- *Member*

August 2010- Present

Fire emergency Medical Services (EMS) (JIBC) Program Advisory Committee

- *Member*

November 2010 – Present

British Columbia Institute of Technology Program Advisory Committee

- *Member*

March 2009 – Present

Institute for Canadian Urban Research Studies (ICURS)

- *Member*

July 18, 2008 – Present

- **Government of Canada Security Clearance (Authorized Level 11 – Secret)**

March 1998 - Present

Board of Directors E-Comm 911

- *Member*

March 2006 – March 2008

Board of Directors Surrey Crime Prevention Society

- *Member*

July 2005 - Present

FIREfighting in Canada magazine / Canadian Firefighter & EMS Quarterly

- *Editorial Advisory Board*

1984 - Present

Office of the Fire Commissioner

- *Local Assistant to the Fire Commissioner (Badge #432)*

1980 - 1998

Volunteer Pitt Meadows Fire Fighter

- *Pitt Meadows Volunteer Fire Department*

1995 - 1998

Secondary Suite Task Force

- *Member*

1997 - 1998

Pitt Meadows Discharge of Firearms Advisory Committee

- *Chair*

September 1991 – 1998

Pitt Meadows Agricultural Practices Committee

- *Member*

Expert Opinion Fire Cause Determination

- Justice Holmes (BC Supreme Court) June 4, 1999
- Judge Threfall (Provincial Court) October 19, 1998
- Judge Rommily (Provincial Court) September 29, 1994

Expert Opinion Harms of Marihuana Grow Operations in BC

2013 to present

Ministry of Justice: Civil Forfeiture

- Authored five reports on the harms of marihuana grow operation in BC

Education/Training

January 1999

Emergency Preparedness College, Arnprior, Ontario

Exercise Design

February 1998

Productivity Point International, Computer Training Services

Internet - Advanced Research Program

October 1997

Clarke Institute, Toronto, Ontario

Arson Prevention for Children

November 1997

Keith Wyndlow Inc.

Recruitment and Retention of Volunteer Firefighters.

March 1997

University of British Columbia

Advanced Concepts in Innovative Thinking and Creative Problem Solving for Professionals

September 1996

Emergency Preparedness College, Arnprior, Ontario

Emergency Site Management

August 1996

Fire Stoppers Program, Portland, Oregon

Fire and Injury Prevention Workshop

May 1996

Justice Institute of British Columbia

Hazardous Material Awareness - NFPA 472

September 1995

Emergency Preparedness College, Arnprior, Ontario

Emergency Operations Center Management

September 1994

Canadian Emergency Preparedness College, Arnprior, Ontario

Plans Operations Peace

March 1994

Response Team Spill Management Inc.

Spill Response Training

September 1993

Staples McDannold Stewart

Risk Management Policy Drafting

October 1991

Justice Institute of British Columbia

Bylaw Enforcement and Investigative Skills

November 1991 - present

Justice Institute of British Columbia

First Responder Provider EMA-FMR II

May 1990

Justice Institute of British Columbia

Training Officer Certification (T.O. II)

Diploma – Education

April 1990

Pacific Traffic Education Center

Fire Emergency Vehicle Instructor's Certification

January 1990

Justice Institute of British Columbia

Dangerous Goods P.E.P.

May 1989

B.C. Safety Council

Hazard Avoidance Instructor Certification

February 1989

Justice Institute of British Columbia

Training Strategies

February 1989

RCMP (Instructor: Al Lund)

Tactical Police Driving Course

January 1989

B.C. Provincial Emergency Program

Orientation for Dangerous Goods

October 1988

Justice Institute of British Columbia

Fire Prevention Officer Certification

May 1988

Canadian Emergency Preparedness College

Transportation of Dangerous Goods

November 1988

Municipal Insurers' Association

Risk Management for the Fire Service

July 1988

Justice Institute of British Columbia

Volunteer Firefighter Certification Program Evaluator

November 1987

Office of the Fire Commissioner

Local Assistant to Fire Commissioner – Code Enforcement

February 1987

Justice Institute of British Columbia
Training Techniques and Orientation

1986

Justice Institute of British Columbia
Officers Phase I

December 1986

Justice Institute of British Columbia
Investigator I

November 1986

Management Development Institute
Structural Tactics and Strategy

1984 – present

Fire Chief's Association of British Columbia
Fire Chiefs' Conference and Seminars

1981 - 1983

Justice Institute of British Columbia
Module A & B in Field Fire Fighting

1983 – present

Industry Canada
Radio Operators Certificate – Air and Ground

1982

Emergency Squad Training Institute
Basic Auto Extrication

1973

BCIT
Applied Sciences Certificate in Metallurgical Applications

Presentations

September 2014

Fire and Safety Risks Posed by Large Wood Frame Residential: An Evidence Based Review. What are the stated concerns and what does the data show?

- *Len Garis, Alberta Wood Works, Calgary British Columbia*

May 2014

The Art and Science of Firefighter: An Interdisciplinary Approach

- *Len Garis, Qingdao University, Qingdao China*

June 2014

Fire and Safety Risks Posed by Large Wood Frame Residential: An Evidence Based Review. What are the stated concerns and what does the data show?

- *Len Garis, Fire Chiefs Association of BC , Key Note , Presentation, Victoria BC*

May 2014

The Art and Science of Firefighter: An Interdisciplinary Approach

- *Len Garis, Canadian Association of City Managers (CAMA) Niagara Falls, Ontario*

May 2014

Fire and Safety Risks Posed by Large Wood Frame Residential: An Evidence Based Review. What are the stated concerns and what does the data show?

- *Len Garis, Ontario Wood Works, Surrey British Columbia*

May 2014

The Art and Science of Firefighter: An Interdisciplinary Approach

- *Len Garis, Duke University's Fuqua School of Business, Durham North Carolina*

May 2014

Fire and Safety Risks Posed by Large Wood Frame Residential: An Evidence Based Review. What are the stated concerns and what does the data show?

- *Len Garis, Atlantic WOODWORKS! Design Seminars, Newfoundland , New Brunswick*

May 2014

The Art and Science of Firefighter: An Interdisciplinary Approach

- *Len Garis, International Urban Traffic Safety Conference , Edmonton, Alberta*

March 2014

Fire and Safety Risks Posed by Large Wood Frame Residential: An Evidence Based Review. What are the stated concerns and what does the data show?

- *Len Garis, Atlantic WOODWORKS! Design Seminars, Ottawa , Toronto*

February 2014

The BC Canada Smoke Alarm Movement: From Theory to Practice with a Data-Driven, Targeted Approach to Fire Prevention

- *Len Garis, Chief Fire Officers' Association, Nottingham, United Kingdom*

February 2014

The Art and Science of Firefighter: An Interdisciplinary Approach

- *Len Garis, Alberta School of Business, Edmonton, Alberta*

February 2014

Fire and Safety Risks Posed by Large Wood Frame Residential: An Evidence Based Review. What are the stated concerns and what does the data show?

- *Len Garis, Atlantic WOODWORKS! Design Seminars, Moncton, Nova Scotia & Montreal, Quebec.*

December 2013

Fire and Safety Risks Posed by Large Wood Frame Residential: An Evidence Based Review. What are the stated concerns and what does the data show?

- *Len Garis, Mid Rise Wood Structures, Fire & Life Safety Risks: Building Height Isn't the Major Concern, Toronto, Ontario*

November 2013

One Year Review of BC Smoke Alarms

- *Len Garis, Canadian Injury Prevention & Safety Promotion Conference, Montreal, Quebec*

October 2013

Fire and Safety Risks Posed by Large Wood Frame Residential: An Evidence Based Review. What are the stated concerns and what does the data show?

- *Len Garis, Wood Solution Fair, Vancouver, BC*

October 2013

Fire and Safety Risks Posed by Large Wood Frame Residential: An Evidence Based Review. What are the stated concerns and what does the data show?

- *Len Garis: Mid Rise Wood Buildings Seminar, Quebec City, Quebec*

October 2013

The Art, Science & Business of the Fire Service

- *Len Garis: Fire Chiefs' Association of BC: Fire Service Leading Practice: CAO's & Fire Chief's Take the Lead, Kelowna, BC*

September 2013

Fire and Safety Risks Posed by Large Wood Frame Residential: An Evidence Based Review. What are the stated concerns and what does the data show?

- *Len Garis: Building Envelope Council Ottawa Regions (BECOR), Ottawa, Ontario*

September 2013

Fire and Safety Risks Posed by Large Wood Frame Residential: An Evidence Based Review. What are the stated concerns and what does the data show?

- *Len Garis: Building Officials' Association of BC (BOABC), Nanaimo/Victoria*

September 2013

Fire and Safety Risks Posed by Large Wood Frame Residential: An Evidence Based Review. What are the stated concerns and what does the data show?

- *Len Garis: Building Construction in Ontario—Taking Wood to New Heights, Ottawa, Ontario*

July 2013

Fire and Safety Risks Posed by Large Wood Frame Residential: An Evidence Based Review. What are the stated concerns and what does the data show?

- *Len Garis: CLT (Cross Laminated Timber) Industry Focus Day, Richmond, BC*

June 2013

Temporal and geographic clustering of residential fires and residential burglary: demonstrating the relevance of environmental criminology theory and crime prevention strategies for managing residential fires

- Clare J., Wuschke K., & Len Garis: *Environmental Criminology and Crime Analysis (ECCA) Conference - Philadelphia, PA*

June 2013

Temporal and geographic clustering of residential fires and residential burglary: demonstrating the relevance of environmental criminology theory and crime prevention strategies for managing residential fires

- With Clare J. and Wuschke K., *Environmental Criminology and Crime Analysis (ECCA) Conference - Philadelphia, PA*

April 2012

Interpreting temporal and geographic clustering of fires within the context of environmental criminology theory

- With Clare J. and Wuschke K., *Academy of Criminal Justice Sciences - Dallas, TX*

2006 - present

Alternative/public safety approach to marijuana grow operations

- October 2012 - Alberta Community Crime Prevention Association Annual Crime Prevention Conference - Calgary, AB
- October 2011 - Lake Cowichan Chamber Commerce
- July 2011 - Ministry of Public Safety & Solicitor General
- January 2011 - Williams Lake RCMP
- November 2010: BC Crime Prevention Association Conference - Surrey, B.C.
- November 2010 - North Vancouver RCMP
- October 2010: RCMP National Anti-Drug Strategy Enforcement Teams AGM - Ottawa, Ontario
- July 2010 - German Federal Police
- July 2010- North Vancouver RCMP
- May 2010 - City of Nelson Police Department
- March 2010 - City of Calgary Police Department
- January 2010 - Mount Royal University, Calgary Alberta
- November 2009: Present to the Senate Committee on Legal and Constitutional Affairs Bill C15: An Act To Amend the Controlled Drug and Substances Act and to Make Related and Consequential Amendments to Other Act, Provided evidence. Ottawa Ontario
- November 2009- City of Calgary Police Department
- November 2009: CAAMP (Canadian Association of Accredited Mortgage Professionals) - Remediation of Grow-Ops Presentation, Toronto Ontario
- October 2009: Southern Alberta Fire Department Conference- Lethbridge, Alberta. Grow Operations a Matter of Public Safety
- May 2009: Community Speakers Series - Edmonton, Alberta
- April 2009: House of Commons - Standing Committee on Justice & Human Rights - Provided evidence for a study on the state of organized crime, Provided evidence, Vancouver British Columbia

- *March 2009: Public Safety is Everyone's Business - Let's Engage Workshop – Simon Fraser University, B.C.*
- *March 2009: Academy of Criminal Justice Sciences – Boston, Massachusetts*
- *March 2009: second annual PAG Symposium (Ontario Fire College) – Toronto, Ontario*
- *November 2008: Illicit Exchanges documentary with the Pacific Lutheran University*
- *October 2008: Illegal Drug Operations Forum – Langley, B.C.*
- *October 2008: Alberta Emergency Management Agency Stakeholder Summit – Leduc, Alberta*
- *July 2008: Crime Free Association Conference – Surrey, B.C.*
- *May 2008: RCMP National Anti-Drug Strategy Enforcement Teams AGM – Halifax, Nova Scotia*
- *May 2008: Hosted forum on the Regulation of Hydroponic Equipment – Simon Fraser University, Surrey campus, B.C.*
- *April 2008: Workshop on enforcement of a bylaw to regulate, prohibit or impose requirements respecting nuisances, noxious or other offensive trades, and health and safety – Trail, B.C.*
- *March 2008: Office of the Ontario Fire Marshall – Community Safety Enhancements Unit – Ontario Fire College*
- *December 2007: Integrated Best Practices to Combat Marijuana Grow-Operations Symposium – Olympia, Washington, D.C. (sponsored by the Governor of Washington and the Premier of B.C.)*
- *September 2007: BC Crime Prevention Association*
- *August 2007: Western States Utility Theft Association – Las Vegas, Nevada*
- *May 2007: Fire Prevention annual seminar – Vernon, B.C.*
- *June 2006: Marijuana Grow Operations and Clandestine Labs Seminar – Niagara Falls, Ontario*
- *May 2006: Lower Mainland Local Government Management Association Conference – Burnaby, B.C.*

April 2012

Live MUM (Live Move Up Module) Evaluation & Calibration: Surrey Fire Service Case Study

- *Department of Geography McGill University – Montreal, Quebec*

February 2012

Art & Science of Fire Fighting

- *Defense and Research Development Canada, Public Security Science Symposium, National Records Management System – Toronto, Ontario*

June 2011

Art & Science of Fire Fighting

- *Defense and Research Development Canada, Public Security Summer Science Symposium, National Records Management System – Ottawa, Ontario*

Articles / Publications

September 2014

Emergency Motor Vehicle Crashes in British Columbia

- *Alex Tyakoff, Len Garis, Larry Thomas, Research Report: Myth or Reality*

August 2014

Revisiting the Safety of Smart Meter Installation in British Columbia

- *Len Garis, Research Report: Analysis of Residential Structure Fires in BC between July 2010 and June 2014*

August 2014

A Dynamic Risk-Based Framework for Redesigning the Scheduling of fire Safety Inspections

- *Len Garis and Joseph Clare, Research/Report*

August 2014

FIREfighting in Canada magazine

- *Len Garis: "Best Practices" Sharing information to protect vulnerable construction sites.*

July 2014

Intermodal Shipping Container Fire Safety

- *Don Delcourt, Len Garis, A Way Towards Better Practices*

July 2014

Eliminating Crime

- *Dr. Irwin Cohen, Dr. Darryl Plecas, Amanada McCormick, Adrienne Peters : Book "The 7 Essential Principles of Police-based Crime Reduction. Len Garis Publisher*

June 2014

FIREfighting in Canada magazine

- *Len Garis: "The case for national numbers" Funding for database likely to be the key challenge.*

May 2014

FIREfighting in Canada magazine

- *Len Garis and Joseph Clare: "Making the case for wood" Study confirms construction material makes little difference when safety measures are in place.*

May 2014

FireAway - Fire Outcomes by General Construction Type

- *Len Garis, Dr. Joseph Clare, Research/Report A Retrospective Analysis of British Columbia Residential Reported Fires*

April 2014

The Right Decision – Chiefan / Fire Chiefs Association of BC News Letter

- *Paul S Maxim, Len Garis, and Darryl Plecas – Manual "Evidence-based Decision Making for fire Service Professionals.*

March 2014

The Right Decision

- *Paul S Maxim, Len Garis, and Darryl Plecas – Manual "Evidence-based Decision Making for fire Service Professionals.*

February 2014

FIREfighting in Canada magazine

- *Martha Dow, Len Garis and Larry Thomas, Article "Fostering a culture of situational awareness "How fire-service traditions impact safe practices among firefighters.*

February 2014

Fire Outcomes by General Construction Type

- *Len Garis and Joseph Clare, Research/Report A Retrospective Analysis of British Columbia Residential Reported Fires*

November / December 2013

Electricity Today

- *Len Garis, Article "Fire Safety and Smart Meters" New study Shows Smart Meters are Electrically Safe.*

November 2013

FIREfighting in Canada magazine

- *Len Garis, Article "Meter Myth" Study eliminates link between smart systems and residential fires.*

November 2013

FireAway -Revisiting the Safety of Smart Meter Installations in British Columbia

- *Len Garis, Article – analysis of Residential Structure Fires in BC between July 2010 and June 2013*

November 2013

Fires in the Basement of Single-Detached Residential Property

- *Len Garis and Joseph Clare, Research/Report: A Retrospective Analysis of British Columbia Residential Fires Reported 2008 to 2013.*

November 2013

Fire Risk Management Journal for Fire Professionals / UK

- *Len Garis, Joseph Clare, Karin Mark & Timothy Pley "Campaign trail" A multi-faceted campaign to put a working smoke alarm in every home in British Columbia is brining results. We track progress and its secrets of success.*

September 2013

Revisiting the Safety of Smart Meter Installation in British Columbia

- *Len Garis, Research Report: Analysis of Residential Structure Fires in BC between July 2010 and June 2013*

September 2013

Reframing Situational Awareness within the Fire Service Culture

- *Dr. Martha Dow, Len Garis, and Larry Thomas, Research Report: A literature review, Inspired by the Surrey Fire Service, British Columbia*

August 2013

Targeting Marijuana Growing Operations In British Columbia

- Jordan Diplock, Darryl Plecas, and Len Garis, Article: "An Updated Review of the Research on the Risks and Harms Associated to the Use of Marijuana, Highlighting Current Findings"

June 2013

The Non-Random Nature of Fire Safety Inspection Compliance

- Len Garis and Joseph Clare, Research/Report - A Platform for Predicting Risk

June 2013

Regulatory Options to Prevent Unsafe Use of High-powered Hydroponic Equipment

- Len Garis and Joseph Clare, Research/Report

June 2013

Cleaning Up Former Drug Operations in Our Residential Neighborhoods

- Len Garis and Joseph Clare, Research/Report: A community-led process for addressing contamination from former residential marijuana grow operations and drug labs.

May 2013

FIREfighting in Canada magazine

- Len Garis, Joseph Clare and Karin Mark, Article: "Patio problems" Outside fires take longer to detect, cause more damage, and need extra resources to extinguish.

April 2013

Fire Safety Journal (In Press)

- Wuschke, K., Clare, J., and Garis, L: Article: "Temporal and geographic clustering of residential structure fires" Demonstrating the relevance of environmental criminology theory and crime prevention strategies for managing residential fires.

March 2013

Surrey Fire Services Attendance Management Program

- Len Garis, Jon Cavigila and Pierre Robinson, Report: "Effective Practices for Managing Absenteeism"

March 2013

FireAway

- Len Garis, Joseph Clare, and Karin Mark, Article: "Thinking outside the box: Fire Hazards on Balconies and Patios" Fire Prevention Officers of BC magazine.

March 2013

Selected Readings Topic: Fire life safety considerations for an ageing population

- Len Garis, Joe Clare, Charles Jennings, and Darryl Plecas, Bibliography of 18 articles published by the Federal Emergency Management Association (FEMA) "Safe and sound: a Canadian fire department uses home-visitation program to drive down house fires."

March 2013

Taller Wood Buildings and fire Safety

- *Paul Maxim, Darryl Plecas, Len Garis, and Joseph Clare: Research/Report "Existing Evidence about Large Wood Construction."*

February 2013

FIREfighting in Canada magazine

- *Len Garis, Joseph Clare and Karin Mark, Article: "Hungry for Knowledge" Surrey Fire Service partners with local food banks to spread fire-safety message to at-risk population.*

January 2013

What the Marihuana for Medical Purposes Regulations Overlook

- *Len Garis and Joseph Clare: Research/Report – Disclosure and Remediation of Inappropriately Used Dwellings.*

January 2013

The Canadian Firefighter and EMS Quarterly

- *Len Garis & Karin Mark, Article: "Honouring Heroes" Honour House is a haven for first responders and their families who need medical care.*

January 2013

Fires that Commence on Balconies of Multi-Residential Buildings

- *Len Garis and Joseph Clare: Research/Report – The Importance of an External Fire Area of Origin for Residential Fire Outcomes.*

January 2013

Propane-fuelled Vehicles and Multi-residential Building Storage Risk

- *Jennifer Armstrong, Joseph Clare, and Len Garis: Research/Report – Examining the Frequency of Propane-Fueled Structure and Vehicle fires.*

January 2013

Sprinkler Systems and Residential Structure Fires

- *Len Garis and Joseph Clare: Research/Report – Exploring the Impact of Sprinklers for Life Safety and Fire Spread.*

November 2012

FireAway magazine

- *Len Garis, Joseph Clare, Charles Jennings, Darryl Plecas & Karin Mark "Data-driven Residential Fire Prevention – From Theory to Practice" Fire Prevention Officers of BC magazine.*

November 2012

Fire Chief, Every Department, Every Leader

- *Len Garis, Joseph Clare, Charles Jennings, Darryl Plecas & Karin Mark, Article: "Safe and Sound" A Canadian fire department uses a home-visitation program to drive down house fires.*

October 2012

Fire Risk Management Journal for Fire Professionals / UK

- *Len Garis, Joseph Clare, Charles Jennings, Darryl Plecas & Karin Mark, Article: "Two years into a fire prevention initiative in the Canadian city of Surrey, evidence shows it has helped reduce fires in high-risk homes by more than 60%."*

October 2012

Journal of Drug Policy and Practice

- *Jordan Diplock, Darryl Plecas, and Len Garis, Article: "An Updated Review of the Research on the Risks and Harms Associated to the Use of Marijuana"*

September 2012

FIREfighting in Canada magazine

- *Len Garis, Fraser MacRae, & Joseph Clare, Article: "Walking the Talk" Surrey Firefighters and RCMP go door-to-door to reduce crime, promote fire safety*

September 2012

FIREfighting in Canada magazine

- *Len Garis & Karin Mark, Article: "Focus on Fitness 2012: An Ounce of Prevention" B.C. doctor, union join forces to spread message about proper protection to guard against cancers*

August 2012

Evaluating Stakeholder Concerns with Wood Frame Buildings and Fire Risk

- *Len Garis and Joseph Clare, Research / Report: A Matter before the Ontario Legislature – Private Members Bill 52, Ontario Forestry Industry Revitalization Act (Height of Wood Frame Buildings)*

August 2012

Assessing the Safety of Smart Meter Installations in British Columbia

- *Len Garis and Joseph Clare, Research/Report: Analysis of Residential Structure Fires in BC between July 2010 and June 2012*

July 2012

Revisiting the Issues Around Commercially Viable Indoor Marijuana Growing Operation in British Columbia

- *Darryl Plecas, Jordan Diplock, and Len Garis, Research/Report: School of Criminology and Criminal Justice at the University of the Fraser Valley*

June 2012

Report on the Feasibility of a Canadian Fire Information Database

- *Paul Maxim, Darryl Plecas, and Len Garis, Research/Report on Behalf of the Canadian Fire Chiefs Association.*

June 2012

FIREfighting in Canada magazine

- *Len Garis, Charles Jennings, Darryl Plecas, & Karin Mark, Article: "Safe at Home" B.C. program reduced fires in high-risk areas by two-thirds.*

October 2009

Commercially Viable Indoor Marihuana Growing Operations in British Columbia: What Makes Them Such a Serious Issue?

- *Dr. Darryl Plecas, Jordon Diplock & Len Garis, Research/Report: School of Criminology and Criminal Justice at the University of the Fraser Valley*

October 2009

The Marihuana Indoor Production Calculator: A Tool for Estimating Domestic and Export Production Levels and Values.

- *Dr. Darryl Plecas, Jordon Diplock, Len Garis, Brian Carlisle, Patrick Neal & Suzanne Landry, Research/Report: School of Criminology and Criminal Justice at the University of the Fraser Valley*

October 2009

The Canadian Firefighter and EMS Quarterly

- *Amanda McCormick & Len Garis, Article: "Dissecting Data" Fire Study helps fire departments define education requirements.*

FIREfighting in Canada magazine

- *Len Garis & Amanda McCormick, Article: "Move Ups" Departments Leverage Technology to Manage Response costs.*

February 2009

Residential Fires in Surrey, B.C., 1998-2007

- *Amanda V. McCormick & Len Garis, Research/Report: School of Criminology and Criminal Justice at the University of the Fraser Valley – fire safety trends in Surrey, B.C.*

September 2008

FIREfighting in Canada magazine

- *Karin Mark & Len Garis, Article: "Release of community data a security risk" – Why communities need to be careful about releasing emergency response and critical infrastructure information.*

April 2008

The Canadian Firefighter and EMS Quarterly

- *Karin Mark & Len Garis, Article: "Calculating probability to improve emergency coverage" – Surrey Fire Service employs a real-time automated planning tool to provide better and more cost-efficient emergency coverage.*

March 2008

FIREfighting in Canada magazine

- *Karin Mark & Len Garis, Article: "Cracking down" – Surrey Fire Service develops and pilots software aimed to assist in public safety inspections of marijuana grow operations.*

March 2008

Oxford Roundtable

- *Darryl Plecas & Len Garis, Presentation: "Reversing the increase in indoor marijuana grow operations through a public safety focus."*

January 2008

The Canadian Firefighter and EMS Quarterly

- *Karin Mark & Len Garis, Article: "Surrey firefighters help tackle meth problem" – awareness campaign and funding aid anti-drug program.*

December 2007

FIREfighting in Canada magazine

- *Len Garis & Dave Noordam, Article: "Smoke alarms: evaluating effectiveness" – fire research about how factors such as socio-economic status and age can affect efficacy of smoke alarms.*

December 2006

FIREfighting in Canada magazine

- *Darryl Plecas, Patrick Neal, Niki Huitson & Len Garis, Article: "Burning cars: Vehicle fires account for half of Surrey, B.C. calls"*

December 2006

FIREfighting in Canada magazine

- *Karin Mark & Len Garis, Article: "New approach for grow ops" – Surrey's Electrical and Fire Safety Inspection Initiative uses a public safety approach*

February 2005

FIREfighting in Canada magazine

- *Len Garis, Jon Caviglia & Karin Mark, Article: "Managing staff attendance" – labour-management*

August 2005

FIREfighting in Canada magazine

- *Karin Mark & Len Garis, Article: "Fire safety books become hot property" – follow-up on literacy and fire safety education project in Surrey B.C.*

August 2004

FIREfighting in Canada magazine

- *Karin Mark & Len Garis, Article: "No it wasn't an accident!" - Literacy and fire safety education project in Surrey B.C.*

May 2004

FIREfighting in Canada magazine

- *Len Garis, Ron Price, Louanne Wong & Fred Culbert, Article: "Cost savings through strategic staffing" – Surrey Fire Service creates model to predict unplanned absences.*



Detection of Clandestine Chemical Facilities using Airborne Sensing Technology

- *Research Proposal: Collaborating with: UBC Scientists to develop mobile sensing technology to detect the presence of certain chemicals to manufacture synthetic illegal drug.*

Appendix F: Health Canada Information Sheet for Designated Growers of Medical Marijuana

INFORMATION YOU SHOULD KNOW ABOUT YOUR DESIGNATED-PERSON PRODUCTION LICENCE

WHAT A DESIGNATED-PERSON PRODUCTION LICENCE ALLOWS YOU TO DO:

- It allows you to produce marihuana for a person authorized to use marihuana for medical purposes whose name is indicated on your licence;
- It allows you to possess and keep a quantity of dried marihuana not exceeding the maximum quantity specified on your licence;
- It allows you if the production site specified in the licence is different from the site where dried marihuana may be kept, to transport directly from the first to the second site a quantity of marihuana not exceeding the maximum quantity that may be kept under the licence;
- It allows you if the site specified in the licence where dried marihuana may be kept is different from the place where the person for whom you produce ordinarily resides, to send or transport directly from that site to the place of residence of that person, a quantity of dried marihuana not exceeding the maximum quantity specified in his/her authorization to possess on the basis of which the licence was issued; and
- It allows you to provide or deliver to the person for whom you produce a quantity of dried marihuana not exceeding the maximum quantity specified in his/her authorization to possess on the basis of which the licence was issued.

WHAT A DESIGNATED-PERSON PRODUCTION LICENCE DOES *NOT* ALLOW YOU TO DO:

- It does not allow a person other than the person indicated on the licence to have any of the marihuana (including seeds) you produce in their possession;
- It does not allow you to take the marihuana (including seeds) outside Canada or to otherwise export it from Canada;
- It does not allow you to bring marihuana (including seeds) into Canada or otherwise import it into Canada;
- It does not allow you to carry marihuana (including seeds) with you when you enter or when you leave Canada;

would be a site for the production of marihuana under more than four licences to produce.

Where You May Store Marihuana:

- Section 55 of the *MMAR* requires you to store the dried marihuana indoors at the storage site indicated on your licence.

Loss or Theft:

In case of the loss or theft of marihuana or of your *Designated-Person Production Licence*, subsection 61(2) of the *MMAR* requires you to:

- notify a member of a police force within 24 hours of becoming aware of the loss or theft; and
- notify the Marihuana Medical Access Division, Health Canada, in writing, within 72 hours of becoming aware of the loss or theft and confirm in the written notification that you have notified the police of the loss or theft.

Showing Proof to Police:

- Subsection 58(2) of the *MMAR* requires you to show your *Designated-Person Production Licence* to a police officer who asks to see it.

Offence to Alter:

- It is an offence to add to, delete or obliterate from, or alter in any other way, your *Designated-Person Production Licence*.

Other Federal, Provincial and Municipal Legislation:

- You are required to abide by all other federal, provincial and municipal legislation applicable to the activities authorized pursuant to this licence. These could include restrictions such as:
 - Legislation restricting smoking in public places,
 - Legislation regulating fire and safety standards,
 - Legislation regulating zoning and property use,
 - Policy restrictions regarding the use of the controlled substance in institutions or other private or public facilities.

Notice of Change:

If your *Designated-Person Production Licence* is revoked, subsection 60(2) of the *MMAR* states that you shall return the expired licence to the Marihuana Medical Access Division, Health Canada, within 30 days after the revocation.

GENERAL INFORMATION ABOUT YOUR DESIGNATED-PERSON PRODUCTION LICENCE

- This licence to produce marihuana plants does not protect you from prosecution for violation of foreign laws related to cannabis (marihuana).
- This licence is only valid in Canada and applies only to the production of marihuana plants.
- You are required to abide by all other federal, provincial and municipal legislation applicable to the activities authorized pursuant to this licence. These could include restrictions.

Should you have any questions please see our website at:

www.healthcanada.gc.ca/mma, telephone us toll-free at 1-866-337-7705 or contact us at the following address:

Marihuana Medical Access Division
Controlled Substances and Tobacco Directorate
Health Canada
Address Locator: 3503B
Ottawa ON K1A 1B9

2010-09-01

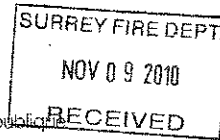
Appendix G: Letter from MP Vic Toews re: MMAR

Minister of Public Safety



Ministre de la Sécurité publique

Ottawa, Canada K1A 0P6



NOV 02 2010

Fire Chief Len Garis
Fire Service
City of Surrey
8767 - 132 Street
Surrey, British Columbia V3W 4P1

Dear Fire Chief Garis:

Thank you for your letter of August 10, 2010, concerning medical marijuana and the absence of a regulatory inspection process under the *Marihuana Medical Access Regulations* (MMAR) to ensure that licences obtain the necessary safety inspections.

Marihuana is a controlled substance regulated under the *Controlled Drugs and Substances Act* (CDSA), which prohibits the importation, exportation, traffic, production, sale, distribution and possession of cannabis including its preparations, derivatives and similar synthetic preparations, unless authorized by Health Canada. As such, any activities undertaken by individuals who do not have an authorization or a license from Health Canada are subject to law enforcement measures under the applicable legislation. Individuals licensed under the MMAR are also expected to comply with all federal, provincial and municipal laws, including bylaws, such as zoning, fire and safety regulations.

Please rest assured that the Government has heard and shares the concerns brought forth by the Canadian Association of Fire Chiefs and the Federation of Canadian Municipalities regarding the health and safety implications that may arise at sites licensed to produce marijuana for medicinal purposes and is currently working to address those issues.

As you highlighted in your letter, the administration of the MMAR falls under the purview of my colleague the Honourable Leona Aglukkaq, Minister of Health. I have therefore taken the liberty of forwarding a copy of our correspondence to her for her information and consideration.

Yours sincerely,

Vic Toews, P.C., Q.C., M.P.

c.c.: The Honourable Leona Aglukkaq, P.C., M.P.
Minister of Health

Canada