



STAFF REPORT TO COMMITTEE

DATE OF REPORT September 29, 2023

MEETING TYPE & DATE Electoral Area Services Committee Meeting of November 1, 2023

FROM: Richenda Woods, Development Services
Land Use Services

SUBJECT: Application No. RZ23A02 (855 Shawnigan-Mill Bay Road/PID: 000-278-122)

FILE: RZ23A02

PURPOSE/INTRODUCTION

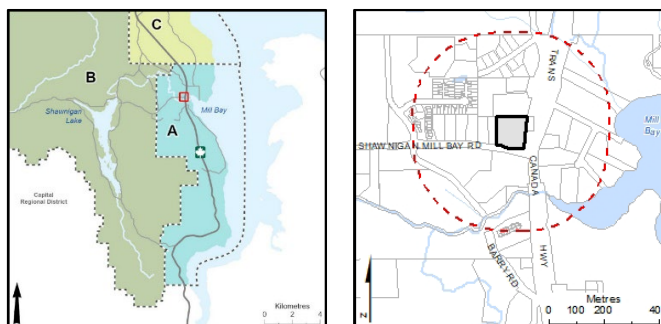
The purpose of this report is to present an application to amend the South Cowichan Zoning Bylaw No. 3520 to permit 'cannabis storefront retail' as a site-specific use on the subject property located at 855 Shawnigan-Mill Bay Road.

RECOMMENDED RESOLUTION

That it be recommended to the Board that Application No. RZ23A02 (855 Shawnigan-Mill Bay Road, PID: 000-278-122), be referred to the following external agencies:

1. Electoral Area A – Mill Bay/Malahat Advisory Planning Commission;
2. BC Transit;
3. Cowichan Valley School District (S.D. No. 79);
4. Mill Bay Improvement District;
5. Mill Bay Waterworks District;
6. Island Health;
7. Ministry of Transportation & Infrastructure;
8. Royal Canadian Mounted Police (RCMP);
9. Cowichan Tribes; and
10. Malahat Nation.

LOCATION MAP



**The red dotted line represents a 300-meter radius around the subject property*

BACKGROUND

The subject property is located on the corner of the Trans Canada Highway and Shawnigan-Mill Bay Road and is within the Mill Bay Village Growth Containment Boundary. The topography rises roughly 15 metres (m) from the southeast corner to the northwest corner of the lot. Approximately 40 m on the north and east borders of the subject property are buffered with vegetation.

The property is within the Mill Bay Waterworks service area and has an onsite septic system. Neighbouring properties consist of a mix of uses. A vacant lot, once Pioneer Square Mall, is located to the south of the property, Mill Bay Church is located across the Trans Canada Highway and is the closest property to the east, and “village residential” uses are to the north and west of the subject property. Frances Kelsey Secondary School is located approximately 400 m to the west of the subject property. Additionally, the properties to the south of Frances Kelsey are zoned for significant comprehensive development.

The subject property is currently zoned C-6 – Mixed Use Village Commercial/Residential 6 in the South Cowichan Zoning Bylaw and designated Village Commercial in the Official Community Plan (OCP).

For more information, please see:

- Attachment A – Background Table
- Attachment B – Site Context Maps
- Attachment C – Site Plan
- Attachment D – Applicant Rationale

OFFICIAL COMMUNITY PLAN / POLICY CONSIDERATIONS

CVRD Development Application Referral Policy:

In accordance with the CVRD Development Application Referrals Policy, rezoning applications are generally deemed major applications and will proceed directly to the Electoral Area Services Committee (EASC) where a preliminary report highlighting key information with a list of recommended referral agencies will be presented. The EASC may:

- i. forward the preliminary report to referral agencies for comment;
- ii. refer the preliminary report back to staff for further information, prior to further consideration;
- iii. advance the application without seeking comments from referral agencies; or
- iv. deny the application, citing reasons for the denial.

CVRD South Cowichan OCP Bylaw No. 4270: Schedule B, Area A Mill Bay/Malahat Local Area Plan:

The subject property is [regionally](#) designated Commercial with a [local area plan \(LAP\)](#) designation of Village Commercial. The objective of the regional commercial designation is to support a range of mixed-use commercial establishments in areas that have minimal impacts to major transportation networks. The singular Commercial policy is below:

Policy 4.9.2

The CVRD Board:

- 1. Supports commercial development consistent with local heritage.***

In addition, Goal 8 – Realizing the Region’s Economic Potential speaks to supporting sustainable, diverse economic opportunities that contributes to the local economy. The following policies from these goals are relevant to this application:

Policy 3.2.5.2

1. *Encourages diverse economic opportunities that attract and retain young families.*
2. *Encourages businesses and development that attract and maintain a highly skilled workforce.*
5. *Supports employment land needs that are consistent with transportation, settlement nodes and growth projections.*
9. *Encourages economic growth and diversification reflective of the community’s vision.*

The objective of the Electoral Area M Mill Bay LAP Village Commercial designations includes improving the local economy and raising the quality of life by increasing commercial opportunities and employment. Village Commercial policies will be considered in the modernized OCP.

South Cowichan Zoning Bylaw No. 3520:

The subject property is zoned C-6 – Mixed Use Village Commercial/Residential 6. “Retail stores” are a principal permitted use in the C-6 zone.

CVRD Cannabis Retail Store Criteria Policy:

In July 2021, the CVRD adopted the [Cannabis Retail Store Criteria Policy](#). The Policy outlines criteria for reviewing cannabis retail store applications, locations where application will be considered, as well as building and siting policies.

- Location – Item 1 states that cannabis retail stores are permitted only in zones which allow retail stores as a principal permitted use.
“Retail stores” under 230 m² are a principal permitted use in the C-6 Zone.
- Location – Item 2 states that only one cannabis retail store will be permitted per lot.
There are currently no other cannabis retail stores on the subject property.
- Location – Item 3 states that the cannabis retail store shall not be located within a building containing residential units or on residential properties.
There are no residential units on the subject property.
- Location – Item 4 states that proposed cannabis retail stores shall be at least 300 meters from the following surrounding sites (measured from closest lot line to closest lot line). A map has been attached as Attachment E.

300 m Setback From	Proposed Location
Public/independent school	<i>Does not meet:</i> Brentwood College School – <ul style="list-style-type: none">• approx.180m to the north corner of the Brentwood College, bordering Shawnigan Creek
Park zone	<i>Does not meet:</i> <ul style="list-style-type: none">• Mill Bay Church and Historic Cemetery – approx. 60 m• Park zone along Shawnigan Creek – approx. 150 m

Institutional zone	<i>Does not meet:</i> • approx. 290 m to vacant industrial parcel
Water zone	<i>Does not meet:</i> • approx. 180m to Mill Bay
Playground	<i>Meets requirement</i>
Licensed daycare	<i>Meets requirement</i>
Sports field	<i>Meets requirement</i>
Community centre	<i>Meets requirement</i>
Area where children/youth frequent	<i>Does not meet:</i> The subject property contains a thrift store and restaurant utilized by children and youth.
Another lot where cannabis retail sales permitted	<i>Meets requirement</i>

Liquor and Cannabis Regulation Branch:

In addition to CVRD regulations, cannabis retail stores are further regulated by the Liquor and Cannabis Regulation Branch (LCRB) who may issue a Non-Medical Cannabis Retail Store (CRS) license subject to prior approval of the local government. The applicant has submitted a CRS application to the LCRB.

Additional Permit Requirements:

The rezoning application will only approve the proposed land use and not the building/site design. Should a zoning amendment be adopted by the Board, any proposed renovations, placement of signage or alteration to the land may require issuance of a development permit, building permit, and meeting any other applicable CVRD bylaw regulations.

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

In accordance with the CVRD Development Application Referrals Policy, this application has not been referred to external agencies at this time. Should the application proceed, staff recommend forwarding referrals to the following external agencies and First Nations:

- | | |
|-------------------------------------------------------------------------|----------------------------------------------------|
| 11. Electoral Area A – Mill Bay/Malahat
Advisory Planning Commission | 17. Ministry of Transportation &
Infrastructure |
| 12. BC Transit | 18. Royal Canadian Mounted Police
(RCMP) |
| 13. Cowichan Valley School District
(S.D. No. 79) | 19. Cowichan Tribes |
| 14. Mill Bay Improvement District | 20. Malahat Nation |
| 15. Mill Bay Waterworks District | |
| 16. Island Health | |

PLANNING ANALYSIS

Warmland Cannabis Corporation has applied to rezone the subject property to include the site-specific use of 'cannabis storefront retail' at 855 Shawnigan-Mill Bay Road. The site is zoned C-6 Mixed Use Village Commercial/Residential 6 and contains one existing multi-unit commercial building property is accessed via Shawnigan-Mill Bay Road. The proposed cannabis retail store would occupy one unit of the existing commercial building. Current tenants of the commercial

building include a restaurant and thrift store. No external renovations or land alteration are proposed; however, renovations to the interior of the building may require building permit.

The CVRD Cannabis Retail Store Application Policy applies to all applications that would allow for a cannabis retail store within the Electoral Areas of the CVRD. The policy defines a process by which the Board will consider applications to permit new cannabis retail store locations. As part of the Cannabis Retail Store License Application process, applicants are required to arrange and conduct a public information meeting to provide residents and property owners within 300 m of the subject property with information regarding the proposed cannabis retail store. This meeting will be advertised in two consecutive issues of the local newspaper, and the applicant will mail, or otherwise deliver, written notice to residents and owners. This public information meeting is anticipated to be held prior to the public hearing, which is required for this rezoning application. The public hearing will also be advertised in the newspaper, by mail or hand delivered, as well as on the CVRD website. A rezoning application sign will be placed on the site, and will be updated with the appropriate meeting information as the details become available.

There are currently five licensed cannabis retail stores within the CVRD Electoral Areas, one of which is in on the corner of Barry Road and Deloume Road, approximately 500 m from the subject property. Of the five licensed cannabis retail stores, the applicant currently operates two of them, one in Cobble Hill and one in Whippetree Junction. To date, the CVRD has not received any bylaw enforcement complaints regarding any of the five cannabis retail stores.

It should be noted that cannabis retail stores are regulated by the Liquor and Cannabis Regulation Branch (LCRB). The mandate of the LCRB is to "...enable vibrant liquor and non-medical cannabis industries, while ensuring public health and safety." Licensee retail stores are required to ensure staff hold Selling it Right tickets, display social responsibility materials in a conspicuous place, pass a "fit and proper" assessment undertaken by the LCRB, and take reasonable measures such as installing adequate lighting outside the establishment, supervising parking areas or posting signs to ensure that the operation of the establishment does not cause a disturbance in the area. Additionally, no minor (an individual under 19 years of age) is permitted in a licensed retail cannabis store, even if accompanied by an adult.

Community Amenity Contributions:

Community Amenity Contributions (CACs) can be voluntarily offered by an applicant during the rezoning process. It is important to note that CACs are typically outlined by policy and not mandatory but can be negotiated with the developer. To remain within the authority granted to Local Governments through the *Local Government Act*, principles of 'nexus' and 'proportionality' should be applied when negotiating CACs. That is to say, there should be a direct and demonstratable link between the CACs and the impact of the development and are consistent with CACs made by other developers.

Staff have provided information to the applicant regarding CACs. As of the date of this report, no further discussion has been conducted with the applicant. As the CVRD does not have a CAC policy adopted, referral comments may help identify potential contributions that would benefit the community.

Cannabis Retail Licence:

Should the Board choose to advance this rezoning application to adoption in the future, a Cannabis Retail Licence (CRL) application must also be issued by the CVRD Board and LCRB. The LCRB will not proceed with a licensing application unless the local government submits a positive recommendation to the LCRB to support issuance of the licence. The local government may negotiate additional requirements including limiting store hours through terms of a covenant at the rezoning stage. It should be noted that any local licensing requirements become the responsibility of the local government to enforce. The local government may also make additional recommendations to the licensing authority. A CRL licence application referral has been received by CVRD staff (Attachment F); however, it will not proceed to the Board until the rezoning has been successfully adopted.

Rezoning's are analyzed under the merits of the proposed land use and should ensure that complementary activities are located near each other, that the request is consistent with policies outlined in the Official Community Plan and whether the proposed land use will provide a net benefit to the community. Staff have assessed this application based on existing CVRD policies including the CVRD Cannabis Retail Store Criteria Policy and Official Community Plan for the Electoral Areas and recommend Option 1.

OPTIONS

Option 1:

That it be recommended to the Board that Application No. RZ23A02 (855 Shawnigan-Mill Bay Road, PID: 000-278-122), be referred to the following external agencies:

1. Electoral Area A – Mill Bay/Malahat Advisory Planning Commission;
2. BC Transit;
3. Cowichan Valley School District (S.D. No. 79);
4. Mill Bay Improvement District;
5. Mill Bay Waterworks District;
6. Island Health;
7. Ministry of Transportation & Infrastructure;
8. Royal Canadian Mounted Police (RCMP);
9. Cowichan Tribes; and
10. Malahat Nation.

Option 2: (refer application back to staff for more information, prior to further consideration)

That it be recommended to the Board that Application No. RZ23A02 (855 Shawnigan-Mill Bay Road, PID: 000-278-122), be referred back to staff for further information, including: *[requested information to be identified by the Board]*, prior to further consideration.

Option 3: (advance the application without seeking comments from referral agencies)

That it be recommended to the Board that Application No. RZ23A02 (855 Shawnigan-Mill Bay Road, PID: 000-278-122), be forwarded back to staff for preparation of a report with planning analysis on the merits of the application and a detailed policy review, prior to further consideration.

Option 4: (deny the application)

That it be recommended to the Board that Application No. RZ23A02 (855 Shawnigan-Mill Bay Road, PID: 000-278-122), be denied

Prepared by:

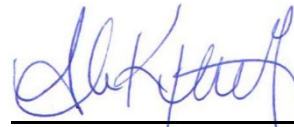


Richenda Woods, B.Sc., ADGIS3
Planner I

Reviewed by:



Michelle Pressman, RPP, MCIP, MPlan
Development Services Division



Ann Kjerulf, MCP, RPP, MCIP
General Manager

Reviewed for form and content and approved for submission to the Committee:

Resolution:

☒ Corporate Officer

Financial Considerations:

☒ Chief Financial Officer

ATTACHMENTS:

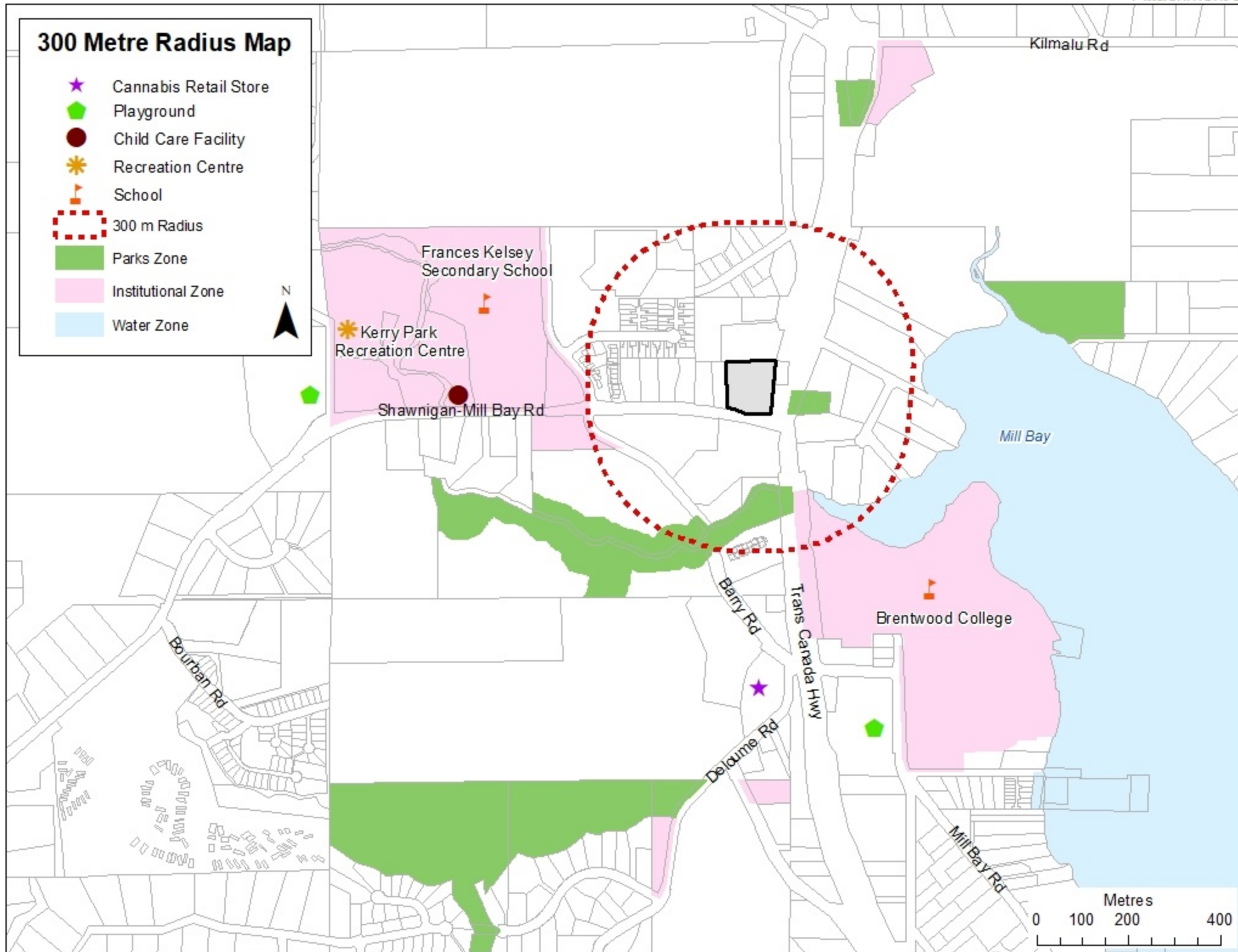
Attachment A – Background Table
Attachment B – Site Context Map
Attachment C – Site Plan
Attachment D – Applicant Rationale
Attachment E – Company Profile
Attachment F – LCRB Referral Letter

BACKGROUND TABLE
File: RZ23A02

Agent/Applicant:	Chris Clay (Warmland Cannabis)
Registered Property Owner:	Mill Bay Enterprises Ltd., Inc. No. 415959
Civic Address:	855 Shawnigan-Mill Bay Road
PID & Legal Description:	000-278-122 LOT A, SECTION 4, RANGE 8, SHAWNIGAN DISTRICT, PLAN 34171 EXCEPT PART IN PLAN VIP51973.
CVRD Covenants on Title:	None
Size of Existing Parcel(s):	1.214 ha
Existing Use of Parcel(s):	Commercial
Natural Hazards:	None identified
Archaeological Site:	High potential
Environmentally Sensitive Areas:	None identified
Species at Risk:	Edward's Beach Moth
Watershed:	Malahat Benchlands
Agricultural Land Reserve (ALR):	Not within
OCP Designation:	Commercial – Village Commercial
Containment Boundary:	Mill Bay GCB
Development Permit Areas (DPA's):	DPA 1 – Riparian Areas Protection DPA 2 – Sensitive Ecosystem Protection DPA 4 – Aquifer Protection DPA 5 – Wildfire Hazard DPA 11 – Commercial and Mixed-use Development DPA 13 – Energy and Water Conservation; Greenhouse Gas Emissions Reduction
Zoning:	C-6 - Mixed Use Village Commercial / Residential 6
Fire Service:	Mill Bay Improvement District
Proposed Water Service:	Mill Bay Waterworks District
Proposed Sewer Service:	Septic
Proposed Drainage Service:	Unknown

300 Metre Radius Map

- ★ Cannabis Retail Store
- ⬢ Playground
- Child Care Facility
- ✴ Recreation Centre
- 🚩 School
- ⬢ 300 m Radius
- Parks Zone
- Institutional Zone
- Water Zone







Community Impact

It's now been five years since Canada legalized cannabis, and it's generally recognized that cannabis retail stores don't inherently harm the communities they serve; in fact, there are a number of benefits to be had from converting users from the black market to the licensed, regulated market (a process that is ongoing) which of course is what led to legalization in the first place.

An excellent summary of the societal impacts (at least what's been gleaned to date) can be found in the BC Cannabis Secretariat's report *Cannabis in British Columbia: Results from the 2021 BC Cannabis Use Survey* (see attached) released last summer. The report found that, despite there still being some unknowns,

There have been significant changes in where people get their cannabis products compared to 2018. People in British Columbia are increasingly getting their cannabis products from provincially and federally authorized sources while illicit sources become less prevalent – a trend that is expected to continue in the coming years... In addition, most people who use cannabis reported reducing their use of alcohol or other substances (e.g., pain relievers), which highlights the need for further research into the scope and potential outcomes from using cannabis as a substitute.

In BC, the province retains sole control over the supply (though processors are now able to send their shipments directly to stores instead of through the LDB warehouse under the Direct Delivery program) and operates their own stores (both brick-and-mortar and online.) Based on our own experience of operating two licensed stores in the Cowichan Valley since 2022, along with CEO Chris Clay's three years of operating Warmland Medicinal Cannabis Centre in Mill Bay, we anticipate having an excellent overall relationship with neighbouring residents, businesses, and the community if the proposed location is approved.



Figure 1 Warmland Cannabis Corporation's CEO Chris Clay operated Warmland Medicinal Cannabis Centre in Mill Bay from 2015 to 2018.

As with any new commercial enterprise, there will be some community impacts, both good and bad – below is a summary of what we anticipate for the Mill Bay location and, when potentially negative, what countermeasures we be taken:

- **Waste:** As with any retail store, the proposed location would generate its share of waste and recycling materials. However, CEO Chris Clay is an obsessive recycler and goes to extreme lengths to reduce waste generated from his shops. Each store employs a robust



W A R M L A N D



Company Profile
August 2023



Overview

Warmland Cannabis Corporation (dba Warmland Cannabis Centre / Warmland Cannabis Centres) is a private corporation registered in BC and is a solely owned subsidiary of 1171267 BC Ltd. The company is based in the Cowichan Valley and is operated by founder and CEO Chris Clay, an entrepreneur with a long history in retail cannabis and cannabis accessories.

After navigating three years of red tape, the company's first licensed store opened at Whippletree Junction, just south of Duncan, in January 2022; the second followed six months later, in Cobble Hill. Since then, growth at both shops has exceeded expectations. Provincial and municipal applications are currently being processed for upcoming stores in Mill Bay and Chemainus, and the company is now in the process of finalizing several locations in Victoria.

Warmland is also exploring adding a farmgate-style location at the Verte West craft cannabis production facility in North Cowichan that would allow customers to see how plants are grown and cured. Provincial regulations allow us to operate up to eight stores and the plan is to scale up to the maximum number of locations by mid-2024.

During the three years awaiting licensing, Warmland's parent company operated what would eventually become our flagship location at Whippletree Junction under the name Hemp Nation Cannabis Outfitters, selling cannabis accessories and hemp products. This deep dive into cannabis accessories allowed us to amass a catalogue and sales history data on more than 5,000 products that we now draw from to hone our product lines and shape our accessories orders at all our locations.

CEO Chris Clay

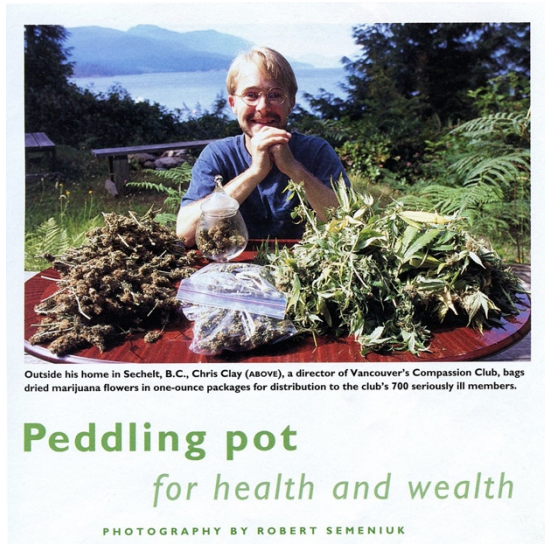
Chris entered the cannabis industry in 1993, opening the country's first hemp store, Hemp Nation, in downtown London, Ontario. With the help of a Youth Venture Loan from the Ontario government, the shop expanded quickly and garnered national media attention. Over the next four years, it evolved into a 4,000+ square foot retail, wholesale and mail order facility.



In 1995, a police raid on the shop over the sale of a cannabis seedling led to a constitutional challenge of the cannabis laws that eventually reached the Supreme Court of Canada (for a CBC Newsworld documentary on Chris' case, see <https://warmlandcannabis.com/stoned/>). When the shop closed in 1997, Chris moved to BC and grew medicinal cannabis for a time, supplying the Compassion Club in Vancouver. He



also served on the boards of several compassion clubs before embarking on a web design/development career.



Canadian Geographic Magazine, 1999

Chris re-entered the cannabis industry in 2015. Frustrated with Health Canada's mail order medicinal cannabis program and following a series of court rulings affirming the rights of medical cannabis users and providers, Chris retired his web business and opened Warmland Medicinal Cannabis Centre in the former Pioneer Square Mall in Mill Bay. The shop operated for three years, closing in October 2018 on the eve of legalization to prepare for the provincial licensing process. Initially expected to take months, the process took years, and it wasn't until January 2022 that the Warmland brand was revived under a new parent company and in its new flagship location.

Chris lives in North Cowichan with his teenage children and starts each weekday at his dream job, ordering high quality cannabis from the province and local direct delivery craft suppliers to fill his carefully curated menus.



Chris discussing legalization with CTV's Todd Van Der Heyden, 2018



Geoff Parkin for the TSX

Representatives from cannabis companies rang the opening bell for the Toronto Stock Exchange on Wednesday morning.



TORONTO—Trading of cannabis stocks has been a part of life for years on Canada's major exchange, but Wednesday's official kickoff of recreational cannabis sales in the country was still a cause for a celebration.

Warmland CEO Chris Clay was honoured to be placed front and centre when cannabis industry representatives opened the Toronto Stock Exchange on legalization day.

Current Locations

Whippletree Junction

Warmland's flagship location is a 3,000 square foot cannabis emporium on the Trans-Canada Highway at Whippletree Junction, just a few minutes' drive south of Duncan and officially located in Cowichan Bay. In addition to licensed cannabis products, the shop boasts the island's largest selection of cannabis accessories with between 4,000 and 5,000 different products available at any given time.





Cobble Hill

Warmland's Cobble Hill location has 1,100 square feet of space dedicated to retail and boasts an impressive accessories selection (far more than any other small-town shop we've encountered.) It is much beloved in the community, boasting countless regulars and sits across the street from Cobble Hill Mountain, one of the area's most popular hiking and mountain biking areas.





Mill Bay

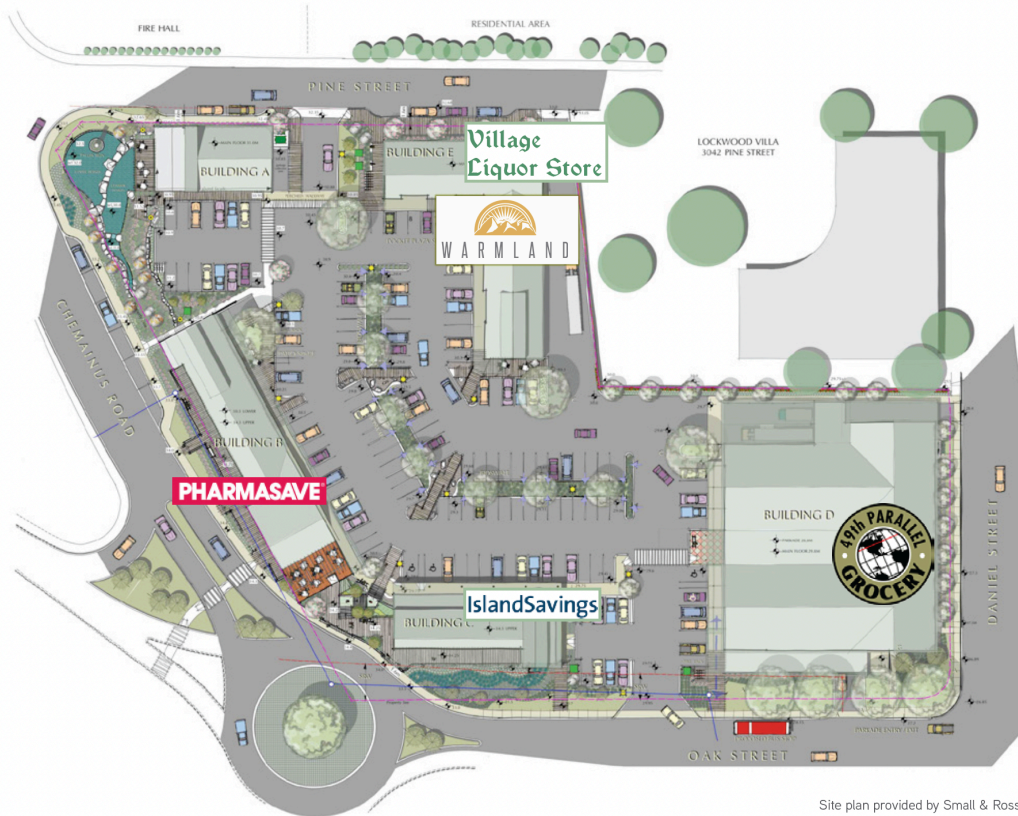
Across the street from the original Warmland Medicinal Cannabis Centre (which had been in Pioneer Square Mall, a building that burned to the ground in 2022) an upcoming location is in the works. Perched on the corner of the Trans-Canada Highway and Shawnigan-Mill Bay Rd., the unit is approximately 600 square feet and is currently awaiting rezoning (the provincial application is at an advanced stage.) Neighbouring tenants include Spice Craft Indian Restaurant and the Salvation Army Thrift Store.



Chemainus

Warmland recently secured a fourth location, in Chemainus Village Square. The 1,000 square foot unit sits in a high-traffic development with Country Grocer, a liquor store, a dollar store, Island Savings, Ryot Brewing and Pharmasave. Provincial and municipal approvals are expected to be complete by early 2024.





Site plan provided by Small & Rossell Landscape Architects Inc.

Appendix

- “Marijuana moguls in the Cowichan Valley” (*Local News Eye Cowichan*, February 1, 2016)
- Canada set to become largest country with legal pot sales” (*Associated Press*, October 9, 2018)
- Absolute Underground interview w/ Chris Clay (*Absolute Underground*, April 2023)



Broken Coast grower examines maturing marijuana

Marijuana moguls in the Cowichan Valley

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BY SUSAN DOWN ON FEBRUARY 1, 2016

FEATURES

Chris Clay is a marijuana celebrity. Behind the counter at his Mill Bay dispensary, Warmland Cannabis, he sells soothing remedies to customers looking for relief from arthritis to cancer symptoms. But the often grey-haired clients probably don't realize that Clay is part of marijuana legal history in this country.

In 1995 after selling a pot plant seedling to an undercover police officer in his store, The Great Canadian Hemporium, he was charged with trafficking and related offences. "I was trying to push the boundaries," said Clay.

By 2003, the London, Ontario man had taken his case right to the [Supreme Court](#), his legal team arguing that the ban on marijuana was unconstitutional. They lost that battle, but succeeded in pushing the issue so that today, Canada is undergoing a major legal shift, as it moves to legalize and regulate growers and sellers. The fight earned him lots of [media attention](#) as well. These days, he's part of the business community; he opened his dispensary in August 2015, and later hosted a Christmas party at his premises for the local chamber of commerce.

Meanwhile, at Broken Coast, a North Cowichan marijuana production company, the business is far more low-profile. There are no signs on the door of their location in an industrial park, and they don't want their exact location disclosed for this story. But the place is easy to find online, and the small batch "boutique" approach to quality has attracted 1,600 mail-order clients so far – over 40 per cent in Ontario – after starting production in 2014. Their marketing plays on the public's notion that 'B.C.

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Chris Clay reminded the government of its planned drug policy change when he faced the Supreme Court

bud' is the product to get, so the strains have names like Lasqueti, Thetis and Cortes.

Broken Coast's master grower Kevin Anderson left a career as an electronics engineer in the UK, disliking the sedentary nature of the profession. He jumped right into a job with the opposite attributes: backbreaking landscaping work. That inspired him to study arboriculture, and after moving to Canada, he was in the right place to join Broken Coast, armed with the perfect combination of technical and horticultural skills. He's spent thousands of hours learning about hydroponics. "I get a kick out of trying to make sure the plants are perfect and how the small changes affect the end product. It's a big long learning curve. You have to wait and see what happens," he said.

At present, the industry sellers and growers face a conflicting jumble of rules at least until the Trudeau government finds a way to apply them fairly. Growers under the 2001 Marihuana Medical Access Regulations (MMAR) are legally protected after the government wanted to get rid of their status and start again under the 2014 Marihuana for Medical Purposes Regulations (MMPR). Broken Coast is one of the 27 Canadian producers under the new regulations.

"It's a big legal mess right now," said Clay. "At the moment all these people are holding expired licenses but they're still valid. There's a court order protecting them all." Clay's Cowichan Valley



Broken Coast GM John Moeller next to the individual watering systems for each hydroponic crop



Marijuana ready to ship

supplier is the House of the Great Gardener, which has been growing for the Vancouver Island Compassion Society for 15 years. "I just want to make sure these new regulations don't sideline B.C.'s growers that have been in place for decades doing this. There should be room for both. Just like alcohol and craft breweries."

Marijuana Dispensaries

The dispensaries are still technically illegal, and they are making the news as downtown districts everywhere try to regulate the arrival of drug-peddling storefront businesses. In some cases, cities opt for an outright ban. For example, Duncan city council recently voted to ban any marijuana dispensaries from setting up storefront operations within city limits, joining a long list of Vancouver Island municipalities struggling with the same issue (note: there is a dispensary, Cowichan Valley Access Centre, on the outskirts of Duncan). In November Port Alberni voted to have staff develop zoning restrictions on pot shops. In the same month, Nanaimo RCMP issued warning letters and later search warrants to local dispensaries after complaints of aggressive street promotion and sales to minors. In Vancouver, the city charges a \$30,000 license fee for dispensaries.

Inside the Broken Coast facility, the halls have the same stark white ambience as a pristine medical lab. The doors to each growing room can only stay open for a few seconds before triggering an alarm.

There is the mothering room with plants that are the result of months of hybridization experiments, then a room full of cloned plants, taken from cuttings of the mother plant. Each room has its own reservoir so that a different nutrient mix can be pumped to each hydroponic growing area depending on the strain.

Security is evident throughout the building: cameras are everywhere and identity cards must be swiped at every doorway. The shipper works in room with a bank vault door. After all, this is a lucrative business. Broken Coast grew and sold 650 kg of marijuana in the first year of operations, bringing in an estimated \$3 million a year in gross revenue. Prices for the product range from \$4.75 to \$9.50 a gram. They are at capacity now, and there are expansion plans in the works.

The employees (there are 23) talk like corporate middle managers, discussing quality assurance and research and development. "R and D is important in any company, says Broken Coast general manager John Moeller, who has a computer science degree. "In our case it is developing new strains and new

procedures to make us more efficient.” Right now they are testing different oil products. “There are very strict limits to how much you can have because people eat it and it takes so long to kick in when they eat it they tend to overdose when they consume it orally,” he said.

The company’s quality assurance manager Chris Stone said the requirements are almost identical to pharmaceutical industry where he used to work. There is lots of paperwork, documenting systems and processes. The difference is the reaction when he tells people where he works now. “There’s that immediate reaction of ‘Oh I thought you had a legitimate job,’” said Stone. The new heavily-regulated industry means the Health Canada inspectors come one a month and stay for a full week once a year.

Attitudes are changing as marijuana use becomes a legitimate option for ailments as well as a recreational drug. Many of the doctors in the area are willing to discuss it with their patients and adult children are recommending it for parents, says Clay who has about 300 customers. Better testing has created new strains that have higher cannabinoids (CBD) as active ingredients as well as THC.

“It was a novelty for her but her kids told her to come in,” he said of one 83-year-old woman who giggled at the thought of adding THC infused honey to her tea. “A lot of these people certainly wouldn’t want to order it through the mail. They need to talk to somebody. They want to tell their stories.”

A recent suggestion that B.C. sell marijuana in liquor stores is a terrible idea, says Clay. “A lot of people use cannabis to get off alcohol and other drugs,” he said. The compounding effect when taken together can be harmful, he said. “They amplify each other so it’s not a good idea having them side by side.”

As the regulatory climate changes from the Wild West free-for-all, that will mean lots of mundane managerial duties for companies entering the industry looking for solid return on their investments. But for now, it still has that romantic bootlegger cachet. “People think it’s cool,” said Anderson. “But you have to tell them we’re not all walking around smoking weed and just hanging out. It’s not the stoner movie idea of growing marijuana. It’s very strict and regulated. I’ve got paperwork.”

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Canada set to become largest country with legal pot sales

Canada set to become largest country with legal pot sales

Gene Johnson And Rob Gillies The Associated Press Oct 9, 2018 Updated 7 hrs ago



In this Sept. 24, 2018 photo, Chris Clay, a longtime Canadian medical marijuana activist and owner of the Warmland Centre, a medical marijuana dispensary in Mill Bay, British Columbia, on Vancouver Island, poses for a photo as he stands next to a display in his shop of historic cannabis-based medicine bottles. On Oct. 17, 2018, Canada will become the second and largest country with a legal national marijuana marketplace, forcing many dispensaries, including Warmland, to close temporarily until they receive licenses under the new recreational system. (AP Photo/Ted S. Warren)

TW

DELTA, B.C. - Mat Beren and his friends used to drive by the vast greenhouses of southern British Columbia and joke about how much weed they could grow there.

Years later, it's no joke. The tomato and pepper plants that once filled some of those greenhouses have been replaced with a new cash crop: marijuana. Beren and other formerly illicit growers are helping cultivate it. The buyers no longer are unlawful dealers or dubious medical dispensaries; it's the Canadian government.

On Oct. 17, Canada becomes the second and largest country with a legal national marijuana marketplace. Uruguay launched legal sales last year, after several years of planning.

It's a profound social shift promised by Canadian Prime Minister Justin Trudeau and fueled by a desire to bring the black market into a regulated, taxed system after nearly a century of prohibition.

It also stands in contrast to the United States, where the federal government outlaws marijuana while most states allow medical or recreational use for people 21 and older. Canada's national approach has allowed for unfettered industry banking, inter-province shipments of cannabis, online ordering, postal delivery and billions of dollars in investment; national prohibition in the U.S. has stifled greater industry expansion there.

Hannah Hetzer, who tracks international marijuana policy for the New York-based Drug Policy Alliance, called Canada's move "extremely significant," given that about 25 countries have already legalized the medical use of marijuana or decriminalized possession of small amounts of the drug. A few, including Mexico, have expressed an interest in regulating recreational use.

"It's going to change the global debate on drug policy," she said. "There's no other country immediately considering legalizing the nonmedical use of cannabis, but I think Canada will provide almost the permission for other countries to move forward."

At least 109 legal pot shops are expected to open across the nation of 37 million people next Wednesday, with many more to come, according to an Associated Press survey of the provinces. For now, they'll offer dried flower, capsules, tinctures and seeds, with sales of marijuana-infused foods and concentrates expected to begin next year.

The provinces are tasked with overseeing marijuana distribution. For some, including British Columbia and Alberta, that means buying cannabis from licensed producers, storing it in warehouses and then shipping it to retail shops and online customers. Others, like Newfoundland, are having growers ship directly to stores or through the mail.

Federal taxes will total \$1 per gram or 10 per cent, whichever is more. The feds will keep one-fourth of that and return the rest to the provinces, which can add their own markups. Consumers also will pay local sales taxes.

Some provinces have chosen to operate their own stores, like state-run liquor stores in the U.S., while others have OK'd private outlets. Most are letting residents grow up to four plants at home.

Canada's most populous province, Ontario, won't have any stores open until next April, after the new conservative government scrapped a plan for state-owned stores in favour of privately run shops. Until then, the only legal option for Ontario residents will be mail delivery — a prospect that didn't sit well with longtime pot fan Ryan Bose, 48, a Lyft driver.

"Potheads are notoriously very impatient. When they want their weed, they want their weed," he said after buying a half-ounce at an illicit medical marijuana dispensary in Toronto. "Waiting one or two three days for it by mail, I'm not sure how many will want to do that."

British Columbia, home of the "B.C. Bud" long cherished by American pot connoisseurs, has had a prevalent marijuana culture since the 1970s, after U.S. draft-dodgers from the Vietnam War settled on Vancouver Island and in the province's southeastern mountains. But a change in government last year slowed cannabis distribution plans there, too, and it will have just one store ready next Wednesday: a state-run shop in Kamloops, a few hours' drive northeast of Vancouver. By contrast, Alberta expects to open 17 next week and 250 within a year.

There is no immediate crackdown expected for the dozens of illicit-but-tolerated medical marijuana dispensaries operating in British Columbia, though officials eventually plan to close any without a license. Many are expected to apply for private retail licenses, and some have sued, saying they have a right to remain open.

British Columbia's ministry of public safety is forming a team of 44 inspectors to root out unlawful operations, seize product and issue fines. They'll have responsibility for a province of 4.7 million people and an area twice as large as California, where the black market still dwarfs the legal market that arrived in January.

Chris Clay, a longtime Canadian medical marijuana activist, runs Warmland Centre dispensary in an old shopping mall in Mill Bay, on Vancouver Island. He is closing the store Monday until he gets a license; he feared continuing to operate post-legalization would jeopardize his chances. Some of his eight staff members will likely have to file for unemployment benefits in the meantime.

"That will be frustrating, but overall I'm thrilled," Clay said. "I've been waiting decades for this."

The federal government has licensed 120 growers, some of them enormous. Canopy Growth, which recently received an investment of \$4 billion from Constellation Brands, whose holdings include Corona beer, Robert Mondavi wines and Black Velvet whiskey, is approved for 5.6 million square feet (520,000 square meters) of production space across Canada. Its two biggest greenhouses are near the U.S. border in British Columbia.

Beren, a 23-year cannabis grower, is a Canopy consultant.

"We used to joke around all the time when we'd go to Vancouver and drive by the big greenhouses on the highway," he said. "Like, 'Oh man, someday. It'd be so awesome if we could grow cannabis in one of these greenhouses.' We drive by now and we're like, 'Oh, we're here.'"

Next to Canopy's greenhouse in Delta is another huge facility, Pure Sunfarms, a joint venture between a longtime tomato grower, Village Farms International, and a licensed medical marijuana producer, Emerald Health Therapeutics. Workers pulled out the remaining tomato plants last winter and got to work renovating the greenhouse as a marijuana farm, installing equipment that includes lights and accordion-shaped charcoal vents to control the plant's odour. By 2020, the venture expects to move more than 165,000 pounds (75,000 kg) of bud per year.

Some longtime illegal growers who operate on a much smaller scale worry they won't get licensed or will get steamrolled by much larger producers. Provinces can issue "micro-producer" licenses, but in British Columbia, where small-time pot growers helped sustain rural economies as the mining and forestry industries cratered, the application period hasn't opened yet.

Sarah Campbell of the Craft Cannabis Association of BC said many small operators envision a day when they can host visitors who can tour their operations and sample the product, as wineries do.

Officials say they intend to accommodate craft growers but first need to ensure there is enough cannabis to meet demand when legalization arrives. Hiccups are inevitable, they say, and tweaks will be needed.

"Leaving it to each province to decide what's best for their communities and their citizens is something that's good," said Gene Makowsky, the Saskatchewan minister who oversees the province's Liquor and Gaming Authority. "We'll be able to see if each law is successful or where we can do better in certain areas."

British Columbia safety minister Mike Farnworth said he learned two primary lessons by visiting Oregon and Washington, U.S. states with recreational marijuana. One was not to look at the industry as an immediate cash cow, as it will take time to displace the black market. The other was to start with relatively strict regulations and then loosen them as needed, because it's much harder to tighten them after the fact.

Legalization will be a process more than a date, Farnworth said.

"Oct. 17th is actually not going to look much different than it does today," he said.

Rob Gillies reported from Toronto. Gene Johnson is a member of AP's marijuana beat team. Follow him at <https://twitter.com/GeneAPseattle>. Find complete AP marijuana coverage at <http://apnews.com/tag/LegalMarijuana>.

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Warmland

Interview by Iree-I

Absolute Underground: Who are we talking to and what are you best known for?

Chris Clay: This is Chris Clay, CEO of Warmland Cannabis Centres. I'm perhaps best known for a constitutional challenge to Canada's cannabis laws I launched in the mid-1990s while operating my shop, Hemp Nation in London, Ontario. The challenge ultimately went to the Supreme Court of Canada and a documentary crew captured part of my legal journey, adding to the widespread media coverage the case received at the time (filmmaker & cannabis lawyer Russell Bennett has made the documentary, "Stoned: Hemp Nation on Trial," available online - it can be viewed at warmlandcannabis.com/stoned)

AU: What is your association with the world of Cannabis? How did you first become involved?

CC: I started experimenting with cannabis during a summer photography program through Ryerson University in 1992. One student wasn't much older than myself but had already travelled much of the world, and he opened my eyes to the wonders of cannabis. Somehow, he had arranged for weed to be delivered by courier regularly, and before long most of us were learning to roll while taking photos. I started spending my extra time at the library

researching cannabis. I was quite concerned that my summertime sessions might have disastrous implications, and was surprised to find a vast trove of evidence going back centuries suggesting quite the opposite.

Among other things, I found the reports of the LeDain Commission, a Royal Commission that spent \$3.5 million and several years looking at the issue (only to recommend that Canada should decriminalize cannabis... this was in the early 1970s.)

AU: When did you first learn about the importance of Hemp?

CC: During my time in Toronto, I learned of a banned book called *The Emperor Wears No Clothes* by Jack Herer. A 1988 law prohibited "paraphernalia" and cannabis books but I managed to track down a copy and it really opened my eyes - it included reprints of historical articles such as one from *Popular Mechanics* in 1938 that called hemp the "new billion dollar crop". It also extensively detailed the long history of cannabis for medicinal uses.



In the spring of 1993, I heard a clip on the radio about a hemp store that was opening in Texas and before long I was contacting

potential suppliers, searching for anything related to cannabis to see if I could do the same in Canada. I started importing books from Ed Rosenthal's publishing company; I imported hemp seeds and oils from the Ohio Hempery; I bought hemp fabric and hemp patches; I bought vintage pipes, bongs, hookahs and rolling papers; and I rented a space at a local flea market to test the waters.

Business exploded and I booked a booth at Lollapalooza that summer. Funds from the festival were enough to open a small shop, so in August 1993 I opened the Great Canadian Hemporium in downtown London. As Canada's first hemp shop, it quickly gained attention and people started travelling from afar to visit. After initially selling prohibited cannabis accessories without any problems (a local police spokesperson once told one reporter they had "bigger fish to fry than Chris Clay") a commingling of friends, staff and activists helped me launch a cannabis seed bank to breed seeds which we mailed across the country. As time passed, we discussed possibly selling clones... Meanwhile, I had met Alan Young, a law professor at Osgoode Hall Law School, who was interested in doing a constitutional challenge. When we finally put clones out for sale, the shop was raided four hours later and I found myself calling Alan from a jail cell.

AU: What strains of seeds and clones were you selling when you got in trouble with the law?

CC: We started with strains people were bringing back from Amsterdam (Northern Lights #5, Skunk #1, Big Bud, Black Domina, Purple Star etc.) and started crossing those with local strains we were discovering (like one called Golden Boy). We produced as many seeds as we could and sold them in 6-packs ranging from \$10 - \$25 and towards the end we even imported some from Africa (Transkei Reds (Rooibaard), Durban Poison, and Malawi Cob.) The selection continued to expand until the day the 20 Skunk #1 clones arrived on consignment and the shop was raided (seed production and sales resumed before long, but a second raid eventually drove things a little more underground and I made plans to move to BC.)

AU: Please tell us more about your court case

that reached the Supreme Court of Canada.

CC: My shop was in downtown London, and an undercover officer working on something completely unrelated stopped in to kill time and noticed the little tray of clones under a light in one of the displays. He bought one (we only sold four in total) and checked in with his superiors, who then authorized the raid.

I was jailed, but only for a weekend and it wasn't so bad. However, the biggest shock upon my release was finding the shop empty - the police had taken virtually everything.

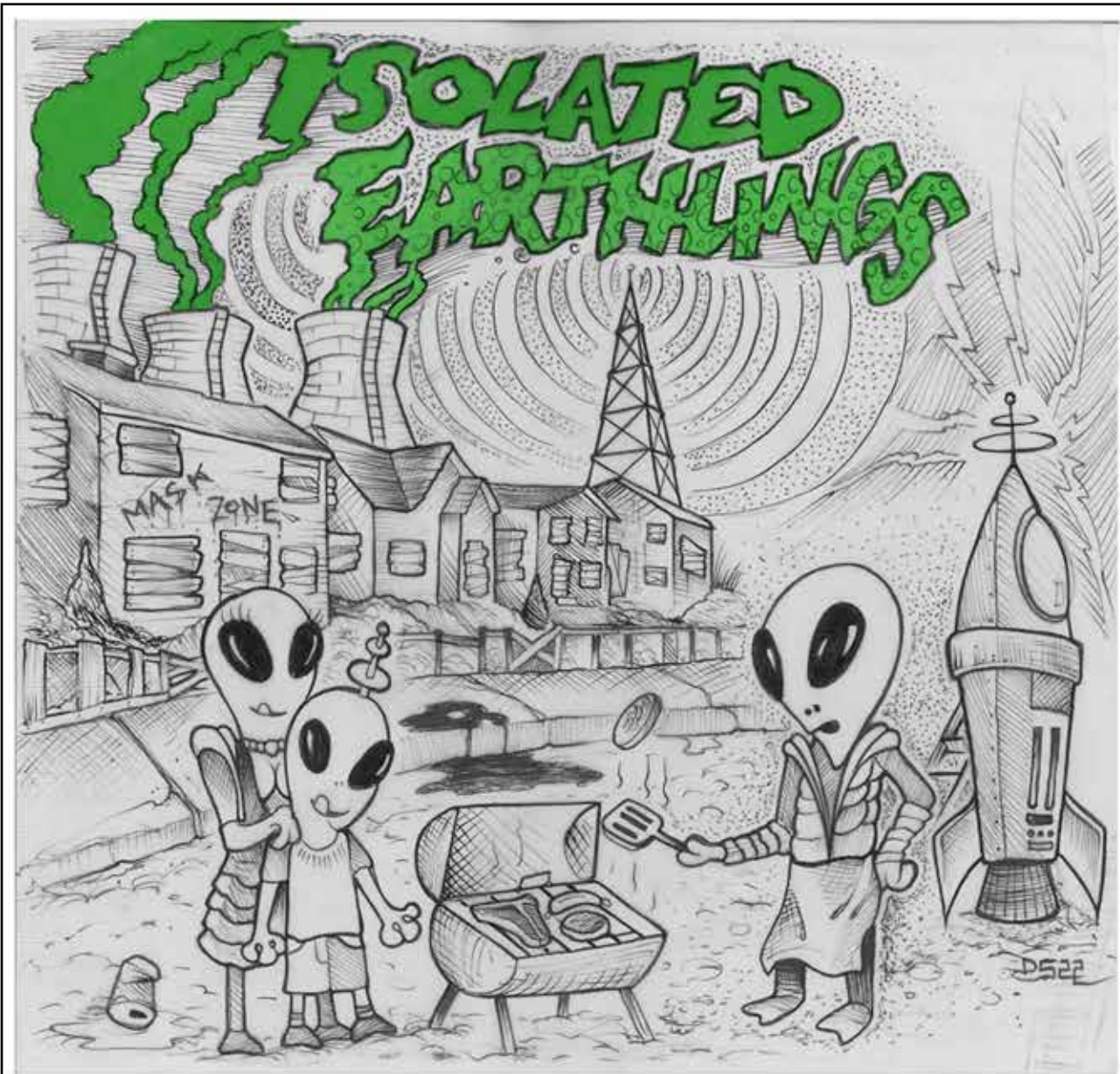
I made arrangements to move the shop around the corner to a larger location and operations resumed, under the new store name Hemp Nation. Seed sales resumed and we expanded the space to include a stage, DJ booth, and cafe (featuring "high octane" infused coffee and infused "buzz buns" banana bread). Meanwhile, to fund my legal defence and the constitutional challenge, I launched a Victory Bond campaign. In this case, each bond cost \$25 and would be redeemable for 1/4 ounce of cannabis if the challenge was successful.



Thanks to the media and the power of the internet it wasn't hard to draw attention to the campaign and donations came flooding in from around the world. We raised over \$100,000, most of which went to photocopying costs (we presented literally piles of evidence) and to fly in an impressive selection of expert witnesses.

AU: Were you able to defend yourself and what was the ruling?

CC: My lawyers, Alan Young and one of his former students, Paul Burstain, attacked cannabis prohibition from a number of angles. Aside from arguments based on various sections of



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the constitution, testimony also highlighted how the cannabis laws were overly broad (they prohibited not only recreational use of cannabis but industrial hemp and medicinal cannabis, so we brought experts from those fields to testify.) Experts included Dr. Lester Grinspoon from Harvard, Dr. Heinz Lehmann and Dr. Marie-Andree Bertrand (the last two surviving members of the LeDain Royal Commission), experts in industrial hemp, researchers from the Addiction Research Foundation and more. The trial lasted several weeks and in the end the judge essentially passed the buck... He ruled that though cannabis is "relatively harmless compared to alcohol and tobacco", it was Parliament's job to change the laws and not that of the courts.

We succeeded in getting a vast evidentiary record on file including hundreds of studies, royal commission reports etc. that helped other challenges succeed (some of it was used in medicinal cannabis constitutional challenges) but in the end I was convicted and my appeals were unsuccessful.

AU: What are your latest endeavors?

CC: In 2015 I found myself re-entering the cannabis industry after discovering CBD. I came across a strain called CBD Rene at the VICS (Vancouver Island Compassion Society) in Victoria, a high CBD strain bred by Mat Beren of House of the Great Gardener in the Cowichan Valley, and then sought out other CBD products. However, I soon became frustrated with the lack of selection and inconsistent availability. Meanwhile, cannabis dispensaries were starting to open in more and more BC communities, and after putting out a few feelers I had the resources in place to start Warmland Medicinal Cannabis Centre in Mill Bay. It operated from 2015 – 2018, closing shortly before legalization. We initially hoped to be licensed within weeks, but a last-minute bylaw prohibiting dispensaries was passed by our local municipality which led to years of delays.

AU: Tell us more about Warmland.

CC: Warmland currently operates its flagship location south of Duncan and a new satellite location in Cobble Hill. Plans are underway for a third location in Mill Bay later this year.

AU: What makes Warmland different from others in your opinion?

CC: Warmland grew out of a decades-long journey that nearly ended when legalization took place on October 17, 2018. I actually spent that morning at the Toronto Stock Exchange – I was one of the cannabis industry representatives invited to open the exchange on legalization day – but that early excitement led to waiting... and more waiting... and more waiting. It took

over three years to reopen as a licensed store, and during that time it was challenging to keep the dream alive, but we weren't idle and in the end we made it through to the other side.

Warmland's general manager, Ruby Bressan, moved over to Hemp Nation with me after legalization and for three years we explored everything to do with cannabis accessories (and hemp products, which we had to phase out once we were licensed due to BC's strict regulations.) Ruby is now GM at the new Warmland and with

her help we have grown the selection to nearly 5,000 accessories at the flagship location.

As for cannabis products, I curate the menu myself and it has grown to over 400 products at each store. We're also doing more and more of our buying from local growers using BC's new Direct Delivery program which helps ensure things are as fresh as

possible.

AU: Who are some of the Cannabis growers you are currently working with?

CC: Our local growers produce some of the finest cannabis in the world. One of our favourites is Verte West (they grow Toro Rosso, one of my all-time favourite strains, along with Hawaiian Fanta, Frosted Grapes, and Orange Cake.) We're also pleased to feature Cowichan grown products from Great Gardener Farms (their Barbara Bud rosin vape cartridges are exceptional and their seeds are world renowned.)

AU: What are some medicinal properties of Cannabis that people might not know about?

CC: Most people would be surprised to discover just how extensively cannabis was used in the past and how it was generally regarded as a safe and effective medication for a wide range of ailments. I collect stories and articles from "back in the daze" and post the best ones online at warmlandcannabis.com/history

An article from 1868 calls cannabis an "opium-cure", while a Maclean's article from 1938 warns readers to "Look Out for Mary Jane!" Scientific American ran a feature in 1898 calling cannabis "one of the most valuable of drugs" while Parke-Davis announced that, despite their best efforts, they had "never been able to give an animal a sufficient quantity of a U.S.P. or other preparation of the cannabis (Indica or Americana) to produce death." I also have a collection of old cannabis medical bottles and packaging, dating back to the 19th century.

AU: How have things changed over the years and now that legalization has arrived?

CC: It's now four years since legalization and there

is a tremendous range of high-quality cannabis products available. Some of the best weed I've ever had comes from my own shop, which is awesome. However, the country continues to grow too much cannabis so prices continue to drop (which is hardest on smallscale craft growers).

AU: What is the best 420 experience you can remember?

CC: I work most 4/20s since it's one of the busiest days of the year at the shops, but the first one after legalization was awesome. My son Dylan came along and we went to Sunset Beach in Vancouver.... We were perched on a hill at 4:20 when upwards of 100,000 people started blasting smoke into the air, celebrating while Cypress Hill performed Hits from the Bong.

AU: What are your favourite strains to enjoy?

My favourite strains to vape in my Mighty+ vaporizer are Toro Rosso (it tastes soooo good, like candy) and Blueberry Yum Yum (also incredibly delicious) from Cake & Caviar. Rounding out my top three would be Comatose, from 1964.

Most often, I'm vaping rosin with an e-nail these days... My top three favourites are Strawberry Jam from Dabble (Shawnigan Lake), LA Kush Cake from Brindle Farms (Sooke), and Peanut Butter Mac from BLKMKT (Alberta)

AU: How has legalization changed things for the better? As well as for the worse?

CC: From the consumer's perspective, things have mostly changed for the better. Retail prices for most things have fallen to less than what we sold them for pre-legalization.

Also, fierce competition has meant that companies are focusing on the products they

do best and many are finding niche markets. For example, there are now a number of products featuring exotic cannabinoids like CBN, CBC, CBG, delta-8 THC etc. and they're coming in a range of formats (gummies, vape cartridges, tinctures, infused pre-rolls etc.) CBD products have also

dropped dramatically in price, which is incredibly helpful for anyone using them medicinally.

The biggest downside to legalization has perhaps been the fallout from so much cannabis being grown for so long. It was clear from the outset that companies were growing far, far too much and it's still having an impact on growers large and small (and, of course, on investors, laid off workers etc.)

Web: warmlandcannabis.com

Instagram: [@warmlandglass](https://www.instagram.com/warmlandglass)

FB: [facebook.com/warmlandcentre](https://www.facebook.com/warmlandcentre)



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in-store multi-bin recycling program, sharing pick-up arrangements with other merchants whenever possible (at both Cobble Hill and Whippetree, we share existing waste and recycling bins with merchants who already had them and will likely do so in Mill Bay as well). We also collect soft plastics, batteries, bulbs, Styrofoam etc. to take to Fisher Road or Bing's Creek for recycling and give away sacks of packing peanuts through local classified ads to be reused. Finally, we have implemented in-store digital menus at all stores (on large LCD screens and on tablets) to virtually eliminate the need for paper menus and as a result have seen our paper consumption drop dramatically.

It's also worth noting that the cannabis products themselves are very small (our entire inventory fits in four metal cabinets at each shop) and even a "large" cannabis delivery from the province results in a small pile of tiny boxes that are then recycled (or sometimes reused). Incidentally, cannabis processors have listened to consumer feedback and have for the most part moved away from mixed-material packaging to facilitate recycling (products generally now come in packaging made from separate components that are either soft plastic, hard plastic or glass with the occasional metal tin for pre-rolls.)

- **Energy:** Warmland uses low power / high lumen LED spotlights in its stores and LED strip lighting in its display cases to help keep energy use to a minimum. We also have exterior lights on daylight sensors and have been upgrading the HVAC systems at all our locations to use energy-efficient heat pumps (Whippetree now has one, Cobble Hill's is coming this fall and in Mill Bay the landlords have agreed to share in the costs of installing one which we will do closer to opening.)
- **Economy:** The proposed store would make significant contributions to the local economy. When the original Warmland closed in 2018 to seek a provincial license, four full-time and four part-time positions were lost and we expect the proposed new store to grow to a similar size over time. Our Cowichan Valley stores also support local businesses as much as possible... We have been a major advertiser in many local publications over the years (Valley Voice Magazine, Shawnigan Focus, the 39 Days in July program, Arbutus magazine etc.) and we feature many local products on our menus from local growers such as United Greeneries, Verte West and Great Gardener Farms. We also buy many incidentals from local stores and businesses (signage, office supplies, maintenance supplies etc.)
- **Safety** – Unlike black market product, the licensed cannabis supply is managed by the Liquor Distribution Branch and is heavily regulated, tested and taxed; meanwhile, when something occasionally goes wrong (such as a labelling error) the LDB can easily issue a recall (every store orders

Aaron's BC Bud issues voluntary recall through Direct Delivery

Aaron's BC Bud has notified BC Cannabis Wholesale of a voluntary recall for specific lots of Island MK Ultra and Lindsay OG dried flower, due to labelling errors resulting in...

[Learn more](#)



at least most of its product through a single online portal, with announcements posted frequently.) Licensed cannabis products also come in child proof packaging with maximum potency limits and health warnings. Although cannabis use is not completely without risk, it's widely acknowledged that a cannabis store opening in a neighbourhood does not cause a spike in cannabis use and, in fact, generally results in a drop in the use of alcohol and opiates (incidentally, after weighing a mountain of evidence during Chris Clay's constitutional challenge, Justice John McCart ruled that the adult use of cannabis is "relatively harmless" when compared with alcohol and tobacco.)

One of the federal goals of legalization was to restrict cannabis access to minors, and (unlike many black market sources) licensed stores only sell to adults and have many checks and balances. All Warmland staff have completed the province's Selling It Right course and are well trained in when to request ID etc., and on the rare occasion a minor has tried entering (it has only come up several times - in one case, a parent had brought their child in a liquor store and then stopped by Warmland, thinking the child could also come inside... In another instance, an off-duty police officer tried to bring in a child – also assuming that because it was allowed for liquor stores, it was also allowed for cannabis) the minor is escorted from the shop and a report is kept on file.

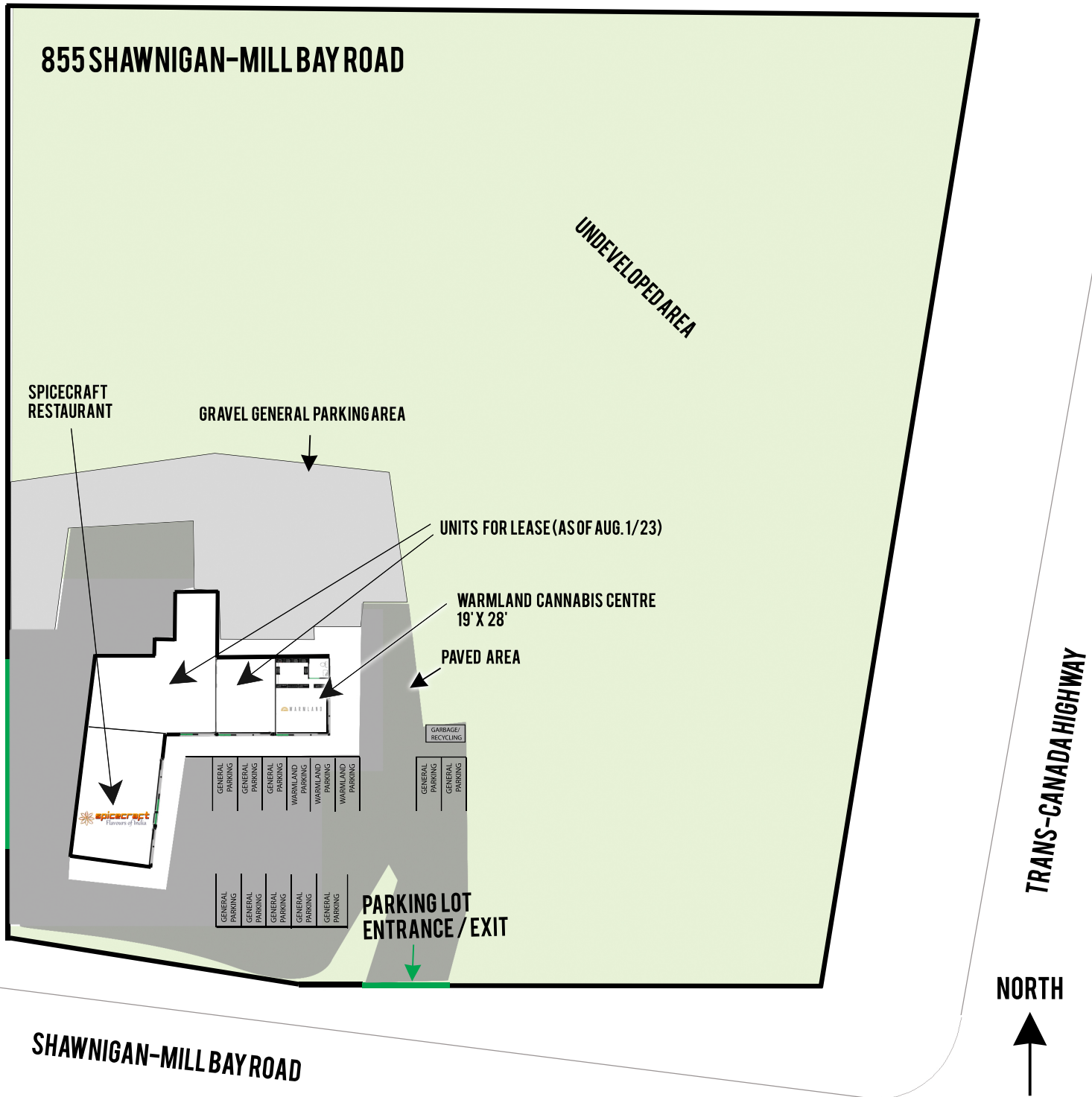
- **Security** – The proposed store will have surveillance video (interior and exterior) with remote monitoring, battery backups and 60-day cloud storage. It will also have smash-resistant 3M security film on all windows and a security/fire alarm system (centrally monitored, with cellular backup and a guard response plan) from Telus Custom Security (formerly Price's Alarms.) All cannabis is also secured inside each store inside locked industrial metal cabinets. We have employed the same measures at our other stores and have never had any problems with theft (aside from someone breaking into the Whippletree community mailbox once, and police were able to identify the culprit from our footage!)

In summary, Warmland has a wealth of experience to draw from and our locations have always been professionally run and beloved in their communities. During the three-year wait for our first license, customers would often bemoan the loss of our Mill Bay location; now many are inquiring as to when the new shop will open... We are very much looking forward to returning to our old neighbourhood and serving many familiar faces!

Proposed location: 855 Shawnigan-Mill Bay Rd., corner unit on lower level (unit 101)



SITE PLAN W/ PLAZA'S MAIN LEVEL



BUSINESSES OPERATING ON SITE:

- * Spicecraft - Flavours of India Restaurant
- * Salvation Army Thrift Store (upper level w/ entrance & parking at rear of building)
- * Warmland Cannabis Centre (proposed location)
- * Two units are for lease



Job # 073337

October 13, 2023

Planner note: LCRB has sent the letter addressed to Malahat Nation. CVRD staff requested an updated letter addressed to CVRD.

Manager, Malahat Nation

Via email: manager@malahatnation.com**Re: Application for a Cannabis Retail Store Licence****Applicant:** WARMLAND CANNABIS CORPORATION**Proposed Establishment Name:** Warmland Cannabis Centre**Proposed Establishment Location:** 103-855 Shawnigan Mill Bay Rd., Mill Bay V0R 2P2

The Applicant, WARMLAND CANNABIS CORPORATION, has applied to the Liquor and Cannabis Regulation Branch (LCRB) for a Cannabis Retail Store licence proposed to be located at the above-noted address. The applicant contact is Christopher Clay. They can be reached at 250-733-2323 or via email at christopher.j.clay@gmail.com

Local governments and Indigenous nations are a crucial part of the licensing process. Section 33(1) of the [Cannabis Control and Licensing Act](#) prevents the LCRB from issuing retail store licence without receiving a positive recommendation regarding the licence application from the local government or Indigenous nation.

Please consider the application and provide the LCRB with a written recommendation. Learn more about how to make a recommendation and the [role of local governments and Indigenous Nations in cannabis retail licensing](#). To assist with your assessment, a site map of the proposed cannabis store is attached.

If you consider the application, you must gather resident's views (if applicable), even if the location already went through a public process to allow cannabis retail sales. This also applies to previous locations of private or government cannabis stores that are no longer operating.

If you choose not to make a recommendation regarding this application, please contact the LCRB at your earliest convenience. In this case, the LCRB will cancel the application.

If you have any questions regarding this application, please contact me at 778-698-9359 or Alexandra.Sutherland-Barta@gov.bc.ca

Sincerely,

Alexandra Sutherland-Barta

Senior Licensing Analyst

Liquor and Cannabis Regulation Branch

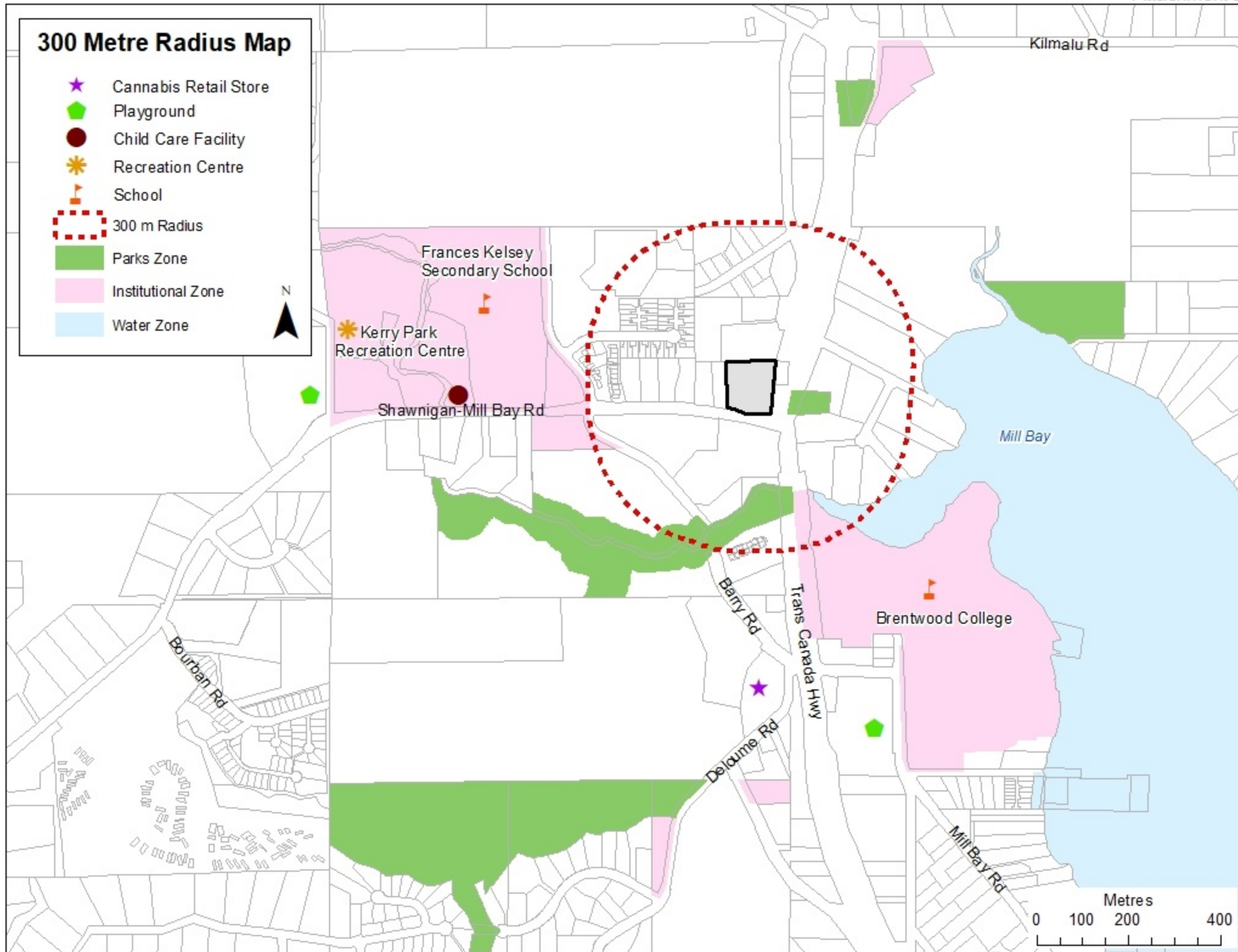
Attachment: Site Plan

BACKGROUND TABLE
File: RZ23A02

Agent/Applicant:	Chris Clay (Warmland Cannabis)
Registered Property Owner:	Mill Bay Enterprises Ltd., Inc. No. 415959
Civic Address:	855 Shawnigan-Mill Bay Road
PID & Legal Description:	000-278-122 LOT A, SECTION 4, RANGE 8, SHAWNIGAN DISTRICT, PLAN 34171 EXCEPT PART IN PLAN VIP51973.
CVRD Covenants on Title:	None
Size of Existing Parcel(s):	1.214 ha
Existing Use of Parcel(s):	Commercial
Natural Hazards:	None identified
Archaeological Site:	High potential
Environmentally Sensitive Areas:	None identified
Species at Risk:	Edward's Beach Moth
Watershed:	Malahat Benchlands
Agricultural Land Reserve (ALR):	Not within
OCP Designation:	Commercial – Village Commercial
Containment Boundary:	Mill Bay GCB
Development Permit Areas (DPA's):	DPA 1 – Riparian Areas Protection DPA 2 – Sensitive Ecosystem Protection DPA 4 – Aquifer Protection DPA 5 – Wildfire Hazard DPA 11 – Commercial and Mixed-use Development DPA 13 – Energy and Water Conservation; Greenhouse Gas Emissions Reduction
Zoning:	C-6 - Mixed Use Village Commercial / Residential 6
Fire Service:	Mill Bay Improvement District
Proposed Water Service:	Mill Bay Waterworks District
Proposed Sewer Service:	Septic
Proposed Drainage Service:	Unknown

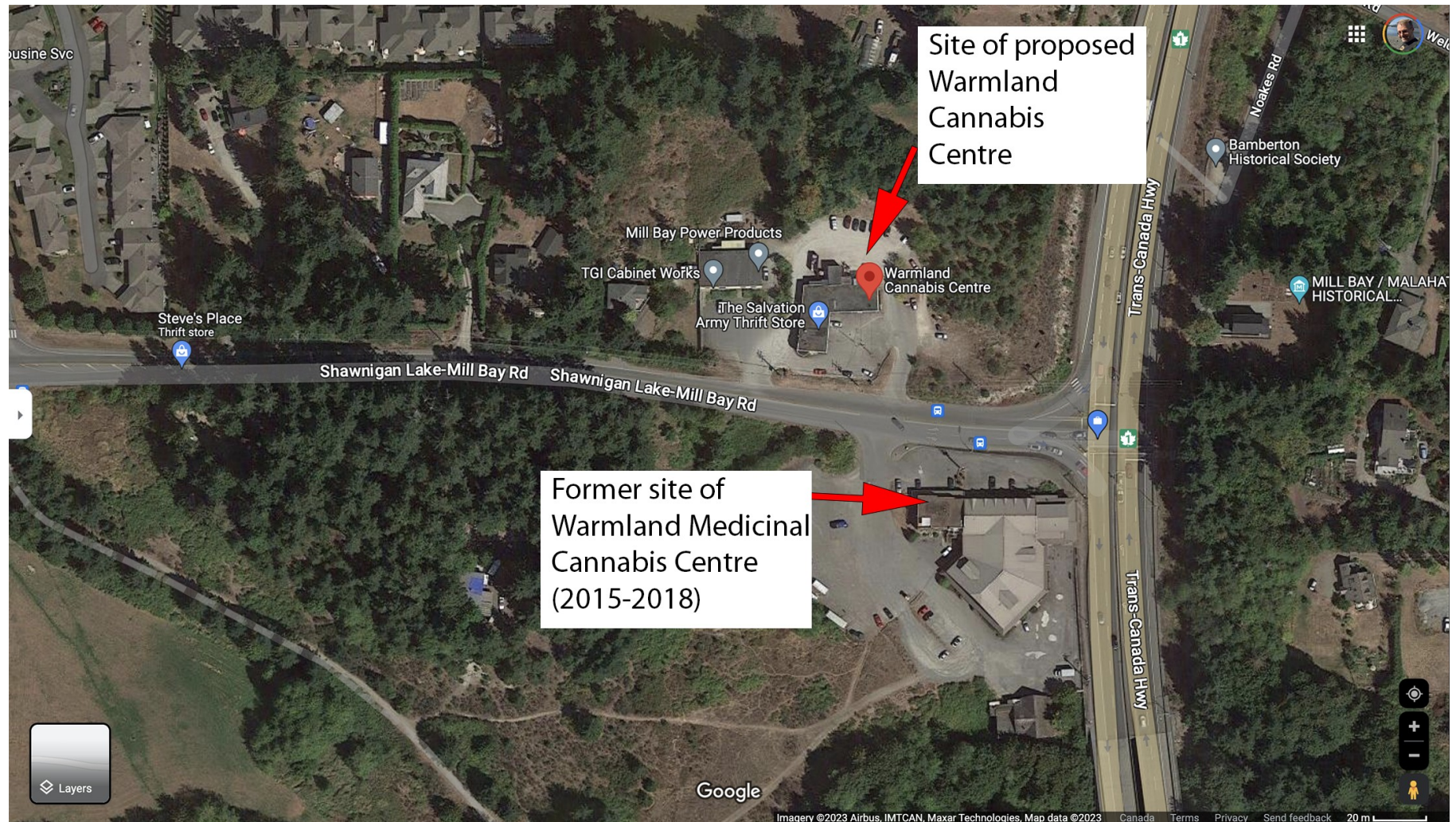
300 Metre Radius Map

- ★ Cannabis Retail Store
- ⬢ Playground
- Child Care Facility
- ✴ Recreation Centre
- 🚩 School
- ⬢ 300 m Radius
- Parks Zone
- Institutional Zone
- Water Zone

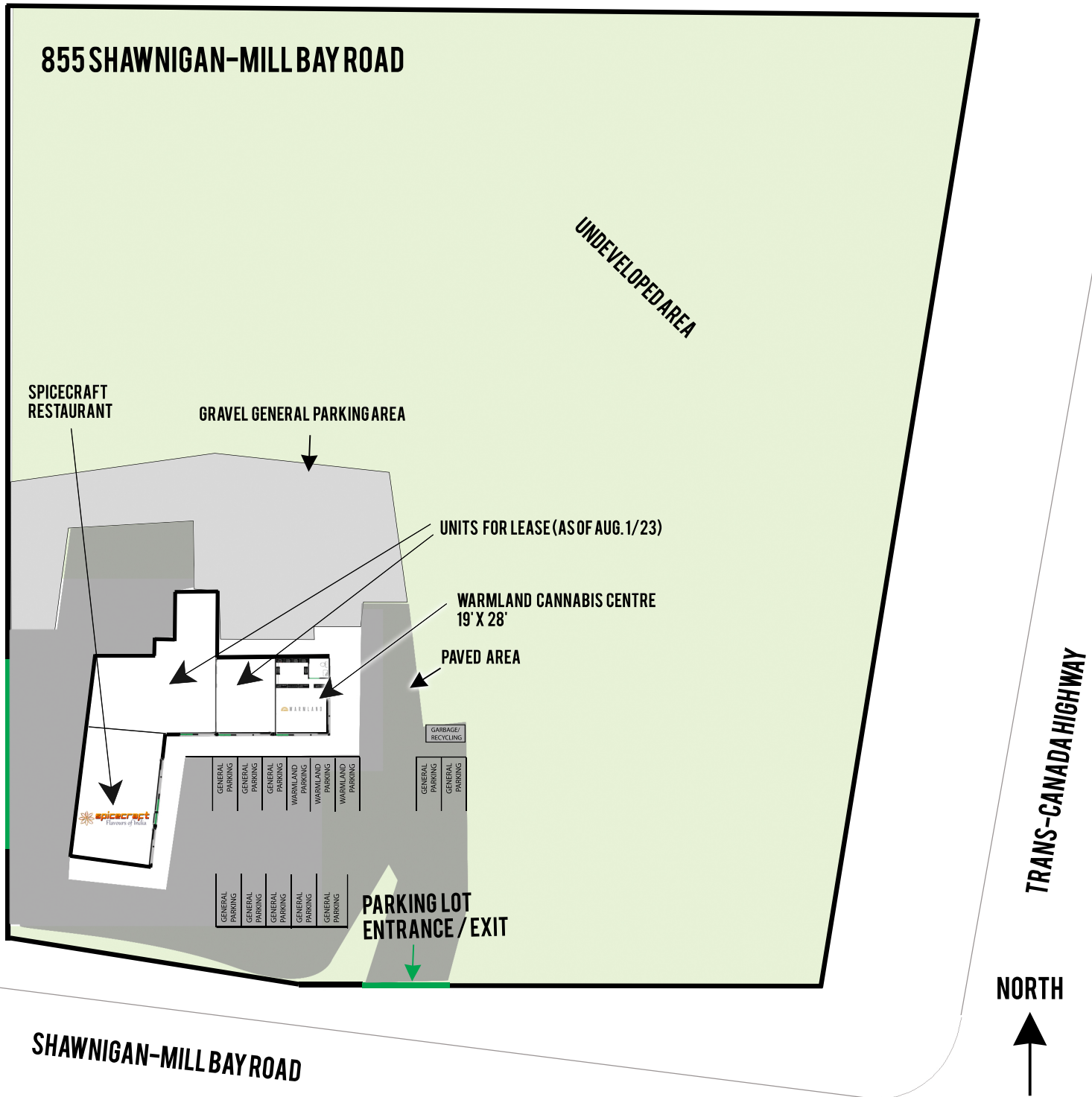




Proposed location: 855 Shawnigan-Mill Bay Rd., corner unit on lower level (unit 101)



SITE PLAN W/ PLAZA'S MAIN LEVEL



BUSINESSES OPERATING ON SITE:

- * Spicecraft - Flavours of India Restaurant
- * Salvation Army Thrift Store (upper level w/ entrance & parking at rear of building)
- * Warmland Cannabis Centre (proposed location)
- * Two units are for lease



Community Impact

It's now been five years since Canada legalized cannabis, and it's generally recognized that cannabis retail stores don't inherently harm the communities they serve; in fact, there are a number of benefits to be had from converting users from the black market to the licensed, regulated market (a process that is ongoing) which of course is what led to legalization in the first place.

An excellent summary of the societal impacts (at least what's been gleaned to date) can be found in the BC Cannabis Secretariat's report *Cannabis in British Columbia: Results from the 2021 BC Cannabis Use Survey* (see attached) released last summer. The report found that, despite there still being some unknowns,

There have been significant changes in where people get their cannabis products compared to 2018. People in British Columbia are increasingly getting their cannabis products from provincially and federally authorized sources while illicit sources become less prevalent – a trend that is expected to continue in the coming years... In addition, most people who use cannabis reported reducing their use of alcohol or other substances (e.g., pain relievers), which highlights the need for further research into the scope and potential outcomes from using cannabis as a substitute.

In BC, the province retains sole control over the supply (though processors are now able to send their shipments directly to stores instead of through the LDB warehouse under the Direct Delivery program) and operates their own stores (both brick-and-mortar and online.) Based on our own experience of operating two licensed stores in the Cowichan Valley since 2022, along with CEO Chris Clay's three years of operating Warmland Medicinal Cannabis Centre in Mill Bay, we anticipate having an excellent overall relationship with neighbouring residents, businesses, and the community if the proposed location is approved.



Figure 1 Warmland Cannabis Corporation's CEO Chris Clay operated Warmland Medicinal Cannabis Centre in Mill Bay from 2015 to 2018.

As with any new commercial enterprise, there will be some community impacts, both good and bad – below is a summary of what we anticipate for the Mill Bay location and, when potentially negative, what countermeasures we be taken:

- **Waste:** As with any retail store, the proposed location would generate its share of waste and recycling materials. However, CEO Chris Clay is an obsessive recycler and goes to extreme lengths to reduce waste generated from his shops. Each store employs a robust



in-store multi-bin recycling program, sharing pick-up arrangements with other merchants whenever possible (at both Cobble Hill and Whippetree, we share existing waste and recycling bins with merchants who already had them and will likely do so in Mill Bay as well). We also collect soft plastics, batteries, bulbs, Styrofoam etc. to take to Fisher Road or Bing's Creek for recycling and give away sacks of packing peanuts through local classified ads to be reused. Finally, we have implemented in-store digital menus at all stores (on large LCD screens and on tablets) to virtually eliminate the need for paper menus and as a result have seen our paper consumption drop dramatically.

It's also worth noting that the cannabis products themselves are very small (our entire inventory fits in four metal cabinets at each shop) and even a "large" cannabis delivery from the province results in a small pile of tiny boxes that are then recycled (or sometimes reused). Incidentally, cannabis processors have listened to consumer feedback and have for the most part moved away from mixed-material packaging to facilitate recycling (products generally now come in packaging made from separate components that are either soft plastic, hard plastic or glass with the occasional metal tin for pre-rolls.)

- **Energy:** Warmland uses low power / high lumen LED spotlights in its stores and LED strip lighting in its display cases to help keep energy use to a minimum. We also have exterior lights on daylight sensors and have been upgrading the HVAC systems at all our locations to use energy-efficient heat pumps (Whippetree now has one, Cobble Hill's is coming this fall and in Mill Bay the landlords have agreed to share in the costs of installing one which we will do closer to opening.)
- **Economy:** The proposed store would make significant contributions to the local economy. When the original Warmland closed in 2018 to seek a provincial license, four full-time and four part-time positions were lost and we expect the proposed new store to grow to a similar size over time. Our Cowichan Valley stores also support local businesses as much as possible... We have been a major advertiser in many local publications over the years (Valley Voice Magazine, Shawnigan Focus, the 39 Days in July program, Arbutus magazine etc.) and we feature many local products on our menus from local growers such as United Greeneries, Verte West and Great Gardener Farms. We also buy many incidentals from local stores and businesses (signage, office supplies, maintenance supplies etc.)
- **Safety** – Unlike black market product, the licensed cannabis supply is managed by the Liquor Distribution Branch and is heavily regulated, tested and taxed; meanwhile, when something occasionally goes wrong (such as a labelling error) the LDB can easily issue a recall (every store orders

Aaron's BC Bud issues voluntary recall through Direct Delivery

Aaron's BC Bud has notified BC Cannabis Wholesale of a voluntary recall for specific lots of Island MK Ultra and Lindsay OG dried flower, due to labelling errors resulting in...

[Learn more](#)



at least most of its product through a single online portal, with announcements posted frequently.) Licensed cannabis products also come in child proof packaging with maximum potency limits and health warnings. Although cannabis use is not completely without risk, it's widely acknowledged that a cannabis store opening in a neighbourhood does not cause a spike in cannabis use and, in fact, generally results in a drop in the use of alcohol and opiates (incidentally, after weighing a mountain of evidence during Chris Clay's constitutional challenge, Justice John McCart ruled that the adult use of cannabis is "relatively harmless" when compared with alcohol and tobacco.)

One of the federal goals of legalization was to restrict cannabis access to minors, and (unlike many black market sources) licensed stores only sell to adults and have many checks and balances. All Warmland staff have completed the province's Selling It Right course and are well trained in when to request ID etc., and on the rare occasion a minor has tried entering (it has only come up several times - in one case, a parent had brought their child in a liquor store and then stopped by Warmland, thinking the child could also come inside... In another instance, an off-duty police officer tried to bring in a child – also assuming that because it was allowed for liquor stores, it was also allowed for cannabis) the minor is escorted from the shop and a report is kept on file.

- **Security** – The proposed store will have surveillance video (interior and exterior) with remote monitoring, battery backups and 60-day cloud storage. It will also have smash-resistant 3M security film on all windows and a security/fire alarm system (centrally monitored, with cellular backup and a guard response plan) from Telus Custom Security (formerly Price's Alarms.) All cannabis is also secured inside each store inside locked industrial metal cabinets. We have employed the same measures at our other stores and have never had any problems with theft (aside from someone breaking into the Whippletree community mailbox once, and police were able to identify the culprit from our footage!)

In summary, Warmland has a wealth of experience to draw from and our locations have always been professionally run and beloved in their communities. During the three-year wait for our first license, customers would often bemoan the loss of our Mill Bay location; now many are inquiring as to when the new shop will open... We are very much looking forward to returning to our old neighbourhood and serving many familiar faces!



W A R M L A N D

Company Profile
August 2023



Overview

Warmland Cannabis Corporation (dba Warmland Cannabis Centre / Warmland Cannabis Centres) is a private corporation registered in BC and is a solely owned subsidiary of 1171267 BC Ltd. The company is based in the Cowichan Valley and is operated by founder and CEO Chris Clay, an entrepreneur with a long history in retail cannabis and cannabis accessories.

After navigating three years of red tape, the company's first licensed store opened at Whippletree Junction, just south of Duncan, in January 2022; the second followed six months later, in Cobble Hill. Since then, growth at both shops has exceeded expectations. Provincial and municipal applications are currently being processed for upcoming stores in Mill Bay and Chemainus, and the company is now in the process of finalizing several locations in Victoria.

Warmland is also exploring adding a farmgate-style location at the Verte West craft cannabis production facility in North Cowichan that would allow customers to see how plants are grown and cured. Provincial regulations allow us to operate up to eight stores and the plan is to scale up to the maximum number of locations by mid-2024.

During the three years awaiting licensing, Warmland's parent company operated what would eventually become our flagship location at Whippletree Junction under the name Hemp Nation Cannabis Outfitters, selling cannabis accessories and hemp products. This deep dive into cannabis accessories allowed us to amass a catalogue and sales history data on more than 5,000 products that we now draw from to hone our product lines and shape our accessories orders at all our locations.

CEO Chris Clay

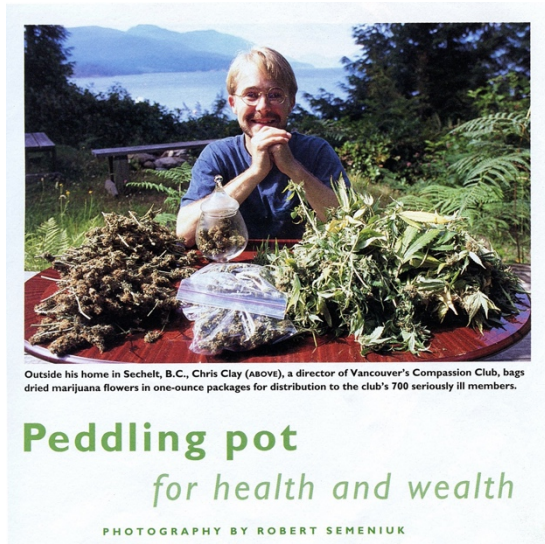
Chris entered the cannabis industry in 1993, opening the country's first hemp store, Hemp Nation, in downtown London, Ontario. With the help of a Youth Venture Loan from the Ontario government, the shop expanded quickly and garnered national media attention. Over the next four years, it evolved into a 4,000+ square foot retail, wholesale and mail order facility.



In 1995, a police raid on the shop over the sale of a cannabis seedling led to a constitutional challenge of the cannabis laws that eventually reached the Supreme Court of Canada (for a CBC Newsworld documentary on Chris' case, see <https://warmlandcannabis.com/stoned/>). When the shop closed in 1997, Chris moved to BC and grew medicinal cannabis for a time, supplying the Compassion Club in Vancouver. He



also served on the boards of several compassion clubs before embarking on a web design/development career.



Canadian Geographic Magazine, 1999

Chris re-entered the cannabis industry in 2015. Frustrated with Health Canada's mail order medicinal cannabis program and following a series of court rulings affirming the rights of medical cannabis users and providers, Chris retired his web business and opened Warmland Medicinal Cannabis Centre in the former Pioneer Square Mall in Mill Bay. The shop operated for three years, closing in October 2018 on the eve of legalization to prepare for the provincial licensing process. Initially expected to take months, the process took years, and it wasn't until January 2022 that the Warmland brand was revived under a new parent company and in its new flagship location.

Chris lives in North Cowichan with his teenage children and starts each weekday at his dream job, ordering high quality cannabis from the province and local direct delivery craft suppliers to fill his carefully curated menus.



Chris discussing legalization with CTV's Todd Van Der Heyden, 2018



Geoff Parkin for the TSX

Representatives from cannabis companies rang the opening bell for the Toronto Stock Exchange on Wednesday morning.



TORONTO—Trading of cannabis stocks has been a part of life for years on Canada's major exchange, but Wednesday's official kickoff of recreational cannabis sales in the country was still a cause for a celebration.

Warmland CEO Chris Clay was honoured to be placed front and centre when cannabis industry representatives opened the Toronto Stock Exchange on legalization day.

Current Locations

Whippletree Junction

Warmland's flagship location is a 3,000 square foot cannabis emporium on the Trans-Canada Highway at Whippletree Junction, just a few minutes' drive south of Duncan and officially located in Cowichan Bay. In addition to licensed cannabis products, the shop boasts the island's largest selection of cannabis accessories with between 4,000 and 5,000 different products available at any given time.





Cobble Hill

Warmland's Cobble Hill location has 1,100 square feet of space dedicated to retail and boasts an impressive accessories selection (far more than any other small-town shop we've encountered.) It is much beloved in the community, boasting countless regulars and sits across the street from Cobble Hill Mountain, one of the area's most popular hiking and mountain biking areas.





Mill Bay

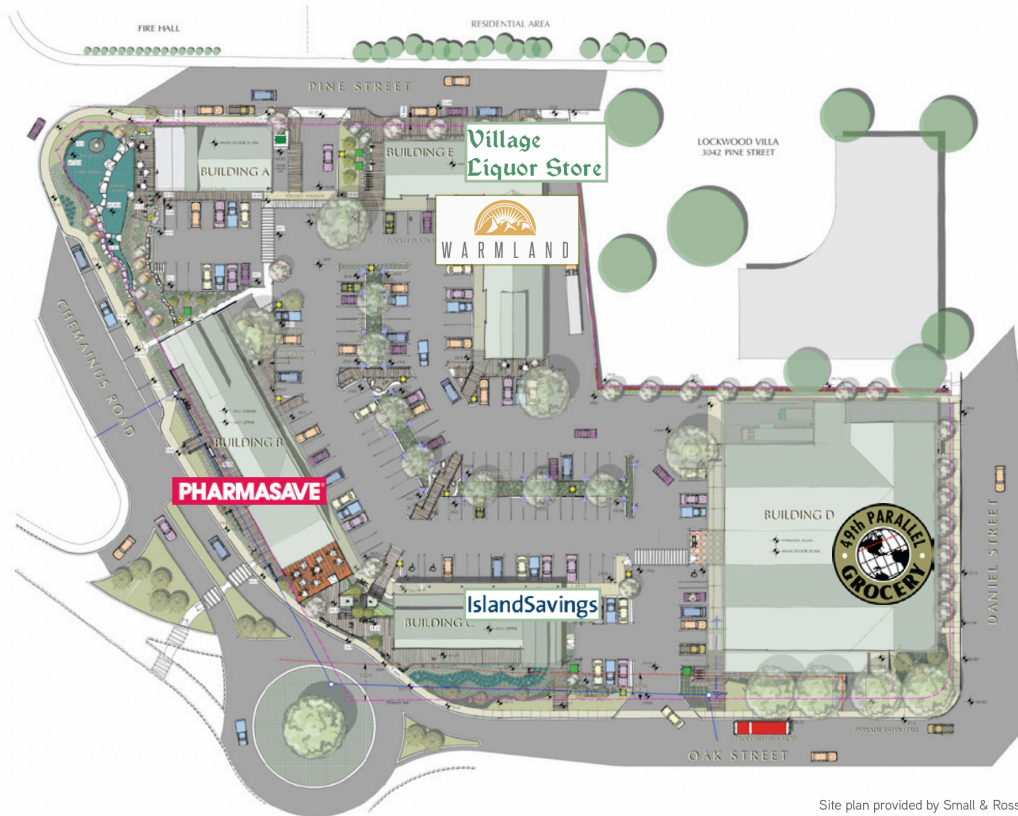
Across the street from the original Warmland Medicinal Cannabis Centre (which had been in Pioneer Square Mall, a building that burned to the ground in 2022) an upcoming location is in the works. Perched on the corner of the Trans-Canada Highway and Shawnigan-Mill Bay Rd., the unit is approximately 600 square feet and is currently awaiting rezoning (the provincial application is at an advanced stage.) Neighbouring tenants include Spice Craft Indian Restaurant and the Salvation Army Thrift Store.



Chemainus

Warmland recently secured a fourth location, in Chemainus Village Square. The 1,000 square foot unit sits in a high-traffic development with Country Grocer, a liquor store, a dollar store, Island Savings, Ryot Brewing and Pharmasave. Provincial and municipal approvals are expected to be complete by early 2024.





Site plan provided by Small & Rossell Landscape Architects Inc.

Appendix

- “Marijuana moguls in the Cowichan Valley” (*Local News Eye Cowichan*, February 1, 2016)
- Canada set to become largest country with legal pot sales” (*Associated Press*, October 9, 2018)
- Absolute Underground interview w/ Chris Clay (*Absolute Underground*, April 2023)



Broken Coast grower examines maturing marijuana

Marijuana moguls in the Cowichan Valley

□ 0

BY SUSAN DOWN ON FEBRUARY 1, 2016

FEATURES

Chris Clay is a marijuana celebrity. Behind the counter at his Mill Bay dispensary, Warmland Cannabis, he sells soothing remedies to customers looking for relief from arthritis to cancer symptoms. But the often grey-haired clients probably don't realize that Clay is part of marijuana legal history in this country.

In 1995 after selling a pot plant seedling to an undercover police officer in his store, The Great Canadian Hemporium, he was charged with trafficking and related offences. "I was trying to push the boundaries," said Clay.

By 2003, the London, Ontario man had taken his case right to the [Supreme Court](#), his legal team arguing that the ban on marijuana was unconstitutional. They lost that battle, but succeeded in pushing the issue so that today, Canada is undergoing a major legal shift, as it moves to legalize and regulate growers and sellers. The fight earned him lots of [media attention](#) as well. These days, he's part of the business community; he opened his dispensary in August 2015, and later hosted a Christmas party at his premises for the local chamber of commerce.

Meanwhile, at Broken Coast, a North Cowichan marijuana production company, the business is far more low-profile. There are no signs on the door of their location in an industrial park, and they don't want their exact location disclosed for this story. But the place is easy to find online, and the small batch "boutique" approach to quality has attracted 1,600 mail-order clients so far – over 40 per cent in Ontario – after starting production in 2014. Their marketing plays on the public's notion that 'B.C.

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Chris Clay reminded the government of its planned drug policy change when he faced the Supreme Court

bud' is the product to get, so the strains have names like Lasqueti, Thetis and Cortes.

Broken Coast's master grower Kevin Anderson left a career as an electronics engineer in the UK, disliking the sedentary nature of the profession. He jumped right into a job with the opposite attributes: backbreaking landscaping work. That inspired him to study arboriculture, and after moving to Canada, he was in the right place to join Broken Coast, armed with the perfect combination of technical and horticultural skills. He's spent thousands of hours learning about hydroponics. "I get a kick out of trying to make sure the plants are perfect and how the small changes affect the end product. It's a big long learning curve. You have to wait and see what happens," he said.

At present, the industry sellers and growers face a conflicting jumble of rules at least until the Trudeau government finds a way to apply them fairly. Growers under the 2001 Marihuana Medical Access Regulations (MMAR) are legally protected after the government wanted to get rid of their status and start again under the 2014 Marihuana for Medical Purposes Regulations (MMPR). Broken Coast is one of the 27 Canadian producers under the new regulations.

"It's a big legal mess right now," said Clay. "At the moment all these people are holding expired licenses but they're still valid. There's a court order protecting them all." Clay's Cowichan Valley



Broken Coast GM John Moeller next to the individual watering systems for each hydroponic crop



Marijuana ready to ship

supplier is the House of the Great Gardener, which has been growing for the Vancouver Island Compassion Society for 15 years. "I just want to make sure these new regulations don't sideline B.C.'s growers that have been in place for decades doing this. There should be room for both. Just like alcohol and craft breweries."

Marijuana Dispensaries

The dispensaries are still technically illegal, and they are making the news as downtown districts everywhere try to regulate the arrival of drug-peddling storefront businesses. In some cases, cities opt for an outright ban. For example, Duncan city council recently voted to ban any marijuana dispensaries from setting up storefront operations within city limits, joining a long list of Vancouver Island municipalities struggling with the same issue (note: there is a dispensary, Cowichan Valley Access Centre, on the outskirts of Duncan). In November Port Alberni voted to have staff develop zoning restrictions on pot shops. In the same month, Nanaimo RCMP issued warning letters and later search warrants to local dispensaries after complaints of aggressive street promotion and sales to minors. In Vancouver, the city charges a \$30,000 license fee for dispensaries.

Inside the Broken Coast facility, the halls have the same stark white ambience as a pristine medical lab. The doors to each growing room can only stay open for a few seconds before triggering an alarm.

There is the mothering room with plants that are the result of months of hybridization experiments, then a room full of cloned plants, taken from cuttings of the mother plant. Each room has its own reservoir so that a different nutrient mix can be pumped to each hydroponic growing area depending on the strain.

Security is evident throughout the building: cameras are everywhere and identity cards must be swiped at every doorway. The shipper works in room with a bank vault door. After all, this is a lucrative business. Broken Coast grew and sold 650 kg of marijuana in the first year of operations, bringing in an estimated \$3 million a year in gross revenue. Prices for the product range from \$4.75 to \$9.50 a gram. They are at capacity now, and there are expansion plans in the works.

The employees (there are 23) talk like corporate middle managers, discussing quality assurance and research and development. "R and D is important in any company, says Broken Coast general manager John Moeller, who has a computer science degree. "In our case it is developing new strains and new

procedures to make us more efficient.” Right now they are testing different oil products. “There are very strict limits to how much you can have because people eat it and it takes so long to kick in when they eat it they tend to overdose when they consume it orally,” he said.

The company’s quality assurance manager Chris Stone said the requirements are almost identical to pharmaceutical industry where he used to work. There is lots of paperwork, documenting systems and processes. The difference is the reaction when he tells people where he works now. “There’s that immediate reaction of ‘Oh I thought you had a legitimate job,’” said Stone. The new heavily-regulated industry means the Health Canada inspectors come one a month and stay for a full week once a year.

Attitudes are changing as marijuana use becomes a legitimate option for ailments as well as a recreational drug. Many of the doctors in the area are willing to discuss it with their patients and adult children are recommending it for parents, says Clay who has about 300 customers. Better testing has created new strains that have higher cannabinoids (CBD) as active ingredients as well as THC.

“It was a novelty for her but her kids told her to come in,” he said of one 83-year-old woman who giggled at the thought of adding THC infused honey to her tea. “A lot of these people certainly wouldn’t want to order it through the mail. They need to talk to somebody. They want to tell their stories.”

A recent suggestion that B.C. sell marijuana in liquor stores is a terrible idea, says Clay. “A lot of people use cannabis to get off alcohol and other drugs,” he said. The compounding effect when taken together can be harmful, he said. “They amplify each other so it’s not a good idea having them side by side.”

As the regulatory climate changes from the Wild West free-for-all, that will mean lots of mundane managerial duties for companies entering the industry looking for solid return on their investments. But for now, it still has that romantic bootlegger cachet. “People think it’s cool,” said Anderson. “But you have to tell them we’re not all walking around smoking weed and just hanging out. It’s not the stoner movie idea of growing marijuana. It’s very strict and regulated. I’ve got paperwork.”

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Canada set to become largest country with legal pot sales

Canada set to become largest country with legal pot sales

Gene Johnson And Rob Gillies The Associated Press Oct 9, 2018 Updated 7 hrs ago



In this Sept. 24, 2018 photo, Chris Clay, a longtime Canadian medical marijuana activist and owner of the Warmland Centre, a medical marijuana dispensary in Mill Bay, British Columbia, on Vancouver Island, poses for a photo as he stands next to a display in his shop of historic cannabis-based medicine bottles. On Oct. 17, 2018, Canada will become the second and largest country with a legal national marijuana marketplace, forcing many dispensaries, including Warmland, to close temporarily until they receive licenses under the new recreational system. (AP Photo/Ted S. Warren)

TW

DELTA, B.C. - Mat Beren and his friends used to drive by the vast greenhouses of southern British Columbia and joke about how much weed they could grow there.

Years later, it's no joke. The tomato and pepper plants that once filled some of those greenhouses have been replaced with a new cash crop: marijuana. Beren and other formerly illicit growers are helping cultivate it. The buyers no longer are unlawful dealers or dubious medical dispensaries; it's the Canadian government.

On Oct. 17, Canada becomes the second and largest country with a legal national marijuana marketplace. Uruguay launched legal sales last year, after several years of planning.

It's a profound social shift promised by Canadian Prime Minister Justin Trudeau and fueled by a desire to bring the black market into a regulated, taxed system after nearly a century of prohibition.

It also stands in contrast to the United States, where the federal government outlaws marijuana while most states allow medical or recreational use for people 21 and older. Canada's national approach has allowed for unfettered industry banking, inter-province shipments of cannabis, online ordering, postal delivery and billions of dollars in investment; national prohibition in the U.S. has stifled greater industry expansion there.

Hannah Hetzer, who tracks international marijuana policy for the New York-based Drug Policy Alliance, called Canada's move "extremely significant," given that about 25 countries have already legalized the medical use of marijuana or decriminalized possession of small amounts of the drug. A few, including Mexico, have expressed an interest in regulating recreational use.

"It's going to change the global debate on drug policy," she said. "There's no other country immediately considering legalizing the nonmedical use of cannabis, but I think Canada will provide almost the permission for other countries to move forward."

At least 109 legal pot shops are expected to open across the nation of 37 million people next Wednesday, with many more to come, according to an Associated Press survey of the provinces. For now, they'll offer dried flower, capsules, tinctures and seeds, with sales of marijuana-infused foods and concentrates expected to begin next year.

The provinces are tasked with overseeing marijuana distribution. For some, including British Columbia and Alberta, that means buying cannabis from licensed producers, storing it in warehouses and then shipping it to retail shops and online customers. Others, like Newfoundland, are having growers ship directly to stores or through the mail.

Federal taxes will total \$1 per gram or 10 per cent, whichever is more. The feds will keep one-fourth of that and return the rest to the provinces, which can add their own markups. Consumers also will pay local sales taxes.

Some provinces have chosen to operate their own stores, like state-run liquor stores in the U.S., while others have OK'd private outlets. Most are letting residents grow up to four plants at home.

Canada's most populous province, Ontario, won't have any stores open until next April, after the new conservative government scrapped a plan for state-owned stores in favour of privately run shops. Until then, the only legal option for Ontario residents will be mail delivery — a prospect that didn't sit well with longtime pot fan Ryan Bose, 48, a Lyft driver.

"Potheads are notoriously very impatient. When they want their weed, they want their weed," he said after buying a half-ounce at an illicit medical marijuana dispensary in Toronto. "Waiting one or two three days for it by mail, I'm not sure how many will want to do that."

British Columbia, home of the "B.C. Bud" long cherished by American pot connoisseurs, has had a prevalent marijuana culture since the 1970s, after U.S. draft-dodgers from the Vietnam War settled on Vancouver Island and in the province's southeastern mountains. But a change in government last year slowed cannabis distribution plans there, too, and it will have just one store ready next Wednesday: a state-run shop in Kamloops, a few hours' drive northeast of Vancouver. By contrast, Alberta expects to open 17 next week and 250 within a year.

There is no immediate crackdown expected for the dozens of illicit-but-tolerated medical marijuana dispensaries operating in British Columbia, though officials eventually plan to close any without a license. Many are expected to apply for private retail licenses, and some have sued, saying they have a right to remain open.

British Columbia's ministry of public safety is forming a team of 44 inspectors to root out unlawful operations, seize product and issue fines. They'll have responsibility for a province of 4.7 million people and an area twice as large as California, where the black market still dwarfs the legal market that arrived in January.

Chris Clay, a longtime Canadian medical marijuana activist, runs Warmland Centre dispensary in an old shopping mall in Mill Bay, on Vancouver Island. He is closing the store Monday until he gets a license; he feared continuing to operate post-legalization would jeopardize his chances. Some of his eight staff members will likely have to file for unemployment benefits in the meantime.

"That will be frustrating, but overall I'm thrilled," Clay said. "I've been waiting decades for this."

The federal government has licensed 120 growers, some of them enormous. Canopy Growth, which recently received an investment of \$4 billion from Constellation Brands, whose holdings include Corona beer, Robert Mondavi wines and Black Velvet whiskey, is approved for 5.6 million square feet (520,000 square meters) of production space across Canada. Its two biggest greenhouses are near the U.S. border in British Columbia.

Beren, a 23-year cannabis grower, is a Canopy consultant.

"We used to joke around all the time when we'd go to Vancouver and drive by the big greenhouses on the highway," he said. "Like, 'Oh man, someday. It'd be so awesome if we could grow cannabis in one of these greenhouses.' We drive by now and we're like, 'Oh, we're here.'"

Next to Canopy's greenhouse in Delta is another huge facility, Pure Sunfarms, a joint venture between a longtime tomato grower, Village Farms International, and a licensed medical marijuana producer, Emerald Health Therapeutics. Workers pulled out the remaining tomato plants last winter and got to work renovating the greenhouse as a marijuana farm, installing equipment that includes lights and accordion-shaped charcoal vents to control the plant's odour. By 2020, the venture expects to move more than 165,000 pounds (75,000 kg) of bud per year.

Some longtime illegal growers who operate on a much smaller scale worry they won't get licensed or will get steamrolled by much larger producers. Provinces can issue "micro-producer" licenses, but in British Columbia, where small-time pot growers helped sustain rural economies as the mining and forestry industries cratered, the application period hasn't opened yet.

Sarah Campbell of the Craft Cannabis Association of BC said many small operators envision a day when they can host visitors who can tour their operations and sample the product, as wineries do.

Officials say they intend to accommodate craft growers but first need to ensure there is enough cannabis to meet demand when legalization arrives. Hiccups are inevitable, they say, and tweaks will be needed.

"Leaving it to each province to decide what's best for their communities and their citizens is something that's good," said Gene Makowsky, the Saskatchewan minister who oversees the province's Liquor and Gaming Authority. "We'll be able to see if each law is successful or where we can do better in certain areas."

British Columbia safety minister Mike Farnworth said he learned two primary lessons by visiting Oregon and Washington, U.S. states with recreational marijuana. One was not to look at the industry as an immediate cash cow, as it will take time to displace the black market. The other was to start with relatively strict regulations and then loosen them as needed, because it's much harder to tighten them after the fact.

Legalization will be a process more than a date, Farnworth said.

"Oct. 17th is actually not going to look much different than it does today," he said.

Rob Gillies reported from Toronto. Gene Johnson is a member of AP's marijuana beat team. Follow him at <https://twitter.com/GeneAPseattle>. Find complete AP marijuana coverage at <http://apnews.com/tag/LegalMarijuana>.

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Warmland

Interview by Iree-I

Absolute Underground: Who are we talking to and what are you best known for?

Chris Clay: This is Chris Clay, CEO of Warmland Cannabis Centres. I'm perhaps best known for a constitutional challenge to Canada's cannabis laws I launched in the mid-1990s while operating my shop, Hemp Nation in London, Ontario. The challenge ultimately went to the Supreme Court of Canada and a documentary crew captured part of my legal journey, adding to the widespread media coverage the case received at the time (filmmaker & cannabis lawyer Russell Bennett has made the documentary, "Stoned: Hemp Nation on Trial," available online - it can be viewed at warmlandcannabis.com/stoned)

AU: What is your association with the world of Cannabis? How did you first become involved?

CC: I started experimenting with cannabis during a summer photography program through Ryerson University in 1992. One student wasn't much older than myself but had already travelled much of the world, and he opened my eyes to the wonders of cannabis. Somehow, he had arranged for weed to be delivered by courier regularly, and before long most of us were learning to roll while taking photos. I started spending my extra time at the library

researching cannabis. I was quite concerned that my summertime sessions might have disastrous implications, and was surprised to find a vast trove of evidence going back centuries suggesting quite the opposite.

Among other things, I found the reports of the LeDain Commission, a Royal Commission that spent \$3.5 million and several years looking at the issue (only to recommend that Canada should decriminalize cannabis... this was in the early 1970s.)

AU: When did you first learn about the importance of Hemp?

CC: During my time in Toronto, I learned of a banned book called *The Emperor Wears No Clothes* by Jack Herer. A 1988 law prohibited "paraphernalia" and cannabis books but I managed to track down a copy and it really opened my eyes - it included reprints of historical articles such as one from *Popular Mechanics* in 1938 that called hemp the "new billion dollar crop". It also extensively detailed the long history of cannabis for medicinal uses.

In the spring of 1993, I heard a clip on the radio about a hemp store that was opening in Texas and before long I was contacting

potential suppliers, searching for anything related to cannabis to see if I could do the same in Canada. I started importing books from Ed Rosenthal's publishing company; I imported hemp seeds and oils from the Ohio Hempery; I bought hemp fabric and hemp patches; I bought vintage pipes, bongs, hookahs and rolling papers; and I rented a space at a local flea market to test the waters.

Business exploded and I booked a booth at Lollapalooza that summer. Funds from the festival were enough to open a small shop, so in August 1993 I opened the Great Canadian Hemporium in downtown London. As Canada's first hemp shop, it quickly gained attention and people started travelling from afar to visit. After initially selling prohibited cannabis accessories without any problems (a local police spokesperson once told one reporter they had "bigger fish to fry than Chris Clay") a commingling of friends, staff and activists helped me launch a cannabis seed bank to breed seeds which we mailed across the country. As time passed, we discussed possibly selling clones... Meanwhile, I had met Alan Young, a law professor at Osgoode Hall Law School, who was interested in doing a constitutional challenge. When we finally put clones out for sale, the shop was raided four hours later and I found myself calling Alan from a jail cell.

AU: What strains of seeds and clones were you selling when you got in trouble with the law?

CC: We started with strains people were bringing back from Amsterdam (Northern Lights #5, Skunk #1, Big Bud, Black Domina, Purple Star etc.) and started crossing those with local strains we were discovering (like one called Golden Boy). We produced as many seeds as we could and sold them in 6-packs ranging from \$10 - \$25 and towards the end we even imported some from Africa (Transkei Reds (Rooibaard), Durban Poison, and Malawi Cob.) The selection continued to expand until the day the 20 Skunk #1 clones arrived on consignment and the shop was raided (seed production and sales resumed before long, but a second raid eventually drove things a little more underground and I made plans to move to BC.)

AU: Please tell us more about your court case

that reached the Supreme Court of Canada.

CC: My shop was in downtown London, and an undercover officer working on something completely unrelated stopped in to kill time and noticed the little tray of clones under a light in one of the displays. He bought one (we only sold four in total) and checked in with his superiors, who then authorized the raid.

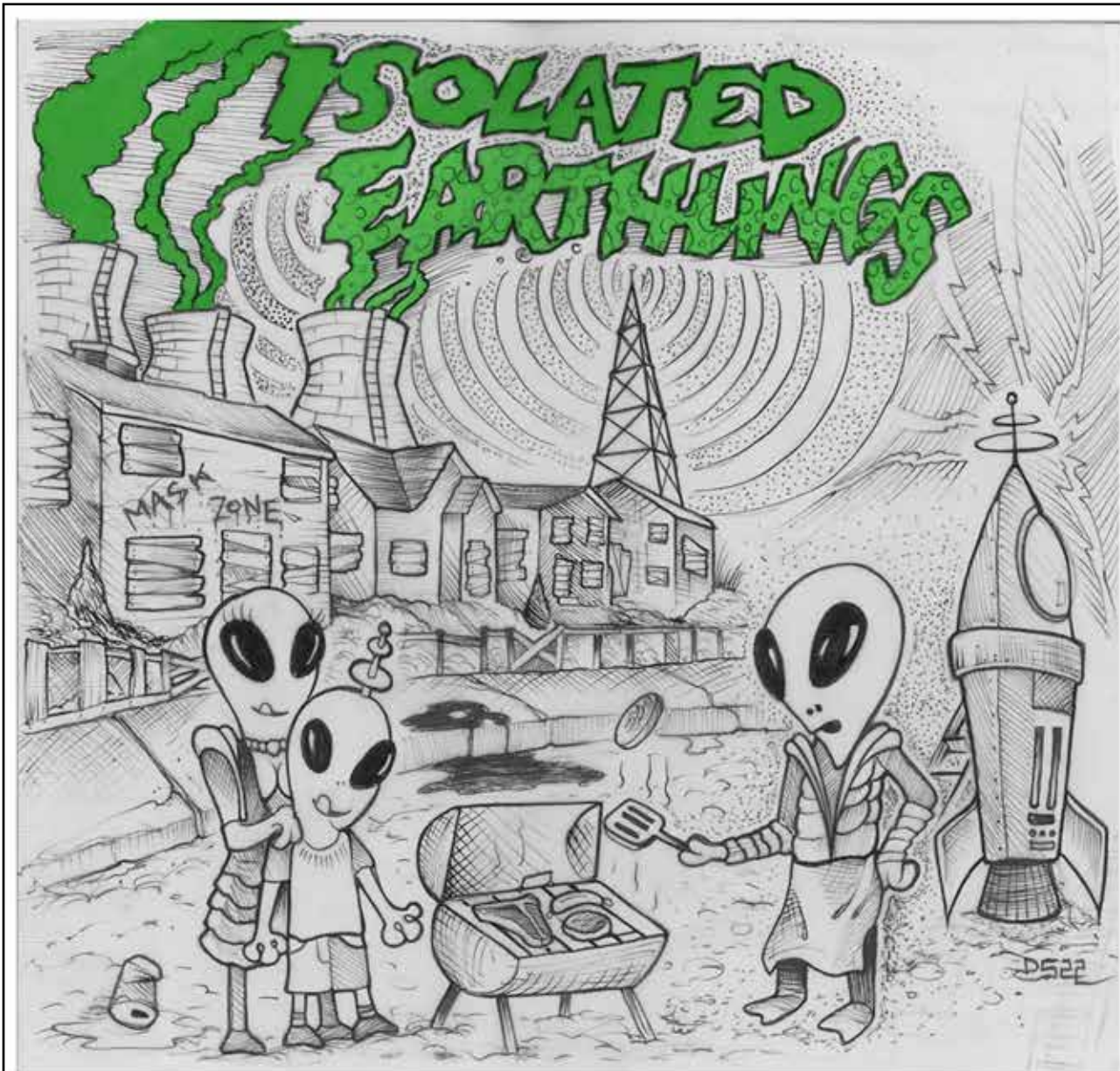
I was jailed, but only for a weekend and it wasn't so bad. However, the biggest shock upon my release was finding the shop empty - the police had taken virtually everything.

I made arrangements to move the shop around the corner to a larger location and operations resumed, under the new store name Hemp Nation. Seed sales resumed and we expanded the space to include a stage, DJ booth, and cafe (featuring "high octane" infused coffee and infused "buzz buns" banana bread). Meanwhile, to fund my legal defence and the constitutional challenge, I launched a Victory Bond campaign. In this case, each bond cost \$25 and would be redeemable for 1/4 ounce of cannabis if the challenge was successful.

Thanks to the media and the power of the internet it wasn't hard to draw attention to the campaign and donations came flooding in from around the world. We raised over \$100,000, most of which went to photocopying costs (we presented literally piles of evidence) and to fly in an impressive selection of expert witnesses.

AU: Were you able to defend yourself and what was the ruling?

CC: My lawyers, Alan Young and one of his former students, Paul Burstain, attacked cannabis prohibition from a number of angles. Aside from arguments based on various sections of



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the constitution, testimony also highlighted how the cannabis laws were overly broad (they prohibited not only recreational use of cannabis but industrial hemp and medicinal cannabis, so we brought experts from those fields to testify.) Experts included Dr. Lester Grinspoon from Harvard, Dr. Heinz Lehmann and Dr. Marie-Andree Bertrand (the last two surviving members of the LeDain Royal Commission), experts in industrial hemp, researchers from the Addiction Research Foundation and more. The trial lasted several weeks and in the end the judge essentially passed the buck... He ruled that though cannabis is "relatively harmless compared to alcohol and tobacco", it was Parliament's job to change the laws and not that of the courts.

We succeeded in getting a vast evidentiary record on file including hundreds of studies, royal commission reports etc. that helped other challenges succeed (some of it was used in medicinal cannabis constitutional challenges) but in the end I was convicted and my appeals were unsuccessful.

AU: What are your latest endeavors?

CC: In 2015 I found myself re-entering the cannabis industry after discovering CBD. I came across a strain called CBD Rene at the VICS (Vancouver Island Compassion Society) in Victoria, a high CBD strain bred by Mat Beren of House of the Great Gardener in the Cowichan Valley, and then sought out other CBD products. However, I soon became frustrated with the lack of selection and inconsistent availability. Meanwhile, cannabis dispensaries were starting to open in more and more BC communities, and after putting out a few feelers I had the resources in place to start Warmland Medicinal Cannabis Centre in Mill Bay. It operated from 2015 – 2018, closing shortly before legalization. We initially hoped to be licensed within weeks, but a last-minute bylaw prohibiting dispensaries was passed by our local municipality which led to years of delays.

AU: Tell us more about Warmland.

CC: Warmland currently operates its flagship location south of Duncan and a new satellite location in Cobble Hill. Plans are underway for a third location in Mill Bay later this year.

AU: What makes Warmland different from others in your opinion?

CC: Warmland grew out of a decades-long journey that nearly ended when legalization took place on October 17, 2018. I actually spent that morning at the Toronto Stock Exchange – I was one of the cannabis industry representatives invited to open the exchange on legalization day – but that early excitement led to waiting... and more waiting... and more waiting. It took

over three years to reopen as a licensed store, and during that time it was challenging to keep the dream alive, but we weren't idle and in the end we made it through to the other side.

Warmland's general manager, Ruby Bressan, moved over to Hemp Nation with me after legalization and for three years we explored everything to do with cannabis accessories (and hemp products, which we had to phase out once we were licensed due to BC's strict regulations.) Ruby is now GM at the new Warmland and with

her help we have grown the selection to nearly 5,000 accessories at the flagship location.

As for cannabis products, I curate the menu myself and it has grown to over 400 products at each store. We're also doing more and more of our buying from local growers using BC's new Direct Delivery program which helps ensure things are as fresh as

possible.

AU: Who are some of the Cannabis growers you are currently working with?

CC: Our local growers produce some of the finest cannabis in the world. One of our favourites is Verte West (they grow Toro Rosso, one of my all-time favourite strains, along with Hawaiian Fanta, Frosted Grapes, and Orange Cake.) We're also pleased to feature Cowichan grown products from Great Gardener Farms (their Barbara Bud rosin vape cartridges are exceptional and their seeds are world renowned.)

AU: What are some medicinal properties of Cannabis that people might not know about?

CC: Most people would be surprised to discover just how extensively cannabis was used in the past and how it was generally regarded as a safe and effective medication for a wide range of ailments. I collect stories and articles from "back in the daze" and post the best ones online at warmlandcannabis.com/history

An article from 1868 calls cannabis an "opium-cure", while a Maclean's article from 1938 warns readers to "Look Out for Mary Jane!" Scientific American ran a feature in 1898 calling cannabis "one of the most valuable of drugs" while Parke-Davis announced that, despite their best efforts, they had "never been able to give an animal a sufficient quantity of a U.S.P. or other preparation of the cannabis (Indica or Americana) to produce death." I also have a collection of old cannabis medical bottles and packaging, dating back to the 19th century.

AU: How have things changed over the years and now that legalization has arrived?

CC: It's now four years since legalization and there

is a tremendous range of high-quality cannabis products available. Some of the best weed I've ever had comes from my own shop, which is awesome. However, the country continues to grow too much cannabis so prices continue to drop (which is hardest on smallscale craft growers).

AU: What is the best 420 experience you can remember?

CC: I work most 4/20s since it's one of the busiest days of the year at the shops, but the first one after legalization was awesome. My son Dylan came along and we went to Sunset Beach in Vancouver.... We were perched on a hill at 4:20 when upwards of 100,000 people started blasting smoke into the air, celebrating while Cypress Hill performed Hits from the Bong.

AU: What are your favourite strains to enjoy?

My favourite strains to vape in my Mighty+ vaporizer are Toro Rosso (it tastes soooo good, like candy) and Blueberry Yum Yum (also incredibly delicious) from Cake & Caviar. Rounding out my top three would be Comatose, from 1964.

Most often, I'm vaping rosin with an e-nail these days... My top three favourites are Strawberry Jam from Dabble (Shawnigan Lake), LA Kush Cake from Brindle Farms (Sooke), and Peanut Butter Mac from BLKMKT (Alberta)

AU: How has legalization changed things for the better? As well as for the worse?

CC: From the consumer's perspective, things have mostly changed for the better. Retail prices for most things have fallen to less than what we sold them for pre-legalization.

Also, fierce competition has meant that companies are focusing on the products they

do best and many are finding niche markets. For example, there are now a number of products featuring exotic cannabinoids like CBN, CBC, CBG, delta-8 THC etc. and they're coming in a range of formats (gummies, vape cartridges, tinctures, infused pre-rolls etc.) CBD products have also

dropped dramatically in price, which is incredibly helpful for anyone using them medicinally.

The biggest downside to legalization has perhaps been the fallout from so much cannabis being grown for so long. It was clear from the outset that companies were growing far, far too much and it's still having an impact on growers large and small (and, of course, on investors, laid off workers etc.)

Web: warmlandcannabis.com

Instagram: [@warmlandglass](https://www.instagram.com/warmlandglass)

FB: [facebook.com/warmlandcentre](https://www.facebook.com/warmlandcentre)



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October 13, 2023

Planner note: LCRB has sent the letter
addressed to Malahat Nation. CVRD staff
requested an updated letter addressed to CVRD.

Manager, Malahat Nation

Via email: manager@malahatnation.com**Re: Application for a Cannabis Retail Store Licence****Applicant:** WARMLAND CANNABIS CORPORATION**Proposed Establishment Name:** Warmland Cannabis Centre**Proposed Establishment Location:** 103-855 Shawnigan Mill Bay Rd., Mill Bay V0R 2P2

The Applicant, WARMLAND CANNABIS CORPORATION, has applied to the Liquor and Cannabis Regulation Branch (LCRB) for a Cannabis Retail Store licence proposed to be located at the above-noted address. The applicant contact is Christopher Clay. They can be reached at 250-733-2323 or via email at christopher.j.clay@gmail.com

Local governments and Indigenous nations are a crucial part of the licensing process. Section 33(1) of the [Cannabis Control and Licensing Act](#) prevents the LCRB from issuing retail store licence without receiving a positive recommendation regarding the licence application from the local government or Indigenous nation.

Please consider the application and provide the LCRB with a written recommendation. Learn more about how to make a recommendation and the [role of local governments and Indigenous Nations in cannabis retail licensing](#). To assist with your assessment, a site map of the proposed cannabis store is attached.

If you consider the application, you must gather resident's views (if applicable), even if the location already went through a public process to allow cannabis retail sales. This also applies to previous locations of private or government cannabis stores that are no longer operating.

If you choose not to make a recommendation regarding this application, please contact the LCRB at your earliest convenience. In this case, the LCRB will cancel the application.

If you have any questions regarding this application, please contact me at 778-698-9359 or Alexandra.Sutherland-Barta@gov.bc.ca

Sincerely,

Alexandra Sutherland-Barta

Senior Licensing Analyst

Liquor and Cannabis Regulation Branch

Attachment: Site Plan