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Community Safety Unit File Number: CSU-2019-000260

Notice of Administrative Monetary Penalty Number:
NAMP-2019-001002

NOTICE OF ADMINISTRATIVE MONETARY PENALTY

PURSUANT TO
THE CANNABIS CONTROL AND LICENSING ACT, S.B.C. 2018, c. 29

To: Mr. Alex ROBB

s.22

January 20, 2020

CONTRAVENTIONS AND PENALTY

Pursuant to section 94(4) of the *Cannabis Control and Licensing Act* (CCLA), the Director of the Community Safety Unit alleges that you have contravened the following section(s) of the Act:

- ☒ selling cannabis in contravention of section 15 of the CCLA.
- ☐ producing cannabis in contravention of section 18 of the CCLA.

As a result of the alleged contravention of the CCLA, the Director of the Community Safety Unit proposes to impose a monetary penalty on you. Pursuant to section 94(2)(a) of the CCLA, the monetary penalty is equal to two times the retail value of the cannabis that you, in contravention of the Act, sold, possessed for the purpose of sale, or produced.

The proposed administrative monetary penalty is: \$1,543,115.00 [One million, five hundred forty-three thousand, one hundred and fifteen dollars].

SUMMARY OF ALLEGATION

TREES of Eden Island Grown, located at 695 Alpha Street, Victoria, BC ("TREES OF EDEN") does not hold a non-medical cannabis retail licence from the Liquor and Cannabis Regulation Branch (LCRB). Mr. Alex Robb is the sole Director of registered number company BC0996078, the company listed on the sales receipts from TREES OF EDEN, and the General Manager of TREES OF EDEN.



The allegation is that Mr. Robb sold illicit cannabis or possessed illicit cannabis for the purpose of sale without a non-medical retail store licence between May 29, 2019 and July 31, 2019, inclusive.

On May 7, 2019, CSU attended the Farm Dispensary, located at 369 Columbia St., Vancouver, for the purpose of conducting an inspection and providing education on the seizure authorities and consequences for selling illicit cannabis contained in the CCLA. While on site, Mr. Robb spoke with CSU and identified himself as the General Manager of the Farm Dispensary and advised that he was also the General Manager of TREES OF EDEN. Mr. Robb admitted to not having provincial non-medical cannabis retail licenses for any of the stores he managed, including TREES OF EDEN. The CSU advised Mr. Robb of the seizure authorities in accordance with the CCLA, as well as the consequences for selling cannabis without a license. The CSU directed Mr. Robb to cease selling cannabis and obtain proper licensing.

On May 7, 2019, Mr. Robb sent two emails to the CSU, confirming that he was the General Manager of the Farm Dispensary and TREES OF EDEN and that the stores that he managed would continue to operate without a provincial non-medical cannabis retail license.

On May 29, 2019, the CSU completed an inspection of TREES OF EDEN, for the purpose of providing education on the seizure authorities and consequences for selling illicit cannabis contained in the CCLA. The CSU observed that the retail store was fully operational and selling illicit cannabis. The CSU gave direction to the store manager to cease selling cannabis and obtain proper licensing.

On June 26, 2019, the CSU observed that the store continued to be fully operational and selling illicit cannabis.

On July 31, 2019, the CSU completed an inspection at TREES OF EDEN pursuant to section 89 of the CCLA, s.15 Mr. Robb was in attendance and advised that the other stores that he managed would remain open.

On August 8, 2019, the CSU provided Mr. Robb with a receipt and exhibit flowchart detailing all of the items seized by the CSU on July 31, 2019, in accordance with the requirements of section 89(3) of the CCLA. s.15

CALCULATION OF PENALTY

The CSU provided documentation	s.15	
s.15	to a forensic accountant.	s.15
	s.15	

The total retail value of the cannabis that was, in contravention of the CCLA, sold or possessed for the purpose of sale is \$771,557.50. As a result of the alleged contravention(s) of the Act, the Director of the Community Safety Unit proposes to impose a monetary penalty on you. Pursuant to section 94(2)(a) of the CCLA, the monetary penalty is equal to two times the retail value of the cannabis that you, in contravention of the Act, sold, possessed for the purpose of sale, or produced.

The proposed administrative monetary penalty is: \$1,543,115.00 [One million, five hundred forty-three thousand, one hundred and fifteen dollars], which is 2 X \$771,557.50.



OPTION 1: PROVIDE A WAIVER

You have the option of signing a waiver. A waiver is provided with this notice. By signing the waiver, you agree to pay a reduced monetary penalty, equal to the retail value of the cannabis that you, in contravention of the Act, sold, possessed for the purpose of sale, or produced.

The administrative monetary penalty if a waiver is signed is: \$771,557.50 [Seven hundred seventy-one thousand, five hundred fifty-seven dollars and fifty cents].

Pursuant to section 94(5) of the CCLA, signing the waiver means that you:

- admit to the contravention referred to in this Notice of Administrative Monetary Penalty;
- accept the amount of the penalty of \$771,557.50 [Seven hundred seventy-one thousand, five hundred fifty-seven dollars and fifty cents]; and
- waive the opportunity for an administrative hearing.

The signed waiver must be received by the Community Safety Unit within 30 days after the date that you received this Notice of Administrative Monetary Penalty.

OPTION 2: REQUEST PARTICIPATION IN THE HEARING

You may challenge the proposed administrative monetary penalty and participate in the hearing. An application for administrative hearing is provided with this notice. An application for administrative hearing must be received by the Community Safety Unit within 30 days after the date that you received this Notice of Administrative Monetary Penalty.

OPTION 3: CSU PROCEEDS TO DETERMINATION

If the Community Safety Unit does not receive either a signed waiver or a signed application for administrative hearing within 30 days of the date that you received this notice, the Community Safety Unit will proceed with reviewing the matter and may proceed with imposing the monetary penalty proposed in this notice.

TIMELINES AND PROCEDURES

Please refer to section 41 of the *Cannabis Licensing Regulation* for rules regarding how to determine when a Notice of Administrative Monetary Penalty is deemed to have been received.

The CSU's Administrative Hearing Policy is available on the CSU's website.

DATE: 2020-JAN-20

SIGNATURE:

Jamie Lipp
Executive Director, and Director of the Community Safety Unit



BRITISH COLUMBIA
**COMMUNITY
SAFETY UNIT**

PO Box 9060 Stn Main Surrey BC V3T 0N4
Toll Free: 1-855-502-5494
Lower Mainland: 604-502-5493
Fax: 604-591-5611

**NOTICE OF ADMINISTRATIVE
MONETARY PENALTY
CCLA SBC 2018, c.29**

Community Safety Unit Form No. CSU170

The signed waiver or application for administrative hearing can be sent by email to csu@gov.bc.ca, by fax to 604-591-5611, or mailed to:

Community Safety Unit
PO Box 9060
Stn Main
Surrey BC V3T 0N4



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Fax: 604-591-5611

WAIVER NOTICE
PURSUANT TO SECTION 94(5)
CANNABIS CONTROL AND
LICENSING ACT

Community Safety Unit Form No. CSU120

Community Safety Unit File
Number: CSU-2019-000260

Notice of Administrative
Monetary Penalty Number:
NAMP-2019-001002

January 20, 2020

With respect to the Notice of Administrative Monetary Penalty NAMP-2019-001002 for Community Safety Unit File CSU-2019-000260 dated January 20, 2020 this Waiver Notice is an agreement as follows:

BETWEEN:

Alex Robb (the "Waiving Party")

AND:

The Director,
Community Safety Unit,
Ministry of Public Safety and Solicitor
General

On behalf of the waiving party, I expressly and irrevocably:

a. Admit the contravention/s of:

Select all that apply:

☒ selling cannabis in contravention of section 15 of the *Cannabis Control and Licensing Act* as set out in the Notice of Administrative Monetary Penalty.

☐ producing cannabis in contravention of section 18 of the *Cannabis Control and Licensing Act* as set out in the Notice of Administrative Monetary Penalty.

b. Accept the administrative monetary penalty of **\$771,557.50 [Seven hundred seventy-one thousand, five hundred fifty-seven dollars and fifty cents]**, as set out in the Notice of Administrative Monetary Penalty; and

c. Waive the opportunity for an administrative hearing in respect to each of the contravention/s cited above.

I understand that the Waiving Party will be receiving a Concession Order after this Waiver Notice is signed and I acknowledge that:

a. the administrative monetary penalty referenced above must be paid in full within 30 days after the date that it is received, or within a longer period if specified in the Concession Order;



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**WAIVER NOTICE
PURSUANT TO SECTION 94(5)
CANNABIS CONTROL AND
LICENSING ACT**

Community Safety Unit Form No. CSU120

and

- b. failure to pay an administrative monetary penalty within 30 days after the date it is received, or within a longer period if specified in the Concession Order, may result in further action being taken.

I represent and warrant that I have the authority to make this admission and sign this Waiver Notice on behalf of, and to bind, the Waiving Party and I understand and agree that this Waiver Notice is irrevocable and there is no reconsideration available after this Waiver Notice is signed.

DATE (mm/dd/yy) _____

YOUR SIGNATURE

YOUR NAME (Please Print)

SIGNATURE OF WITNESS

NAME OF WITNESS (Please Print)

The Community Safety Unit requires an original signed copy of this notice. If you fax or email this notice, please mail the original to the Community Safety Unit.

The information requested on this form is collected under the authority of section 94(5) & (6) of the *Cannabis Control and Licencing Act* and section 26(c) of the *Freedom of Information and Protection of Privacy Act* and will be used for the purpose of compliance and enforcement matters in accordance with the *Cannabis Control and Licencing Act*. Should you have any questions about the collection, use, or disclosure of personal information, please contact the Freedom of Information Officer at PO Box 9292 STN PROV GVT, Victoria, BC, V8W 9J8 or by phone toll free at 1-866-209-2111.



BRITISH COLUMBIA
**COMMUNITY
SAFETY UNIT**

PO Box 9060 Stn Main Surrey BC V3T 0N4
Toll Free: 1-855-502-5494
Lower Mainland: 604-502-5493
Fax: 604-591-5611

**WAIVER NOTICE
PURSUANT TO SECTION 94(5)
CANNABIS CONTROL AND
LICENSING ACT**
Community Safety Unit Form No. CSU120

Mail this completed form to:

Director,
Community Safety Unit
PO Box 9060 Stn Main
Surrey BC
V3T 0N4

OR

Email this completed form to:

CSU@gov.bc.ca

OR

Fax this completed form to:

604-591-5611



INSTRUCTIONS:

Please complete all applicable fields and submit the completed application form to the Community Safety Unit. This form can be completed online and printed. If you have any questions about this application form, please contact the Community Safety Unit at 604-502-5493 (lower mainland) or 1-855-502-5494 (toll free).

This Application for Administrative Hearing must be received by the Community Safety Unit within 30 days of the date that you received a Notice of Administrative Monetary Penalty (see section 41 of the *Cannabis Licensing Regulation* for rules regarding how to determine when a Notice of Administrative Monetary Penalty was received). **Important: If the Community Safety Unit does not receive a completed Application for Administrative Hearing by that deadline (or a completed Waiver Form), a written review will be conducted based on the information currently available to the decision-maker which may result in a Compliance Order being issued against you.**

Note: If you have a representative that you would like to represent you and you want the CSU to share your personal information with your representative, please complete the Authorization Form for Representation found on our website: www.gov.bc.ca/Community-Safety-Unit.

Part 1: Applicant Information

Legal Name of Applicant	Position (if applicable)		
Telephone	Fax		
Email			
Mailing Address	City	Province	Postal Code
Community Safety Unit File Number	Notice of Administrative Monetary Penalty Number		

☐ I disagree with the Notice of Administrative Monetary Penalty and would like to participate in an administrative hearing process whereby I will be given the opportunity to review the CSU's information and provide my own information, before the decision is made regarding a monetary penalty.

Part 2: Requests for Oral Hearings

Administrative hearings are generally conducted through written submissions. Oral hearings are granted in exceptional circumstances where the Director or their delegate deems it necessary, upon request of the applicant, in order to fulfill the requirements of administrative fairness. Oral hearings may be granted in the following situations:

- a. Where the applicant advises that they have a mental or physical disability preventing them from making written submissions;
- b. Where the applicant indicates that there will be a credibility issue involved in the hearing, and the Director or their delegate is satisfied that:
 - a. there is a serious issue of credibility that is integral to the decision to be made;
 - b. the credibility of the applicable witnesses cannot be adequately assessed by a written review and/or in the absence of cross-examination; and
 - c. the applicant would be prejudiced without an oral hearing.



If you meet one or more of the criteria listed above, and you would like to apply for an oral hearing, you must provide reasons for why you require an oral hearing and supporting evidence (as required). Your application for an oral hearing will be reviewed and you will be notified of the decision.

Please select one:

- ☐ I have a mental or physical disability that prevents me from making written submissions.
- ☐ I believe that there is a serious issue of credibility that cannot be adequately assessed by a written review and that I would be prejudiced without an oral hearing.
- ☐ Other: _____

Please provide an explanation of how you meet the criteria and provide supporting evidence (attach additional documents as required):

Part 3: Signature

Signature of Applicant or authorized signatory of the Applicant	Date (mm/dd/yy)
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This form must be signed by an individual with the appropriate authority.

The information requested on this form is collected by the Community Safety Unit under Section 26(b) and (c), 27(1)(a)(iii) and 27(3) of the *Freedom of Information and Protection of Privacy Act* and will be used for the purpose of compliance and enforcement matters in accordance with the *Cannabis Control and Licensing Act*. Should you have any questions about the collection, use, or disclosure of personal information, please contact the Freedom of Information Officer at PO Box 9292 STN PROV GVT, Victoria, BC, V8W 9J8 or by phone toll free at 1-866-209-2111.

Mail, email or fax this completed form to:

Director,
Community Safety Unit
PO Box 9060 Stn Main
Surrey BC
V3T 0N4

Email CSU@gov.bc.ca

Fax number 604-591-5611



INSTRUCTIONS:

Please complete this form to have a representative act on your behalf before the Community Safety Unit. The Community Safety Unit will correspond and share your personal information with the named representative.

The representative named in this form:

- must be 19 years of age or over; and
- will continue to have the authority described below until the Community Safety Unit receives written information from you of any change or amendment.

This form can be completed online and printed. If you have any questions about this form, please contact the Community Safety Unit at 604-502-5493 (lower mainland) or 1-855-502-5494 (toll free).

Part 1: Personal Information

Legal Name of Individual	Position (if applicable)		
Telephone	Fax		
Email			
Mailing Address	City	Province	Postal Code
Community Safety Unit File Number			

Part 2: Representative Information

Select one:

- ☐ Adding representative
☐ Amending representative contact information
☐ Removing representative

Name of Representative

Telephone	Fax		
Email			
Mailing Address	City	Province	Postal Code



BRITISH COLUMBIA
**COMMUNITY
SAFETY UNIT**

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Fax: 604-591-5611

**AUTHORIZATION OF
REPRESENTATIVE**

Community Safety Unit Form No. CSU140

Part 3: Consent for Release of Information and Authorization

I authorize my representative to act on my behalf before CSU. This authorization form is effective immediately and it replaces any previous authorization(s) I have submitted to CSU.

I consent to the disclosure inside or outside Canada, of my personal information by the Community Safety Unit, to the Representative named above.

Signature of Individual

Date (mm/dd/yy)

The information requested on this form is collected by the Community Safety Unit under Section 26(b) and (c), 27(1)(a)(iii) and 27(3) of the *Freedom of Information and Protection of Privacy Act* and will be used for the purpose of compliance and enforcement matters in accordance with the *Cannabis Control and Licensing Act*. Should you have any questions about the collection, use, or disclosure of personal information, please contact the Freedom of Information Officer at PO Box 9292 STN PROV GVT, Victoria, BC, V8W 9J8 or by phone toll free at 1-866-209-2111.

Mail, email or fax this completed form to:

Director,
Community Safety Unit
PO Box 9060 Stn Main
Surrey BC
V3T 0N4

Email CSU@gov.bc.ca

Fax number 604-591-5611

PSSG Community Safety Unit PSSG:EX

From: PSSG Community Safety Unit PSSG:EX
Sent: Friday, March 13, 2020 8:41 AM
To: 'aamacdonald@mlg.lawyer'
Subject:
Attachments: s.22

Good morning,

Please find attached a letter from the Community Safety Unit, Ministry of Public Safety & Solicitor General.

Thank you,

Hearing Coordinator
Community Safety Unit

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Withheld pursuant to/removed as

s.22; s.15; s.19

PSSG Community Safety Unit PSSG:EX

From: PSSG Community Safety Unit PSSG:EX
Sent: Friday, March 13, 2020 8:48 AM
To: Anderson, Lisa R PSSG:EX
Subject:
Attachments: s.22

Good morning,

Please find attached your pc of a letter from the Community Safety Unit, Ministry of Public Safety & Solicitor General, to Lisa Anderson, Assistant Deputy Minister.

Thank you,

Hearing Coordinator
Community Safety Unit

PSSG Community Safety Unit PSSG:EX

From: PSSG Community Safety Unit PSSG:EX
Sent: Friday, March 13, 2020 8:44 AM
To: Eby.MLA, David LASS:EX
Subject:
Attachments: s.22

Good morning,

Please find attached your pc of a letter from the Community Safety Unit, Ministry of Public Safety & Solicitor General, to the Honourable David Eby, Attorney General.

Thank you,

Hearing Coordinator
Community Safety Unit

PSSG Community Safety Unit PSSG:EX

From: PSSG Community Safety Unit PSSG:EX
Sent: Friday, March 13, 2020 8:46 AM
To: Farnworth, Mike PSSG:EX
Subject:
Attachments: s.22

Good morning,

Please find attached your pc of a letter from the Community Safety Unit, Ministry of Public Safety & Solicitor General, to the Honourable Mike Farnworth, Minister of Public Safety and Solicitor General.

Thank you,

Hearing Coordinator
Community Safety Unit

PSSG Community Safety Unit PSSG:EX

From: PSSG Community Safety Unit PSSG:EX
Sent: Friday, March 13, 2020 8:47 AM
To: Fleming, Rob EDUC:EX
Subject:
Attachments: s.22

Good morning,

Please find attached your pc of a letter from the Community Safety Unit, Ministry of Public Safety & Solicitor General, to the Honourable Rob Fleming, Minister of Education.

Thank you,

Hearing Coordinator
Community Safety Unit

PSSG Community Safety Unit PSSG:EX

From: PSSG Community Safety Unit PSSG:EX
Sent: Friday, March 13, 2020 8:51 AM
To: Lipp, Jamie M PSSG:EX
Subject:
Attachments: s.22

Good morning,

Please find attached your pc of a letter from the Community Safety Unit, Ministry of Public Safety & Solicitor General, to Jamie Lipp, Executive Director.

Thank you,

Hearing Coordinator
Community Safety Unit

PSSG Community Safety Unit PSSG:EX

From: PSSG Community Safety Unit PSSG:EX
Sent: Friday, March 13, 2020 8:48 AM
To: Anderson, Lisa R PSSG:EX
Subject:
Attachments: s.22

Good morning,

Please find attached your pc of a letter from the Community Safety Unit, Ministry of Public Safety & Solicitor General, to Lisa Anderson, Assistant Deputy Minister.

Thank you,

Hearing Coordinator
Community Safety Unit

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s.22

Mittal, Anahita PSSG:EX

From: PSSG Community Safety Unit PSSG:EX
Sent: Wednesday, March 18, 2020 10:46 AM
To: 'Allan Macdonald'
Subject:
Attachments: s.22

Dear Mr. Macdonald,

In regards to your letter dated March 13, 2020, please find the CSU response attached.

If you have further questions, please feel free to contact us by email at csu@gov.bc.ca or by telephone toll-free at 1-855-502-5494.

Regards,

s.15; s.19

Deputy Director
Community Safety Unit

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s.22

Munian, Seema PSSG:EX

From: PSSG Community Safety Unit PSSG:EX
Sent: Tuesday, April 28, 2020 8:09 AM
To: s.15; s.19
Subject: FW: NAMP-2019-001002 / File CSU-2019-000260
Attachments: s.22

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