



**PUBLIC MINUTES  
LICENSE APPEAL BOARD**

Tuesday, May 16, 2017, 9:00 a.m.  
Committee Room "E", City Hall

PRESENT: Mr. A. Deschamps, Chair  
Mr. A. Sarkar  
Ms. L. Lamon  
Ms. S. Bryant, Secretary

**1. APPEAL NO. 2-2017**

**Application: BL-2017-1474817**  
**License Applicant/Holder: Weeds Glass and Gifts**  
**License Type: Commercial Business License**

The Board Chair briefly outlined the procedures that would be followed during the course of the hearing and introduced the members of the Board, the Secretary and the City's representative.

**Appeared for the Appellant:**

Mr. Jim Southam, Weeds Glass and Gifts  
Mr. Matthew Wawryk, Cuelenaere et al  
Ms. Laura Shepherd, Weeds Glass and Gifts

**Appeared for the Respondent:**

Ms. Jo-Anne Richter, Manager, Business Licensing & Bylaw Compliance,  
Community Standards, Community Services, City of Saskatoon

**Grounds and Issues:**

THE APPELLANT, Jim Southam, Weeds Glass and Gifts, launched an appeal under Section 16(3) of the Business Licensing Bylaw 8075 in connection with the City's letter respecting the denial of a business license application for Weeds Glass and Gifts located at 405 Circle Drive East, Unit 10.

The City's letter outlined the following:

“This letter serves as notice that your application for a Commercial Business License to operate Weeds Glass and Gifts at #10 – 405 Circle Drive East has been denied.

It is our understanding that weeds glass and gifts is a chain associated with the sales of cannabis and cannabis derivatives which does not conform to Health Canada regulations concerning access to cannabis for medical purposes. Weeds Glass and Gifts is not a licensed producer under the federal regulations, and as such is operating illegally under the *Criminal Code* and the *Controlled Drugs and Substances Act*. The City of Saskatoon is not in a position to issue a license for a business known to be associated with illegal activities.

Any activities associated with this business at the above-noted location must cease immediately. In the event you are found to be operating without a business license, appropriate enforcement measures will be undertaken, pursuant to Section 4(1) of *The Business License Bylaw, 2002 No. 8075*, which states:

‘No person shall carry on any business in the City without a license.’”

As set out in the Notice of Appeal to the Saskatoon Licence Appeal Board (Exhibit “A.1”), the Appellant outlined the reasons for appealing, as follows:

“The Appellant appeals the determination to deny its application for a business license on the following basis:

- (1) The license issuer erred in determining that Weeds Glass and Gifts is associated with illegal activities being the sale of cannabis and cannabis derivatives.
- (2) The license issuer erred in basing its decision to deny the business license application of Weeds Glass and Gifts on matters which are outside of its jurisdiction. More particularly, its decision was based not on the business proposed by Weeds Glass and Gifts to be operated within the City of Saskatoon, but on it the operations of a different business located in a different jurisdiction.

The materials facts relied upon by the Appellant are as follows:

- Weeds Glass and Gifts is a business partnership between Weeds Glass and Gifts Ltd., Donald Briere, and Jim Southam operating in Saskatchewan under the name of Weeds Glass and Gifts.
- Weeds Glass and Gifts is in the business of selling novelty gifts including the following and other similar products:
  - o Vape pens

- Water pipes/bongs
- Grinders, rolling papers and machines
- Hemp wick
- T-shirts
- Books
- Weeds Glass and Gifts is not a licensed producer under federal regulations as it is not in the business of selling substances that are subject to Health Canada regulations, specifically cannabis and cannabis derivatives.
- Weeds Glass and Gifts business does not violate any bylaws, regulations, or laws of the province of Saskatchewan or the City of Saskatoon. It will operate pursuant to whatever regulations are in place at any given time within the City of Saskatoon.
- The business of Weeds Glass and Gifts is not comprised of any elements not already present in other businesses operating within the City of Saskatoon, presumed to be licensed with the City of Saskatoon, such as the following:
  - Jupiter Grass, 626 Broadway, Saskatoon, SK
  - The Joint Gallery, 127 22<sup>nd</sup> Street W, Saskatoon, SK
  - B.O.B. HQ, 733 Broadway Ave
  - The Greenhouse Glass and Gifts, 718 Edward Ave, Saskatoon
  - Other such as Skunk Funk, Pc-Man Tattoo, and the Vinyl Exchange
- Weeds Glass and Gifts Ltd. Is a partner in Weeds Glass and Gifts, however, Weeds Glass and Gifts is a separate business which does not sell the same products as Weeds Glass and Gifts Ltd., or as other businesses by a similar names, may do in other jurisdictions, to the extent that selling those products in Saskatchewan and the City of Saskatoon would result in a contravention of any law, regulations, or bylaws that may apply within this jurisdiction.
- Weeds Glass and Gifts will not sell, through its location in the City of Saskatoon or its media, any products within the City of Saskatoon or elsewhere which would violate local laws.
- The website operated by Weeds Glass and Gifts Ltd. is operated outside of the province of Saskatchewan. Whether or not Weeds Glass and Gifts obtains a business license to operate in Saskatoon will have no bearing on the operation of that website or what products are sold on that website and their availability to residents of Saskatoon. Weeds Glass and Gifts as a partnership does not benefit from any sales derived from that website.

**Exhibits:**

- Exhibit A.1 Application to Appeal received March 21, 2017.
- Exhibit A.2 Document List of the Appellant with corresponding documents submitted by Cuelenaere, Kendall, Katzman & Watson, LLP, received April 26, 2017.
- Exhibit A.3 Written Submissions of the Appellant submitted by Cuelenaere, Kendall, Katzman & Watson, LLP, received April 26, 2017.
- Exhibit A.4 Printed copies of Jupiter's website and Google Maps street view of 12<sup>th</sup> Street East, Saskatoon, SK, submitted by Cuelenaere, Kendall, Katzman & Watson, LLP, received May 12, 2017.
- Exhibit R.1 Letter dated February 28, 2017 from the Community Services Department, Development Services Branch, to Jim Southam, Weeds Glass and Gifts.
- Exhibit R.2 Written submission from Jo-Anne Richter, Manager, Business License & Bylaw Compliance, City of Saskatoon, received May 8, 2017.
- Exhibit B.1 Notice of Hearing dated April 6, 2017.

**Supplementary Notions:**

The City's representative, Business Licensing & Bylaw Compliance Manager Richter, affirmed that any evidence given in this hearing would be the truth. The Appellants, Mr. Southam and Ms. Shepherd, also affirmed that any evidence given in this hearing would be the truth.

The Appellants and Respondent provided evidence and arguments as outlined in the Record of Decision dated June 16, 2017.

The hearing concluded at 10:30 a.m.

**RESOLVED:** that for the reasons outlined in the Record of Decision dated June 16, 2017, the Board determined that the appeal be GRANTED.

The meeting adjourned at 11:00 a.m.

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Mr. A. Deschamps, Chair

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Ms. S. Bryant, Secretary  
License Appeal Board