



### **Drafting a Cannabis Bylaw**

If your condominium corporation is considering making any changes to your bylaws in response to the upcoming legalization of marijuana, there are many factors that should be considered. There is no “one size fits all” language that can be universally applied to every condominium corporation.

It is important to note that bylaws can only be changed via special resolution. For this reason, it is critical that a Board has open discussions about any proposed bylaw amendment to avoid spending time and money drafting a cannabis bylaw that may ultimately not achieve the required 75% approval.

Outlined below are a number of discussion topics or questions that should be brought forward to owners before drafting a cannabis bylaw. After addressing these topics and gathering the input of the owners, put your mind to a specific bylaw solution that fits your circumstances.

- Does the condominium corporation currently have a bylaw that addresses the smoking of cigarettes, cigars, etc.?
- What is the age demographic of the residents?
- What is unique to your style of condominium development (apartment, townhouse, bare land etc.) and how will the proximity of neighbors affect smoking restrictions?
- Will residents be permitted to smoke marijuana (or other products):
  - In their units?
  - On their balcony?
  - On common property?
- Should the bylaws prohibit the smoking of marijuana, how will the condominium corporation handle other “nuisance smoke” (cheap cigars, incense, etc.)?
- Is there an intention to address edible marijuana products?
- How will the bylaws address individuals who have a medical prescription for marijuana?
- How will the bylaws address the growing of marijuana plants (restricting hydroponic growing, restricting all plants, etc.)?
- Will the smoking of marijuana or the growing of marijuana plants affect the condominium corporation’s insurance coverage?
- Is there a mixed residential and commercial usage in your complex? Should there be restrictions on a marijuana dispensary operation?
- Have you brought your owners together as a group to listen to their input? What do your owners say?
- Is this an opportunity to address the proper disposal of any smoking product?
- Are there construction upgrades or investments necessary to alleviate nuisance issues or concerns?

Our office has extensive experience in bylaw drafting and bylaw changes. Should you require assistance with any bylaw addition or re-write, we would be pleased to send you a proposal for the changes your condominium corporation would like to make.

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