Federal Court  Cour fédérale

Date: 20151201

Docket: T-2184-14

Citation: 2015 FC 1331

Ottawa, Ontario, December 1, 2015

PRESENT: The Honourable Madam Justice Mactavish

BETWEEN:

P & S HOLDINGS LTD. AND THE UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING & PIPEFITTING INDUSTRY OF THE UNITED STATES AND CANADA, LOCAL 170

Applicants

and

HER MAJESTY THE QUEEN, IN RIGHT OF CANADA, INTERNATIONAL HERBS MEDICAL MARIJUANA LTD. AND 8015376 CANADA LTD.

Respondents

JUDGMENT AND REASONS

[1] The applicants occupy premises located in Delta, British Columbia. The respondent International Herbs Medical Marijuana Ltd. has applied to the Minister of Health for a licence to

allow for the commercial cultivation of medical marijuana at a site owned by the respondent 8015376 Canada Ltd. This property is next door to the property occupied by the applicants.

[2] The applicants have a number of concerns with respect to the construction of a marijuana production facility next to their property. Because of these concerns, they wrote to the Minister of Health on several occasions asking for the opportunity to make submissions opposing the granting of the medical marijuana production licence to International Herbs. The Minister has never responded to their requests, and the Minister has not yet made a final decision with respect to International Herbs' licence application.

[3] By this application, the applicants seek a declaration that, as a matter of natural justice and procedural fairness, they are entitled to be heard during the medical marijuana production licensing process. They further seek an order of *mandamus* compelling the Minister to allow them to participate in the licensing process.

[4] For the reasons that follow, I have concluded that the applicants' concerns relate to what are essentially land use planning issues, and that the applicants had the right to, and did, participate in the municipal zoning process. The applicants do not, however, have either a statutory or common-law right to participate in the medical marijuana production licencing process. Consequently, the application for judicial review will be dismissed.

I. The Parties

[5] P&S Holdings Ltd. is a British Columbia corporation which owns the property located at 1658 Foster's Way, in Delta, British Columbia, and has its offices at that location. The United Association of Journeyman and Apprentices of the Plumbing & Pipefitting Industry of the

United States and Canada, Local Union 170 is a trade union whose offices are also at this location. In addition, the building houses a restaurant and a trade school, both of which are tenants of P&S. For the purpose of these reasons, the property located at 1658 Foster's Way will be referred to as "the applicants' property".

[6] International Herbs Medical Marijuana Ltd. and 8015376 Canada Ltd. are related companies. The numbered company owns the property located at 1668 Foster's Way, which shall be referred to as the "proposed site". The proposed site abuts the applicants' property. International Herbs rents premises at the proposed site, and it is the entity seeking the medical marijuana production licence.

[7] The Minister of Health is the Minister responsible for regulating the production of medical marijuana in Canada.

II. The Licence Application

[8] In 2013, International Herbs applied to Health Canada to become a "Licenced Producer", pursuant to the *Marihuana for Medical Purposes Regulations*, S.O.R./2013-119. As required by the Regulations, the licence application was tied to a specific production site, namely the premises at 1668 Foster's Way.

[9] In December of 2013, Health Canada advised International Herbs that its licence application was generally in order and that once the production facility was completed, Health Canada would arrange for a pre-licence inspection. Amongst other things, this inspection would confirm that the facility met the applicable regulatory standards, including those relating to the security of the cultivation and storage areas, as well as emissions control and air quality.

[10] On the strength of this letter, the proponents went ahead and paid some $3.5 million for the proposed site and hired various experts to assist International Herbs in meeting the regulatory requirements related to the commercial production of medical marijuana.

[11] International Herbs currently has preliminary licence approval from Health Canada to operate the production facility, and it had anticipated that the facility would be ready for a pre-licence inspection by mid-2015. It has, however, put some of its plans on hold pending the outcome of this litigation.

III. The Municipal Planning Process

[12] Because of concerns that had arisen with respect to the former regulatory scheme governing the production and sale of medical marijuana, Health Canada announced in 2013 that the medical marijuana production rules would be changing as of April 1, 2014.

[13] The Corporation of Delta is the municipal government with land use planning and zoning authority over the applicants' property and the proposed site. In early 2014, Delta responded to Health Canada's announcement by passing a bylaw prohibiting the production of medical marijuana on all properties under its jurisdiction. It was explained during the hearing that many municipalities did this in anticipation of the regulatory changes so that they could exercise control over where licenced medical marijuana production facilities would be located. The effect of the new bylaw was that the production of medical marijuana at the proposed site would no longer be permitted unless site-specific approval was granted to the project by the municipality.

[14] The applicants' property and the proposed site are presently zoned "I2 Heavy Industrial". Permitted uses for the properties currently include manufacturing and processing industries that

may include the burning of wood, dog kennels, fish processing plants, slaughterhouses, and beverage container recycling and collection depots.

[15] In March of 2014, International Herbs submitted an application to the City of Delta seeking to re-zone the proposed site so as to allow for the construction and operation of a licenced medical marijuana production facility at that location. As part of the re-zoning application process, the occupants of neighbouring properties were notified of the re-zoning application and a sign was posted at the proposed site advising the public of the proposed re-zoning of the property.

[16] Joe Shayler, the Business Manager of the applicant Union, then wrote to the City voicing the Union's "strong opposition" to International Herbs' application. Amongst other things, Mr. Shayler argued that the construction of a commercial marijuana production facility next to the Union's offices would have a negative impact on the trade school and restaurant located at 1658 Foster's Way. The Union also expressed concerns about security, and with respect to potential increased crime and traffic in the area.

[17] On April 30, 2014, Delta Council received a site-specific report from the City's Community Planning & Development Department. This report acknowledged the concerns voiced by several neighbours including the Union, but noted the regulatory requirements that would govern matters of health, safety and security at the proposed site. The Department concluded its report by recommending that the re-zoning application receive first and second reading, and that the application then be referred to a public hearing.

[18] Delta Council held a public hearing with respect to the re-zoning application on May 27, 2014 at which the Union was the only party opposing the re-zoning application. Mr. Shayler made oral and written submissions on behalf of the Union objecting to the re-zoning.

[19] Amongst other things, the Union stated that it was concerned that the construction of what it called a "grow-op" next to its offices would negatively affect the value of the applicants' properties and the enrollment of students at the trade school. It also stated that the presence of a marijuana production facility next to the Union's offices would be inconsistent with the anti-drug messages that the Union sends to its members and students. The Union additionally had concerns as to the impact that the marijuana production facility would have on the business of the restaurant located on the applicants' property, and with respect to public safety (due to possible increases in crime and loitering), traffic flow, parking, air quality and odour emissions.

[20] Following the public meeting, Delta Council decided to proceed with the proposed re-zoning, subject to certain restrictive covenants being registered on the title to the proposed site. These covenants would require compliance by International Herbs with the *Marihuana for Medical Purposes Regulations*, and would impose additional requirements on it with respect to the environmental remediation of the site in the event that it ceased to be used as a commercial marijuana production facility. Once these covenants have been registered on title, a building permit can then be issued which would allow construction of the marijuana production facility to begin.

[21] On July 3, 2014, counsel for the applicants wrote to the Minister of Health advising her of the nature of their concerns and of their interest in the licencing process. The applicants asked to be granted participatory standing as a party to International Herbs' licence application and for

the opportunity to be heard in the course of the administrative decision-making process by which the Minister considered the application. Having received no reply to the July 3, 2014 letter, counsel followed up with further letters dated August 19, 2014 and September 24, 2014, reiterating the applicants' request for standing. No response was received to any of these letters, and on October 23, 2014, the applicants commenced this application.

IV. The Applicants' Application for Judicial Review

[22] In their application for judicial review, the applicants note that paragraph 26(1)(h) of the Regulations requires that the Minister refuse a licence application where the issuance of the licence would likely create a risk to public health, safety or security.

[23] Although they provided no evidence to support this contention, the applicants assert that the operation of a marijuana production facility at the proposed site would interfere with the use and enjoyment of the applicants' property and would compromise the health, safety and security of their members, customers, officers, employees, faculty and students. This, the applicants say, entitles them to participate in the licencing process.

[24] According to the applicants, the failure of the Minister to respond to their requests for standing or "to otherwise hear…how their interests stand to be impacted" by the licensing process constitutes a deemed refusal or decision.

[25] Consequently, the applicants seek:

a. Declaration that, as a matter of natural justice and procedural fairness, they are entitled to be heard as to how their interests stand to be impacted by the licensing of a marijuana growing operation adjacent to their property;

b. An order of *mandamus* directing the Minister to grant their request for participatory standing and the opportunity to be heard in the administrative decision-making process by which the Minister considers International Herbs' licence application; and

c. Their costs of this application.

V. Issues

[26] This application raises the following issues:

1. Whether the applicants have standing to bring this application for judicial review; and

2. Whether the applicants have a common-law right to be heard in the course of the Minister's decision to grant the license.

VI. The Prematurity Issue

[27] Before turning to consider the merits of the applicants' application, I would note that I raised the question at the hearing of the applicants' application for judicial review as to whether this application might not be premature, given that no final decision has yet been made by the Minister with respect to International Herb's licence application.

[28] Neither of the respondents raised this issue in their memoranda of fact and law and consequently, the applicants were not prepared to address the question at the hearing. While the Crown agreed that the application might indeed be premature, the applicants and the other respondents urged me to decide the application on its merits.

[29] Given that none of the respondents raised the question of prematurity in their memoranda, and the fact that the non-Crown respondents will be investing a significant amount of money in the construction of the marijuana production facility over the next number of months, I have concluded that it is in the interests of justice that a ruling be made at this time as to the nature and extent of the applicants' participatory rights in the licencing process.

VII. The Relationship of the Applicants' Two Issues

[30] The first question raised by this application relates to the applicants' standing to bring the application. The answer to this question depends on whether they are "directly affected" by the licencing process within the meaning of section 18.1 of the *Federal Courts Act*, R.S.C. 1985, c. F-7. This provision allows "anyone directly affected by the matter in respect of which relief is sought" to bring an application for judicial review with respect to the matter at issue.

[31] To be "directly affected" by a matter in respect of which relief is sought for the purposes of section 18.1 of the *Federal Courts Act*, the decision at issue must be one which directly affects the party's rights, imposes legal obligations on it, or prejudicially affects it directly: *Rothmans of Pall Mall Canada Ltd. v. Canada (Minister of National Revenue)*, [1976] 2 F.C. 500, 67 D.L.R. (3d) 505 (F.C.A.). The focus at this stage of the inquiry is therefore on the impact that the licencing decision will have on the rights and interests of the applicants.

[32] The second question - whether the applicants have a common-law right to be heard in the course of the Minister's decision whether or not to grant a medical marijuana production licence - depends on a number of factors, including the nature of the decision being made and process followed in making it, the nature of the statutory scheme and the terms of the statute pursuant to which the Minister operates, the importance of the decision to the applicants, the legitimate

expectations of the applicants, and the Minister's choices of procedure: *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817, 174 D.L.R. (4th) 193.

[33] It is thus apparent that there is considerable overlap between the two issues, and both require consideration of whether the proximity of the applicants' property to the proposed site creates an entitlement on their part to participate in the licencing process.

[34] Much time was taken during the applicants' submissions trying to distinguish the analysis to be applied in relation to the first issue from that to be applied with respect to the second. In my view, the situation that confronts the Court in this case is analogous to that dealt with by the Federal Court of Appeal in *Irving Shipbuilding Inc. v. Canada (Attorney General)*, 2009 FCA 116, [2010] 2 F.C.R. 488. There, the core question was "whether a subcontractor of an unsuccessful bidder for a government procurement contract may apply for judicial review to challenge the fairness of the process for awarding the contract when the unsuccessful bidder decides not to litigate": at para. 1. Also at issue in *Irving Shipbuilding* was whether the applicants were "directly affected" by the award of the contract to a different bidder such that they had standing to challenge the procurement process.

[35] Speaking for the Federal Court of Appeal, Justice Evans stated that "the question of the appellants' standing should be answered, not in the abstract, but in the context of the ground of review on which they rely, namely, breach of the duty of procedural fairness". He went on to observe that "if the appellants have a right to procedural fairness, they must also have the right to bring the matter to the Court in order to attempt to establish that the process [at issue] violated their procedural rights": both quotes from *Irving Shipbuilding* at para. 28.

[36] The same may be said here.

[37] That is, paraphrasing Justice Evans, if the Minister owed a duty of fairness to the applicants and issued the marijuana production licence to International Herbs in breach of that duty, the applicants would be "directly affected" by the impugned decision. On the other hand, if the applicants do not have a right to procedural fairness, that would be the end of the matter: *Irving Shipbuilding*, above at para. 28.

[38] Indeed, the applicants agree that if they are found not to be entitled to participate in the licencing process, they would not have standing in this matter.

[39] The central questions for determination are thus whether the Minister owed a duty of procedural fairness to the applicants such that they are entitled to participate in the licencing process, and whether the deemed refusal of the Minister to allow the applicants to participate in the process constituted a breach of that duty.

VIII. Standard of Review

[40] Given that the issue of whether the applicants are entitled to participate in the licencing process involves a question of procedural fairness, the parties agree that the Court's task is to determine whether the process followed by the decision-maker satisfied the level of fairness required in all of the circumstances: see *Canada (Citizenship and Immigration) v. Khosa*, 2009 SCC 12 at para. 43, [2009] 1 S.C.R. 339.

IX. The Law Relating to Participatory Rights

[41] Participatory rights may be created by legislation. The applicants concede, however, that the *Marihuana for Medical Purposes Regulations* do not contemplate a role for third parties such

as the applicants in the licencing process, with the result that they have no legislative entitlement to participate in that process.

[42] The applicants submit, however, that the fact that the Regulations are silent insofar as affording participatory rights to parties in their position is not the end of the matter. Citing the Supreme Court's decision in *Kane v. University of British Columbia*, [1980] 1 S.C.R. 1105, 110 D.L.R. (3d) 311, the applicants argue that either express statutory language is required to abrogate the common-law rules of procedural fairness, or that an entitlement to procedural fairness has been ousted by necessary implication. In the absence of any such ouster, the applicants say that the common-law rules of procedural fairness apply by default.

[43] However, as the Federal Court of Appeal observed in *Irving Shipbuilding*, "[t]he common law duty of fairness is not free-standing, but is imposed in connection with the particular scheme in which the impugned administrative decision has been taken": above at para. 45. It is therefore necessary to have regard to the nature and purpose of the regulatory scheme established by the *Marihuana for Medical Purposes Regulations* in deciding whether the applicants are entitled to participate in the licencing process.

X. The Nature and Purpose of the Regulatory Scheme

[44] A review of the Regulatory Impact and Analysis Statement (RIAS) accompanying the proposed *Marihuana for Medical Purposes Regulations* discloses that concerns had arisen with respect to the previous regulatory scheme which had allowed individuals to grow their own marijuana for medical purposes. Some of these concerns related to public health, safety and security, including the concern that some marijuana was being diverted for criminal purposes.

Other concerns related to the uneven quality of the product and problems with supply, and the risks that these posed to patients.

[45] The RIAS explains that the purpose of the enactment of the *Marihuana for Medical Purposes Regulations* was to treat medicinal marijuana like any other prescription medication by creating a licencing process for the commercial production and distribution of the product that ensured the steady supply of reasonably-priced, high-quality medicinal marijuana, produced in a safe and secure environment.

[46] To this end, the Regulations impose stringent conditions on the commercial production of medicinal marijuana. Amongst other things, quality control standards have been created governing matters such as air quality and emissions from marijuana production facilities, building security and the like. Persons involved in the production process must also hold security clearances and are subject to criminal records checks.

[47] The licencing process also contemplates a role for local authorities. Section 38 of the Regulations requires an applicant for a production licence to give notice to local police and fire authorities. This has been done in this case, and there is no evidence that either authority has expressed any concern with respect to the granting of a marijuana production licence to International Herbs.

[48] Tellingly, there is no requirement in section 38 of the Regulations that notice of a proposed marijuana production licence application be provided to the owners or occupants of properties adjacent to the proposed site.

[49] In order to construct a marijuana production facility, the zoning of the proposed site must permit such a use, and section 38 of the Regulations also requires that an applicant for a production licence give notice to the relevant municipal authority. A municipality may shut down the licencing process by refusing to permit the construction of a marijuana production facility on a proposed site, where, for example, a neighbour is able to produce evidence as to the negative impact that a marijuana production facility will have on the area in question.

[50] With this understanding of the regulatory process, I will next consider the extent to which the Regulations extend participatory rights to stakeholders.

XI. Do the Regulations Impliedly Exclude Parties Such as the Applicants from Participation in the Licencing Process?

[51] There is no express language in the *Marihuana for Medical Purposes Regulations* denying participatory rights to third parties such as the applicants. The Regulations do, however, expressly address the participatory rights of those subject to the Regulations.

[52] By way of example, section 7 of the Regulations provides a right to be heard to applicants who are refused a licence to produce medical marijuana. Subsection 33(3) of the Regulations affords the right to a party whose licence has been suspended to challenge that suspension. Similarly, sections 80 and 81 provide participatory rights to parties whose import permits have been suspended or revoked. Sections 94 and 97 confer a right to be heard on individuals who have been denied a security clearance, or whose security clearance has been suspended. Section 113 gives patients who have not been accepted as clients by a marijuana production facility the right to be heard, and section 117 gives participatory rights to patients whose registration with a marijuana production facility has been cancelled.

[53] The Regulations thus contemplate that their application may affect the rights of various parties directly implicated in the licencing process, specifically producers of medicinal marijuana and their employees, and patients who have been prescribed medical marijuana. Such parties are afforded a right to be heard in relation to decisions that have a direct impact on them. No such participatory rights are afforded to strangers to the licencing process such as the applicants, as the Regulations do not contemplate any role for such parties in the licencing process. Strangers to the licencing process are thus excluded from entitlement to participation in the process by necessary implication.

[54] While I was admittedly dealing with an earlier regulatory scheme, I note that I have previously found that third parties to the medical marijuana licencing process did not have standing to challenge a licencing decision*: Ridgeview Restaurants Ltd. v. Canada (Attorney General)*, 2010 F013C 506 at para. 49, 368 F.T.R. 255, aff'd 2011 FCA 52, 451 N.R. 46.

[55] *Ridgeview* involved an application by a restaurant for a declaration that a customer was not authorized to smoke medical marijuana in restaurants, a declaration that Health Canada lacked authority to authorize such conduct, and an order prohibiting Health Canada from renewing a customer's permit to use medical marijuana because of his flagrant disregard of the terms of his licence.

[56] The Attorney General applied for an order striking *Ridgeview*'s Notice of Application, arguing, amongst other things, that it did not have standing to pursue the application as it was a stranger to the licencing process.

[57] In granting the Attorney General's motion, I found that a review of the regulatory process in question led to the conclusion that the restaurant was indeed a stranger to Health Canada's relationship with the customer, and that the regulatory regime did not contemplate any role for third parties such as the restaurant. Any decision that Health Canada might make with respect to the granting of a licence to the customer would not affect the restaurant's rights, impose legal obligations on it, or prejudice it directly. In coming to this conclusion, I noted that the problems that restaurant was encountering with its customer were not the direct result of the issuance of a permit to possess marijuana to the customer, but were rather the result of the customer's failure to comply with federal, provincial and/or municipal laws.

[58] The applicants submit that *Ridgeview* is distinguishable from this case as the issue in *Ridgeview* was the customer's non-compliance with terms of his medical marijuana permit, whereas the applicants' concerns here relate to the granting of the marijuana production licence itself. It bears noting, however, that many of the applicants' concerns in this case relate to the potential non-compliance of the proponents with the terms of their marijuana production licence. There is, for example, no evidence to show that the construction of a commercial marijuana production facility next to the applicants' property will have any effect on the air quality in the applicants' building, if the proponents comply with the ventilation and air filtration standards imposed by the Regulations. Moreover, in both cases, the applicants were trying to insert themselves into a licencing process that did not contemplate a role for third parties.

[59] The current Regulations do acknowledge the importance of the public interest in the marijuana production licencing process. The applicants point to paragraph 26(1)(h) of the

Regulations as an indicator that the Minister must consider submissions from third parties that relate to public health, safety or security.

[60] Paragraph 26(1)(h) of the Regulations provides that the Minister must refuse to issue a licence if the issuance of the licence would likely pose a risk to public health, safety or security. The applicants say that for the Minister to discharge her responsibilities under this provision, she must hear from parties with respect to issues of public health, safety or security relating to the construction of a marijuana production facility.

[61] As noted earlier, however, the Regulations specifically contemplate a role for local experts such as the police and fire departments in relation to matters of public health, safety or security. No such role is contemplated for third parties such as the applicants.

[62] The Regulations also require that notice of a proposed application for a marijuana production licence be given to municipalities. This takes me to consider the significance of the zoning process, as it relates to the applicants' interests.

XII. The Significance of the Zoning Process

[63] The applicants submit that they are not mere busybodies in relation to the licencing process, and that the construction of a marijuana production facility next to their property will have a detrimental impact on the use of their property, such that they should be entitled to have a say in whether or not a licence is granted to International Herbs.

[64] According to the applicants, "[t]he large-scale production and packaging of marijuana in an industrial building in a very close proximity to the building that houses [their] school,

restaurant and offices would constitute a noxious and offensive business activity that stands to interfere with the business operations of [the applicants]".

[65] Amongst other things, the applicants say that having a marijuana production facility next door to the Union's office "makes a mockery" of what the Union is trying to achieve in terms of creating a drug-free culture for its members, and that such a facility does not belong next door to a training school that is attended by young people.

[66] The applicants also say that growing marijuana next door to their property will increase the potential for criminal activity, that it will cause a persistent odour in the neighbouring vicinity, and that it will degrade the quality of the environment of the neighbourhood. In addition, having a marijuana production facility next to their property will impact on P&S's rental revenues, and impede the symbiotic relationship between the various occupants of the applicants' property.

[67] It is, however, important to note that the applicants have not raised any objection to a licence being granted to *this* applicant in particular. That is, they have not identified any reason why a medical marijuana production licence should not be granted to International Herbs specifically, nor have they provided any information or made any submissions to suggest that International Herbs would not be a suitable licence-holder.

[68] Rather, the applicants' concerns are more general in nature: that is, they have concerns about *anyone* building a marijuana production facility next to their property. Thus applicants' concerns do not actually relate to the medical marijuana licencing process *per se*, but relate instead to the uses to which the adjoining property may be put. The compatibility of uses is

ultimately a question of land use planning, and the administrative avenue available to the applicants to express their concerns in this regard was, and remains, the municipal zoning process.

[69] As the respondents noted, the applicants' property is in an area that is zoned for heavy industrial uses. They would thus have no basis to object if the owner of the adjacent property decided to build a slaughterhouse next door to the applicants' property.

[70] In this case, the applicants had the right to, and did, participate in the municipal zoning process. It was open to them to bring forward whatever evidence they saw fit to provide in order to demonstrate that the construction of a medical marijuana production facility next door to their property would have a negative impact on the applicants and their property. They made certain bald assertions in this regard, but provided little in the way of evidence to support their claims to the Delta Council. (Nor, I might add, did the applicants provide the Minister with any objective evidence supporting their allegations of detrimental impact.) Their claims are thus entirely speculative in nature.

[71] The applicants will, moreover, have a further opportunity to participate in the zoning process when the final bylaw approving site-specific re-zoning for the proposed site is considered by City of Delta, where, once again, they will have an opportunity to provide concrete evidence to support their objection to the use of the proposed site.

[72] This is not to say that there might not be some instances where the Minister might wish to consider submissions from a third party where, for example, that party has concrete information about a specific applicant for a medical marijuana production licence that could call into question

the applicant's suitability to hold a licence. There is, however, no obligation on the Minister to do so.

XIII. Conclusion

[73] I have thus concluded that the applicants' concerns relate to what are essentially land use planning issues, and that they had, and have, the right to participate in the municipal zoning process if they have concerns regarding a proposed use for a neighbouring property. The applicants do not, however, have either a statutory or common-law right to participate in the medical marijuana production licencing process.

[74] Consequently, the application for judicial review will be dismissed, with two sets of costs to the respondents, one for the respondents International Herbs and the numbered company, and the other for the Crown.

JUDGMENT

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed, with costs.

"Anne L. Mactavish"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	T-2184-14
STYLE OF CAUSE:	P & S HOLDINGS LTD. AND THE UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING & PIPEFITTING INDUSTRY OF THE UNITED STATES AND CANADA, LOCAL 170 v HER MAJESTY THE QUEEN IN RIGHT OF CANADA, INTERNATIONAL HERBS MEDICAL MARIJUANA LTD. AND 8015376 CANADA LTD.
PLACE OF HEARING:	VANCOUVER, BRITISH COLUMBIA
DATE OF HEARING:	SEPTEMBER 30, OCTOBER 1 AND 2, 2015
JUDGMENT AND REASONS:	MACTAVISH J.
DATED:	DECEMBER 1, 2015

APPEARANCES:

David M. Aaron and Bennet Arsenault	FOR THE APPLICANTS
Jon Khan	FOR THE RESPONDENT HER MAJESTY THE QUEEN IN RIGHT OF CANADA
Evan A. Cooke	FOR THE RESPONDENTS INTERNATIONAL HERBS MEDICAL MARIJUANA LTD. AND 8015376 CANADA LTD.

SOLICITORS OF RECORD:

Arsenault Aaron Barristers and Solicitors Vancouver, British Columbia	FOR THE APPLICANTS
William F. Pentney Deputy Attorney General of Canada Vancouver, British Columbia	FOR THE RESPONDENT HER MAJESTY THE QUEEN IN RIGHT OF CANADA
Borden Ladner Gervais LLP Barristers and Solicitors Vancouver, British Columbia	FOR THE RESPONDENTS INTERNATIONAL HERBS MEDICAL MARIJUANA LTD. AND 8015376 CANADA LTD.