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Bill C-45 & Bill 157: The ABCs of cannabis legalization in Quebec

a) Summary of the Federal Law (C-45)

The objective of Bill C-45 is:

- To restrict young people's access to cannabis
- Reduce the burden on the criminal justice system with respect to cannabis
- Allow cannabis plants to be grown in residential buildings (**maximum of 4 plants**)
- Continue the current medical cannabis regime
- Create a national legal framework for the sale of cannabis, to be specified by the provinces of Canada

b) Summary of the Quebec Law (Bill 157)

The objective of Bill 157 is:

- Control the quantities that people can carry with them (30 grams for an adult, 150 grams stored in a non-public place)
- Prohibition of cannabis possession in certain public places, particularly frequented by minors, such as schools or educational institutions or day-care centres ("CPE").
- Ban on cannabis use wherever tobacco is already banned
- Prohibition of cannabis use in certain public places, particularly:
 - **Indoor or enclosed spaces**
 - Health and social services institutions;
 - Intermediary resources, except if it is a private residence;
 - Instructional institutions (Universities: possession only);
 - Private residences where home childcare services are provided, regardless of whether the childcare providers are recognized home childcare providers under the *Educational Childcare Act*, during the hours childcare is provided;
 - Enclosed places where sports, recreational, judicial, cultural or artistic activities or conferences, conventions or other similar activities are held;
 - Enclosed places where community or recreational activities intended for minors are held, except if the activities are held in a private residence;
 - Enclosed places where the activities may be attended only by persons explicitly or implicitly invited or authorized by the host, whether or not an admission fee is charged and regardless of the purpose of the activities, except if the activities are held in a private residence;

- Enclosed places used by a non-profit legal person or by an association, circle or club, whether a legal person or not, to which only members and their guests have access, except if the enclosed spaces are situated in a private residence;
- Common areas of residential buildings comprising two or more dwellings, whether the buildings are condominiums or not;
- Common areas of private seniors' residences;
- Palliative care hospices and places where prevention, assistance and support services, including temporary lodging services, are offered to persons in distress or in need of assistance, except if the services are offered in a private residence;
- Tourist accommodation establishments and the buildings of outfitting operations;
- Restaurants;
- Establishments operating under a bar permit;
- Casinos, bingo halls and other gambling facilities;
- Workplaces, except workplaces situated in a private residence;
- Means of shared transportation, taxis and other vehicles used in the course of employment;
- All other enclosed spaces that are open to the public;
- It is also prohibited from smoking cannabis within a nine-meter radius from any door, air vent or openable window of most enclosed spaces referred to above, as well as outdoor play areas intended for children that are open to the public, including splash pads, wading pools and skateparks;
- **Outdoor spaces**
 - Bus shelters and outdoor areas used to wait for shared transportation;
 - Tents, under big tops and in other similar facilities that are put up temporarily or permanently and are open to the public;
 - The grounds of a health or social services institution;
 - The grounds of an instructional institution, the grounds of a childcare centre or daycare centre;
 - Terraces and other outdoor areas operated as part of a commercial activity and set up for rest, relaxation or the consumption of products;
 - Outdoor play areas intended for children that are open to the public, including splash pads, wading pools and skateparks;
 - Sports fields and playgrounds, including areas reserved for spectators, that are frequented by minors and open to the public;
 - The grounds of day camps and vacation camps as well as at skating rinks and outdoor pools that are frequented by minors and open to the public;
 - Lanes specifically built for bicycle traffic.
- A closed smoking room may be set up in places considered as living environments (establishments, seniors' residences, etc.).
- Prohibit the cultivation of cannabis plants in residential buildings (maximum of 0 plant);
- Only a cannabis producer who meets the qualities and conditions determined by government regulation can produce cannabis in Quebec.
- Only the SQDC can sell cannabis at retail in Quebec.

c) Impact on divided co-ownership ('Condos')

i) Insurance problems

- Reduced insurability or potential loss of insurability of the building in the event of cannabis cultivation.
- Increases in insurance premiums or deductibles for the insured (syndicate or co-owner).

ii) Role of the Syndicate of co-ownership

- Article 1039 of the Civil Code of Quebec: *Upon the publication of the declaration of co-ownership, the co-owners as a body constitute a legal person, the objects of which are the preservation of the immovable, the maintenance and administration of the common portions, the protection of the rights appurtenant to the immovable or the co-ownership, as well as all business in the common interest.*

d) Impact on residential rental buildings

i) Modification of the Lease

- Section 107 of the *Cannabis Regulation Act* provides that, for a **limited time**, a lessor may modify the conditions of the **existing** lease of a dwelling by adding a prohibition against smoking cannabis. To avail themselves of this transitional provision, lessors must comply with certain requirements and time limits. In order to modify the lease under section 107 of the *Cannabis Regulation Act*, the lessor must send the lessee a notice of modification describing the prohibition against smoking cannabis (at the latest 15 January 2019)
(see <https://www.rdl.gouv.qc.ca/fr/le-logement/canabis>).

ii) Recourses at the Régie du logement

- The tenant has thirty (30) days from receipt of the landlord's notice to indicate whether or not he accepts or refuses the proposed change. Article 107 states that:
«The lessee may refuse the modification for medical reasons.»
- In the absence of a refusal, the prohibition is deemed entered in the lease 30 days after the lessee received the notice of modification.

e) Impact on any kind of residential building

i) Neighbourhood annoyance

- Neighbourhood disputes: rights of occupants to a smoke-free environment and "right" of others to freely use their house/condo/apartment.
- Disputes within the co-ownership and co-owners' meetings: fines, disputes, etc.
- Quarrels in the neighbourhood: formal notice, litigation, etc.