

DECEMBER 17, 2018

**BLOG**

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### **A BLUNT END TO NON-COMPLIANT CANNABIS DISPENSARIES IN VANCOUVER**

In a decisive statement on the scope of municipal power to regulate cannabis dispensaries, Chief Justice Hinkson of the BC Supreme Court granted a statutory injunction sought by the City of Vancouver. In *Vancouver (City) v Karuna Health Foundation*, 2018 BCSC 2221, the City brought a petition against several cannabis dispensaries, arguing that the dispensaries were carrying on business contrary to the City's framework for the regulation of medical cannabis retail uses under its business licence bylaw. In response, the dispensaries argued that the bylaw was either inapplicable or *ultra vires* the City's jurisdiction, relying on a myriad of constitutional and common law concepts including interjurisdictional immunity, federal paramountcy, and estoppel. The Chief Justice held that the City's business licence and zoning bylaws were validly enacted and applicable, and dismissed all of the many arguments put forward by the dispensaries.

***Nick Falzon***