



Medical Cannabis Club of Guelph \mathbb{R}

June 10, 2010

Guelph City Council
City Hall
1 Carden Street
Guelph, ON
N1H 3A1

Dear Guelph City Councillors,

The Medical Cannabis Club of Guelph Inc. (MCCG) was established in 2006. The MCCG provides information regarding the medicinal use of cannabis and offer a safe and dependable source of medicine for patients who have the support of their physician.

Research has shown that cannabis can alleviate the symptoms of numerous chronic illnesses including but not limited to multiple sclerosis, spinal cord injury/disease, cancer, HIV/AIDS, severe arthritis, and epilepsy¹.

Canadians have shown that they overwhelmingly support the right of patients to access cannabis for medicinal purposes. A general population survey conducted in 2000 by the Centre for Addiction and Mental Health, published in the Canadian Medical Association Journal, revealed that approximately 2% of the Canadian population reports using cannabis for medical purposes². In July 2006, a Maclean's magazine poll found 93 per cent of Canadians support "the use of marijuana for medicinal purposes"³.

Health Canada's *Marihuana Medical Access Regulations* (MMAR) came into force in 2001 as a result of *R. v Parker*⁴. While the federal government licenses patients and production facilities, it is

¹ Health Canada, Form B1 of the *Marihuana Medical Access Regulations*

² CMAJ, June 13, 2000; 162 (12). Alan C. Ogborne. <http://www.cmaj.ca/cgi/content/full/162/12/1685>

³ Maclean's Poll 2006: http://www.macleans.ca/article.jsp?content=20060701_130104_130104

⁴ *R v. Parker*: <http://www.ontariocourts.on.ca/decisions/2000/july/parker.htm>



associations such as the MCCG that facilitate the day-to-day needs of patients in the form of support and training on safe and effective use.

In February of 2010, Scott Gilbert and myself, Rade Kovacevic, met with Sgt. Ray Gordon and his partner from the Guelph Police Service Intelligence Unit at the MCCG. Our meeting lasted approximately 90 minutes, during which we candidly answered all of Sgt. Gordon's questions. We offered a tour of the premises and stated our desire to keep lines of communication open. Sgt. Gordon informed us that in the three and a half years we had been in operation, the Guelph Police had not received any complaints about our operations.

Sgt. Gordon suggested that a meeting between the Guelph Police, the MCCG, our lawyers, and the federal CDSA prosecutor would be ideal so that we could agree on how the legislation and case law was applicable. This would provide for the opportunity for all parties to air any concerns and have questions answered.

Following our meeting with Sgt. Gordon, at his request we provided a copy of our patient identification cards, as well as a copy of the label and packaging used for the medicine we distribute. Sgt. Gordon told us this would help the police recognize legitimate MCCG identification cards.

In late February I left a message for Sgt. Gordon on his cell phone stating the dates our lawyers would be able to attend the suggested meeting. I received no response for over two weeks, so I contacted Sgt. Gordon again. This time Sgt. Gordon informed me that the federal prosecutor was not interested in the meeting and therefore neither were the Guelph Police.

The choice of the Guelph Police Service to raid the MCCG on May 6, 2010 was a huge blow to the healthcare of Guelph's citizens. Over 330 patients were immediately cut off from their medication without notice or alternatives. The police seized all of our patient files, making it impossible to reach patients to inform them that their source of medication, the MCCG, had been temporarily closed. It has put our patients in distress, as their medications have had to be drastically altered as a result of the raid. For some of our patients this has directly resulted in prolonged stays in hospital.

On June 4, 2010, Conservative Senator Pierre Claude Nolin stated to CBC News that users of medicinal marijuana will now be forced to find it elsewhere, and the vast majority will wind up getting it from criminal



gangs. "It's the most disastrous consequence of the whole operation," said Nolin, a long time advocate for the relaxing of drug laws. "The vast majority [of patients] will have to look at the black market ... and the substance on the black market is not exactly the quality substance that ... [is sold] in the clubs. In the clubs, they are trying to have access to organic cannabis, which is not the case with the black market." The MCCG does not believe that it is in the interest of the City of Guelph or its citizens that sick and disabled people will be forced to purchase from and therefore fund organized crime in our city.

Coverage of the raid of the MCCG has been present on both CBC and CTV national news. Guelph historically has been viewed as a progressive and open city. I strongly believe that this raid will hurt Guelph's image. In April 2009, Guelph Police Chief Rob Davis stated that he opposed Health Canada's choice to issue medical cannabis production licenses to individuals in Guelph. The MMAR is a federal regulation that was created from a Supreme Court of Canada ruling. While Chief Davis may disagree with this, he is not an elected member of the federal government or a member of the Supreme Court of Canada. Chief Davis should not be using his position to further his personal views, which directly contradict existing federal law.

The MCCG has retained lawyers that are experts in the field of medical cannabis, Professor Alan Young and Ron Marzel. If this case goes to trial, the City of Guelph can be sure that it will be tried on constitutional grounds and used as a precedent setting case. Prof. Young is the lawyer responsible for the court challenge resulting in the creation of the MMAR. This type of a case will definitely receive national news coverage. It is unfortunate that Guelph has chosen to represent itself as a city intent on denying medicine to the sick and disabled, medicine which has been prescribed to them by their physicians.

Most importantly, Guelph City Councillors must note that there is no reasonable prospect of conviction in this case. Historically, charges against medical cannabis dispensaries have been dropped, stayed, or lost at trial. There is no precedent for the prosecution ever establishing guilt or culpability against any legitimate compassion club. The investigation, sting operation, and prosecution of the MCCG is a waste of taxpayers dollars. Concurrently, tax revenue has been lost as a result of the interruption of the services the MCCG provided.



The community was and is well aware of the operations of the MCCG. The MCCG is a member of the Downtown Guelph Business Association, the Guelph Chamber of Commerce, the Ontario Chamber of Commerce, and the Canadian Federation of Independent Business. The Mayor, MPP, and MP of Guelph were all notified of our operations when we opened in 2006. The MCCG has funded initiatives including but not limited to the AIDs Committee of Guelph's Red Ribbon Gala, Doctors Without Borders, and Curtain Call Productions. We have been a strong and professional member of the Guelph business community, who we have found to be supportive through this situation.

I am asking Guelph City Councillors to direct the Guelph Police Service to designate the Medical Cannabis Club of Guelph Inc.'s operations as lowest priority until the resolution of these charges.

I am also asking that Guelph City Councillors, in conjunction with the Guelph Police Service Board, join a steering committee with the MCCG, medical practitioner and patient representatives, and other relevant stakeholders, creating a forum for input and community oversight of the manner in which the MCCG provides its services.

Sincerely,

Rade Kovacevic
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