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## An Examination of Municipal Policy-Makers' Responses Towards the Provincial Implementation of Retail Cannabis Stores Within Ontario

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An Examination of Municipal Policy-Makers' Responses Towards the Provincial  
Implementation of Retail Cannabis Stores Within Ontario

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Mark Dean

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**ABSTRACT:**

The rationale for this study is founded on the important role of municipal governments within the domain of cannabis legalization in Canada. In Ontario, a strategy of privatization for physical cannabis stores was implemented by the provincial government. The policy gave municipalities the authority to decide whether they opted in or out of physical cannabis stores within their specific communities. This scenario of allowing local governments to determine the introduction of physical cannabis stores has demonstrated a need for a deeper understanding towards the various factors that influence the decisions of municipal policy makers. This is a unique situation that offers tremendous learning opportunities in determining the role that local government policy makers have on cannabis legalization policies.

This exploratory study utilizes an inductive research process as the qualitative data results will lead to a working hypothesis. The data collection tool for this study is a semi-structured interview. As a multi-case study, interviews were done with six councillors from five municipalities that represent different municipal size classifications. These municipalities have chosen to opt out of retail cannabis stores. The study is cross-sectional due to the fact that information was gained from the particular moment in time that municipalities decided to opt out of retail cannabis stores. Ultimately, this study's overall aim is to provide a greater understanding towards the influences, motivations and decisions arrived upon by municipal councils that decided to opt out of physical cannabis stores.

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## **INTRODUCTION:**

On April 13<sup>th</sup>, 2017, the Canadian federal government nominated two bills to legalize and regulate cannabis in Canada. Bill C-45 and Bill C-46 amended the Controlled Drugs and Substance Act, the Criminal Code, and other legislative Acts, thereby constituting itself as the Cannabis Act (Federation of Canadian Municipalities, 2018). The Cannabis Act creates a governing framework for the manufacturing, delivery, sale, cultivation, and possession of cannabis across Canada. For municipal governments, the Cannabis Act comes with substantial implications for: land use; business licensing and regulation; and in how public consumption and cultivation will be structured (Federation of Canadian Municipalities, 2018). The Ontario provincial government announced that it would pursue a strategy of privatization for retail cannabis stores. Municipalities would be provided a deadline for the option to opt in or out of the endorsement of the stores within their specific areas of governance (Ward, 2018). The deadline for municipalities to decide was set for January 22<sup>nd</sup>, 2019. If municipal governments decided to opt out of retail cannabis stores, they could change their decision at a later date. However, once a municipality opts in, the provincial legislation stated that the decision is final and cannot be reversed (Gibson, 2018).

The provincial Conservative government's plan towards the implementation of retail cannabis stores in Ontario municipalities changed considerably from the Liberal party's initial policy. Instead of being handled by a government-controlled entity, i.e. the Liquor Control Board of Ontario stores (LCBO), the Conservative party opted to utilize a lottery system that would be imposed while cannabis supply stabilized. Individuals and business interests could submit an application to be considered in the lottery. Additionally, applicants needed to make a non-refundable six-thousand dollar payment to the Alcohol and Gaming Commission of Ontario.

Finally, a fifty-thousand dollar letter of credit had to also be provided to prove that applications could afford to open the store (Alcohol and Gaming Commission of Ontario, n.d.).

Municipalities with the largest population sizes were initially selected with initial limits placed on how many licences could be assigned per municipality. The first lottery process was conducted on January 11<sup>th</sup>, 2019 and had twenty-five winners. On July 3<sup>rd</sup>, 2019, the provincial government announced that a second allocation lottery would occur soon with a potential for forty-two winners this time (Alcohol and Gaming Commission of Ontario, n.d.). Beyond the initial lotteries, little is currently known as to whether restrictions for retail cannabis stores will be completely lifted, or if regulations will be maintained through a different system.

As municipalities contemplated their upcoming choice, various political views and factors were being considered that shaped their decision. Various Canadian news articles have provided reasons for why municipalities would decide to opt out. Factors : (1) pushback from municipal constituents (DeClerq, 2018); (2) a lack of latitude in terms of control over location and number of stores (Gibson, 2018), or (3) council perceptions in terms of the socio-economic effects that a retail cannabis store could have on their communities (DeClerq, 2018) A total of 77 out of Ontario's 414 municipalities made the decision to opt out of retail cannabis stores within their respective communities (*Global News*, 2018). These results indicate that 17% of municipalities within Ontario had reasons for rejecting the stores, yet their motivations are currently unclear.

An investigation directed towards determining why municipalities opted out can lead to an improved understanding towards the impact that cannabis legislation has had on Ontario municipalities and their respective policy-makers. The recent deadline to opt out means there is currently a general absence of academic work that examines the Ontario municipal response to

the province's cannabis store legislation. Therefore, this study's assigned role is to help fill the current gap in academia by exploring the key socio-economic and political motivations that influenced local governments to opt out of retail cannabis stores. To achieve that goal, semi-structured interviews were conducted with various councillors from an assortment of municipalities. The questions were designed in a manner that would encourage councillors to share their perspectives on cannabis, its potential impact on their community, and the reasons why their council voted against the stores. Their responses were collected and examined to determine if any key trends appeared in terms of motives surrounding their decision to opt out. Ultimately, the goal of this study was to determine key socio-economic biases and political motivations that influenced local governments to opt out of retail cannabis stores

## **LITERATURE REVIEW:**

The Centre for Addiction and Mental Health (CAMH) conducted a study in 2014, within the province of Ontario, that assessed public perspectives on various items associated with the control of recreational cannabis use, production, and distribution. The study involved telephone interviews with 2,004 respondents from the general adult population aged eighteen and over (Fischer, Ialomiteanu, Russell, Rehm & Mann, 2016). Partly motivated from the positive results of another cannabis study in 2012, the 2014 study aimed to assess if two-thirds of Canadians still supported cannabis control reform, specifically in terms of adopting liberal reforms to cannabis law and policy (Fischer et al., 2016). The more recent 2014 study determined that close to half of the participants (46.7%) had used cannabis in their lifetime, and 14.4% stated they had used cannabis within the last year. More importantly, a respective majority of the study's participants stated that they supported regulated government agencies producing cannabis (62.1%) or championed private business models for cannabis production (57.1%) (Fischer et al.,

2016). These findings seem to demonstrate strong Canadian support for legal cannabis production and distribution.

However, a fair amount of Ontario municipalities decided to opt out when the province introduced their policy rollout of the retail cannabis store legislation. The findings of CAMH's 2014 study seem to contradict recent events where the decision to opt out was made by councils from an assortment of municipalities with fairly diverse characteristics. Perhaps this contrast of opinion comes from the apprehension of municipal governments in tackling perceived socio-economic or policy challenges within their respective communities from the introduction of retail cannabis stores. In other situations, the contrast of public opinion to local government perceptions has emerged; specifically, scenarios where federal policies have put local governments into circumstances where they have needed to address the legal distribution of cannabis within their communities.

Due to how recently cannabis was legalized in the country, there is a lack of Canadian literature pertaining to this topic. This led to external cases being examined in the United States and the Netherlands. Chang, Tom, and Jacobson's study *Going to Pot? the Impact of Dispensary Closures on Crime* examines the potential increase of crime from the introduction of marijuana dispensaries in Los Angeles. The Chang et al. study determined that a majority of city councillors were troubled with the state's introduction of legal cannabis dispensaries (Chang, Tom & Jacobson, 2017). The lack of support emerged as a result of the majority of the councillors having the assumption that cannabis dispensaries would directly correlate to increased crime levels within the communities they were placed. The city council of Los Angeles was restricted in what actions they could take. As a response, they utilized zoning by-laws to reduce the number of dispensaries that could operate within the city limits (Chang et al., 2017).

The actions of Los Angeles' council were driven by long-standing beliefs towards the negative socio-economic impact cannabis would have on their local community.

A quantitative study by Cheng, Mayer, and Mayer entitled, *The Effect of Legalizing Retail Marijuana on Housing Values: Evidence From Colorado*, examines whether the introduction of legal retail cannabis influenced housing values in municipalities within the state of Colorado. Cheng et al.'s study compared housing value fluctuations in municipalities within Colorado before and after they passed retail cannabis legalization ordinance. Other municipalities in Colorado that declined the ordinance were used as a comparative control group (Cheng, Mayer & Mayer, 2018). Similar to Ontario, local governments within Colorado were given, via Amendment 64, the authority to determine if they would permit the retail sale of cannabis within their jurisdiction. The study determined that the central issues that influenced Colorado's local governments to decline retail cannabis was the perception of it being immoral for the community at 65.6%; public safety issues at 49.2%; public opinion at 49.2%; and the fear of high enforcement costs at 42.6% (Cheng et al., 2018). These results show how preconceptions towards the socio-economic impact of cannabis influenced some municipalities of Colorado to opt out of retail cannabis stores.

The examples of Los Angeles and Colorado demonstrate how presumptions towards the socio-economic influence of cannabis impacted the local government policy implementation of legal cannabis within both states. Preconceived notions, developed over many years, influenced councillors within the two states to resist the implementation of cannabis stores in their respective communities. These biases appear to have strong political influence in municipal politics, especially in the Los Angeles study. Interviews conducted by the researchers determined that councillors believed that cannabis would attract individuals more predisposed to violence to

one location. Others believed that individuals would use crime to finance their purchases at the dispensaries (Chang et al., 2017). Overall, both state governments experienced a lack of multi-governance cooperation due to a variety of local municipalities expressing preconceived biases about the socio-economic impact of legal cannabis.

Interestingly, the results of both studies determined that preconceptions towards the socio-economic effects of cannabis dispensaries and stores were incorrect. In actuality, the study in Los Angeles determined that crime temporarily increased when cannabis dispensaries were closed due to reduced foot traffic. The overall conclusion was that there was no correlation between opened dispensaries and increased crime levels (Chang et al., 2017). The study in Colorado concluded with the determination that cannabis stores had in fact led to a six percent increase in housing values amongst neighbouring communities (Cheng et al., 2018). Ultimately, the perceptions of these councillors being erroneous is not the sole important factor to derive from these two studies. Furthermore, findings demonstrate, even for the more policy-restrictive level of local government, that well-ingrained beliefs amongst municipal councillors can have an impact on state or nation-wide policy. Additionally, these preconceived notions that correlate legal cannabis to negative socio-economic impacts in local communities could be a crucial factor in the determination as to why some Ontario municipalities decided to opt out of retail cannabis stores.

Canadian news media has presented a different depiction of the issues that influenced a number of municipalities to opt out of retail cannabis stores. As noted earlier, the provincial Conservative party of Ontario modified the original policy rollout process from the previous Liberal government's approach. The Liberals had planned to utilize government-regulated agencies, similar to the LCBO, to handle the distribution of legal cannabis (Gibson, 2018). The

original idea was for the LCBO to work closely with local governments and communities to decide the quantity and location of the stores (Miller, 2017). The revised approach opted for private retailers where business owners could apply to be included in a lottery that would randomly assign a licence to operate retail cannabis stores (*The Economist*, 2018). According to Canadian news media, issues with the policy implementation itself have been a strong motivational factor for many councillors to decide to opt out.

The overhauled retail cannabis store policy in Ontario has led numerous councillors to speak out about their issues with the new approach. An issue of serious contention was a lack of latitude for local governments in terms of being really only able to decide whether their municipality opted in or out of having the stores. Reduced levels of municipal agency were further noted in the perceived lack of consultation between the province and municipalities. Specifically, towards the quantity of stores that could be established and where they would be permitted to be located (Gibson, 2018; Walsh, 2018; Declerq, 2018; Porter, 2018). Further concerns were expressed by councillors towards the province's realignment of distribution from government controlled stores, i.e. the LCBO, to privately run businesses that can purchase a licence to sell cannabis (Walsh, 2018; Declerq, 2018; Porter, 2018). These issues should be understood as legitimate concerns that have been expressed towards the policy of retail cannabis stores, not cannabis itself.

The interpretation presented by the media, that issues with the policy itself are of more concern to Ontario council members, is further supported by the previously mentioned CAMH study that was conducted in 2014. This study determined that two thirds of the respondents (63.3%) supported the notion that the retail sale of cannabis should be constrained to government-regulated outlets (Fischer et al., 2016). Less than half of the participants (47%)

stated that cannabis should be distributed by licenced private businesses. Overall, the study determined that Canadians were predominantly supportive of introducing a cannabis distribution system that resembles the current system of the LCBO: a system where government entities handle the production and distribution of alcohol, thereby guaranteeing the product is being properly regulated within the province (Fischer et al., 2016). The fact that a majority of Canadians support the legalization of cannabis, and furthermore endorse the role of public institutions, in terms of the product's production and distribution, suggests that Ontario municipalities may be opting out due to policy issues instead of longstanding biases tied to the belief that cannabis will create socio-economic issues.

Veen and Hans' study, *Regulation in Spite of Prohibition: The Control of Cannabis Distribution in Amsterdam*, demonstrates how a lack of proper cooperation between provincial and municipal government bodies can lead to local government resistance; especially when dealing with policies that are perceived as morally contentious and as impactful on local communities. Amsterdam is distinct from Canada in that cannabis is illegal in the Netherlands. However, government officials within Amsterdam tolerate it being sold. Coffee shops are provided with permits that allow for the trade of cannabis within their establishments (Veen & Hans, 2009). Veen and Hans' study determined that Amsterdam's local government had developed negative opinions towards the cannabis coffee shops, as they were perceived as gateways to alternative drug use. Additionally, the selling of stolen goods had been tied directly to the operations of the shops. Local government's negative perceptions were further exacerbated due to the national government's control over the quantity and location of these shops. The lack of political agency on a municipal level led to a growing resistance amongst Amsterdam's council towards the cannabis shops. The local government attempted alternative tactics via by-

laws that were designed with the goal of shutting down shops that were seen as problematic (Veen et al., 2009). Shared concerns between Amsterdam's local government and municipalities in Ontario clearly make for a strong comparison.

Netherlands's national government became aware of growing contentions between Amsterdam's local government and cannabis coffeeshops. As a response, the national government decided to implement policy reforms. Drug enforcement authority was downloaded to the local levels of government. Municipalities were given a wide range of control: they could decide to ban cannabis coffeeshops within their jurisdiction and could also close shops that did not conform with their policies (Veen et al., 2009). The downloaded capability to regulate within their local jurisdictions led to the imposition of a regulatory framework that facilitated the interactions between the coffeeshops and local governments. If the shops maintained socially desirable behaviour, they were offered quasi-legal protection by the municipal government. This arrangement led to improved political views within municipal governments towards the coffeeshops.

The study of Amsterdam's struggle with cannabis coffeeshops adheres to the current scenario being presented by Canadian media and the previously discussed CAMH study. Amsterdam's local government being given increased oversight towards cannabis coffeeshops helped temper the negative perceptions being held towards the cannabis coffeeshops (Veen et al., 2009). Canadian media and CAMH study both articulate a similar situation for Ontario in that the policy implementation process itself is more important for the majority Canadians to feel secure with legalized cannabis; more so than any need to overcome any stigma towards the effects the drug may have on individuals and local communities. As noted earlier, the provincial government's involvement in production and distribution, increased political control for

municipalities towards the quantity and location of stores, and increased collaboration between provincial and municipal governments have all been stated as key factors that would influence local governments and their constituents being more accepting and comfortable of retail cannabis stores within their communities.

A seemingly lack of outwardly expressed stigmas towards cannabis does not truly indicate that negative perceptions have not played an active role in the decisions of some Ontario municipalities to opt out of retail cannabis stores. Concerns that are focused on retail cannabis store quantity and placement issues could easily be traced back to longstanding associations that correlate cannabis use to detrimental effects for individuals and communities. For example, there is currently a societal backlash to cigarette smoking in terms of health effects but seemingly little reaction from municipalities in terms of how many convenience stores are currently opened within local communities. Regardless of whether it is legal or not, it is a stigma to a sign of bad character. Obviously, a product that historically has been seen as illegal, will have led to a wide spectrum of opinions amongst individuals in terms of its use and sale.

Negative perceptions, tied to preconceived biases, have been captured by Canadian news outlets. Some Canadian municipal political actors have recently noted that they have concerns regarding cannabis being sold in their communities (Declercq, 2018; Walsh, 2018). These concerns have been further articulated by council members who have stated that they wanted to see the socio-economic ramifications of the stores in other municipalities, before deciding if they would opt in to the legislation (*Toronto Sun*, 2019) (*Global News*, 2019). The expressed hesitation clearly comes from negative perceptions towards cannabis as the motivation to delay stores comes from a concern towards the impact the drug will have on local communities. Ultimately, for municipalities that have currently decided to opt out of retail cannabis stores, it is

unclear as to whether their motivations come from issues with policy or with negative perceptions of cannabis itself.

This literature review demonstrates that it is currently unclear as to what has been the most influential factor for municipalities to opt out of retail cannabis stores. The American case studies demonstrate underlying biases towards cannabis have correlated to municipal resistance being expressed towards cannabis sold in local communities. Increased levels of crime, reduced property values, and an overall degradation of community have been associated with cannabis use, regardless of study results. However, the study done by the CMAH, as well as a majority of Canadian news outlets, indicate that it is not biases tied socio-economic concerns that have motivated Ontario municipalities to opt out. Instead, these sources articulate that municipal resistance to retail cannabis stores can be tied to issues within the policy framework itself. Such as: (1) the move to private production and distribution instead of through the government via the LCBO, (2) the lack of local government control in terms of store quantity and location, and (3) a lack of clarity from the province in terms of policy specifics have all been attributed to be the leading cause for municipalities to opt out. Determining the reasons for why 77 of the 414 Ontario municipalities opted out of retail cannabis stores will offer insight into what factors were the most influential (*Global News*, 2014). The results could impact future policy rollouts that involve varied levels of collaboration between provincial and municipal policy actors.

Current scholarly literature lacks any proper investigation into the main driving factors that influenced municipalities to opt out of retail cannabis stores. The only materials available are Canadian news outlets that offer a variety of socio-economic and legislative concerns. These concerns are presented as individual cases and are without any clear indication towards the key factors that motivated councils to opt out. Additionally, due to how recent the policy was

implemented, there is currently a notable absence of any Canadian scholarly studies towards these perceptions, challenges and roles of municipal governments. The perceptions of municipalities that opted out play an important role in understanding the retail cannabis store policy experience within Ontario. Ultimately, the data collected from examined case studies and news media provided this study a solid foundation from which to develop an operational methodology so as to determine the main factors that influenced local governments in Ontario to opt out of retail cannabis stores.

## **RESEARCH DESIGN**

The presented literature review for this study articulates numerous arguments towards the motivations of Ontario councillors who decided to opt out of retail cannabis stores in their respective communities. Perceived socio-economic effects towards communities and individuals were described as one motivation. Meanwhile, issues with policy structure and implementation were presented as another. These two motivations are distinctive. Socio-economic fears founded on opinion are tied to personal bias. Policy issues are often connected to relationships between various political actors that have incompatible objectives. If it is determined that a majority of the resistance to retail cannabis stores is attributed to one of the aforementioned motivations, it would offer contemporary insight into the key elements that are shaping the political views of council.

Scholarly journals and news articles examined for this study present both motivations as equally influential within the various scenarios and contexts surrounding cannabis. This study emerged from the lack of proper insight into the true motivations of Ontario municipalities and their political actors that led to them opting out. The research done for this study's literature review determined that there was a lack of current studies examining cannabis policy issues

within a Canadian context. A scarcity of available research is clearly due to how recently cannabis legislation was implemented in Canada. The topical nature of cannabis legalization, and lack of available research, presented an opportunity for this study to fill a void in currently available academic research. Determining what factors were most influential in convincing councillors to opt out can provide a better understanding of the impact that provincially designed policies, that are perceived as morally contentious, can have in local government settings. Furthermore, these discoveries can correlate to an improved awareness of the challenges faced by municipal policy makers, especially when they engage with legislation that involves various levels coordination and cooperation between both levels of government.

The literature review presented an overall context of the current factors being considered by local policy makers. Introducing retail cannabis stores has been contentious enough to encourage a wide variety of municipal stakeholders to express their support or concerns towards the policy and stores themselves. The longstanding perceptions of council, the opinions and perspectives of constituents, and the positions taken by key stakeholders in each municipality have all converged to shape the decision towards whether municipalities decide to opt in or out of retail cannabis stores. Various streams of interest converging into an event, that quickly attracts attention from a majority of all those being affected by the policy, fits well with John Kingdon's Multiple Streams theoretical framework.

Daniel Hestra's "Explaining Local Policy Choices: a Multiple Streams Analysis of Municipal Emergency Management" provides the theoretical framework for this study through its analysis of John Kingdon's Multiple Streams framework (2010). The Multiple Streams framework is a theoretical model that clarifies how societal issues are recognized, the manner in which these problems are added to the policy decision agenda, and, finally, how policy solutions

are then arrived upon to tackle these problems (Hestra, 2010). The Multiple Streams framework is composed of three streams: (1) the Problem Stream, (2) the Policy Stream, and (3) the Politics Stream.

The Problem Stream (1) refers to the various environmental conditions that citizens and policy makers currently perceive as public issues and for which resolutions are sought after (Hestra, 2010). For this study, the environmental condition is the potential introduction of retail cannabis stores in local communities. A fair proportion of municipal governments, and therefore also their citizens, chose to opt out either due to their perception that these stores are morally contentious, from a lack of support towards the actual legislation, or issues yet identified. Therefore, local governments that identify the introduction of retail cannabis stores into their communities as a problematic situation can represent the Problem Stream.

The second stream in the Multiple Streams framework is the Policy Stream. (2) The Policy Stream focuses on the deliberation of policy solutions by policy-makers towards resolving the perceived issues of society (Hestra, 2010). For this study, the Policy Stream is composed of city councillors who have attempted to resolve the perceived problem of retail cannabis stores in a manner that appeals to their respective constituents. These municipal actors all share a common interest in representing the municipality and communities that elected them to office. Attempts to resolve issues take form through the limited political agency offered to municipal councils, to decide to opt in or opt out based on their constituents' expectations. This project's specific examination of municipalities that opted out correlates to the Policy Stream being composed of municipal actors who have expressed resistance towards the retail cannabis store policy.

The final stream (3) is the Politics Stream that focuses on how government officials are sensitive and responsive to public opinion. The Politics Stream states that policy actors are more

likely to address issues when government intervention encourages a large portion of the public (Hestra, 2010). Pressure from local constituents, intensive media attention, the controversial nature of the subject, and the provincial government's timeline put the retail cannabis store policy on the decision agenda as an extremely important item. It is fair to say that these same pressures influenced a fair amount of municipalities to decide to opt out of the policy, as they are decided upon policy resolution to the subject. Overall, the controversial and topical nature of the retail cannabis store policy drew a lot of attention, thereby correlating to the subject being considered highly important in terms of a political decision needing to be made by local governments.

The three streams within the Multiple Streams framework generally operate independently of one another. However, sometimes the three streams converge at key moments where brief opportunities arise for policy actors to bring attention to a specific issue and promote their preferred resolution (Hestra, 2010). These convergences are referred to as focusing events. Focusing events involve a particular subject being perceived by society as a problem that needs to be solved. Additionally, policy makers have realized in solidarity that their constituents need them to politically act on the same subject. Finally, immense attention and pressure from external stakeholders makes the subject a priority on the policy decision agenda for municipal councils (Hestra, 2010). An assortment of municipalities deciding to opt out of retail cannabis stores is one of those critical moments where the three streams have converged. Specifically, in terms of community resistance creating a public issue, municipal policy-makers challenging the policy instrument itself, and local government officials being responsive to their communities' opinions towards retail cannabis stores.

The Multiple Streams theoretical framework informed this study in the development of its methodological approach towards its chosen subject of retail cannabis stores. The provincial government's rollout of the policy created a focusing event where all three streams converged and created a policy window for municipalities. This concept of a policy window being created was done intentionally through the province's decision to allow municipalities the limited decision to either opt in or out. The various stakeholders involved in each stream were rapidly attracted to the issue due to the timeline assigned to the policy. This study was actively being developed during this time period of decision-making. A decision was made to design the study's methodology so as to capture the influences these various streams had on local decision makers, specifically those who opted out of the policy. This study utilized a semi-structured interview with questions designed to determine what the key influences were for policy-makers. Establishing how the three phases influenced municipalities will lead to an awareness of what key influential factors motivated councillors to opt out of cannabis stores.

## **RESEARCH METHODS**

This study is a multi-case study in that its goal is to ascertain the various political views of council members from an assortment of municipalities that opted out of retail cannabis stores. The decision to interview councillors from different municipalities was made so as to better ascertain any trends in the reasons and influences that led to that municipality to opt out. This is a cross-sectional study as it is capturing how policy actors reacted to the retail cannabis store policy and how all three streams from the Multiple Streams framework converged. The data gathered will be from the particular moment in time where councillors decided to opt out. It is possible that the political views of these councillors may change as the policy involves. Therefore, a snapshot of results is needed to properly understand the motivations behind the

municipal policy actors' decisions. These results are operationalized with the independent variable being the range of political views that will be determined through the information collections tools. The dependent variable is whether a municipality opts in or out of a cannabis store. Overall, the main focus of this study is towards municipalities that opted out from retail cannabis stores in terms of determining the influences and motivations behind their decision.

The decision to only examine municipalities that opted out was decided upon so as to better understand the issues and challenges being faced by local governments in terms of reacting to the province's retail cannabis store policy. A majority of Ontario's municipalities decided to take the perceived easy option and opt in. Their reasons for opting in are fairly clear and obvious. Determining the motivations behind municipalities that opted out offers greater insight into the factors that influence municipal political decisions; specifically, towards policies that deal with morally contentious issues. An understanding of these motivations will offer a snapshot of how the three streams in the Multiple Streams Framework converged as a focusing event that led to policy resistance on a municipal level.

To acquire results, a semi-structured interview was designed so as to probe council members about their reactions to the retail cannabis store policy (See Appendix 3). Furthermore, the interview was designed to determine their perceptions towards how members of their municipality viewed the policy as well. The semi-structured interview is approximately fifteen-to-twenty minutes in length and consists of six open-ended questions. The first two questions were warm-up questions designed to ease the interviewee into the process; the other four focused on determining the perceptions that their community, their council, and the councillor had towards retail cannabis stores and the policy framework itself. Probing guidelines were listed under each question to further support these questions. If a councillor mentioned a particular

subject, a follow-up question could be asked to determine more about their response. Overall, the semi-structured interview was designed with the intent of determining the motivations behind municipal resistance to the policy. As the research findings will demonstrate, the operationalization of this data collection tool has been a success for this study.

Following the development of the interview, this study was submitted to the Western Ethics Board. The Ethics Board approved this study's recruitment method of reaching out through emails (See Appendix 2). Additionally, it established a standard requirement that a Letter of Information and Consent needed to be signed by participants (See Appendix 1). Additionally, checkboxes were needed on the Letter that indicated that voice recording and the study's participants permitted the use of anonymous quotes. Finally, Ethics stressed the need for anonymity within the study so as to preserve the privacy of the city councillors and to further encourage their participation in the study. Having met the Ethic Board's requirements, approximately 200 personalized recruitment emails were sent out to councillors who are part of municipalities that opted out. A website stating every municipality that had opted out had been created by the provincial government so it was simply a matter of going through the list to determine which municipalities to email. Contact information for each municipality's council members was acquired from the Ontario Ministry of Municipal Affairs and Housing councillor database. Following the recruitment email, myself and the participants signed the Letter of Information and Consent and established telephone interview dates so as to conduct the study.

Within three weeks of the recruitment emails, this study had conducted telephone interviews with six councillors from five different municipalities. Statistics Canada distinguishes municipality sizes by stating that municipalities between the population of 1,000-29,999 are small-sized, 30,000-99, 999 are medium-sized, and 100,000 plus are large-sized municipalities

(*Statistics Canada*, 2017). This study acquired a strong sample variety with its participants. Interviews were conducted with councillors from one small-sized municipality, two medium-sized municipalities, and two large-sized municipalities. The topical nature of the subject, and its controversial nature, correlated to a fairly easy experience in recruiting participants for the study. The interviews were done anonymously with the results being saved as Councillor A from Municipality A, as one example. Any data that could provide clues as to who the participant was or where they were from was removed from the results. Recorded interviews were transcribed verbatim and analysed for data using qualitative analysis. This analysis was guided by the literature review and theoretical framework that offered a foundation from which to examine the acquired results for important trends. The relevant determined trends offer data towards the key factors that influenced opting out, thereby providing insight into the retail cannabis store experience for municipalities that resisted the stores and policy.

There were some methodological limitations for the study. The municipalities being interviewed chose to opt out, thereby suggesting that they would provide only negative perceptions towards cannabis and the legislation. Overall, this limitation was to be expected and did not negate the results as the study's overall goal was to determine the reasons for opting out. Another limitation was the inability to conduct surveys with all those who responded to the recruitment email. The recruitment email was surprisingly effective with many individuals expressing interest towards being participants in the study. However, the study's time constraints correlated to a need to engage a select number of responders so as to be able to complete the study in a methodical manner. Six interviews from a variety of municipalities that have different characteristics is a suitable number to effectively discover trends amongst various municipal policy-makers. One final limitation is tied to the interview process itself is the opinion of one

councillor cannot represent a whole council's perceptions. The nature of the study made that limitation impossible to avoid. However, all of the participants seemed quite clear in differentiating their opinions with those of council and were quite eager to speak openly about the various agreements, disagreements, and broader perceptions upheld by their respective council. The aforementioned methodological limitations were generally unavoidable due to the nature of the program this study was completed for. However, as will be seen, they did not negatively impact the study as a whole.

Overall, the semi-structured interviews were a success in terms of actively engaging city councillors to provide data towards their opinions and experience towards cannabis and the retail cannabis store policy. Lengthy results were obtained from every participant who provided many key elements that provided answers to the question posed by this study. These results demonstrate that the literature review and theoretical framework successfully informed the methodological development of this study and its data collection tool. The responses to the interview's questions adhere to the two motivations established by the aforementioned sources and provide clear trends towards key influential factors that shaped the decision that was made by municipalities regarding the policy. Ultimately, the academic foundation for this study correlated to the successful development of its data collection tool. This, in turn, led to the collection of results that helped determine the motivations of municipal policy actors that decided to opt out of retail cannabis stores.

## **RESEARCH FINDINGS:**

Interviews for this study were conducted with city councillors from a wide selection of municipalities with divergent characteristics. As noted earlier, all the interviews were conducted with municipal council members that were part of municipalities that decided to opt out of retail

cannabis stores. Municipal councillors were the only ones spoken to due to their responsibility to represent their local communities and their important role within the municipal policy process. The interviews were successful in determining trends in terms of shared motivations for why municipalities decided to opt out. As mentioned in the Research Methods section, councillors who participated in the study are referenced and quoted in an anonymous manner. They are referred to as Councillor A, Councillor B, etc. so as to distinguish their responses, yet hide their identities. . The use of anonymity for the participants was done to adhere to the expectations established by Western's Ethics Board. The aforementioned Statistics Canada size classification system was used to identify the type of municipality the participants represent. Councillors A, B, and D are from large-sized municipalities, Councillors E, F are from medium-sized municipalities, and Councillor C is from a small-sized municipality. Therefore, the variety in participant sample means that a proper representation of the different municipal experiences was effectively articulated in this study. Examinations of the study's results are presented below. These results are then followed by an analysis of what these findings indicate for municipal governance and furthermore what recommendations can be ascertained from the acquired results.

The issue most frequently mentioned by the study's participants was the provincial government's decision to move public distribution from the LCBO to a private distribution model. This particular subject was the only one that was mentioned by every single councillor that was interviewed as a key motivation for why they chose to opt out. The conducted interviews captured the opinion that council members "didn't think the policy [was] the right direction" in that it moves away from the standard Ontario direction when dealing with recreational substances (Councillor A, personal interview, June 18<sup>th</sup>, 2019). The only other truly comparable example is alcohol. The argument presented is that cannabis distribution should be

“the same as alcohol” where government “professionals could handle all the various needs better” than any private business (Councillor B, personal interview, June 19<sup>th</sup>, 2019; Councillor A, personal interview, June 18<sup>th</sup>, 2019). Overall, the opinion expressed by all the interviewed councillors was that cannabis “should not have been private distribution. It should have been similar to the LCBO” (Councillor F, personal interview, July 4<sup>th</sup>, 2019).

The consistent negative reactions amongst the councillors towards the privatization approach of retail cannabis stores are also derived from similar reasons. The main concern with the privatization approach “[came] down to safety” in terms of properly upholding government regulations (Councillor A, personal interview, June 18<sup>th</sup>, 2019). To elaborate further, the idea of retail cannabis stores “being run independently, from shop to shop would mean there may be different training, regulations, ways of dealing with issues”, thereby signifying a lack of operational consistency (Councillor D, personal interview, June 26<sup>th</sup>, 2019). Additionally, it was stated that the LCBO had the best “training in recreational substances and they would administer the age restrictions better than any [private] store own”, indicating a lack of trust towards the private store model (Councillor A, personal interview, June 18<sup>th</sup>, 2019).

The need for proper oversight comes from the fear of age limit regulation abuses, specifically private stores selling to minors. The most common example provided to defend this distrust of the private sector is the lack of proper regulation enforcement. One example provided was how “illegal cigarettes [are] being sold to kids. We see them taken out of packages and sold to kids 3-4 at a time. It’s a reality”, especially as private stores often “don’t have the tools, or know-how, or become more lax down the road” in terms of properly upholding government regulations (Councillor D, personal interview, June 26<sup>th</sup>, 2019; Councillor F, personal interview,

July 4<sup>th</sup>, 2019). The expressed distrust towards the private sector's ability to uphold regulations clearly play a huge role in terms of councillors supporting a government controlled model.

The decision to embrace the private sector over a government-controlled model was the most critical factor in influencing councillors to decide to opt out. This position was made quite evident in the interviews where it was articulated that “ultimately, I have to say, had you left it being regulated by an LCBO body, I don't think anybody would be complaining” about the retail cannabis store rollout (Councillor D, personal interview, June 26<sup>th</sup>, 2019). This argument was further reinforced by other councillors who bluntly stated, “we opted out because of local retail stores. We would have opted in for the LCBO” and that overall these municipal policy makers “would not support private stores” in their respective municipalities for cannabis distribution (Councillor A, personal interview, June 18<sup>th</sup>, 2019; Councillor B, personal interview, June 19<sup>th</sup>, 2019). The use of a government entity would “provide [...] more confidence that [cannabis] wouldn't be abused” and would help encourage positive public perception towards cannabis and the stores themselves (Councillor F, personal interview, July 4<sup>th</sup>, 2019; Councillor D, personal interview, June 26<sup>th</sup>, 2019). Ultimately, these responses demonstrate that the debate on public versus private is a key issue for municipal leaders and furthermore presents a strong indicator that “it's all about implementation” in terms of influencing councillors to opt out (Councillor C, June 21<sup>st</sup>, 2019).

A lack of municipal agency, in terms of influencing the quantity and location of retail cannabis stores, is the second most frequently mentioned issue. It was initially articulated that it was a positive direction for the provincial government to allow “municipalities to decide whether to open a cannabis store or not” in their community through the opt in or out approach (Councillor B, personal interview, June 19<sup>th</sup>, 2019). However, it was then noted in multiple

interviews that this positive direction was offset by the fact that “the province dictates” the location and quantity of the stores based off their lottery system (Councillor D, personal interview, June 26<sup>th</sup>, 2019). The inability to choose the location and number of stores made councillors uncomfortable about opting in. Many stated that “we would be more comfortable if municipal governments had a say in where the store could go in their community”, especially as the placement of the stores was an important issue for some councillors and constituents (Councillor C, personal interview, June 21<sup>st</sup>, 2019). Important because the new placement rules restrict retail cannabis stores in that they “can’t setup shop 150 metres away from a school” yet due to the size of some schools on their property that means they could open directly across the street (Councillor C, personal interview, June 21<sup>st</sup>, 2019). This resistance to the current regulations can be tied to the previously mentioned issue of distrust towards private distribution. Fears of cannabis finding its way into the hands of minors are a seriously contentious issue for many individuals, in the same way as cigarettes or alcohol being sold to minors.

The issue of not having any control of the stores’ locations also comes from the perception that the province is not as connected to a municipality in the same manner as a municipal council. The expressed opinion was that “you need to know the communities you are placing these stores in and a provincial government would not properly know” due to them having to govern an entire province (Councillor D, personal interview, June 26<sup>th</sup>, 2019). Councils that opted out perceive themselves as “better ones to understand where to locate the stores” due to their familiarity with their municipality and its unique characteristics (Councillor D, personal interview, June 26<sup>th</sup>, 2019). Therefore, the argument is that the province should “give us back the ownership to determine where [retail cannabis stores] can be located” so that local governments can serve their constituents by determining the stores’ best locations within their respective

municipalities (Councillor D, personal interview, June 26<sup>th</sup>, 2019). The lack of agency led municipalities to decide to “not allow retailing at that moment” as they felt they could not adequately represent the interests of their constituents (Councillor F, personal interview, July 4<sup>th</sup>, 2019). Overall, strong correlations were drawn between the lack of control of retail cannabis store locations and the decision to opt out.

The reduced level of political agency for municipalities, within the province’s retail cannabis store policy, was additionally demonstrated from the lack of control municipalities had over the quantity of stores. Lack of municipal oversight towards how many stores could be implemented was further exacerbated from the lack of information provided to local governments. Specifically, about policy details and how there was “not a lot of consultation” with municipalities before the policy’s provincial rollout (Councillor C, personal interview, June 21<sup>st</sup>, 2019). A lack of information led councillors to express fears that they were being put in a situation where “anyone [could] open up a shop on any corner”, which was problematic for some municipalities and their constituents as well (Councillor E, personal interview, June 28<sup>th</sup>, 2019). It was expressed in one interview that there was “support [for] a store in my municipality” but that “a shop on every corner is a different story” as there was little information regarding if the number of stores would be regulated (Councillor E, personal interview, June 28<sup>th</sup>, 2019). The public versus private issue was once more brought up as it was noted:

“... if provincial governments aligned the way they regulate cannabis with alcohol we would only have two shops. We have two LCBOs. If it was regulated the same way we would have two shops in our municipality and I feel my community would be ok as well with that amount.” (Councillor E, personal interview, June 28<sup>th</sup>, 2019).

The private versus public issue is directly connected to the expressed concern by municipalities towards the lack of governmental oversight in terms of the quantity and locations of retail

cannabis stores. Implementing a government-managed store similar to the LCBO would have led to increased regulations regarding the number and placement of retail cannabis stores within municipalities. Ultimately, the two most noted trends demonstrate how a rollout that adhered to Ontario's traditional approach towards recreational substances would have led to increased numbers of municipalities deciding to opt in.

The third trend determined by this study for municipalities to opt out is the strategic benefit gained from waiting to opt in. A majority of the councillors interviewed noted that "this legislation is still new so we don't know what impact it'll have yet" so the strategic decision was made by various councils to opt out as they can decide to opt in at a future time (Councillor B, personal interview, June 19<sup>th</sup>, 2019). This decision is tied to the previously mentioned issue of there not being enough information for municipalities in terms of properly understanding the repercussions of opting in. The lack of collaboration between the provincial and municipal government has led to a fear of "too many unknowns. No ability to pull back once opted in if unknown issues arise"; this is especially true as legal cannabis is a new concept that has not been implemented in many places (Councillor E, personal interview, June 28<sup>th</sup>, 2019). A lack of comparable examples means it is hard to predict "the outcome [as] we didn't know what the impacts would be: positive or negative", therefore the decided course of action became "say no now, cause we can say yes later" (Councillor F, personal interview, July 4<sup>th</sup>, 2019).

The decision to wait comes from a strategic perspective as seeing the impacts for other municipalities. This can inform future decision-making for policy-makers in municipalities that opted out. These municipalities decided they "didn't want to be guinea pigs" so the strategic choice became to "say no right now on the safe side and see how other cities are doing" before making the irreversible choice to opt in (Councillor B, personal interview, June 19<sup>th</sup>, 2019). A

few of the councillors interviewed expressed some of the concerns they had regarding potential impacts the retail cannabis stores could have for their municipalities. One stated factor was “how many more police will need to patrol and control for smoking cannabis” with the concern being related to the cost associated with those additional officers (Councillor B, personal interview, June 19<sup>th</sup>, 2019). Financial costs were a huge factor, specifically in enforcing the by-laws that regulated the stores and cannabis smoking itself. The opinion was that “the minimal amount of dollars we were going to receive [...] far outweighed the challenges we foresaw if we did say yes”, especially as “the lack of knowing the impacts” was further exacerbated due to a lack of proper information regarding policy specifics (Councillor C, personal interview, June 21<sup>st</sup>, 2019; Councillor F, personal interview, July 4<sup>th</sup>, 2019). Inability to properly ascertain the financial costs associated with retail cannabis stores in relation to law and by-law enforcement led to the decision to wait and see how those costs affected other municipalities. Overall, for municipalities unsure of how privately run retail cannabis stores fit into their communities, opting out is clearly the strategic choice as additional insight can be gained with no resulting substantial negative repercussions.

The literature review for this study mentioned how biases, based on pre-conceived notions about the negative impacts cannabis has on local communities, as key factors that led to municipalities resisting cannabis distribution in their communities. When councillors participating in this study brought up the strategic decision to wait, there was an expectation that biases would play a leading factor in their decision. However, only one participant outwardly stated that cannabis could have potentially detrimental effects for communities. They expressed concern about correlations was between retail cannabis stores and their potential “negative impact to property values” as part of the motivation to strategically wait to opt in (Councillor F,

personal interview, July 4<sup>th</sup>, 2019). Be that as it may, this comment was stated in a manner that suggested it came more from an ambiguity of knowing the impacts of retail cannabis stores rather than from any preconceived bias towards cannabis itself.

The main reason for strategically waiting, articulated by a majority of the councillors involved in this study, is so that they can “[stay] at the table as they want to see how it works for other municipalities, what challenges they are experiencing, and whether [they] should opt in” based on what they observe (Councillor E, personal interview, June 28<sup>th</sup>, 2019). These results demonstrate that opting out is not a permanent decision for many municipalities. It is a temporary decision being made as a political response by municipalities that want to properly understand what it means to have retail cannabis stores within their local communities. The overall impression given by the policy-makers in this study is that they perceive cannabis as “a legal thing in Canada. If you don’t want to embrace it don’t, but it is still going to happen” (Councillor C, personal interview, June 21<sup>st</sup>, 2019). In addition, issues that led to municipalities opting out are linked to the policy’s framework not, as initially thought, because of concerns that cannabis is too morally contentious for one’s respective community (Councillor C, personal interview, June 21<sup>st</sup>, 2019).

The debate on whether biases that perceived cannabis itself as a detriment to local communities was examined through the interviews conducted for this study. This study’s interview incorporated a question that investigated whether there were strong undercurrents of resistance towards cannabis within municipalities that decided to opt out. It was determined that some citizens are part of cultural groups that “culturally and country-wise [...] see cannabis as a hard drug. So they tend to be less accepting of the legalization of cannabis” as they are socialized to be against any recreational substances (Councillor B, personal interview, June 19<sup>th</sup>, 2019).

Additionally, it was noted that “the older demographic” were vocal in their opposition to cannabis (Councillor C, personal interview, June 21<sup>st</sup>, 2019). The view expressed by one councillor was that, for the elderly, cannabis had “always been illegal during their time. Always seen as something bad and frowned upon” and was therefore seen as something that would lead to the moral deterioration of society (Councillor C, personal interview, June 21<sup>st</sup>, 2019). It was further noted in the interviews that “faith or beliefs’ could influence some constituents in terms of shaping their negative views on cannabis (Councillor F, personal interview, July 4<sup>th</sup>, 2019). Finally, one councillor stated that people that had been affected by hard-core drugs that felt cannabis was a “gateway” for harder drugs could also exhibit opinions that are resistant to cannabis being introduced into their respective communities (Councillor E, personal interview, June 28<sup>th</sup>, 2019). Ultimately, the impressions from conducted interviews are that “there are definitely people in [their] communities who see it as morally contentious” but that these groups are the minority within the municipalities examined for this study (Councillor E, personal interview, June 28<sup>th</sup>, 2019).

What impact did local resistance have on municipalities in terms of their decision to opt out? The responses from a majority of the interviews indicate, “... the morally contentious stuff was not influential. Council decision was almost unanimous but wasn’t associated with moral issues”. Thus indicating a lack of negative biases impacting the vote to opt out (Councillor D, personal interview, June 26<sup>th</sup>, 2019). One councillor offered a different response for their municipality. They described their community as being “like a little village in Europe” where everyone knows what everyone else is doing (Councillor D, personal interview, June 26<sup>th</sup>, 2019). This characteristic had led to fears within that municipality’s council that “if we started implementing these shops without proper consent, we would be all inundated with phone calls”

signifying that community resistance to cannabis had an affect on the decision to opt out (Councillor D, personal interview, June 26<sup>th</sup>, 2019). Even within the context of resistance towards cannabis from preconceived biases, the articulated issue in the abovementioned municipality can still be linked to a policy issue. The community's negative reaction comes from the inability of the municipality to properly decide the location of retail cannabis stores.

Aside from the one example, the remainder of the interviewed councillors emphasized how negative perceptions towards cannabis did not seriously impact their decision to opt out. The majority of responses state that no "socio-economic issues" were discussed at length by council as they "try to make decisions based off what's legal and leave moral decisions to others" and that overall they "[didn't] think socio-economic issues made a major difference" in terms of the final council decision to opt out (Councillor E, personal interview, June 28<sup>th</sup>, 2019; Councillor C, personal interview, June 21<sup>st</sup>, 2019; Councillor A, personal interview, June 18<sup>th</sup>, 2019). Although these results do indicate that biases attributed to socio-economic impacts from cannabis exist, for a majority of the municipalities that opted out these preconceived opinions had little effect on their final decision.

The interviews conducted for this study determined three key trends that have been attributed to be the greatest influences in terms of being the deciding factors for municipalities to opt out of retail cannabis stores. These factors were: the move from a government distribution model to a private sector model; the lack of municipal influence in terms of the quantity and location of stores; and finally the strategic decision to wait due to a lack of information regarding the policy were the main issues. These results indicate that the decision to opt out was tied directly to issues concerning the policy framework itself. In fact, the three main factors are linked together. If the province had pursued a public distribution model similar to the LCBO,

concerns regarding regulation enforcement would have been tempered. The use of an LCBO model for cannabis would have correlated to additional government oversight in terms of quantity and location, as is the current case for the LCBO where there are limits to how stores there can be within a municipality and their locations are determined via cooperation between the province and municipal governments. Some municipalities would still choose to strategically wait so as to observe other municipalities' experiences with the stores. However, the responses expressed by those interviewed gives the impression that the decision to opt in would have been far more greatly considered if cannabis had been handled by a government management model. Ultimately, it is clear that the main issues of contention come from the policy's framework and implementation concerning the range of municipalities sampled.

### Table Of Interview Results

*This table reveals the issues brought up by this study's interviews with municipal councillors. It presents how many councillors stated similar opinions, thereby demonstrating key trends from their responses.*

Issues	Participants	Total
<b>Disagreement with Private Distribution Model</b>	Councillors A, B, C, D, E, F	6
<b>Lack of Agency Towards Quantity and Location</b>	Councillors B, C, D, E, F	5
<b>Strategic Choice to Observe Other Municipalities</b>	Councillors B, C, E, F	4
<b>Concerns Toward Negative Socio-Economic Impacts</b>	Councillor B, E	2
<b>Retail Cannabis Stores Connected to Property Value Concerns</b>	Councillor F	1
<b>Cannabis Perceived as Morally Contentious</b>	None	0
<b>Retail Cannabis Stores Linked to Increased Crime Rates</b>	None	0
<b>Community Biases Directly Influenced the Opt Out Decision</b>	None	0

## **ANALYSIS:**

This study was fortunate enough to have recruited six enthusiastic participants who offered informative insight into the municipal experience with retail cannabis stores. The interviews provided results that clearly demonstrate key trends in terms of motivations for why municipalities opted out. The results from this study determined that there were three main factors that influenced municipal policy-makers in their decision. The results showed three independent variables that led to opting out: (1) the province's decision to utilize the private sector for production and distribution, (2) the inability of municipalities to have proper control towards the quantity and location of the stores, and, finally, (3) the strategic decision to wait to opt in due to a lack of consultation and overall information regarding how the two previously mentioned variables would impact municipalities. What do these results mean for municipalities and retail cannabis stores in Ontario?

In terms of the literature review, the results present clear differences in terms of the Canadian and American local government experience with retail cannabis stores. Studies that examined certain states that had legalized cannabis demonstrate how American city policy actors were fairly concerned with the potential negative socio-economic impacts that legal cannabis could have on their communities. Little is mentioned in terms of issues with the form of distribution or policy structure. The American studies contrast the results from Ontario municipalities. As the research findings have demonstrated, Ontario municipalities expressed few concerns of cannabis morally degrading local communities.

In terms of traditional concerns associated with recreational substances, such as violence, theft, addiction, decreased property values, etc., only property values were mentioned by one of the study's participants; and only as a small concern tied to the potential need to raise property

taxes to help pay for by-law enforcement. The difference between the two countries can perhaps be linked to how both countries have previously dealt with Cannabis. The United States has cannabis listed as a schedule I drug, in the same category as Ecstasy and LSD with associated legal penalties that are quite severe (Drug Enforcement Agency, n.d.). Canada, overall, has taken a far more relaxed stance on the drug for many years, thereby leading to an easier transition for cannabis into a legalized recreational substance. Overall, comparing the American studies to this study clearly demonstrates that U.S. policy makers are far more concerned with the impacts of cannabis itself within their communities.

These results demonstrate that Canadian municipalities are more focused on policy concerns than with fears directed toward the impact cannabis could have on their constituent. This finding corresponds to the study done by the CAMH in 2014. CAMH's study results indicated that Canadian citizens were more concerned with the process of how cannabis was distributed, specifically in terms of supporting high levels of government involvement in the process. The Canadian news media examined for this study also captured this insight. Numerous interviews within various news stories had councillors articulating concerns not related to the socio-economic impact of cannabis, but in fact related to issues with the policy itself. Media findings are presented in a sporadic and unfocused manner, yet clearly there is a connection between the results of the CAMH study, Canadian news outlets, and the results of this specific study. The logical conclusion to make is that the majority of municipal policy-makers, and their constituents, support legalized cannabis as long as the government is involved to provide secure and properly regulated distribution.

In the same manner that the aforementioned results demonstrate support for government involvement, they may also articulate distrust towards the private sector. Clearly, due to a

majority of Ontario's municipalities opting in, the benefits of retail cannabis stores in these communities outweigh their concern towards the private sector's involvement. However, close to 20% of Ontario's municipalities, including several larger cities, made the conscious decision to opt out. As the interview results demonstrated, the number one factor was: the province's choice to utilize a private sector model. These findings present the notion that there is little support for an American styled distribution model for recreational substances in Ontario.

Voiced concerns about regulations not being properly upheld and the lack of proper oversight towards store quantity and location were all prominently mentioned factors. These factors enforced the municipal distrust towards private sector operations for cannabis. These results clearly articulate a common distrust amongst Ontario municipalities towards the private sector's ability to regulate itself in an acceptable fashion. As indicated earlier, these perceptions have developed due to the Ontario tradition of having government involvement in recreational substances, specifically the LCBO. All the councillors interviewed expressed their support for the LCBO model in terms of it being the best approach due to the government's direct involvement in its day-to-day operations and its direct oversight over the number and location of its stores within Ontario municipalities. If there were more time, it would be interesting to interview other municipalities that opted in. The reason being that it would not be a surprise if similar concerns were shared between those who opted out and opted in; but that the demand and perceived benefits of retail cannabis stores outweighed the hesitation for a majority of municipalities. Overall, it is clear that Canadian municipal actors are more concerned about policy than with the notion of cannabis being morally ambiguous, especially when compared to the American examples provided within this study's literature review.

The Amsterdam study further conforms to the results of this study in terms of how it argues for a correlation between municipal support for cannabis and the political agency provided to those same local governments. The local government of Amsterdam had struggled with cannabis coffee shops, and had developed negative perceptions towards the entire sector, until the federal government of the Netherlands downloaded improved political power to Amsterdam. As noted in the literature review, municipal leaders were given the ability to ban cannabis coffee shops from controversial locations and they could close shops if they didn't conform to local policies. The situation in Ontario is obviously different. Unlike Canada, cannabis is not technically legal in Amsterdam, which led to the need for unusual powers to be granted to the city's local government. However, the results of this study do help promote the importance of the Amsterdam example in an Ontario municipal context. Although the situation is different, the issues are similar in that Ontario municipalities have expressed concerns towards their lack of political agency in dealing with retail cannabis stores. In fact, that was the second biggest concern articulated by local municipal council members. Therefore, the Amsterdam study's articulation towards increased political agency for local governments would definitely resonate with the councillors that were interviewed for this study and perhaps presents a future policy path that could be pursued by the provincial government.

The results found by this study fits into the Multiple Streams theoretical model. As noted earlier, this model was selected for this study due to how its three streams – the Problem Stream, the Policy Stream, and the Politics Stream – help to explain the decisions made by local policy-actors. Specifically, in terms of how the manner in which the provincial government rolled out its retail cannabis store policy created a focusing event where all three streams converged to create a policy window for municipal leaders to easily act upon. The timeline associated with the

decision to opt in or out led to a forced convergence of the interests involved in each stream. However, for this policy window there was little flexibility in terms of potential responses from municipal councils.

The limit of two options, opt in or out, greatly reduced any potential the policy window offered in terms of municipalities being able to tailor the retail cannabis store policy specifically for their own communities. Generally, councillors try to best follow the wishes of their constituents and local stakeholders. If a majority of the citizens supported and demanded a retail cannabis store it was an easy decision for municipalities to simply opt in. However, if a large number of constituents expressed concerns towards the stores' private sector model, the quantity of stores, and where they would be placed, it became far more difficult for municipal policy-actors to effectively address these apprehensions. This reduced ability to address their community's concerns can be linked to the lack of flexibility within the policy's framework and the approach taken for its rollout in Ontario. If there are mixed opinions from a variety of communities, councillors are still limited to two options.

The findings presented by this study demonstrate that the three streams converged due to issues with the policy itself. The problem stream became involved due to the responses of councillors and their constituents towards the approach being taken by the provincial government towards retail cannabis stores. A lack of support towards the legislation's design and implementation has led to a push from certain communities to opt out. The policy stream has municipal actors concerned with the private sector model approach. Additionally, they are unsure of how their constituents would react if there were a sudden large influx of retail cannabis stores within their neighbourhoods and at locations where the LCBO would not be permitted.

The timeline of the policy, intensive media attention, and a wide-spectrum of stakeholders putting pressure on local council led to the politics stream involvement. Municipal leaders had to act upon this policy in a quick manner, due to its timeline and the attention placed on it by the public and media. Converging these three streams within municipalities that opted out can be explained by this study's findings. The focusing event did not occur from a resistance towards cannabis itself within those communities. It happened as a response to perceived issues within the policy framework itself. The safest choice that would most effectively address the perceived issues expressed by all three streams was to make the decision to opt out and see how the policy worked for other municipalities. Ultimately, this study's findings determine that the focusing event for municipalities that opted out did not occur from community resistance due to negative perceptions toward cannabis, but rather was driven by a reaction to the policy's design and implementation.

## **RECOMMENDATIONS:**

The results from this study provide insight that can be used to potentially improve policies involved with recreational substances. The first recommendation is linked to the interviewed councillors referencing how uncomfortable they are with retail cannabis stores being completely operated by the private sector. This resistance is due to the fact that Ontario municipalities are used to government involvement with legal recreational substances. As demonstrated by the government's central involvement with alcohol via the LCBO and the current deal signed with the Beer Store where a variety of companies share ownership of the company. The Beer Store is technically privately run, however it is governed by the Liquor Control Act (LCA) and therefore is directly regulated by the LCBO (*Liquor Control Act, 1990*). Restrictions in terms of how many stores, where they can be located, what products it can sell,

and regulation enforcements are all overseen by the provincial government (*Liquor Control Act*, 1990). As noted earlier, retail cannabis stores do not adhere to the same system as the LCBO or Beer Store. Interested third parties can apply for a licence to operate a store, similar to a restaurant, which has led to expressed concerns from municipal actors.

The stated concerns towards the private sector distribution model should be taken to heart for future policies. As this study's findings indicate, if the province had stuck with original policy model of government distribution more municipalities would have been comfortable with the stores in their communities. In fact, a majority of the councillors interviewed correlated their level of eagerness to opt in directly to cannabis being handled by government operations. The recommendation is that for future rollouts in other countries, or policy revisions with Ontario itself, it is suggested that policy-makers should utilize existing distribution models that are familiar and supported by local municipal actors. The use of existing organizations should help elevate concerns. Local government leaders, and their constituents, are knowledgeable, and therefore more comfortable with whatever system is currently used, which, in turn, will lead to increased support for pioneering policies attached to more controversial items.

The second recommendation is associated with the need for added consultation with municipalities when implementing policies that affect their communities. One of the main reasons for opting out can be linked to the lack of details and municipal agency regarding the policy. Specifically, in terms of how many stores and where they would be located. The lack of consultation comes from the province's decision not to properly engage with municipal policy-actors when developing their retail cannabis store policy for Ontario. This recommendation is not implying that municipal policy-actors should have a role in every provincial policy. That would lead to a dysfunctional system as everyone would have their own opinions. However, in the case

of retail cannabis stores, these stores are opening up in communities that are directly represented by councillors. Providing these councillors with improved knowledge towards policy specifics and also offering improved political agency in terms of store amount and placement, would correlate to higher levels of support for the policy. More importantly, municipal actors would feel as if they would be able to better respond to needs and concerns of their constituents regarding cannabis and the stores distributing it.

## **CONCLUSION:**

To conclude, this study determined that municipalities decided to opt out due to concerns regarding the retail cannabis store policy. Preconceived biases tied to cannabis' potential negative socio-economic impacts on local communities had little influence towards the decision. The reaction to the policy's framework, and its rollout, led to the focusing event that opened a policy window allowing municipal policy-makers to respond quickly to the issue. The decision to opt out was clearly a reaction to the three streams converging due to widespread concerns from a variety of municipal actors and stakeholders regarding the policy' structure and implementation. Resistance towards the private sector management of retail cannabis stores, the need for added municipal political agency in terms of the number and location of the stores, and the strategic decision to wait are all key trends that emerged from the interviews. Overall, these results demonstrate that provincial policies need be more aware of the expressed concerns and preferences of municipal councils, especially when those policies have a direct impact on local communities.

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## Appendix 1: Letter of Information and Consent

**Study Title:** An Examination of Municipal Policy-Makers' Experiences Towards theof Retail Cannabis Stores Within Ontario

### Principal Investigator:

Dr. Joseph Lyons  
Assistant Professor  
Director, Local Government Program  
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### Co-Investigator:

Mark Dean  
MPA candidate  
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226-219-9897

### Introduction

You are being asked to voluntarily participate in research examining how policy-makers perceive the implementation of physical cannabis stores within Ontario. You are being asked to participate in this study due to your role as an elected councillor in your municipality.

The purpose of this letter is to provide you with the information you need to make an informed decision about whether or not you would like to participate. It is important that you know what the study involves. Please take the time to read this letter carefully and feel free to ask the research staff any questions if you would like to understand some part of it better.

If you agree to participate over the phone, a letter of information and consent will be immediately emailed to you. The letter must be signed and emailed to myself, Mark Dean, the co-investigator or to the primary investigator, assistant professor Joe Lyons. Following your signed consent, the semi-structured interview can then be conducted.

### Background/Purpose

The purpose of this study is to examine the perceptions that municipal policy-makers have towards the province's physical cannabis store legislation. In late 2018, the Ontario provincial government announced it would introduce legislation that set out a new private cannabis retail store model. Individual municipalities could decide by January 22<sup>nd</sup>, 2018 on whether they wanted to opt in or opt out of the endorsement of stores within their areas of governance. If a municipality opts in to the stores they receive numerous financial benefits, yet cannot decide the location of the store and also cannot change their minds. If they opt out, they receive no benefits but can decide to opt in at any time in the future.

This study aims to examine the various reasons that policy-makers have decided to opt out of their endorsement towards physical cannabis stores being introduced within their municipality. A look at municipalities opting out will offer improved insight towards the motivations that shaped

the opting out decision and whether the conclusions presented by literature that has examined policy-maker perceptions towards legalized cannabis has transferable applications to the experiences of Ontario municipalities. Additionally, this study wants to determine policy-maker's perceptions towards the actual implementation process that was decided up by the provincial government and whether it had an impact on the opting out decision.

### **Expected Duration of Study**

It is expected that the study should take no longer than thirty minutes to one hour and there will be no follow-up studies. The semi-structured interview portion of this study will be conducted through a telephone interview or video conferencing.

### **Procedures**

If you agree to participate in this study, you will be asked to engage in a semi-structured interview related to your perceptions towards physical cannabis stores and the legislation itself and how they relate to the municipality's decision to opt out. These interviews will be audio-recorded upon your consent. The audio-recording is optional, and if you decline then the interview will be recorded through written documentation.

### **Voluntary Participation**

Your participation in this study is voluntary. You may decide to not to be in this study. If you agree to participate you have the right to not answer any questions and can withdraw from the study at any time. If you decide to not participate or to leave the study at any time it will have no effect on you.

### **Withdrawal from Study**

If you decide to withdraw from the study, you have the right to request (e.g., by phone, in writing, etc.) removal of the information that has been collected about you. If you request information to be deleted please let the researcher know and your information will be removed from our records immediately. Once the study has been published we will not be able to remove your information. We will not include any personal information within the study itself.

### **Risks**

There are no known or anticipated risks or discomforts related with contributing to this study.

### **Benefits**

You may not directly benefit from participating in this study, but information gathered may provide benefits towards understanding how the political views of municipal councils have impacted the implementation of physical cannabis stores in Ontario. Additionally, learning about whether council members had issues with the cannabis policy implementation will offer benefits towards an improved understanding of the relationship between provincial and municipal governments within Ontario. Any trends that emerge from the semi-structured interview will

provide beneficial insight towards the cannabis legalization experience within municipal governments.

### **Confidentiality**

Representatives of Western University's Non-Medical Research Ethics Board may need access to your study-related records to monitor the conduct of the research.

When the results of the study are published, your name and the name of your municipality will not be used. If you agree to share your data it is expected that researchers on this project will analyze this data for the purpose of determining municipal government perspectives towards provincial physical cannabis store legislation; however, it is impossible to predict all the ways this data could be analyzed in the future.

While we will do our best to protect your information, there is no absolute guarantee that we will be able to do so. The principle investigator will keep all personal information about you in a secure and confidential location for 7 years.

### **Costs**

There are no costs associated with your participation in this study.

### **Compensation**

You will not be compensated for your participation in this research.

### **Rights as a Participant**

Your participation in this study is voluntary. You may decide not to be in this study. Even if you consent to participate you have the right to not answer individual questions or to withdraw from the study at any time. If you choose not to participate or to leave the study at any time it will have no effect on you or your employment status.

You do not waive any legal right by consenting to this study.

We will give you any new information that may affect your decision to stay in the study.

### **Questions about the Study**

If you have questions about this research study, please contact Principal Investigator, Professor Joseph Lyons at [jlyons7@uwo.ca](mailto:jlyons7@uwo.ca) or 519-661-2111 ext. 85168.

If you have any questions about your rights as a research participant or the conduct of this study, you may contact The Office of Human Research Ethics (519) 661-3036, 1-844- 720-9816, email: [ethics@uwo.ca](mailto:ethics@uwo.ca). This office oversees the ethical conduct of research studies and is not part of the study team. Everything that you discuss will be kept confidential.

**CONSENT FORM**

**Study Title:** An Examination of Municipal Policy-Makers' Experiences Towards the Provincial Implementation of Physical Cannabis Stores Within Ontario

**Principal Investigator:**

Prof Joseph Lyons  
Assistant Professor  
Director, Local Government Program  
Department of Political Science  
Western University

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519-661-2111 ext. 85168

**Co-Investigator:**

Mark Dean  
MPA candidate  
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226-219-9897

I have read the Letter of Information and Consent. I have had the nature of the study explained to me and I agree to participate. All questions have been answered to my satisfaction.

Please place checkmark in the box if giving consent for audio recording [ ]

Please place checkmark in the box if giving consent for non-identifiable quotes [ ]

\_\_\_\_\_  
Name of Participant (please print)

\_\_\_\_\_  
Signature of Participant

\_\_\_\_\_  
Date

My signature means that I have explained the study to the participant named above.  
I have answered all questions

\_\_\_\_\_  
Name of person responsible for obtaining this consent (please print)

\_\_\_\_\_  
Signature of person responsible for obtaining this consent

\_\_\_\_\_  
Date

## Appendix 2: Recruitment Email

Hello Councillor \_\_\_\_\_,

We acquired your email from the Ontario Ministry of Municipal Affairs and Housing database. You are being invited to participate in a study that I, Mark Dean, MPA candidate & co-investigator, and Dr. Joe Lyons, as the principle investigator, are conducting for Western University's MPA program. The study involves a semi-structured interview over the phone that is approximately thirty-minutes in length. The study focuses on the provincial policy of legal cannabis stores. Specifically, about how municipal policy-makers from municipalities that opted out of the physical cannabis store policy perceive their community, the policy, and physical cannabis stores.

If you would like more information on this study or would like to receive an official letter of information about this study please contact one of the researchers at the contact information given below.

### **Principal Investigator:**

Dr. Joseph Lyons  
Assistant Professor  
Director, Local Government Program  
Department of Political Science  
Western University

jlyons7@uwo.ca  
519-661-2111 ext. 85168

### **Co-Investigator:**

Mark Dean  
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mdean25@uwo.ca  
226-219-9897

## Appendix 3: Semi-Structured Interview

### Warm-Up Questions

- 1) What are some of the successes and challenges currently being experienced by your municipality?**

*[Probe:] Can you give me some specific examples?*

- 2) Can you please describe the main characteristics of your municipality, in terms of community's culture, as a policy maker in local government?**

*[Probe specifics:] (Older, younger, conservative, liberal, politically active, new economies, losing young people, growing, shrinking, etc. )*

In-Depth Questions

**1) Is cannabis seen as a morally contentious issue by the community?**

*[Probe:] If yes, ask why? Can determine ideology towards social issues]*

**2) What are your opinions on the current provincial government's approach towards the cannabis store policy implementation?**

*[Probe:] Ownership: Private vs Public perception. New government policy contrasted to previous government policy/participation agreements.*

**3) What are the main reasons your municipal council decided to opt out of physical cannabis stores?**

*[Probe:] Ask for further detail if interviewee mentions crime/policy implementation issues/moral grounds/impact towards property value/ any socio-economic effects. Probe in terms of how these perceptions developed and how they shaped the political discourse within the municipality towards cannabis store legislation.*

**4) Are there any key factors that would influence your municipal council to change its position to one that supports opting in for physical cannabis stores?**

*[Probe: follow up any answers with 'why?' to better determine the key factors that played a role in the motivations behind the municipality's council opting out of the physical cannabis stores]*