



No.: 42585
PENTICTON Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

CITY OF PENTICTON

PETITIONER

AND:

GREEN ESSENCE HEAD SHOP INC.

RESPONDENT

CONSENT ORDER

BEFORE A JUDGE OF THE COURT) 03 NOV 2017
)

ON THE APPLICATION of the Petitioner, and upon hearing Troy DeSouza, lawyer for the Petitioner, and a representative for the Respondent, Green Essence Head Shop Inc., and **THE MATTER** coming on before me by way of Desk Order; **AND BY CONSENT;**

THIS COURT ORDERS that:

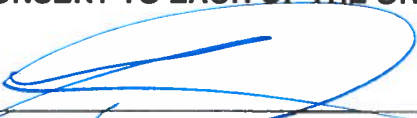
1. The Respondent is enjoined and prohibited from using, importing, storing, keeping, transferring, processing, selling, distributing, displaying, advertising, or prescribing marijuana, marijuana-based products, or any substance prohibited by the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19 (the "**CDSA**"), anywhere within the boundaries of the City of Pentiction, including at the Respondent's business premises located at 101-351 Westminster Avenue West, Pentiction, B.C. (the "**Property**").
2. For greater clarity, the Respondent is enjoined and prohibited from running any website, social media account, or other online presence which advertises, offers,

or sells marijuana, marijuana-based products, or any other substance prohibited by the *CDSA*, to any person within the boundaries of the City of Penticton.

3. Subject to compliance with other terms of this Order, nothing in this Order prohibits the Respondent from operating a lawful business, including:
 - a. selling bongs, pipes, smoking vessels, lighters, torches, or rolling papers in a manner which complies with all City of Penticton Bylaws, including the *Good Neighbour Bylaw*, defined below; and
 - b. operating a “wellness centre”, which includes:
 - i. selling memberships for Green Essence Head Shop Inc. and other similar societies; and
 - ii. providing consulting, educational, or advocacy services related to the use of medical marijuana as an alternative source of medicine.
4. The Respondent must obtain and comply with all conditions and requirements of a business license issued to it by the City of Penticton.
5. In addition to any other remedy available to the Petitioner, the Petitioner may revoke the Respondent’s business license if the Respondent contravenes paragraphs 1 or 2 of this Order.
6. The Respondent must obtain and maintain no less than \$2 million in general liability insurance related to the operation of its business, and will upon request by the Petitioner, provide proof of such insurance to the Petitioner or its agents.
7. The Respondent must comply with all City of Penticton Bylaws, including as amended:
 - a. City of Penticton *Business Licence Bylaw No. 2012-5020* (the “**Business Licence Bylaw**”);
 - b. City of Penticton *Zoning Bylaw No. 2017-08* (the “**Zoning Bylaw**”);
 - c. City of Penticton *Fire & Life Safety Bylaw No. 2004-57* (the “**Fire Bylaw**”);
 - d. City of Penticton *Building Bylaw No. 94-95* (the “**Building Bylaw**”); and
 - e. City of Penticton *Good Neighbour Bylaw No. 5030* (the “**Good Neighbour Bylaw**”).

8. The Respondent must comply with the:
 - a. *Fire Services Act*, [RSBC 1996], Chapter 144, its *Regulations*, and the *British Columbia Fire Code*; and
 - b. *Building Act*, [SBC 2015], Chapter 2, its *Regulations*, and the *British Columbia Building Code*;
9. The Petitioner, its staff, agents, building inspectors, fire inspectors, bylaw inspectors, or the RCMP, may enter the Property or Business at any time between 9:00 a.m. and 9:00 p.m. to verify compliance of this Order.
10. The Petitioner may conduct an examination for discovery of a representative of the Respondent pursuant to *Supreme Court Civil Rule 7-2*.
11. The Respondent will provide a copy of this Order to its directors, managers, employees, and volunteers.
12. The Respondent indemnifies the City of Penticton of any claim or action arising from this Order or the Property.
13. For greater clarity, each term of this Order is in addition to, and not a substitute for, any other requirement under the laws of Canada, British Columbia, or the City of Penticton.
14. The parties will bear their own costs of this Order.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS NOTED ABOVE:



Troy DeSouza,
Lawyer for the Petitioner



Authorized Signatory for the Respondent
Green Essence Head Shop Inc.

BY THE COURT

Registrar