



Office of the Commissioner
Transportation Services

Memorandum

To: Regional Council

From: Paul Jankowski
Commissioner of Transportation Services

Date: September 13, 2018

Re: **York Region and York Regional Police Joint Services Agreement
Amendment**

This memorandum supplements the above-noted report and requests an amendment to that report to include additional powers be granted to YRT Special Constables to enforce limited provisions under the *Cannabis Act, 2017*.

Background

On September 6, 2018, Committee of the Whole received a report recommending that York Regional Police Services Board grant York Region Transit (YRT) Special Constables additional powers to permit them to enforce certain provisions of the *Mental Health Act, Liquor Licence Act* and *Trespass to Property Act*.

Following the submission of this report, the Region received an All Chiefs of Police memorandum from the Ministry of Community Safety and Correctional Services regarding the *Cannabis Act, 2017* and enforcement powers for Special Constables. The *Act* comes into force on October 17, 2018.

The memorandum advised that if an employer determines that a Special Constable will be enforcing the *Cannabis Act, 2017*, or particular sections of the Act, the appointment of that Special Constable will need to be amended to reference the new legislation.

Staff recommend granting limited powers under the *Cannabis Act, 2017* to enable Special Constables to address issues relating to the use and possession of recreational cannabis on the transit system

YRT Special Constables currently have limited authorities, focusing on fare-related offences.

In the report, staff has requested an expansion to those powers to respond more effectively to incidents of mental health emergencies, alcohol-related issues and trespass offences.

While the Region's Transit Bylaw (2017-7) does prohibit cannabis use on transit facilities, specific powers set out in the *Cannabis Act, 2017* would provide Special Constables with additional tools to address cannabis use on transit property, without requiring police intervention.

Staff recommends making a request to the Police Services Board to allow YRT Special Constables to enforce the following provisions of the *Cannabis Act, 2017*:

- Section 10 (Prohibitions on possession, etc., by persons under 19)
- Section 11 (Restrictions on places of consumption)
- Section 19 (Arrest without warrant)

Section 10 – *Cannabis Act, 2017*

This section provides that no one under the age of 19 shall possess, consume, attempt to purchase, purchase or distribute cannabis.

Section 11 – *Cannabis Act, 2017*

This section provides that no person shall consume cannabis in:

- a) a public place;
- b) a workplace within the meaning of the *Occupational Health and Safety Act*;
- c) a vehicle or boat; or
- d) any prescribed place.

This would include all York Region transit facilities.

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Section 19 – *Cannabis Act, 2017*

This section addresses situations where if an individual refuses to give his or her name and address to a police officer or the police officer has reasonable grounds to believe that the name or address given is false, the police officer may then arrest the person without a warrant.

The above sections would provide YRT Special Constables the ability to properly investigate and enforce offences on the transit system relating to the consumption and use of cannabis. Special Constables currently have limited authority to lay charges under the Transit Bylaw relating to the use of cannabis; however, the additional authorities would provide enhanced powers to manage incidents without the intervention of York Regional Police.

It is anticipated that granting additional powers to address incidents involving recreational cannabis use on the transit system would have a positive impact on the services provided for the Region's travellers. Staff recommend that Council request the York Regional Police Services Board to grant these additional powers and that the Joint Services Agreement be amended accordingly.

For more information on this memo, please contact Ann-Marie Carroll, General Manager, York Region Transit at 1-877-464-9675 ext. 75677.

Paul Jankowski
Commissioner of Transportation Services

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