

NO.: PEN-S-41880
PENTICTON REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE CORPORATION OF THE CITY OF PENTICTON

PETITIONER

JUKKA LAURIO

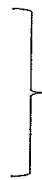
RESPONDENT

CONSENT ORDER

BEFORE



Madam Justice Baker
 A JUDGE OF THE COURT
or
 A MASTER OF THE COURT
or
 A REGISTRAR



Mon day, the *7th*
day of *May*, 2018

ON THE APPLICATION of the Petitioner, coming on for hearing at Kelowna, British Columbia, on May 7, 2018, and on hearing Troy DeSouza, counsel for the Petitioner City of Penticton, and Glen Nesbitt, agent for counsel for the Respondent, and BY CONSENT;

THIS COURT ORDERS that:

1. The Respondent, his employees and agents are until further order of this Court enjoined and prohibited from operating:
 - a. the "Herbal Green" marijuana dispensary business and cafe and the medicinal baked goods kitchen business known as "Herbal Green Café", also known as "Rush In and Finish Café" (collectively, the "Business") at the following properties:

Civic Address: 256 Westminster Avenue, Penticton, British Columbia
 PID 012-022-534
 Lot 7, District Lot 4, Group 7, Similkameen Division Yale (formerly Yale-Lytton) District, Plan 871

and

Civic Address: 248 Westminster Avenue, Penticton, British Columbia P1O 012-092-518 (together, the "Property"); and

- b. any other business within the boundaries of the City of Penticton, including at the Property, in a manner which contravenes the City of Penticton *Business Licence Bylaw No. 2012-5020* (the "**Business License Bylaw**") or the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19 (the "**CDSA**"). For greater clarity, this prohibition includes the following activities undertaken by the Respondent, his employees or agents while same are within the boundaries of the City of Penticton, to the extent such activities contravene the *Business License Bylaw* or the *CDSA*:
 - i. importing, using, storing, keeping, transferring, processing, cooking, selling, distributing, displaying, advertising, and prescribing marijuana or marijuana-based products or substances; and
 - ii. 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*.
2. The Respondent must comply with all City of Penticton Bylaws, including as amended or replaced:
 - a. the *Business Licence Bylaw*, defined above;
 - 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**").
 3. 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*;
 4. The Respondent will provide a copy of this Order to its directors, managers, employees, volunteers, and to the owner and landlord of the Property.
 5. In respect of the Municipal Ticket Informations brought by the City of Penticton against the Respondent, as set out in **Schedule "A"** to this Order, the Respondent shall by November 15, 2018 pay to the City of Penticton \$15,000.00 ("**Reduced Fine Settlement**") which is half of the \$30,500.00, actually owed to the City by the Respondent ("**Actual Fines**"). Failure to pay the Reduced Fine Settlement by November 15, 2018 will result in the Actual Fines be due and owing to the City of Penticton.

7. Leave granted to have this Order entered in Kelowna. - *ad*

6. Upon signing this order, both parties agree to file a consent dismissal order without costs on the Judicial Review action of *Jukka Laurio v. The Corporation of the City of Penticton* - S.C.B.C. Action No. S-S-115733, Kelowna Registry.

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

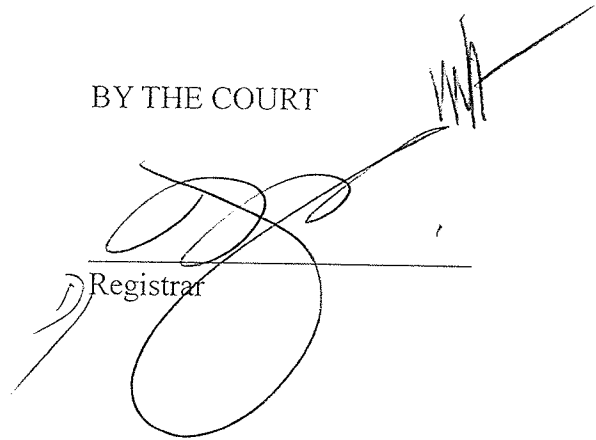


Troy Desouza
Lawyer for the Petitioner



Glen P. Nesbitt
Agent for lawyer for the Respondent

BY THE COURT



Registrar