

26TH REPORT OF THE
PLANNING AND ENVIRONMENT COMMITTEE

Special Meeting held on October 17, 2012, commencing at 7:04 PM, at Centennial Hall, London, Ontario.

PRESENT: Councillor B. Polhill (Chair), Councillors J.P. Bryant, D.G. Henderson, J.B. Swan and S. White and C. Saunders (Acting Secretary).

ABSENT: Councillor J.B. Swan.

ALSO PRESENT: Councillors D. Brown, M. Brown and H.L. Usher, J.M. Fleming, E. Lalande, J. Page, D. O'Brien, M. Tomazincic and B. Turcotte

I. DISCLOSURES OF PECUNIARY INTEREST

1. That it **BE NOTED** that no pecuniary interests were disclosed.

II. CONSENT ITEMS

None.

III. SCHEDULED ITEMS

None

IV. ITEMS FOR DIRECTION

2. Property located at 425 Wharnccliffe Road South (Z-8063)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of 1279154 Ontario Limited, relating to the property located at 425 Wharnccliffe Road South:

- a) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on October 30, 2012, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property **FROM** a Highway Service Commercial Special Provision (HS2(4)) Zone, which permits automobile sales and service establishments, offices, medical/dental offices, clinics, laboratories, retail stores, and liquor, beer and wine stores **TO** a Holding Highway Service Commercial Special Provision (h-5•HS2(_)) Zone to add to the list of permitted uses to include a methadone clinic, dispensing methadone to a maximum of 200 clients per day, subject to a holding provision that requires a public site plan process;
- b) the Civic Administration **BE DIRECTED** to address the following matters through the site plan process, prior to recommending the removal of the h-5 holding provision:
 - i) enhanced landscaping fronting onto Wharnccliffe Road South;
 - ii) a direct and easily identifiable pedestrian walkway from Wharnccliffe Road South through the parking lot to the main entrance of the facility;
 - iii) adequate bicycle parking facilities;
 - iv) fencing, made of high quality and lasting materials, to avoid any opportunity for pedestrian movement from the subject site to adjacent sites;
 - v) adherence to Crime Prevention Through Environmental Design principles; and,
 - vi) discrete entrance facilities to allow for client privacy;

- c) the Managing Director, Planning and City Planner **BE DIRECTED** to undertake a review, after March 20, 2013, of By-law No. Z.-1-122090, which sets out regulations with respect to the establishment of methadone clinics and methadone pharmacies in the City of London, to consider the appropriateness of including separation distances between methadone clinics and to include separation distances between methadone clinics and methadone pharmacies and Day Care Centres, using a similar public consultation process as was undertaken prior to By-law No. Z.-1-122090 being enacted;

it being noted that the Planning and Environment Committee reviewed and received the following communications with respect to this matter:

- a communication, dated June 25, 2012, from S.A. Campbell, Bayfield Realty Advisors Inc.;
- a communication, dated September 11, 2012, from M. Gutz, by e-mail;
- a communication from J. Langille, 29-368 Belgrave Ave.; and,
- a communication from G & E Markes, 44 MacKay Ave;

it being pointed out that at the public participation meeting associated with this matter, the following individuals made oral submissions in connection therewith:

- A. Patton, Patton Cormier and Associates, on behalf of the applicant – indicating that his client operates 47 clinics throughout Ontario; indicating that his client specializes in treating persons with addictions, including addiction to OxyContin, which requires the use of methadone to treat the addiction; indicating that addiction touches everyone; indicating that there are other methadone clinics in the City of London that many people are not aware of; indicating that methadone clinics are safe, unobtrusive and have no impact on neighbouring properties; indicating that the by-law amendment undertaken to introduce regulations for methadone clinics and pharmacies was a result of public consultation and no appeals to the by-law were received; indicating that his client's proposal meets the regulations set out in the by-law; expressing concern with the proposed limit on the dispensing of methadone to a maximum of 200 clients per day; indicating that his client was not advised of the proposed cap on dispensing; indicating that there are legal issues with respect to the proposed cap; indicating that the proposal represents sound land use planning; referring to page 12 of the staff report and expressing concern that potential impacts are being tested against the 528 Dundas Street clinic which is unfair as 528 Dundas Street is a very large clinic; indicating that he had advised Councillor Denise Brown that his client had placed an offer to purchase the subject property; indicating that the subject property exceeds the location criteria established by the Zoning By-law; indicating that concerns expressed must be related to land use matters only; indicating that placing a cap on dispensing is a human rights issue and impacts an individual's rights to access health care; and requesting that the Planning and Environment Committee approve the application as submitted, without a restriction on the number of clients that can be dispensed to a day.
- Penny Moore – indicating that she was a health care worker and is a cancer survivor; indicating that there are myths about methadone and that methadone is also a treatment for pain and not only to treat addiction; indicating that there are concerns raised with respect to the disposal of needles and that this is not just a concern relating to clinics; indicating that clinics need to be more spread out throughout the city; indicating that the administration of methadone is controlled by the College of Physicians; indicating that providing more clinics throughout the city, more patients would be served without lineups; indicating that people have a right to access health care; indicating that she lives in the area of the proposed clinic; and indicating that patients are required to sign a contract indicating that they will not sell methadone.
- Kelly Armstrong – indicating his concern is with the intensity of the use and the number of clinics in one area; indicating concern that it will be difficult to implement a cap of 200 patients a day without the proper tools; indicating that an intensity of bars in an entertainment district would be negative; questioning if due diligence was undertaken regarding the

number of patients to be served in this area; indicating that clinics need to spread out in the community to ensure that the patients are being served; indicating that the number of clinics in one area causes an undue burden on the area; indicating that smaller clinics throughout the city would be better; and indicating that a more conservative approach should be undertaken.

- Sarah Metcalf – indicating that there is too much concentration of clinics in the area; indicating that this clinic does not treat pain, but rather addiction; indicating concern with the disposal of needles and the closeness of day cares to the proposed clinic; indicating concern with the exposure to children waiting for buses; and indicating concern that the lawyer for the applicant has threatened legal action.
- Roger Depauw – indicating concern that there are three methadone dispensing clinics within 1 ½ kilometers of each other; questioning how many wards have methadone clinics; indicating concern with respect to the number of methadone clinics in old south; indicating concern that the patients being treated do not live in the area; and indicating no objection to methadone clinics, but rather concern with 3 methadone clinics being located in one area.
- Cheryl Austin, owner of Western Animal Clinic – indicating concern that the establishment of another methadone clinic in the area will effect businesses in the area; indicating that her Clinic has been broken into on a number of occasions; indicating that veterinary clinics are routinely broken into to access drugs; indicating that her staff pick up disposed needles and she pays to have those needles disposed of; indicating that the area already is serviced by existing methadone clinics; indicating that the Dairy Queen and daycare will not survive; indicating that Mr. Patton's comment that he will be appealing the placement of a cap on the number of patients that can be served in a day is an indication that this will be a high volume clinic; and indicating concern with the concentration of methadone clinics in the area.
- Abe Oudshoorn - indicating that he is a nurse; indicating that people need to focus on facts; indicating that the five methadone clinics are full, with one overflowing with patients; indicating that methadone is a synthetic replacement to opiates; indicating that patients do not get high on methadone; indicating that patients can continue to work when taking methadone; indicating that the impact of addiction is worsening and is a result of the lack of treatment being made available; indicating that lack of treatment results in increased costs to policing and health care; indicating that treating addiction will reduce crime and other related impacts; indicating that all clinics are for profit; indicating that people need to stick to the facts; and indicating that he supports the application.
- Lauren Star – indicating that she has small children; indicating concern with the volume of people that will be accessing the clinic; indicating that the patients will be stigmatized; indicating that the applicant has never indicated how many patients he intends to treat at the clinic; indicating lack of trust for the company given recent charges; and indicating that spreading the clinics throughout the city would be better.
- Nicholas Black – indicating that he is entitled to voice his opinion; indicating that 95 percent of the people who have spoken have indicated that they oppose the clinic; indicating that there is another clinic a block and a half away from this clinic; indicating that allowing this clinic would be a poor decision; indicating concern with the impact to business and residential values; and indicating that a class action suit will be brought against this City for loss of property value.
- Sam Osak – Western Day Care Centre – indicating concern that day care centres were not included in the separation distance requirement; indicating that Day Care Centres were not included in order to allow for more clinics; indicating that there are other opportunities to dispense methadone at smaller clinics; indicating that public safety should be one of the highest priorities; indicating that primary clinics and pharmacies should be separated; and requesting that amendments to the by-law be made to include licensed day care centres in the separation distance requirements.
- Megan Telfer – indicating that she is the child of an addict; indicating concerns with the competency of the doctors operating the clinics as a result of the recent allegations of improper practices and poor

management; indicating concern that the clinic would back on to a large green space area which provides a good place for people to hide; indicating that separation distance should include Montessori schools; indicating concern for the children attending the day care as they are vulnerable and are being exposed; indicating that addicts have the option of not being addicts, but children do not have a choice; requesting that the Zoning By-law be amended to include a separation distance for day care centres; enquiring as to whether minutes were taken from the meeting at the Hillside Church; indicating that there were allegations against the company discussed at the Hillside meeting; and indicating that Council needs to consider the credibility of the applicant.

- Stephen Hunt – indicating that he has no issues with smaller clinics; asking if there has been a specific study undertaken that identifies the need for an additional methadone clinic in this area: references the discussion paper that had been prepared as part of the original study regarding methadone clinics; indicating concern with five dispensaries within a five kilometer area; indicating that methadone clinics should be separated from one another; requesting that policies restrict methadone clinics from being located within the vicinity of schools, daycares, parks and places of worship; and indicated that he does not want a repeat of 528 Dundas Street.
- Dan Procap – thanking those people who attended the Hillside Drive meeting; indicating that each ward has a responsibility to host a methadone clinic; indicating an unfairness that three of the five existing clinics are in this ward; and indicating that house sales in the area have increased as a result of the methadone clinics.
- Ms. Rogerson, Dance London – advising that she has 350 students; indicating that the dance studio is not shown on the location map; indicating that during their camps, the children are walked to Dairy Queen daily; indicating that there is always staff at the studio; and indicating that she wants to keep her students safe.
- Justin Langille – indicating that he is documenting the project to determine whether or not the planning stages lead to the right conclusion; indicating that he worked and lived in East Vancouver, which is one of the worst, roughest areas in Canada and he came to know it as a great community; advising that he works in housing stability, which means that he works shifts to ensure that people that are ill are kept safe and clean and to help people from becoming homeless; advising that methadone provides people with a resource to get on with another phase of their life; indicating that he wholeheartedly welcomes another methadone clinic in Old South; advising that he has seen how people can become integrated in their community, not marginalized; indicating that it is hard when people cannot access what they need every day; advising that heroin is coming back on the market now that OxyContin is more controlled; advising that they should be seeking to integrate addicts into their neighbourhoods; noting that it is not safe for addicts to be in the same area as children; advising that this is an important decision that will help people now; and advising that this also supports safe injection sites, safe smoking sites for crack and can assist addicts and the community.
- Lori – indicating that her biggest concern is not children; advising that there are seniors in the area and you need to be concerned about them; recognizing that there is a need for methadone clinics; advising that if you put the clinic here, you will have lawsuits as people will get hit by traffic on Wharncliffe Road if they are in pain or cannot think straight; advising that there needs to be a reality check; and advising that having them enter a clinic and then go back home is not solving the problem.
- Holly Doty – advising that the limit of health care may be limited by the Municipal Council; indicating that a family member or neighbour may not be able to receive the help that they need; requesting that addicts be thought of as people; and requesting that health care not be limited.
- Megan Walker, - expressing support for a harm reduction model; advising that she has seen many people struggle with addiction, die of overdose or commit suicide; advising that she is 100% supportive of methadone clinics; advising that having the clinics saves lives, allows people to restore their self-respect, and allows families to stay together; advising that methadone works and should not be feared; advising that methadone is prescribed in clinics, like other medication; indicating that this is a

health care issue between a patient and a doctor; indicating that it doesn't matter if there is a clinic close to seniors; advising that these people are not to be feared; indicating that the discrimination that she continues to hear is appalling; advising that it is a basic human right for everyone to have health care; advising that she is extremely upset that the community does not realize that, while property values have soared, there is a clinic in the neighbourhood; indicating that there are 150 patients accessing the clinic every day; indicating that there is nothing to fear; recommending that the cap of 200 clients per day be removed; noting that whether the number is met or not, it is arbitrary; advising that people cannot discriminate based on a disability, which addiction is; and reiterating that a cap on the number of clients is not appropriate.

- Holly and Grant Doty – advising that this has been a huge learning curve for the community; advising that they are attending the meeting to hear the real answers; advising that they have no idea who is coming, how many or how much they will be paying; noting that this is where the fear is coming from; advising that other businesses have a sense of what their business plan will be; advising that Mr. Patton's comments were concerning; and enquiring as to the comparison that was made to the AIDS Hospice.
- Trish Harding – advising that she is all for helping people that are troubled and addicted; advising that on a W-5 documentary, OxyContin was thought to be a solution; enquiring as to where all the addicted people are coming from; also enquiring as to what is being done to assist people before they become addicted; and requesting that people be helped in a discreet manner; noting that this is not a discreet site.
- Frank Felice – advising that he has been following the news on the property located at 528 Dundas Street; requesting that when a community comes forward, please respect their comments and opinions; indicating that the City of London is the only player; advising that the College of Physicians and Surgeons should be part of this debate as they have tools to assist with these matters; noting that the Ministry of Health should also be at the meeting; indicating that there are problems with methadone clinics; advising that citizens are concerned as there is no recourse for the clinic at 528 Dundas Street; expressing appreciation to the City for tackling the problem with limited tools; enquiring whether the debate needs to be widened to find better solutions to these problems; advising that a good example of the problem is that the clinic operator brought his lawyer to the meeting; noting that business owners do not want to deal with the community; requesting the establishment of a Task Force on Methadone Treatment to have the operators engage the community; and advising that none of the recommendations have been adopted by any of the people who provide this service.
- Bev Irwin – advising that she is a nurse; indicating that this is a for profit clinic; and indicating concern with the number of dispensaries in the area.
- Jim Watkin – advising that he is a registered social worker who has been working with people who use drugs; reminding people that we are talking about "people"; indicating that there are needles in the area as there are no facilities to properly dispose of them; advising that this is marginalizing and stigmatizing people; advising that this substance has been used since the 1960's; advising that methadone only works for opiates, not cocaine or methamphetamines; advising that this is not about homeless people, drug dealers or sex workers; indicating that there are 21 active crack houses on Hamilton Road; and advising that the City is handling addictions very poorly.
- Steve Alexander – advising that the AIDS facility provided one million needles over a year and a half; advising that he takes the bus 92 times per month; expressing empathy for the addicts; advising that the Middlesex London Heath Unit should open its own methadone clinic and make a lot of money; and advising that the agencies that receive money from the City need to be more accountable.
- David Ward – advising that he heard a lot of good information at the community meeting held at Hillside Church; noting that the City is better prepared this time; advising that the Civic Administration plans for the uses that best meet the needs of those that use pharmacies and clinics; enquiring as to whether or not most of the people in attendance live in this area of London; requesting that this proposal be fair and equitable across

the City and not concentrated in one part of London; requesting that the Civic Administration's recommendation be denied; requesting that people stop thinking of it as being in your backyard; advising that at the meeting held at the Hillside Church and the meeting tonight, it is clear that no one is being denied medical assistance; indicating that it is better to have a diverse range of facilities throughout London, rather than in one area; expressing disappointment with Mr. Patton's comments relating to business people using methadone; and advising that it is a community service to clean up needles.

- Peter VanEsche – advising that methadone clinics serve a valuable need in the community; noting that there are already three clinics in the area; enquiring as to whether or not the City is responsible for the location of the clinics; noting that four clinics are not necessary in the Old South area; and advising that there should be no objection to the 200 client cap.
- Sharon Halbury – advising that the proposed methadone clinic is within view of her house; advising that, when she moved here, she was looking for a good neighbourhood to raise her daughter; noting that there is an excellent education system in the area and it is close to all amenities; indicating that she never dreamed she would live close to five methadone clinics; indicating that they are the voices for the children, the seniors and the neighbourhood; recommending that if it does not feel good, then do not do it; indicating that they brought all of the neighbours out so that you could hear their voices and deny the application; advising that she will have trouble selling her house; and stating that, if this was your neighbourhood, you would not recommend the placement of the methadone clinic.
- Laura Peralla – advising that she uses the bus system and sees the problem; indicating that she comes from a family background; advising that she does not want three methadone clinics in the area; advising that methadone users are not going to take two buses to utilize this methadone clinic; enquiring as to a different location for this clinic; advising that it will affect businesses and their green spaces.
- Michael Jamieson – advising that he is a resident of Lockwood Park and a neighbour of Councillor H.L. Usher; advising that there is another methadone clinic proposed for a property located on Wellington Road; indicating that he is not originally from London; advising that there are huge issues with the Downtown area; advising that he has seen the City grow in a better direction; advising that it is nice to see younger people moving into the area; advising that there are lots of stigmatism with methadone clinics; advising that he is attending the meeting to educate himself on the issue; advising that London has very strong communities; advising that he is the father of a newborn and he works seven days a week to give his family a nice life; and indicating that a methadone clinic at this location does not allow his family to live that dream.
- Chris Innison – advising that he is on the Board of Directors of the London Model Railroad; indicating that there is a lack of information and education for the public; requesting information on how large the clinic will be in terms of patients per day; noting that, as a business, they should have reasonable expectations; expressing concern with the perception; advising that more information would go a long way; and noting that the City of London's by-law helps to propagate the stigmatism.
- Michael – indicating that he had been notified that another clinic would be opening up in his area; providing an example of Lockwood Park and that there are huge issues in the Downtown; indicating that the problems are systemic; and indicating that he is a new father.
- Marvin Sumner – advising that the cap was put in place after the application was submitted; noting that when the meeting was held at Hillside Church, the cap was raised; also noting that the Ministry of Health indicates that the cap can be put into place; requesting that the by-law be revised to allow a cap to be put into place before any more applications are received; indicating that these meetings could have been avoided if the cap was put in place; and requesting that the operation of the clinics be verified.
- Matt Shaw, Owner, Dairy Queen – advising that he purchased the Dairy Queen this year; advising that they cater to large groups of children and that this will impact their business; advising that his female staff have

expressed concern working near a methadone clinic; and requesting that a better location for the clinic be found.

- Joseph Fisher – indicating that he will try not to waste too much oxygen on this subject; indicating that Mr. Patton is paid to be here; advising that his motive is profit; noting that he is not against profit; indicating that you cannot tell someone that they cannot make a living; advising that his client has a right to set up a methadone clinic; advising that he does not want one in his neighbourhood; enquiring as to how many people have been able to get off the treatment; and advising that people go from one addiction to another.
- Jeremy Hanford – indicating that he has owned and operated a tire service since 1971; expressing support for assisting people; agreeing that disbursement of the clinics across the City is correct; and advising that there is a bus stop at the corner of Wharncliffe Road South and Lambeth Avenue.
- Andrew Binks – enquiring as to the maximum number of people who can be assisted at this facility; also enquiring as to what would happen if another application is received; recommending separation distances be established so that there are not so many clinics close together.
- Eric Saunder – advising that there are already two clinics in the area; advising that there was a truck set on fire in the area when a drug deal went bad; advising that he has the police on speed dial; advising that he can smell marijuana being smoked across the street; expressing disbelief in the validity of methadone clinics; noting that some addicts end up on cocaine; advising that more research on a cure needs to be completed; indicating that this legalizes drug dealers in their area; advising that this is hurting the businesses and daycares; and indicating that licensing may assist in addressing problems.
- Gary Brown, 35A – 59 Ridout Street – advising that he is involved in the community; advising that it is a knee-jerk reaction that is happening in this area; advising that he did not realize that there is a methadone clinic three blocks from his house; advising that the City's policies should be given a chance; requesting that clinics be restricted to busy areas where they can be shut down; and advising that there is clearly a need for methadone clinics in the City.
- Patrick Chadwick – advising that if dance schools, karate schools and daycares are in the restrictions, they are being discriminated against; advising that there are seniors in the area who need consideration; and advising that this application is discriminatory and will be appealed.
- Paul Lecks – expressing support for smaller clinics spread throughout the City; indicating that a large clinic is not a good idea; recommending that fences be installed around the property; advising that the applicant does not want a limit set on the number of people they are allowed to treat as it would limit his profit; and advising that Mr. Patton's comments that he will take this matter to the Ontario Municipal Board if the cap is set at 200 people per day should be taken into consideration.
- Brenda Sherwell – enquiring as to whether or not Councillors are aware that petitions were circulated with over 500 signatures on them.
- Chris Nielson – questioning how many have been open; questioning if any of the community concerns have been addressed; and indicating that the London Model Railway group is opposed to the application.
- Marsha Pip, Beale Street – advising that her main concern is the limit of 200 people; advising that if you work an eight hour day, you will see 25 people; noting that this is one person every 2 minutes; advising there may be a large number of clients showing up at once; advising that there are only three or four parking spaces available.
- Trisha Harding – advising that the proposed clinic should not be allowed at this location; indicating that she cannot keep up with what is going on; enquiring as to who makes the decisions; and indicating that there are no specifics and that there are too many loose ends.
- Rita Crawley – advising that she is against the installation of the proposed clinic; advising that she has worked in the mental health field as a nurse in group homes; noting that in every area that she has worked in, there have been caps for the safety of the employees and clients; advising that she loves where she lives; advising that the other clinics have succeeded because the owner has placed caps on the limits of clients seen per day; indicating that if this clinic is installed, without caps, it will change the City;

advising that people have been stealing copper pipes; and advising that her children will not be able to go to Source for Sports.

- John Carter – advising that the information is provided on the City of London website; advising that this is the wrong location for this company; advising that he has spent time talking to the neighbours; advising that people who attended the Hillside Church meeting were unable to attend the meeting tonight; and advising that there were several signatures on the petitions. (2012-D11-06)

V. DEFERRED MATTERS/ADDITIONAL BUSINESS

None.

VI. ADJOURNMENT

The meeting adjourned at 11:43 PM