



To: Richmond City Council
From: Amarjeet S. Rattan
Chief Licence Inspector

Date: December 11, 2007
File:

Re: Dream Garden Supplies - Business Licence Cancellation

Staff Recommendation

That Council revoke the business licence for Dream Garden Supplies located at 11579 Bridgeport Road, Richmond, B.C. for the following reason(s):

- 1) An inspection of the business premises by the Richmond RCMP on August 11, 2007, revealed marijuana clone plants, bags of loose marijuana and the remnants of an apparent grow op room.
- 2) It was ascertained that, on August 28, 2007, Dream Garden Supplies was operating with an invalid business licence, contrary to section 4.1.1 of the Business Licence Bylaw No 7360.
- 3) City of Richmond Building and Plumbing Inspectors attended this location and found numerous building code deficiencies connected with the premises.

In accordance with the authority granted under the Community Charter Sec. 60 (2), the City deems that by failing to maintain the standard of qualification required for the issuance of a City Business Licence, this business has violated section 5.1 of the Business Licence Bylaw No 7360, section 22.1 of the Business Licence Regulations Bylaw No 7538 and section 14.1 of the Building Regulation Bylaw No 7230.

Amarjeet S. Rattan
Chief Licence Inspector
(4686)

FOR ORIGINATING DEPARTMENT USE ONLY

CONCURRENCE OF GENERAL MANAGER

REVIEWED BY TAG

YES

ASR

NO

REVIEWED BY CAO

YES

ASR

NO

Staff Report

Origin

The City of Richmond continues to enforce its Business Licence bylaws and Public Health Protection bylaws with an emphasis on the operating hours and permissive functions within the business complex. This enforcement is part of our continuous effort to promote community, customer and employee safety and to ensure that all businesses are operating in an appropriate manner, consistent with City bylaws and regulations.

The following report deals with Dream Garden Supplies at 11579 Bridgeport Road, Richmond, B.C. This hydroponics garden supply store commenced operations in 2001 under the name 'The Grow Room'. In June 2004, the business ownership was transferred to Vince Phung and Trinh Q Phung, and the business name changed to 'Dream Garden Supplies'.

This business has one licence, an MU (Mercantile Use) Retail Trade business licence for providing retail of garden supplies. There is no history on file of any previous issues or violations by this business.

Analysis

On August 11, 2007, an inspection of the business premises by the Richmond RCMP revealed marijuana clone plants, bags of loose marijuana and the remnants of an apparent grow op room.

On October 18, 2007 a letter (attached) was hand delivered to the business premises, requesting the business owners to appear before the Chief Licence Inspector for a Show Cause Hearing scheduled for November 20, 2007.

On the scheduled hearing date, the business owners Vince Phung and Trinh Q Phung failed to attend. Business Licence Inspector Victor Duarte and RCMP Constable R. Fay were in attendance and provided the following details:

On August 11, 2007, RCMP Officers, Cst. Fay and Ferguson attended Dream Garden Supplies on a routine inspection. Cst. Fay entered the warehouse area and detected a strong odour of marijuana. Cst. Fay noticed a stack of garbage bags piled near the west wall of the unit and upon examination found what is referred to as "shake" (loose marijuana mixed with marijuana stems and dirt) generally discarded from Grow-operations. Cst. Fay also observed 3 boxes across the aisle way from the stack of garbage bags and upon examination found a total of 235 marijuana clone plants inside the boxes.

Cst. Fay entered the back area of Dream Garden Supplies and found what appeared to be a grow room used to grow marijuana clone plants. This room was equipped with a 220 volt power source, a fan and timer. Two large steel bins stained blue from fertilizer, believed to be used as a hydroponics grow bath (for mixing the fertilizers), were also found inside the grow room.

As only a store clerk was present in the business premises, Cst. Ferguson contacted the store manager, Wendy Nguyen, who refused to attend the store and claimed not to know the "actual" owners of the store.

Cst. Fay contacted Inspector Duarte to check on the status of the business licence for Dream Garden Supplies and was advised that the business licence renewal fee, due in March 2007, was still in invoiced and unpaid status. As a result, it was determined that Dream Garden Supplies was operating without a valid business licence, contrary to section 4.1.1 of the Business Licence Bylaw No 7360.

On August 28, 2007, Inspector Duarte conducted a joint inspection at the business premises with Cst. Fay and Cst. Strikwerda. Two MTI's (Municipal Ticket Information) (attached), with each carrying a fine of \$100.00, were issued by Cst Strikwerda to Dream Garden Supplies for operating a business without a valid business licence. The fines have not been paid to date but the business licence renewal fee was received and processed on August 31, 2007.

Inspector Duarte suspected that the grow room facility was added without permits as it appeared to have 'hot wires' visible. Duarte arranged for Building and Plumbing Inspectors to attend. On September 12, 2007, City of Richmond Building Inspector Kevin Lannard and Plumbing Inspector Murray Smith attended this location and found numerous building code deficiencies connected with this premise. A notice (attached) was left with property owner, Terra Copia Estates Ltd.

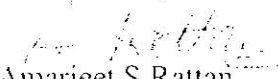
Cst. Fay submitted photos of the seized marijuana and an RCMP Occurrence Report (attached) and also noted " I have performed surveillance on this store and found that almost 100 percent of the clientele has some previous police contact in regards to the production of marijuana and, in my opinion, the store acts solely as a beacon which attracts criminals to our city...". Inspector Duarte and Cst. Fay also indicated that they had gone to the business premises a number of times after the August, 29, 2007 inspection and it appeared that the business has ceased to operate at the 11579 Bridgeport Road location.

Financial Impact

Dream Garden Supplies City business licence is valid until March 1, 2008. If the business licence were not cancelled, the licence fee to renew would be approximately \$565.00. The cost to the City for RCMP and staff resources to monitor and attend to violations at this premises should also be considered.

Conclusion

Dream Garden Supplies has contravened the City Business Licence Bylaw, the Business Regulation Bylaw and the Building Regulation Bylaw. Their non compliance warrants a cancellation of their business licence.


Amarjeet S Rattan
Chief Licence Inspector
(4686)



City of Richmond

6911 No.3 Road, Richmond, BC V6Y 2C1
Telephone (604) 276-4000
www.city.richmond.bc.ca

October 18, 2007
File: 01112596

Finance Department
Business Licence Division
Telephone 604-276-4328
Fax 604-276-4157

Delivered by Hand

Vince Phung
Trinh Phung dba:
Dream Garden Supplies
11579 Bridgeport Road
Richmond, BC V5P 3K7

Attention: Vince Phung

Dear Sir:

Re: Business Licence Contraventions and Licence Review Hearing

It has been brought to my attention that your business known as "Dream Garden Supplies." has been operating in contravention to City of Richmond Business Regulation Bylaw No 7538, Business Licence Bylaw No. 7360, and Building Regulation Bylaw No 7230.

The contraventions are specific to failing to maintain the standard of qualification required for the issuance of a business licence and business activities which no licence could be issued for.

You are, by way of this correspondence, advised that you are to appear before the City of Richmond's Chief Licence Inspector to review these matters and to present a case as to why your licence should not be suspended or Revoked.

Please be advised that this hearing will take place at the Richmond City Hall located at 6911 No. 3 Road, Richmond, in Room M.2.001, commencing at 2:00 p.m., Tuesday, November 20, 2007. Should you have any questions prior to this hearing date, please feel free to call City of Richmond Licence Inspector, Victor Duarte at 604-276-4389.

Yours truly,


Amarjeet S. Rattan
Chief Licence Inspector
ASR:vmd


RICHMOND
Island City, by Nature

City of
Richmond

M 15426

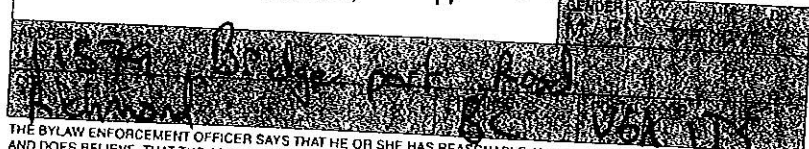
Community Charter

MUNICIPAL TICKET INFORMATION

ISSUED TO:

SURNAME OR CORPORATE NAME
Dream Garden Supplies YOUNG PERSON

GIVEN NAMES (OR CORPORATE NAME CONTINUED)

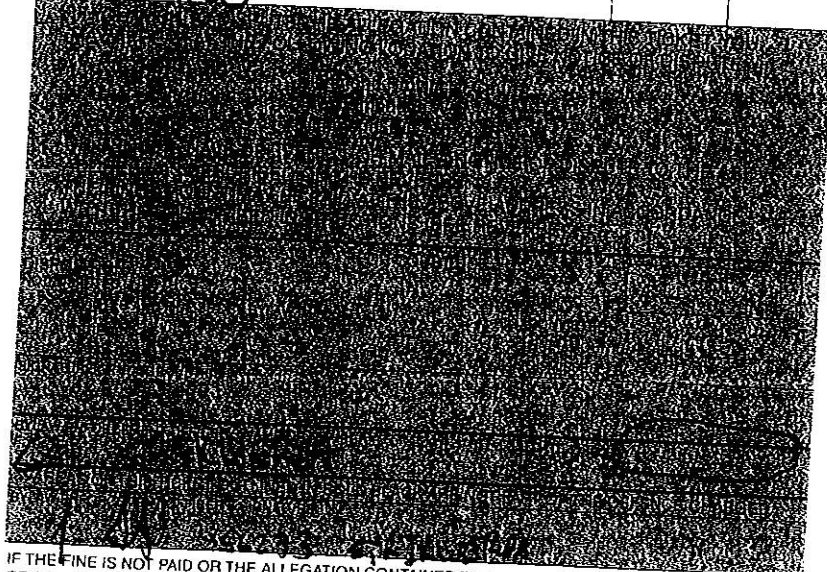


THE BYLAW ENFORCEMENT OFFICER SAYS THAT HE OR SHE HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE ABOVE NAMED

DATE OF OFFENCE: 07 10 20 AT THE TIME OF 15:23 (24hr Clock)
ON OR ABOUT 07 10 20 AT THE TIME OF 15:23
AT OR NEAR 11579 Bridgeport Road STREET ADDRESS, CITY OF RICHMOND, PROVINCE OF BRITISH COLUMBIA

DID COMMIT THE OFFENCE INDICATED, UNDER THE FOLLOWING BYLAW
Business licence bylaw 7368
BYLAW NAME

DESCRIPTION OF OFFENCE	SECTION	FINE AMOUNT
<u>Operating without business licence</u>	<u>4.1.1</u>	<u>\$100.00</u>



IF THE FINE IS NOT PAID OR THE ALLEGATION CONTAINED IN THIS TICKET IS NOT DISPUTED (SEE REVERSE) WITHIN 14 DAYS, THIS TICKET WILL BE TREATED AS NOT DISPUTED. YOU MAY BE CONVICTED IN YOUR ABSENCE AND WITHOUT A HEARING AND, UPON CONVICTION, THE FINE AMOUNT WILL BE IMPOSED FOR THE OFFENCE CHARGED.

COURT COPY

City of
Richmond

M 15427

Community Charter

MUNICIPAL TICKET INFORMATION

ISSUED TO:

SURNAME OR CORPORATE NAME Deam Garden Supplies		<input type="checkbox"/> YOUNG PERSON
GIVEN NAMES (OR CORPORATE NAME CONTINUED)		
ADDRESS 1157A Bridgeport Road		
CITY Richmond BC		

THE BYLAW ENFORCEMENT OFFICER SAYS THAT HE OR SHE HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE ABOVE NAMED

ON OR ABOUT

DATE OF OFFENCE		
YY	MM	DD
07	08	11

 AT THE TIME OF

(24hr Clock)
14:00

AT OR NEAR 1157A Bridgeport Road STREET ADDRESS, CITY OF RICHMOND, PROVINCE OF BRITISH COLUMBIA

DID COMMIT THE OFFENCE INDICATED, UNDER THE FOLLOWING BYLAW
BYLAW NAME **Business Licence bylaw 7360**

DESCRIPTION OF OFFENCE	SECTION	FINE AMOUNT
Operating without business licence	4.1.1	\$100.00

IF THE FINE IS NOT PAID OR THE ALLEGATION CONTAINED IN THIS TICKET IS NOT DISPUTED (SEE REVERSE) WITHIN 14 DAYS, THIS TICKET WILL BE TREATED AS NOT DISPUTED, YOU MAY BE CONVICTED IN YOUR ABSENCE AND WITHOUT A HEARING AND, UPON CONVICTION, THE FINE AMOUNT WILL BE IMPOSED FOR THE OFFENCE CHARGED.

COURT COPY



City of Richmond

BUILDING APPROVALS DIVISION

SITE VISIT NOTICE Plbchk

Page 1 of 2

Where a registered professional engineer or architect has been retained to carry out professional design and/or field reviews and has certified that the plans comply with the BC Building Code, the City relies on such certificate in issuing the applicable permit and is not liable for any losses arising out of or contributed to be an error or omission in relation to its approval of the plans submitted. The issuance of a permit does not guarantee compliance with the BC Building Code which remains the responsibility of the owner.

Owner: Terra Copia Estates Ltd.

Address: 11579 Bridgeport Rd

Permit No: 07389648

- ① Laundry tub installed as basin in 2pc w/m trap S-trapped. Will conf w/ supervisor if must be wash basin
- ② Laundry tub @ rear main flr to be removed or provide plans/permits & insp
- ③ A gas chk will be created also for this unit. Gas unit heater missing bottom cover. Have serviced by UL gas contractor. Have copy of invoice
- ④ RWL c/o cover missing near garage door
- ⑤ I have licenced Plb contr. Purchase alteration permit to cap properly exist 2pc WR on mezzanine. Re-inspection Required

To schedule an inspection, call the 24 hour request line at:

604-276-4111

Permit number and address are required to schedule an inspection. Inspections requested prior to 8:00 p.m. will be scheduled for the next working day.

Sept 12/07 M Smith 276-4376
 Date Inspector Tel. No.
 7



BUILDING APPROVALS DIVISION

SITE VISIT NOTICE *Bldg check*

Where a registered professional engineer or architect has been retained to carry out professional design and/or field reviews and has certified that the plans comply with the BC Building Code, the City relies on such certificate in issuing the applicable permit and is not liable for any losses arising out of or contributed to be an error or omission in relation to its approval of the plans submitted. The issuance of a permit does not guarantee compliance with the BC Building Code which remains the responsibility of the owner.

Owner: _____
Address: 11579 Bridgeport Rd.
Permit No: 07389645

- ① Plans, permits and inspections required for all new construction or Remove offending construction.
- ② Provide Provincial Electrical Inspection.
- ③ Correct all plumbing deficiencies and provide Final plumbing approval.
- ④ Submit provincial environmental inspection report and certification for human occupancy after cleaning.

Re-Inspection Required

To schedule an inspection, call the 24 hour request line at:

604-276-4111

Permit number and address are required to schedule an inspection. Inspections requested prior to 8:00 p.m. will be scheduled for the next working day.

12 Sept 07 KEVIN LANNARD 276-4302
Date Inspector Tel. No.

Case: GO 1401 2007-27019 PRODUCTION-CANNABIS
/MARIJUANA SEIZED
OCCURRENCE REPORT (NARRATIVE)

2007-08-11
1555hrs

ATTACHMENT 1

Cst.FAY and Cst.FEGUSON attended Dream Garden Supplies on Bridgeport road, Richmond to observe the merchandise and become familiar with the products commonly used in Marijuana production. While in the store the clerk, PHONG, indicated that they also sell dirt and pots which are located in the garage area of the store. While in the garage area, which is open to members of the public for shopping needs, Cst.FAY detected a strong odor of marijuana. The odor appeared to be coming from a stack of garbage bags piled on the west side wall. Upon examining the bag it was discovered that one of the bags contained loose marijuana, commonly referred to as shake, as well as marijuana stems.

Upon finding the marijuana Cst.FAY then continued to search the garage area to determine if there is any more marijuana in the garage area. Across from the garbage bags, 3 boxes were located which indicated that they contained some type of produce. The boxes appeared old and also appeared to have been recently loosely sealed using clear packing tape. One of the boxes was opened by Cst.FAY and found to contain marijuana clone plants. The other two boxes were opened and also found to contain marijuana clones.

In the experience of Cst.FAY the clones were in good health and ready for further cultivation to maturity. Each clone had a strong root system and were damp. The bottom of the boxes were lined with damp newspaper and were obviously placed into the box with care as they were all upright and in rows. A total of 235 clones were seized from the 3 boxes and forwarded for destruction. A sample was taken and sent to Ottawa for analysis.

While further searching the premises a room was located in the rear of the store which has a fan, timer and a section of 220v electrical wire running into it. The room also had a vent in the room and 2 large steel bins which were stained blue. It appears that this room may have been used in some type of hydroponic production, possibly of the clones seized.

The store in general contains a large amount of the materials necessary to cultivate marijuana including industrial fans, lights, chemical fertilizers and pots/soil.

Cst.FERGUSON was placed in contacted with the manager of the store, Wendy NGUYEN, who refused to attend the store and claimed not to know the "actual" owner of the store.

Photos were taken and will be forwarded to DUARTE along with a copy of the report.

Case: GO 1401 2007-27019 PRODUCTION-CANNABIS
/MARIJUANA SEIZED
OCCURRENCE REPORT (NARRATIVE)

SUI review of business license.

Cst. FAY
D Watch
Richmond RCMP

Author: FAY, ROBERT
Related date: Sat, 2007-Aug-11 1555

Signatures: _____

(Sun.) 2007-Aug-12

ATTACHMENT 2

C/O: Victor Duarte

Richmond Business licence inspector

Richmond File number 2007-27019

Possession for the Purpose of Trafficking CDSA 7(1)

Please find enclosed a copy of the photos taken from the Dream Garden Supplies store on Bridgeport road, Richmond on August 11th, 2007 and a copy of the occurrence report submitted by myself. It is my opinion that the clones found inside the store were cultivated within the premises and were being sold out of same. I have performed surveillance on this store and found that almost 100 percent of the clientele has some previous police contact in regards to the production of marihuana. As Im sure your aware, everything in the store is directly marketed and essential in the production of marihuana and, in my opinion the store has no legitimate clientele and acts solely as a beacon which attracts criminals to our city and also makes it easier for them to function within our city limits.

Marihuana production is not only illegal but poses a very significant health and safety risk in our communities. To continue to allow businesses like this one to operate and blatantly break the law by selling illegal drugs to the public and the equipment which facilitates its production is a serious breach of the public trust of which Im sure someday we will regret.

Hopefully the findings included in this report will be helpful in shutting down this establishment which was basically operating with impunity and disregard not only for the law but for the citizens of Richmond in general.

Cst.R.FAY

D Watch

Richmond RCMP

604-765-1019

Dream Garden Supplies Awning
11579 Bridgeport Road, Richmond



Main entrance to Dream Garden Supplies



Bags of dirt and loose marihuana located in
customer vehicle pickup bay



Close up of Marihuana stems and compacted
bud from a marihuana grow operation



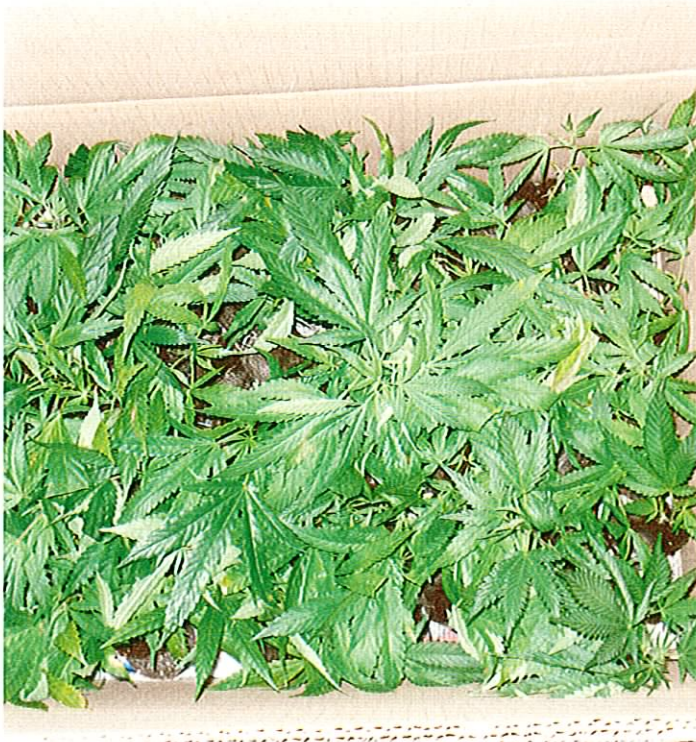
Boxes located in customer pickup bay containing marihuana clones ready for cultivation



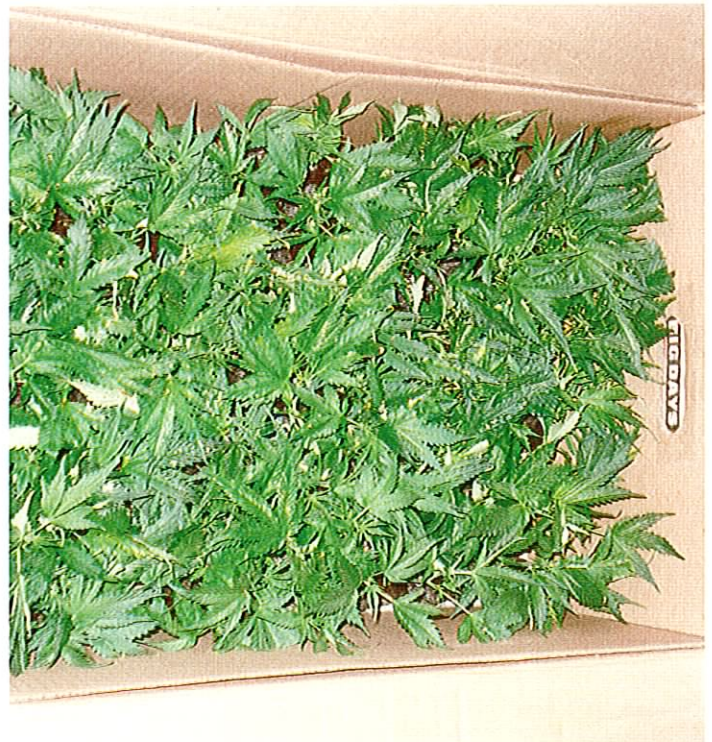
Marihuana clones located in box 1 in customer pickup bay



Marihuana clones located in box 2 in customer pickup bay



**Marihuana clones located in box 3 in customer pickup bay
Total number of clones found was 235**



Close up of marihuana clones from inside boxes



Close up of marihuana clones from inside boxes



Poster referencing the growing of marihuana posted on possible grow room door



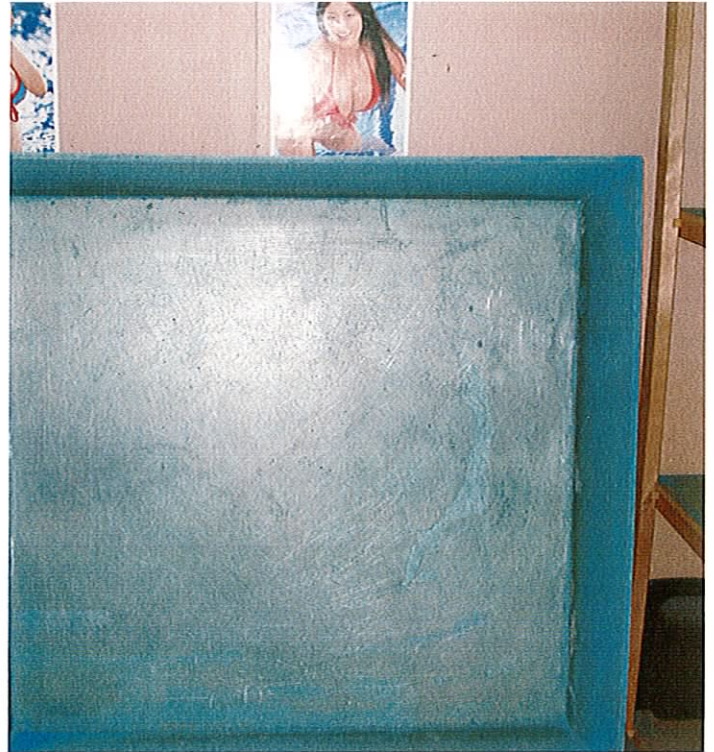
Front Awning of Dream Garden Supplies



Appears to be a hydroponic grow bath stained with fertilizer located in room at rear of store



Appears to be a hydroponic grow bath stained with fertilizer located in room at rear of store (Close up)



Chemical grow bath located in rear of store



Vent located in potential grow room in rear of store. This room contained the grow baths pictured above.



Electrical timer with 222volt wire attached
which was discovered running into the
potential grow room containing the baths
and vents

