



11046 (2018)

# NOTICE

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Attention: Dave Augustyn

Mayor Town of Pelham

20 Pelham Town Square, Fonthill, ON L0S 1E0

T. 905-892-2607 x317

F. 905-892-5055

October 12<sup>th</sup> 2018

Dear Dave Augustyn,

My name is Carlo Montemurro land owner/developer of the property known as River at Farr road in Pelham Ontario. Reference Plan Number(s) 30R-1545 and Plan 59R-1631. I am sending this to notify you of my intention(s) for my land as I am selling Agricultural lots;1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,28,29,30,31,32,33,34, 35,36,37,38,40,41, and 42 to be used for Medical Micro Cannabis Cultivation and Nursery Cultivation. I will be using part(s) 27,39,44,45 and 46 for access. Applications will be submitted in Q after October 17<sup>th</sup> 2018.

Please feel free to contact me with any question(s) or further notice requirements. Could you please notify of any new information regarding the proposed interim freeze on Medical Cannabis Production Sites as it relates to the Federal Access to Cannabis for Medical Purposes Regulations (ACMPR).

Carlo Montemurro

[carlomontemurro@me.com](mailto:carlomontemurro@me.com)

289 501 1328

**FREDERICK CAPLAN, B.A., LL.B.**  
**BARRISTER & SOLICITOR**

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L2R 3A7

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**DELIVERED**

October 12, 2018

**TOWN OF PELHAM**  
20 Pelham Town Square  
Fonthill, ON  
L0S 1E0

**ATTENTION:**      **DAVID AUGUSTYN, Mayor**  
                         **DARREN OTTAWAY, Chief Administrator Officer**  
                         **BARBARA WIENS, Director of Community Planning & Development**

Dear Sirs and Madam:

**RE:   MY CLIENT: CARLO MONTEMURRO**  
      Our File No.: 17FCR197

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I am informed by my client, Carlo Montemurro, that he has been informed by the Town that you are intending to pass an interim control by-law covering any and all matters to do with Marijuana growth in the Town.

I wish to point out to you that your interim control by-law is plainly *Ultra Vires* as the Federal Statute with regard to Medical Marijuana clearly and specifically states that Municipalities have no authority to regulate growth of same.

This is included in your circular.

It seems clear that your intention is simply to create an inhibition and force people to go to court with even you understanding that there is no possibility of your position being upheld.

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If you do so, my client will sue and, in addition to asking for a Writ of Prohibition against the Town, will ask for damages to be exerted against the Town and the councillors of the Town, who are acting in the knowledge that the Federal legislation specifically excludes the action that they are taking.

**Important Note:** The following materials is intended for use only by the individual or entity to which it is specifically addressed above and should not be read by, or delivered to, any other person. Such material may contain privileged or confidential information, the disclosure or other use of which by other than the intended recipient may result in the breach of certain laws or the infringement of rights of third parties. If you have received this communication in error, please notify the sender immediately by calling (905) 688 8811. We thank you in advance for your co-operation and assistance.

Please take this as the warning as it is intended to be.

Yours very truly,



**FREDERICK CAPLAN**

FC/rd

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