

October 10, 2024

From: Marie Seshat Landry

To: Renee Bowering, Administrator

Lefurgey Residence
30 Lefurgey Avenue
Moncton, NB E1C 7G3

Dear Ms. Bowering,

Re: Unwarranted Ban on Cannabis Possession at Lefurgey Residence

I am writing to formally express concern regarding a recent policy change at Lefurgey Residence, effective as of October 9, 2024, which prohibits residents from possessing cannabis on the premises. Two residents of the facility have also reported being threatened with unwarranted searches and confiscation of their cannabis, which was lawfully obtained. This policy is not only unlawful but also discriminatory, as it violates several sections of Canadian federal law.

Under the Cannabis Act, S.C. 2018, c. 16, adults aged 18 and over are legally allowed to possess up to 30 grams of dried cannabis (or its equivalent) in public, with no specific limit for possession in a private residence, such as Lefurgey Residence. Specifically:

- Section 8(1)(a) of the Cannabis Act: "Subject to the regulations, an individual who is 18 years of age or older may possess, in a public place, cannabis in a quantity of 30 grams or less of dried cannabis or its equivalent." There is no limitation on possessing cannabis within a private residence under federal law, where residents should have greater freedom than in public.
- Section 9 of the Cannabis Act prohibits any unlawful seizure of cannabis unless specifically authorized by law, meaning any threat or action by Lefurgey Residence to confiscate lawfully obtained cannabis would be a violation of this statute.

In addition to the federal law, under Section 7 of the Canadian Charter of Rights and Freedoms, residents are entitled to life, liberty, and security of the person, which includes the right to make decisions about their own personal possessions, including legal substances such as cannabis. Arbitrarily limiting access to cannabis or subjecting residents to searches without their consent is a violation of these guaranteed freedoms and rights.

The enforcement of this policy, particularly the threat of searches and confiscation, is not only legally unsound but also undermines the privacy and dignity of residents, who are entitled to feel safe and respected in their homes. By implementing such a policy, Lefurgey Residence is acting in direct conflict with federal laws, which could expose the facility to legal consequences.

I respectfully request the immediate repeal of this policy to align with the federal Cannabis Act and the Charter of Rights and Freedoms. Additionally, any current or future threats to search or confiscate residents' legal property should be ceased immediately. Should this policy remain in effect, I, along with other concerned parties, will be compelled to take further action, which may include contacting legal representatives, New Brunswick's Department of Social Development, and the media to ensure the protection of residents' legal rights.

I trust that Lefurgey Residence will act swiftly to correct this policy and restore the rights of its residents.

Sincerely,

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