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Readers say marijuana growing concern

Judging from the flood of emails and faxes I received following my July 9, 2005 Title Page column ("Grow house disclosure is critical," archived at <http://aaron.ca/columns/2005-07-09.htm>), it seems that the issue of disclosure of grow house operations on police web sites and in agreements of purchase and sale is quite a hot topic among real estate stakeholders.

I suggested in the column that the Toronto police should list known grow house locations on their web site. I also suggested that a warranty clause that a property has never been used as a grow operation become part of the standard form used for Ontario house purchases. I pointed out that police websites in Winnipeg and London, Ont., list locations where search warrants have led to the seizure of marijuana plants.

Along the lines of my suggestions, back in March, Cambridge MPP Gerry Martiniuk introduced a private member's bill at Queen's Park. Bill 181, the Protection Against Illicit Grow Houses Act, 2005, would require a vendor to reveal in any agreement of purchase and sale if the building or structure has been used to grow any illicit drugs.

Peter Boesener, of Top to Bottom Inspections in Brampton, emailed to say that he has seen his share of grow houses. One house he inspected recently had been totally cleaned up and the local police wouldn't reveal anything about its history. After the new owners moved in, they discovered it had been a grow house and busted by the police several months earlier.

Raleigh Child wrote that my July 9 column "should be required reading for everyone concerned with real estate whether as a buyer or seller. ... An agreement to purchase should include a standard grow house clause," he said.

"I have been a professional realtor for 30 years," wrote Cheryl Mills of Re/Max Realty Specialists Inc., "and I certainly see grow houses as a huge problem for the public and those involved in the real estate industry. ... I for one agree that we should have a public website that lists all homes that have been identified as grow ops and there should be huge fines for any sellers or agents who have this knowledge and do not disclose it. ... As far as I am concerned this information should be disclosed on the MLS listing."

Three years ago David Hatch of Brampton purchased a grow house and didn't know it until he went to sell it recently and was asked to fill out a disclosure form by his agent. A phone call to Peel Regional Police confirmed that the house had been used as a grow op. After some research into the history of the house, Hatch found out that the operation had been running for less than two months before it was discovered and shut down. Fortunately, even after disclosure, Hatch sold the house for 99 per cent of asking price to a purchaser who seemed unconcerned about its history.

Heidi Ostrander wrote to say that she and her husband viewed a home in Mississauga in April. "The real estate agent did not disclose that the house had been a marijuana grow house," she wrote in her email. "She was aware of its prior use and said she forgot to tell us." Ostrander found out a week prior to closing and was able to back out of the purchase. "I was lucky," she said, "but the house has since been relisted with no disclosure of its prior use."

David Franklin supports the London police force's decision to publicize locations where search warrants have been executed for controlled substances, and says he would like to see this information published for all Ontario jurisdictions. So would I.

My colleague John Cosman practises law in Cambridge. He emailed me to advise that the Waterloo Regional Police refuse to release grow house information but "it has been suggested that a Freedom of Information request be made."

I heard from Donald Tedford, the chief building official of the town of Hanover. He suggested that grow houses with only minimal levels of contamination need not have the stigma of being a grow house. He suggested development of a set of standards for houses, similar to the .08 level of alcohol that is the cut-off for impaired driving. "We have to start somewhere," he says.

On the other side of the argument, Tony Lam emailed me to say that I was "over-reacting in the name of political correctness" since moulds and fungus are with us daily.

Both he and Alison Myrden agreed that the solution to the grow house problem is to take the profit incentive out of the equation by making marijuana legal. Lam wrote, "Bob should get off that soap box once in a while and do some serious writing."

The last word goes to John Regitko, an old friend with a marketing background. He wrote to say, "If I was selling a house that had been used as a grow operation, I would leave a bunch of plants behind during open house and raise the price by a few thousands. What's the matter with people? Don't they know how to promote anymore?"