

**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

B E T W E E N:

**VICTOR LACHANCE and
KIRK ALBERT**

Applicants/Responding Parties

and

**SOLICITOR GENERAL OF ONTARIO and
ATTORNEY GENERAL OF ONTARIO**

Respondents/Moving Parties

MOTION RECORD

(Motion to Dismiss)

Date: November 25, 2022

MINISTRY OF THE ATTORNEY GENERAL

Crown Law Office – Civil
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Toronto, ON M7A 2S9

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Counsel for the Respondents/Moving Parties

The Solicitor General of Ontario and
The Attorney General of Ontario

TO: **SICOTTE GUILBAULT**
4275 ch. Innes Rd, Suite 208
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Counsel for the Applicants/Responding Parties
Victor Lachance and Kirk Albert

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Court File No. DC-22-2731

**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

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KIRK ALBERT**

Applicants/Responding Parties

and

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ATTORNEY GENERAL OF ONTARIO**

Respondents/Moving Parties

NOTICE OF MOTION

The Respondents, the Solicitor General of Ontario and the Attorney General of Ontario, will make a motion to the court on a date to be set by the court.

PROPOSED METHOD OF HEARING: The motion is to be heard

- In writing under subrule 37.12.1 (1);
- In writing as an opposed motion under subrule 37.12.1 (4);
- In person;
- By telephone conference;
- By video conference.

THE MOTION IS FOR:

- a) An Order dismissing the application; and
- b) Such further and other relief as Counsel may advise and this Honourable Court may grant.

THE GROUNDS FOR THE MOTION ARE:

1. The Application was issued almost two years beyond the 30-day time limit for making an application for judicial review prescribed in s.5(1) of the *Judicial Review Procedure Act*, R.S.O. 1990, c. J.1 (*JRPA*) had expired.
2. The Respondents will suffer substantial prejudice and hardship if the application is permitted to proceed, by reason of the delay. As such, no extension should be granted pursuant to s.5(2) of the *JRPA*.
3. Victor Lachance and Kirk Albert (the “Applicants”) issued the Notice of Application on August 16, 2022. The Respondents served their Notice of Appearance on August 22, 2022.
4. The Notice of Application identifies the decision being challenged as having been communicated in a press release on August 27, 2020.
5. The decision at issue is the selection of the former Kemptville Agricultural College in Kemptville, Ontario as the site for the new Eastern Ontario Correctional Complex (“EOCC”). The Applicants are members of unincorporated community associations that oppose the construction of the EOCC on the site.
6. Even if the decision were determined to have occurred earlier than when s.5 of the *JRPA* came into force, the Applicants have unreasonably delayed bringing this application, to the substantial prejudice of the Respondents and the Court should dismiss the application.

7. The Respondents have expended substantial site-specific funds and resources over the past 2 years to effect the project at the selected site since communicating the decision to the public (including the Applicants) on August 27, 2020.
8. If the application is permitted to proceed and is successful, these investments and resources will be wasted and significant additional resources will need to be expended to secure a new site and alter the project for that new site.
9. The Respondents expended significant funds and resources over the past 2 years in reliance on the absence of any judicial review having been brought within the required 30 days. To now permit this application to proceed would mean that such reliance was entirely to the detriment of the Respondents and would be wholly inconsistent with the purpose of finality that informs both the 30-day deadline and the prior common law framework addressing delay.
10. There was no impediment whatsoever to bringing this application in a timely way. The application came to the notice of the Applicants as of August 27, 2020 and they had formed advocacy organizations by the fall of 2020. They were well aware of the issues at play at the time the decision was announced and yet did not initiate an application until almost two years later.
11. Had the Applicants sought judicial review in a timely way, the Respondents would have avoided investing significant resources in the site until certainty was achieved through a decision of this Court. As it is, if the application were successful, those public funds and resources will be lost and new funds and resources require to re-do the work completed to

date based on a new site, if a new site can even be secured which will be a challenge. This is substantial prejudice to the Respondents by reason of the delay.

12. Under s.5(2), an extension can only be granted if the Court is satisfied both that (1) there are apparent grounds for relief and (2) no substantial prejudice or hardship will result to any person affected by reason of the delay.
13. The Court should not grant an extension of time given the substantial prejudice the Respondents face by reason of the delay in bringing this extremely late application.
14. For the same reason, if the Court were to determine that the prior common law framework applied, this delayed application should not be permitted to proceed.
15. There is no reasonable explanation for the almost 2 year delay in bringing an application in respect of a decision that the Applicants were aware of at the time it was publicly communicated.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used in support of the motion:

1. The Affidavit of David Macey sworn October 21, 2021;
2. The Respondents' Motion Record; and
3. Such further and additional materials as the Court may allow.

DATE: November 25, 2022

MINISTRY OF THE ATTORNEY GENERAL
Crown Law Office – Civil
720 Bay Street, 8th Floor
Toronto, ON M7A 2S9

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Tel: 613 368 4309

Counsel for the Applicants/Responding Parties
Victor Lachance and Kirk Albert

VICTOR LACHANCE AND ALBERT KIRK

v.

SOLICITOR GENERAL OF ONTARIO AND ATTORNEY GENERAL OF ONTARIO 009

Applicants/Responding Parties

Respondents/Moving Parties

**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

PROCEEDING COMMENCED AT TORONTO

NOTICE OF MOTION

MINISTRY OF THE ATTORNEY GENERAL

Crown Law Office – Civil
720 Bay Street – 8th Floor
Toronto, ON M7A 2S9

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Counsel for the Respondents
The Solicitor General of Ontario and
The Attorney General of Ontario

Court File No. DC-22-2731

**ONTARIO
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B E T W E E N:

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ATTORNEY GENERAL OF ONTARIO**

Respondents/Moving Parties

**AFFIDAVIT OF DAVID MACEY
(affirmed October 21, 2022)**

I, David Macey, of the City of Toronto, in the Province of Ontario, SOLEMNLY AFFIRM AS FOLLOWS:

1. I am employed as Vice President, Portfolio Planning and Development, with Ontario Infrastructure and Lands Corporation (“Infrastructure Ontario”). In this role, I lead a team of project managers, realty advisors, and land use planners to deliver realty advice and services, primarily to public sector clients. We provide advice and services relating to pre-construction site selection and preparation, on-going functional and financial review of in-use assets, and repositioning of surplus property for optimal future divestment.

2. In this capacity, I have been directly involved in the events described herein and have personal knowledge of the matters to which I hereinafter depose except where I rely on information provided by others, in which case I so state and verily believe that information to be true.

A. Eastern Ontario Correctional Complex: Site Selection

3. The government of Ontario is committed to modernizing provincial correctional facilities to ensure adequate capacity, programming and services. Based on projected figures, there is a need to increase capacity in the Eastern Ontario region, including in the Ottawa area.

4. The Ministry of the Solicitor General (“Ministry”) anticipated this need and there is a plan in place to build a new 235-bed facility in the region, known as the Eastern Ontario Correctional Complex (“EOCC”). The facility will adopt modern planning principles and design elements, including single cell occupancy, risk-classified housing units, modern programming and cultural space, open visitation spaces and improved professional development space for correctional officers and staff. Infrastructure Ontario is working with the Ministry on the procurement, implementation and the delivery of the project.

5. There are several constraints that affected the selection of a site for the new facility. These include but are not limited to land availability, municipal servicing, adequate size and site configuration, the absence of natural heritage constraints, as well as program needs such as proximity to the highway for the purpose of accessing courts, police, fire and emergency medical services.

6. There was a limited supply of available land in the Eastern Ontario region that could meet the project requirements, in part due to competitive market conditions in the Ottawa area and the constraints for the project. I've been informed by Infrastructure Ontario's real estate service provider CBRE and I believe that, since 2019-2020, market values have generally continued to rise. As a result, were a new site required, it is expected there would be limited availability of land that could satisfy the project requirements, creating challenging conditions in which to secure a suitable alternative site.

7. The Ministry considered a number of available sites that met some of the project requirements in 2019. This included the site of the former Kemptville Agricultural College, in Kemptville, Ontario ("Kemptville site"), which was owned by the Agricultural Research Institute of Ontario ("ARIO"), a provincial Crown corporation.

8. By October 2019, the Ministry determined that the Greater Ottawa area, preferably along Highway 416, was the most suitable location for the new facility. Based on the parameters of the search, and subject to further due diligence, the Ministry determined that the Kemptville site was the best option. On October 23, 2019, the Ministry submitted a formal expression of interest in the Kemptville site to the Ministry of Agriculture, Food and Rural Affairs and requested that it be formally placed on hold and removed from circulation. The expression of interest is attached as **Exhibit "A"**.

9. On June 26, 2020, funds were committed to build a 235-bed facility at the Kemptville site. On August 27, 2020, the Ministry publicly announced the project, including that it will be built at the Kemptville site. The press release is attached to my affidavit as **Exhibit "B"**.

B. Investment in the Kemptville Site

10. Since June 26, 2020, the Ministry has made significant investments in the acquisition and design of the Kemptville site.

11. From June 26, 2020 to date, approximately \$7,079,689.52 has been invested in the project proceeding at the Kemptville site, in four areas:

- (1) Planning, Design and Conformance (“PDC”) work;
- (2) Land acquisition costs;
- (3) Due diligence; and
- (4) Staff time and resources.

1. Planning, Design and Conformance Work

12. In 2018, the Ministry retained NORR Architects & Engineers Limited to complete the PDC work for multiple correctional facility projects (“the PDC consultants”). After funding was committed on June 26, 2020 for the construction of the 235-bed facility in Kemptville, the PDC consultants engaged in work focussed on the project at the Kemptville site.

13. Since November 1, 2020, a significant amount of site-related work has been undertaken by the PDC consultants and billed to the Ministry, including but not limited to:

- (a) Assessment of all existing project background information and site due diligence reports;
- (b) Development of a site-specific Master Plan Report, including detailed analysis of existing site constraints;
- (c) Development of Conceptual Site Layouts and Block Schematics to test that the requirements set out in the Functional Program and Output Specifications can be operationalized in a physical layout;

- (d) Work with the relevant authorities to assess requirements needed to secure approvals and permits, and incorporate them into the project documents;
- (e) Development of the Project Specific Output Specifications (“PSOS”). The PSOS is a framework that sets out the Ministry’s objectives and vision for the project, the fixed minimum technical and functional requirements, and the specifications for the project. This becomes part of the Project Agreement to build the facility. This work has included extensive workshops with various subject matter experts and review for draft output specifications. The PSOS is over 50% complete and progressing toward 75% complete; and
- (f) Conducting and participating in community consultations meetings.

14. From June 26, 2020 to July 31, 2022, the PDC costs expended by the Ministry on site-related issues total approximately \$1,371,853.40.

15. If the Ministry were to proceed with a different site, I am informed by the PDC consultants and believe that much of this work would need to be redone, taking into account the site constraints and specifications for the new site. They have advised, and I believe, that the cost for this work would amount to approximately 30% of the PDC fees spent to date.

16. Were the project required to be located at a different site, in addition to PDC costs, the cost estimate reports for labour, materials, and any other costs, which is produced by the cost consultant, would also need to be redone. The amount spent up to September 2022 on this work is \$13,575.00.

2. Land Acquisition Costs

17. It was challenging to locate a site that met the requirements for the project, as described above. Available real estate that would meet even some of the requirements for the project was limited. It is anticipated that if the Ministry were required to locate a new site, additional costs would need to be incurred for necessary due diligence (order-of-magnitude could be in range

provided in paragraph 19 below) and to secure a new property (cost is currently unknown but would be anticipated to be in the millions of dollars).

18. On March 15, 2022, Ontario acquired the Kemptville site from ARIO for \$2,463,910.02. The invoice for the land purchase is attached to my affidavit as **Exhibit “C”**. This was necessary in order to transfer it into the General Real Estate Portfolio (“GREP”), which consists of the realty assets owned and/or leased by the Ministry of Infrastructure that can be used for projects of this nature.

3. Due Diligence

19. Site-specific real estate due diligence costs incurred by the Ministry for the project to date amount to approximately \$1,040,854.13 and cannot be recouped. This work is required before the tendering process to award a contract to build on the site, which is one of the next major steps for the project. This work has included:

- Stage 1-2 Archaeological Assessment;
- Stage 3 Archaeological Assessment;
- Soil Analytical Results Summary;
- Geotechnical Investigation (including a Geophysical Survey);
- Geomorphic Hazard Assessment;
- Phase 1 Environmental Site Assessment;
- Phase 2 Environmental Site Assessment;
- Preliminary Hydrogeological Assessment;
- Designated Substances and Hazardous Materials Survey;
- Development Feasibility Study;

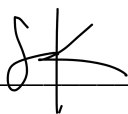
- Functional Servicing Report;
- Traffic Impact Study and Parking Needs Assessment;
- Natural Heritage Assessment;
- Headwater Drainage Features Assessment;
- Topographic Plan of Survey; and
- Subsurface Utility Engineering Services Assessment.

4. Staff Time and Resources

20. Staff at both the Ministry and Infrastructure Ontario devoted substantial work over the past two years to the planning for the project at the Kemptville site. If the site were to change, some of this work would need to be redone based on the new site, meaning significant staff hours over the past two years would have been wasted. On the Infrastructure Ontario side alone, the staff costs from June 26, 2020 to date related to the project are estimated to be in the order of magnitude of \$2,189,496.97.

21. I make this affidavit in respect of this motion, and for no other or improper purpose.

AFFIRMED REMOTELY by David Macey at the City of Toronto in the Province of Ontario before me, this 21st day of October, 2022 in accordance with O.Reg. 431/20, Administering Oath or Declaration Remotely.



Susan Keenan



David Macey

A Commissioner of oaths, etc.

This is Exhibit "A" referred to
in the Affidavit of David Macey,
affirmed this 21st day of
October, 2022.

A handwritten signature in black ink, consisting of a stylized 'S' and 'K'.

Susan Keenan, LSO #50784Q



**BUSINESS CASE FOR MINISTRY HOLDS
AND INTER-MINISTRY TRANSFERS
STAGE 1 INTEREST**

**Holdings for Ministry of Solicitor General
Interested Property – PIN 681.260206, ARIO Lands (Kemptville)**

Summary

The Ministry of Solicitor General (Sol Gen) wish to express interest in the Agriculture Research Institute of Ontario (ARIO) land in Kemptville to construct a new 235 bed Correctional institution to address in part, the necessary capacity needs within the Eastern Region. ARIO has circulated the land for sale to in part fund further capital works on other sites.

The ministry received Stage 2 approval as part of the 2017/2018 Program Review, Renewal Transformation process, to replace the current Ottawa-Carleton Detention Centre (OCDC). Since May 2017, SolGen, along with Infrastructure Ontario (IO), has been actively engaged in a search for a site (approximately 60 to 70 acres) for the proposed Ottawa Correctional Complex (OCC) facility. Over the past 2.5 years, the ministry and IO have explored over 30 properties to meet the ministry's need, however SolGen has been unable to obtain any potential sites due to various reasons: unsuitable land constraints, sale of land, etc. The project is delayed unless suitable land is found.

Based on the Ministry of Infrastructure (MOI) Reality Directive, IO is always required to review the Provincial portfolio for available lands to accommodate Ministry uses: the Ministry has expressed interest in the ARIO property that is currently circulating for sale. On September 26th 2019, SolGen expressed interest to the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) to formally place the property on hold and remove from circulation.

The ARIO property meets most of the criteria the ministry has in place for a new facility: the parcel, at 178 acres, meets the ministry's size constraints with potential future expansion if necessary. The site is accessible and has frontage on Highway 416: close proximity to major highway provides easy access for both staff and members of the public who need to visit the facility. There is access to public transit from Kemptville to Ottawa with the municipality looking to expand this service for the local community.

The distance between the existing OCDC facility and the Kemptville property is 67 km driving distance. Although this exceeds the ministry's criteria of a preferred distance of < 40 kms, the ministry analyzed current staffing home locations and the data provided demonstrates the majority of current OCDC staff live within the 40 km boundary to the proposed Kemptville property.

There are further Ministry criteria which will need investigating that the Kemptville lands only partially meet: municipal servicing, natural heritage constraints and hazards with respect to the watercourse on the east perimeter and the woodlot on the southwest corner, compatibility with adjacent uses with both rural residential uses located to the immediate north and light industrial uses located to the east. IO, along with the ministry, will need to work with the municipality to investigate and determine the feasibility of the extension of services/transit and the ability to rezone/re-designate as required.



BUSINESS CASE FOR MINISTRY HOLDS AND INTER-MINISTRY TRANSFERS STAGE 1 INTEREST

Proposed Program Use

To ensure that the approved project for Ottawa area is appropriately sized to deliver modern services for the entire region and not just Ottawa, the ministry is re-evaluating the Eastern Region in its entirety. The ministry has analyzed the eastern region needs assessing current inmate populations and characteristics while addressing future capacity with the lens of the approved project and systemic consistent pressures within the institutions in the region. The ministry is requesting approval to utilize the approved capacity for Ottawa (725 beds) and funding envelope to create an infrastructure plan and solution for the region:

- Addressing the need for a facility that meets the functional and service delivery needs of Ottawa and the surrounding area;
- Considering replacement of the Brockville Jail, the oldest jail in the province (1842), with a new a facility addressing current needs and increasing mental health capacity reflective of the need of Brockville and the surrounding area;
- Considering the expansion of the Quinte Detention Centre (QDC) to address the ongoing over-capacity issues.

By adjusting the size of the new site in Ottawa area, the ministry gains capacity flexibility across institutions addressing the pressures within, while maintaining the appropriate services and programming provided to address the needs.

The ministry will work with Infrastructure Ontario to acquire the property through the appropriate approval process. This is expected to take up to 1.5 to 2 years to complete. This property resides outside of the GREP portfolio and requires multiple approvals to bring it into the GREP portfolio (e.g. MGCS).

Funding

Through the Multi-year Planning process, the ministry has Stage 2 (Construction) approval from Treasury Board for the Ottawa project: this includes funding for site acquisition and due diligence activities. Due to the delay in site acquisition, the ministry, through MyP cycles, have asked to reprofile the funding to the following year and will continue this strategy for MyP 2020-2021.

Cost to the ministry to hold the ARIO property are estimated at approximately \$1.48M based on prior year actual costs. The total site acquisition costs for the Kemptville property is estimated by IO to be approximately \$3M. This is within the funding allocation for land acquisition within the project costs.

Timeline

The Ministry of the Solicitor General anticipate going to Treasury Board as part of the MyP 2020-21 to reprofile the funding to acquire the site, pending due diligence and feasibility investigations from IO on the site. The hold of the property will be in-place until the outcome of the feasibility investigations are known.

Estimated timelines:



**BUSINESS CASE FOR MINISTRY HOLDS
AND INTER-MINISTRY TRANSFERS
STAGE 1 INTEREST**

Engage IO to review feasibility of land. Site due diligence completed. Obtain municipal zoning approval.	Spring 2020 - Spring 2022
Functional program completed. P3 Procurement process followed and completed. Project Co Partner selected.	Spring 2020 - Spring 2024
Construction and substantial completion achieved.	Spring 2024 - Fall 2026

Ministry Commitment and Implementation Authority

Ministry of the Solicitor General

Sylvia Jones, Solicitor General

Signature: _____

Date: _____

Oct 23/19

Ministry of Agriculture, Food and Rural Affairs

Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs

Signature: _____

Date: _____

Oct. 28 2019

This is Exhibit "B" referred to
in the Affidavit of David Macey,
affirmed this 21st day of
October, 2022.

A handwritten signature in black ink, consisting of a stylized 'S' and 'K'.

Susan Keenan, LSO #50784Q

NEWS RELEASE

Ontario Supporting Frontline Correctional Officers in Eastern Ontario

Upgrades Will Improve Public Safety, Modernize Facilities and Support Economic Recovery

August 27, 2020

[Office of the Premier](#)

BROCKVILLE — Ontario is making strategic investments in public safety and strengthening justice services by modernizing the adult correctional system across Eastern Ontario. New construction and building upgrades will update facilities, address issues of overcrowding, and create new spaces for the delivery of mental health services, inmate programming and staff training.

Details were provided today by Premier Doug Ford, Solicitor General Sylvia Jones, and Steve Clark, MPP for Leeds—Grenville—Thousand Islands and Rideau Lakes.

"Our frontline correctional staff have been absolute champions throughout the pandemic, putting their communities first and keeping all of us safe," said Premier Ford. "By making these important investments in Eastern Ontario, we will upgrade our corrections infrastructure, better protect our correctional officers, and contribute to our economic recovery through these new construction projects."

"The Ontario government is making a substantial investment that will transform the corrections system in Eastern Ontario," said Solicitor General Sylvia Jones.

"Modernizing outdated infrastructure and building new facilities will create a better and safer environment for our hard-working frontline staff and address overcrowding in many of our institutions."

The modernization strategy for Ontario's Eastern Region includes:

- Building a new Greater Ottawa Correctional Complex on an existing government-owned site in Kemptville to improve staff and inmate safety;
- Replacing the Brockville Jail, which was built in 1842 and is currently the oldest in the province, with a new facility that will increase capacity and improve access to services and programming in the area;
- Expanding the St. Lawrence Valley Correctional and Treatment Centre and Quinte Detention Centre to improve mental health services for women who are

incarcerated and add capacity; and

- Renovate the Ottawa-Carleton Detention Centre to better accommodate programming for inmates and other initiatives.

The Eastern Region Strategy builds on the [government's plan to invest \\$500 million over five years to modernize correctional facilities](#) and support frontline corrections officers across the province, including the hiring of more than 500 new correctional staff. The Eastern Region Strategy will provide benefits throughout the area for years to come, including creating jobs and supporting local businesses during construction and providing jobs to local residents once the projects are completed. As a result, these projects will help stimulate the economy over the long term as Ontario moves into the next phase of recovery from COVID-19.

"These critical investments demonstrate our government's ongoing commitment to our incredible frontline corrections workers, while also providing an important boost to our local economy," said MPP Clark. "I am so proud today's announcement includes expanding the St. Lawrence Valley Correctional and Treatment Centre to provide treatment for female inmates with serious mental health needs. This is a project I have worked on for years alongside community leaders to build on the expertise we have now at the facility."

Quick Facts

- Improvements to correctional facilities in Ontario take into account recommendations made by the [Independent Review of Ontario Corrections](#), the Canadian Civil Liberties Association and others.
- The planned expansion of women's facilities at the St. Lawrence Valley Correctional and Treatment Centre will complement the [additional beds at Ontario Shores](#) to treat women with acute mental health needs.
- On any given day in Ontario, there are approximately 6,100 adults in custody in the adult correctional system.

Additional Resources

- [Modernizing Adult Correctional Facilities in Eastern Ontario](#)

Related Topics

Government

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Law and Safety

Ontario's laws and related information about our legal system, emergency services, the Ontario Provincial Police and victim services. [Learn more](#)

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Kristy Denette

Communications Branch

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Accessibility

Privacy

Contact us

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This is Exhibit "C" referred to
in the Affidavit of David Macey,
affirmed this 21st day of
October, 2022.

A handwritten signature in black ink, consisting of a stylized 'S' and 'K'.

Susan Keenan, LSO #50784Q

Ontario Infrastructure & Lands Corp.
1 Dundas Street West, 20th Floor
Toronto, Ontario M5G 2L5
Tel.: 416 327-3937
Fax: 416 327-1906

Ontario Infrastructure & Lands Corp.
1, rue Dundas Ouest, 20e étage
Toronto, Ontario M5G 2L5
Tél. : 416 327-3937
Télééc. : 416 327-1906



Date: March 4, 2022

Invoice # 2021-239

INVOICE

HST Number: 124668666 RT0044

Bill To: Mr. Robert Greene, Director

Facilities and Capital Planning Branch
Corporate Services Division
Ministry of the Solicitor General
25 Grosvenor Street, 13th Floor
Toronto ON M7A 1Y6

Mr. Greene,

This invoice is for expenditures provided by Infrastructure Ontario pertaining to the Eastern Ontario Correctional Complex for a land purchase/transfer.

A detailed breakdown of costs is provided below.

Total amount due: **\$2,463,910.02**

Land Capital	Description	Amount
Parcel 5, Building	LAND CAPTIAL	\$2,445,623.34
Parcel 5, Land	LAND CAPTIAL	\$18,286.68
	Subtotal	\$2,463,910.02
	TOTAL	\$2,463,910.02

Please remit payment to the EFT instructions below or issue all cheques payable to **ONTARIO INFRASTRUCTURE AND LANDS CORPORATION** at the above noted address with the attention to Accounts Receivable. If you have any questions concerning this invoice, please contact **Madeleine Sousa** (647)-264-5438.

Thank you,

Mar. 08, 2022

Angelo Gismondi

SVP, Project Delivery

March 7, 2022

March 07, 2022

Remit Payment To:

Ontario Infrastructure and Lands Corp.
2000 IO CORP - 1 DUNDAS ST W

Electronic Funds Transfer To:

Name of Bank: **CIBC**
Branch Number: **00002**
Institution Number: **010**
Bank Account Number: **9008314**

Remittance Email:

accounts.receivable@infrastructureontario.ca



Agricultural Research Institute
of Ontario
Institutde recherche agricole
de l'Ontario

2nd Floor
1 Stone Road West
Guelph, Ontario N1G 4Y2
Tel: (519) 831-3496
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1, rue Stone ouest
Guelph (Ontario) N1G 4Y2
Tél.: (519) 831-3496
Télec.: (519) 826-4211

INVOICE - ARIO Kemptville, Ontario Parcel 5 Transfer

TO:

Mr. Santhosh Mathew
Vice President, Real Estate Finance, Finance
Infrastructure Ontario
PH: (647) 264-2456

Mr. Debmalya Joardar
Manager, Tangible Capital Assets, Finance
Infrastructure Ontario
(647) 264-2368

2022-INV-Kemptville- Parcel 5

INVOICE DATE: March 3, 2022

LOCATION: Kemptville Campus

Re: Payment of this Invoice to Agricultural Research Institute of Ontario (ARIO) for the Transfer of Parcel 5 in Kemptville, Ontario

ARIO Book Value transfer amount of \$2,463,910.02

Cost breakdown (buildings and land) shown in Appendix 1

Site map delineating subject lands measuring 178.4 acres shown in Appendix 2.

Jen Liptrot, Director of Research
Agricultural Research Institute of Ontario

Please make cheque payable to: **Agricultural Research Institute of Ontario**

EFT Payment to: Agricultural Research Institute of Ontario (ARIO)
1 Stone Road West, 2nd Floor, NW Guelph,
Ontario N1G 4Y2

Appendix 1 – Cost Breakdown

Building Number	Name / Description	Current RSF	Condition	Original Value	Accum Dep	Net Book Value	Monthly Dep	Remaining Years
Parcel 5								
B12537	Beef Barn	3,272	F	23,059.04	(18,208.77)	4,850.27	100.70	5.01
B12541	Heifer Barn	2,306	F	-	-	-	-	-
B12542	Farm Shop	1,799	F	7,226.75	(7,226.75)	-	63.96	-
B12543	Calf Barn	3,034	F	23,148.03	(18,854.30)	4,293.73	104.27	4.43
B12544	Granary	306	F	-	-	-	-	-
B12545	Dairy Barn	5,309	F	68,414.31	(29,685.53)	38,728.78	164.17	20.66
B12547	Farm Machinery Storage	2,290	F	-	-	-	-	-
B12562	Residence - Herdsman	-	F	14,045.11	(10,283.34)	3,761.77	56.87	6.51
B12564	Agronomy Building	5,764	F	175,287.33	(131,519.01)	43,768.32	727.34	6.01
B20793	Silo & Unloader	258	F	-	-	-	-	-
B23952	New Beef Barn	3,162	F	29,853.96	(19,143.62)	10,710.34	105.87	9.43
B24083	Bull Test Station (aka Barn 16)	14,790	F	997,500.01	(611,424.00)	386,076.01	3,381.36	10.51
B24481	Educational Display Arena	27,944	F	327,849.85	(196,300.27)	131,549.58	1,085.60	11.10
B24512	Ram Test Station	4,450	F	525,235.76	(306,368.38)	218,867.38	1,694.31	11.76
B25126	Horse Barn	9,499	F	217,202.85	(109,097.10)	108,105.75	603.34	15.93
B25127	Pesticide Storage Building	799	F	-	-	-	-	-
B25128	Agronomy Machine Storage	9,654	F	43,732.33	(43,732.33)	-	590.98	-
B25129	Hay Storage Building	2,198	F	25,174.23	(12,644.88)	12,529.35	69.93	15.93
Total		18		2,477,729.56	(1,514,488.29)	963,241.27	8,748.70	117.30
Major Renovations/Capital Repairs								
B24083	Bull Test Station (aka Barn 16)	commissioned Q3 2011-12		943,662.85	(489,431.39)	454,231.46	3,980.30	
Watermain Installation				1,082,263.89	(54,113.28)	1,028,150.61	2,254.72	39.00
Total				2,025,926.74	(543,544.67)	1,482,382.07	6,235.02	39.00
Total Parcel 5				4,503,656.30	(2,058,032.96)	2,445,623.34	14,983.72	156.30

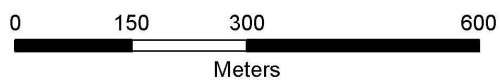
Fiscal 2020-21 Transactions							
SOLGEN		ARIO		GREP		IO-P3	
		DR. TCA - Building	1,082,264				
		CR. Cash		1,082,264			
		to record watermain investment					
DR. TP expense*	1,082,264	DR. Cash	1,082,264				
CR. Cash	1,082,264	CR. Revenue recovery*	1,082,264				
		to record reimbursement of watermain investment					
		DR. Amortization Expense	54,113				
		CR. Acc. Amortization		54,113			
		to record watermain amortization					
*On consolidation, both transactions highlighted in green were eliminated in fiscal 2020-21.							
Fiscal 2021-22 Transactions							
Scenario 1 (SOLGEN): SOLGEN is reimbursed (credit invoice) and Transfer Kemptville parcel at NBV							
SOLGEN		ARIO		GREP		IO-P3	
DR. Capital Expense - P3 Land Capital	18,287	DR. Cash (from GREP)	2,463,910	DR. TCA - Building	2,445,823	DR. Cash (from SOLGEN)	2,463,910
DR. Capital Expense - P3 Building Capital	2,445,823	CR. TCA - Land		DR. TCA - Land	18,287	CR. Revenue	2,463,910
CR. Cash	2,463,910	CR. TCA - Building	2,445,823	CR. Cash (to ARIO)	2,463,910		
		to record kemptville transfer					
DR. Cash (from ARIO)	1,028,151	DR. Expense/Loss	1,028,151				
CR. Revenue - PY recovery	1,028,151	CR. Cash (to SOLGEN)	1,028,151				
		to offset Watermain					
*On consolidation, highlighted blue cells would be eliminated in fiscal 2021-22.							

Appendix 2 – Site Map

 **Infrastructure Ontario** **A1089013: Kemptville - Eastern Ontario Correctional Centre**



N00955_Kemptville ARIO_OIC Map.mxd
July 23, 2021 © Queen's Printer for Ontario 2021
For illustrative purposes only!
*Areas and Limits to be confirmed by survey.



Court File No.: DC-22-2831

VICTOR LACHANCE AND ALBERT KIRK

v.

SOLICITOR GENERAL OF ONTARIO AND ATTORNEY
GENERAL OF ONTARIO

Applicants/Responding Parties

Respondents/Moving Parties

ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)

PROCEEDING COMMENCED AT TORONTO

MOTION RECORD
(Motion to Dismiss)

MINISTRY OF THE ATTORNEY GENERAL

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The Attorney General of Ontario