

Is the prison site legal?

Opponents of the Kemptville prison site insist the question must be resolved

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Kemptville – The Ford government should abandon its “diversionary tactic” of seeking to dismiss a judicial review contesting its decision to place a prison on prime agricultural land here and allow the court to get to the crux of the matter... was the decision illegal or not?

So say opponents of the prison project in their latest blast against the 235-bed facility scheduled to be completed in five years. The site is the farmlands on the south edge of town once occupied by former Kemptville Agricultural College.

“What are they afraid of?” asked Victor Lachance of the Coalition Against the Proposed Prison (CAPP), adding the province’s tactic is to drown the opposition in “costly legalistic red tape.” Lachance issued a plea to Ontarians who believe in fair play to help fund the ongoing “David-and-Goliath” battle.

Over the past four years, most of what was previously the college campus has been acquired by the Municipality of North Grenville and slowly transformed into an educational hub mainly catering to regional school boards. Some agricultural programs have also been introduced.

However, the province kept control of 178 acres across from the main campus much of which was used for parking during the 2022 International Plowing Match held in September.

Back in August, Lachance joined Kirk Albert of the Jail Opposition Group (JOG) in filing a judicial review to block the super jail on grounds it was announced without consulting residents and ignores the town’s official plan as well as violating the Planning Act.

Late last month, the Ministry of the Attorney General filed a motion to dismiss the review on several related grounds: The application by Lachance and Albert was filed beyond the prescribed time limit making it invalid; the respondents (the province) will suffer prejudice and hardship if the application is permitted to proceed; and the

applicants are members of unincorporated community associations which oppose construction of the Eastern Ontario Correctional Complex.

In addition, the government contends in its 30-page motion that it spent substantial site-specific funds and resources at the selected site over the past two years; should the application proceed and be successful, these investments will be wasted with significant additional funds required to secure a new site and alter the project to fit.

“There’s no reasonable explanation for the almost two-year delay in bringing an application in respect of a decision the applicants were aware of at the time it was publicly communicated.”

Albert scoffed at a breakdown of project costs contained in the ministry document which he described as “inflated”. The major investment cited is payment of close to \$2.5 million for the site to the Agricultural Research Institute of Ontario, a provincial agency.

“The province originally highlighted the benefit of selecting the Kemptville site based on it being a pre-existing asset of the province and therefore no acquisition cost,” he emphasized, adding it’s critical to get accurate expenditure figures.

“It’s also critical that we get to the intent of the judicial review which their motion to dismiss attempts to avoid.”

Added Lachance: “The real undue hardship on display during this escapade is that experienced by Kemptville residents seeking answers to their questions who have met with spin and silence for more than two years.”

Stephane Emard-Chabot, attorney for the opponents, also weighed in: “The province is side-stepping the main issue. Was the decision to select the Kemptville site for the proposed prison illegal or not?”