

## FOR IMMEDIATE RELEASE

### **Kemptville residents want judges to weigh-in on the legality of building prison on farmland, while the province looks for a way out of the “self-imposed mess it created”**

21 March 2023 (Kemptville, Ontario) – A hearing will be held at the Ottawa Courthouse where attorneys from the Government of Ontario and judicial review applicants seeking to stop the construction of a provincial prison on farmland in Kemptville will present oral arguments concerning the province’s motion to dismiss the case.

In August 2020, the Ford government announced the Eastern Region Strategy, which includes a series of provincial prison infrastructure projects, including a 235-bed facility in Kemptville. It made this prison announcement without prior consultation with residents and the municipality. After encountering information blockades erected by the province despite promises of transparency on the project and having exhausted various political avenues to try to stop the proposed prison from being built on farmland located on the grounds of the former Kemptville Agricultural College, Victor Lachance (Coalition Against the Proposed Prison) and Kirk Albert (Jail Opposition Group) filed a judicial review application in August 2022 seeking a prohibition order to stop the construction of the Eastern Ontario Correctional Complex (EOCC).

The lawyer for the applicants, Stéphane Émard-Chabot (Sicotte Guibault), explains the basis for the legal action taken by his clients and how the Ford government is reacting: “The grounds for the judicial review application are simple – building the EOCC on the proposed Kemptville site is illegal because, first, the province ignored its own provincial policy statement concerning permitted uses of farmland. Second, it failed to consider the Municipality of North Grenville’s official plan designating the land as agricultural. Third, it did not meet its consultation obligations before announcing the project”. In response, the province is seeking to bypass the judicial review application process that would determine the legality of the EOCC site selection on the grounds of the former Kemptville Agricultural College through a motion to dismiss. The province is claiming undue hardship by arguing that my clients took too much time to file their judicial review application and that the government has already spent considerable funds on the project. My clients are ordinary citizens who volunteered much of their time to try to get the Ford government to explain its site selection process and prove that it followed that process only to be met with roadblocks and even outright hostility when their own MPP Steve Clark unsuccessfully tried to use a third-party election law the Ford government passed to try to silence them, a law which has since been thrown out by the courts. I, along with my clients who are the ones who’ve been hard done by, will be vigorously contesting the province’s claims around undue hardship and will ask the judge to reject the Province’s desperate motion to dismiss the case so that a tribunal can do its work to determine the legality of bypassing legislative obligations to irreparably destroy increasingly scarce farmland for a prison”.

Kemptville resident, member of the Jail Opposition Group, and judicial review co-applicant Kirk Albert adds: “We’ve maintained that the province erred in their selection of the Kemptville site, but rather than test their platitudes before the Court as part of the Judicial Review, they are focusing all their effort into avoiding that process altogether. The province erred in the most serious of ways a government can in a democracy governed by the rule of law, they failed to follow their own laws. Specifically, legislated planning laws, by-passed to pave over increasingly scarce arable farmland, disregarding environmental features like floodplains and a creek with flow to the Rideau River and all without the interest or ability to explain to the community how they made their decision. By anyone’s standard it is perplexing, irresponsible and non-sensical. Tomorrow, we’ll be asking a judge to step in and reject the province’s motion to dismiss our judicial review application. The legality of the Province’s decision deserves its day in Court and the priority the Province has placed on attempting to sidestep it, is telling in and of itself”.

Victor Lachance – a Kemptville resident, member of the Coalition Against the Proposed Prison, and judicial review co-applicant – explains the broader implications of the province’s actions concerning the Eastern Ontario Correctional Complex, noting: “The motion to dismiss our judicial review application is just the latest in a series of moves by the Ford government to advance their plans to pave over farmland with highways, new suburbs, and costly, ill-advised infrastructure projects like prisons, without public consultation to line the pockets of their buddies in the construction and banking industries who stand to make a fortune from robbing us of the resources required for a sustainable future. The province must be worried that if our judicial review to stop Eastern Ontario Correctional Complex from being built on farmland is successful, we will set a precedent that could be used to stop other backward-looking, 20<sup>th</sup> century-style infrastructure projects they want to steamroll forward like Highway 413 and greenbelt housing developments. In these cases, like the Kemptville prison, the province has also ignored its own laws and failed to meaningfully consult with impacted residents, and so they’re looking for a precedent-setting, get out of jail free card for the self-imposed mess they’ve created. It’s our position that the courts should not oblige”.

Start time is 10:00 a.m. – virtual access via <https://ca01web.zoom.us/j/68865501678?pwd=YXNDUHZHMTlCb0RxcQ9ibFRScYxdz09#success>

## MEDIA CONTACTS

English and French  
Stéphane Émard-Chabot  
Lawyer, Sicotte Guibault  
[semard-chabot@sicotte.ca](mailto:semard-chabot@sicotte.ca)

English  
Kirk Albert  
EOCC Judicial Review Co-applicant  
[jail.opposition.group@gmail.com](mailto:jail.opposition.group@gmail.com)

French  
Victor Lachance  
EOCC Judicial Review Co-applicant  
[cappkemptville@gmail.com](mailto:cappkemptville@gmail.com)