

No "get out of jail free card" for Kemptville prison plan

A court finds the government fell short in its obligations to consult with the municipality and preserve designated agricultural land

BY TOM VAN DUSEN

Ontario Farmer

Kemptville – A move by the provincial government to cut off an attempt by local ratepayers to legally block a new prison on agricultural land in Kemptville has been rejected by Ontario Superior Court.

Victor Lachance and Kirk Albert, both representing prison opposition groups, had applied for a judicial review of the prison plan; government

lawyers countered with a bid to quash the case.

In noting the interveners "identified several arguable grounds", Justice Robert Smith didn't mince words in siding with them, stating the province fell short in its bid by failing to demonstrate undue prejudice and hardship as alleged, and failing to prove purported financial losses if forced to abandon the \$250 million project.

The site selected for the 235-bed "Greater Ottawa Correctional Complex" is a 182-acre parcel off the former Kemptville Campus of the University of Guelph which contains a dairy barn and riding arena among other buildings.

Smith suggested the government also fell short in its obli-

gations to consult with the municipality and preserve designated agricultural land as required by the Provincial Policy Statement, a set of regulations issued by the Minister of Municipal Affairs and Housing Steve Clark, MPP for the Kemptville area. Further, the project doesn't comply with the municipality's Official Plan.

On the technicality raised by provincial lawyers that Lachance and Albert took too long to file their application which has a prescribed 30-day limit, Smith said an application within that time frame would have been premature given the government's lack of disclosure of substantive details of the project.

On hearing news of their win in late April, Lachance and Albert could barely contain their glee, claiming that with their own money and that of contributors, they're "drawing a land in the sand and standing up to the bullies at Queens Park

as they run roughshod over the democratic process."

"From planning a prison on arable land with a floodplain, a creek and heritage farm buildings on unceded and unsurrendered Algonquin Territory, Premier Ford wants to be able to build what he wants, where he wants, when he wants without meaningful consultation or regard for long-term implications," Lachance accused.

Said Albert: "It's truly rewarding to have Justice Smith recognize the challenges we've endured simply trying to access information the province should have made readily available regarding the site selection."

The pair maintains that, to this day, the government has refused to release all information related to site selection and due diligence studies that court records indicate have been completed: "Enough with the secrecy! Enough with the

delays! Release the records!"

The two interveners are pleased that Smith's decision will allow Divisional Court to determine whether the "secret process" through which the site was selected was illegal as they claimed in their application for judicial review.

Lachance and Albert were represented in court by lawyer Stephane Emard-Chabot who insisted the province "needs to face the music once and for all" for failure to abide by its own planning laws and policies while using other procedures in an attempt to avoid judicial review of a "bad decision" concerning the prison.

Another prison opponent, Colleen Lynas, said that if the province appeals the ruling, it'll be responsible for dragging out the legal process at taxpayers' expense "hoping for a get out of jail free card for the bungled attempt to build cages instead of communities."