

FOR IMMEDIATE RELEASE

Kemptville residents vow to keep fighting the Ford government to save prime agricultural farmland and launch court appeal

February 29, 2024 (Ottawa) – Two Kemptville residents, Kirk Albert and Victor Lachance, have filed notice of their intention to apply to the Ontario Court of Appeal to appeal the decision issued earlier this month by the Ontario Divisional Court dismissing their judicial review application filed in August 2022. The two public interest litigants launched the judicial review to stop the Ford government from building a 235-bed prison on prime agricultural land in Kemptville, as announced on August 27, 2020. The applicants asserted the province’s proposed construction plan violated several provisions of the *Planning Act*.

“This is our community and the former Kemptville Agricultural College’s prime agricultural land, which includes a Rideau River watershed creek, has been part of it for over 100 years. We’re committed to doing everything we can to protect it from any construction project that would pave over this farmland at a time of food insecurity and climate catastrophe”, said Victor Lachance. He added: “For now we’re focussed on getting our judicial review heard in court, but we will also consider other legal challenges to save the farmland”.

“We believe the judicial review panel’s decision to dismiss our application is based on a flawed appreciation of the facts in several respects. There are numerous factual errors in the decision that warrant careful consideration, which are issues related to procedural fairness and the *Judicial Review Procedure Act*. These are what we plan to bring to the Court of Appeal’s attention”, stated Kirk Albert.

The applicants’ lawyer, Stéphane Émard-Chabot of Sicotte Guilbault, noted: “The panel’s decision did state that we have a strong *prima facie* case that the Ford government failed to abide by the *Planning Act* when it decided to build on prime agricultural land in Kemptville. This was also noted in a previous decision by Justice Smith last year when the province first tried to have our judicial review application dismissed”. He added: “The record clearly demonstrates that the Ford government paid no attention to its legal obligations under the *Planning Act* as the decision did not conform to the Provincial Policy Statements regarding the development of prime agricultural land. Citizens have a constitutional right to hold their governments accountable when they believe they’ve broken the law. This alone justifies an appeal to make sure the judicial review is heard by the Ontario Divisional Court”.

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