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Kemptville residents file response to the Ontario Solicitor General's push to make them pay \$15,000 for trying to save farmland

30 January 2024 (Kemptville, Ontario) – Kirk Albert and Victor Lachance, two Kemptville residents and public interest litigants, are fighting a push by the Ford government to make them pay \$15,000 for trying to get information about why the province decided to build a 235-bed prison on prime agricultural land of the former Kemptville Agricultural College, which is located on unceded and unsurrendered Algonquin Anishinaabe Territory.

In August 2022, Albert and Lachance filed an application for a judicial review of the Ford government's decision to build a prison on farmland located on the grounds of the former Kemptville Agricultural College, which was announced on August 27, 2020. The application for review is based on the Ministry of the Solicitor General (SolGen) failing to abide by the Government of Ontario's own Provincial Policy Statements to protect agricultural land, as well as the *Planning Act*. Despite SolGen's repeated promises of transparency and public accountability, it has steadfastly refused to provide answers to Kemptville residents, and along with Infrastructure Ontario, have declined to respond to or only partially responded to over 20 Freedom of Information requests with what can only be described as stonewalling.

Albert and Lachance sought the courts' assistance to compel the province to produce the records in November 2023. SolGen, currently headed by Minister Michael Kerzner, and the Ford government have since decided to try to make the two public interest litigants pay \$15,000 in legal costs for simply trying to get all related information for the Ontario Divisional Court to comprehensively evaluate the judicial review application.

"For over three years, we've awaited details about what led to the province's decision to pave over prime agricultural land to build a prison in Kemptville, with little to show for it. Our goal was to ensure that the judicial review justices had a complete record of the evidence before the province, leading up to their August 2020 decision. Instead of providing the promised documentation, SolGen and the Ford government have chosen to take steps to penalize us for seeking it," said Kirk Albert, recognized by the court as a public interest litigant acting in the interests of many Kemptville residents. "It's a concerning sanction from a government with such a well-documented history of initiatives where they announce decisions or make promises first then back track later, not unlike the Greenbelt land development fiasco," he added.

"They want to make us pay for having the temerity to question how on earth they decided it was a good idea to destroy farmland and farm buildings to build a prison," said Lachance, also a public interest litigant. "If they tried to drop a prison in the Greenbelt, people would have pushed back hard. But they're banking on people not noticing what they're up to in Kemptville and trying to hurt us financially for standing in their way," Lachance concluded.

For Stephane Émard-Chabot, of the law firm Sicotte Guilbault, seeking costs after successfully preventing the production of records seems vindictive on the part of the provincial government. "I'm worried about the message this sends to future community groups who might want to hold the province accountable for its decisions," he said.

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