

**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

BETWEEN:

**VICTOR LACHANCE and
KIRK ALBERT**

Applicants
(Responding Parties)

– and –

**SOLICITOR GENERAL OF ONTARIO and
ATTORNEY GENERAL OF ONTARIO**

Respondents
(Moving Parties)

AMENDED RESPONDING MOTION RECORD
(Motion to Dismiss)

March 13, 2023

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ATTORNEY GENERAL OF ONTARIO**

Respondents

APPLICATION UNDER Rules 14.05(1), 38 & 68 of the *Rules of Civil Procedure*; Sections 2 and 6 of the *Judicial Review Procedure Act*, R.S.O. 1990, c. J.1

NOTICE OF APPLICATION TO DIVISIONAL COURT FOR JUDICIAL REVIEW

TO THE RESPONDENTS

A LEGAL PROCEEDING HAS BEEN COMMENCED by the Applicants. The claim made by the Applicants appears on the following page.

THIS APPLICATION for judicial review will come on for a hearing before the Divisional Court on a date to be fixed by the registrar by the method of hearing requested by the Applicants, unless the court orders otherwise. The Applicants request that this application be heard:

x In person

☐ By telephone conference

☒ By video conference

at the following location

Ottawa Courthouse
161 Elgin St., 2nd Fl.
Ottawa ON K2P 2K1.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the *Rules of Civil Procedure*, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the office of the Divisional Court, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the office of the Divisional Court within thirty days after service on you of the applicant's application record, or at least four days before the hearing, whichever is earlier.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

TAKE NOTICE: THIS APPLICATION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for hearing or terminated by any means within five years after the notice of application was filed with the court, unless otherwise ordered by the court.

Date AUGUST 16, 2022 Issued by JEAN SANKALEY
Registrar

Address of court office: Ottawa Courthouse, 161 Elgin St., 2nd Fl., Ottawa ON K2P 2K1

TO: **Solicitor General of Ontario**
25 Grosvenor Street
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AND TO: **Attorney General of Ontario**
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APPLICATION

THE APPLICATION

1. The Applicants make application for the judicial review of the decision of the provincial Crown, represented by the Solicitor General of Ontario (the “Minister”), to build a new correctional facility – currently named the Eastern Ontario Correctional Complex (“EOCC”) – in the town of Kemptville, a community of approximately 4,000 residents located in the Municipality of North Grenville (the “Decision”).

2. The Minister has designated, for the proposed EOCC, approximately 180 acres of farmland that was part of the former Kemptville Agricultural College (the “selected Kemptville site”). Until March 2022, these lands were owned by the Agricultural Research Institute of Ontario (“ARIO”). The lands are designated locally and provincially as agricultural resources, and are classified as having Class 2 soil according to the Canadian Land Inventory as well as under the Ontario Ministry of Agriculture, Food, and Rural Affairs’ farmland classification system.

3. The application is brought under sections 2 and 6 of the *Judicial Review Procedure Act*, RSO 1990, c. J.1 on the grounds that the decision to build the EOCC on agriculturally designated prime farmland constitutes a violation of the Minister’s obligations set out in sections 3(5) and 6(2) of the *Planning Act*, RSO 1990, c. P.13 and are therefore illegal and *ultra vires*.

4. The Applicants have public interest standing to seek the relief described below from this Honourable Court because of the broad coalition they represent, their ongoing personal involvement with the Decision, and the fact that there are no reasonable alternative means available to bring before the Court the significant legal issues triggered by the Solicitor General’s decision.

5. The Applicants seek relief as follows:

- (a) a declaration that the Decision of the Minister to build the EOCC on the selected Kemptville site is not consistent with and is, in fact, contrary to the *Provincial Policy Statement, 2020*, in contravention of the Minister’s obligations under subsection 3(5) of the *Planning Act*;

- (b) a declaration that the Decision of the Minister to build the EOCC on the selected Kemptville site does not have regard for local planning policies embodied in the 2018 *Municipality of North Grenville Official Plan* and other local planning policies, in contravention of the Minister's obligations under subsection 6(2) of the *Planning Act*;
- (c) a declaration that prior to making the Decision to build the EOCC on the selected Kemptville site, the Minister did not consult with the local municipality of North Grenville, in contravention of the Minister's obligations under subsection 6(2) of the *Planning Act*;
- (d) an order by way of *certiorari* quashing the Decision of the Minister on the grounds that it is illegal as well as being *ultra vires* the Minister's authority;
- (e) an order prohibiting the construction of a correctional facility by the Province of Ontario on the selected Kemptville site;
- (f) if necessary, an order extending time for filing this application with the Court pursuant to section 5(2) of the *Judicial Review Procedure Act*;
- (g) such injunctive or interlocutory relief as may be sought by the Applicants, until such time as this application can be determined on its merits;
- (h) an order, in any event of the cause, that no costs be awarded to or against the Applicants because of their status as public interest litigants; and
- (i) such further and other relief as counsel may advise and as this Honourable Court may deem just.

THE GROUNDS FOR THE APPLICATION

6. The grounds for the application are set out below.

The decision to build a correctional facility on prime agricultural land

7. Given the opacity and somewhat amorphous nature of the process surrounding the selection of the Kemptville site, several aspects of the Decision remain unclear to this day.

8. What is known is that on August 27, 2020, the Solicitor General of Ontario published a press release announcing plans to build a new 235-bed provincial correctional facility – originally dubbed the “Greater Ottawa Correctional Complex” and later renamed the “Eastern Ontario Correctional Complex” – at the selected Kemptville site. This announcement was made without any prior notice or consultation with the Municipality of North Grenville or its residents.

9. Community reaction was swift, leading to the creation of two grass-roots organizations in opposition of the proposed facility: the Coalition Against the Proposed Prison (“CAPP”) and the Jail Opposition Group (“JOG”). Both groups immediately began to try to engage provincial and municipal decision-makers to determine the basis for the selection of the Kemptville site and whether the announcement was open to reconsideration.

10. In that vein, in the 18 months that followed the August 2020 announcement, a significant number of activities were undertaken by both community groups. Several meetings took place between the two groups and the Mayor and other municipal officials, meetings also took place with the local Member of Provincial Parliament, an online petition was launched, no fewer than three public forums were organized, four demonstrations and other community rallies took place, thousands of flyers were delivered, lawn-signs were installed, a GoFundMe page was created to raise funds for the groups’ activities, several letters were sent to provincial officials, letter-writing campaigns were undertaken, to name only some of the initiatives aimed at shedding light on and objecting to the Minister’s Decision.

11. In addition to the grassroots activities listed above, certain more formal steps were also taken.

12. The first stakeholder meeting organized with the Ministry of the Solicitor General took place on October 30, 2020. One representative from each community group – CAPP and JOG – attended this meeting, including the Applicant Kirk Albert personally on behalf of JOG. Also in attendance were local business leaders, school board trustees, and local hospital executives.

13. This meeting provided general information on the site-selection process, including the criteria and parameters typically considered by the Minister when selecting a site for a correctional facility. Officials representing the Ministry of the Solicitor General indicated, for example, that over 100 properties had been considered for the proposed EOCC. Officials further

stated that factors such as planning and community integration, health care availability, economic and other local benefits were part of the selection process. However, few specific details on the selection of the Kemptville site were provided. When asked specific questions, Ministry officials typically treated them as “take aways”, items to which they would provide a response at a later date.

14. In the wake of this meeting, the Ministry organized an online Public Engagement Meeting on November 26, 2020. Over 200 residents attended the event, but little relevant information was shared on how the Minister had made the Decision and selected the Kemptville site. The Minister’s representatives indicated that North Grenville residents were to send written questions to the Ministry and that these would be answered in a transparent and timely manner. Unfortunately, many of these questions remain unanswered to this day.

15. In order to ensure the promised level of transparency, the first freedom of information (FOI) request was filed on November 27, 2020 seeking to obtain documents on the site-selection process.

16. The resulting documents, obtained on June 4, 2021, revealed that the search for a site had been underway since at least June 2019. By contrast to the assertion that over 100 sites had been considered, the documents refer to 38 sites under consideration for the EOCC, with a shortlist of 6 sites retained. The documents obtained also indicate that the Minister was to make a decision on the Kemptville site by August 9, 2019. The nature and finality of that decision – and whether a decision was indeed made on that date – are not indicated in the documents released by the provincial government.

17. Locally, as over six months had passed since the Minister’s announcement without the North Grenville municipal council formally taking a position on the proposed EOCC or even officially considering the selection of the Kemptville site, both groups strongly encouraged the Mayor and Council to add the topic of the proposed EOCC to a Council meeting agenda.

18. On March 23, 2021, a special meeting of North Grenville municipal council was convened for this purpose. Delegations of local residents were allowed to present in short, timed segments, to convey concerns and seek answers to such fundamental questions as local impacts of the proposal on municipal finances and future costs to be borne by local taxpayers, public

safety, impacts on infrastructure, etc. Members of Council heard presenters but no questions were answered during this meeting.

19. By the end of 2021 and early 2022, the focus of the community groups had shifted away from formal meetings with officials as these meetings were not producing helpful information. Instead, 13 new FOI requests were filed during the month of January 2022 on various aspects of the proposed facility in order to ascertain whether, and to what extent, these aspects had been considered by the Minister in making their decision.

20. In order to allow for some breathing room to community stakeholders while these FOI requests were being processed, both CAPP and JOG deployed efforts to prevent the transfer of the farmland from ARIO – whose mandate is centered on agricultural research – to the Ministry of the Solicitor General.

21. In addition, with the provincial elections slated for June 2, 2022, opposition parties were making their position on the proposed EOCC known. By March, 2022, the Liberal Party called for a moratorium on the project until further consultation could take place, the New Democratic Party had expressed its opposition to the project as had the Green Party. In short, there was every chance the Decision would be reversed should a new government be elected.

22. On March 3, 2022, the Board of Directors of ARIO authorized the transfer of the selected Kemptville site to the Province and the transfer was registered on title on March 15, 2022. Once again, these steps were taken without any public notice or consultation.

23. To this day, practically all of the 13 access to information requests filed in 2022 are outstanding or have been denied and are under appeal.

The violations of the Crown's explicit obligations under the *Planning Act*

24. Unlike private property owners, the provincial Crown enjoys general immunity from statutes that regulate new construction in Ontario such as the *Planning Act* and the *Building Code Act*. The Crown is therefore free to disregard any number of local bylaws regulating matters such as zoning and land use, heritage conservation, development charges, and site plan control. The Crown does not even have to apply for a building permit when undertaking a construction project for its own purposes.

25. However, this immunity is not absolute. When adopting the *Planning Act*, the Legislative Assembly established three specific obligations that explicitly bind Ministers of the Crown, obligations which have not been respected in this case.

The Provincial Policy Statement, 2020

26. The Crown's first obligation is found in section 3 of the *Planning Act*. Subsection 3(1) enables the Minister of Municipal Affairs and Housing to issue, with the approval of the Lieutenant Governor in Council, documents called "policy statements" addressing matters "relating to municipal planning that in the opinion of the Minister are of provincial interest".

27. In turn, subsection 3(5) explicitly binds all ministers of the Crown, compelling them to abide by policy statements. Specifically, the legislative text provides that all Ministerial decisions "shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision".

28. The most recent policy statement, *Provincial Policy Statement, 2020* ("PPP 2020") came into effect on May 1, 2020 and was in effect when the Minister announced that the selected Kemptville site had been retained and that the new EOCC would be built there.

29. Section 2.3 of PPP 2020 speaks, in detail, to the importance of protecting agricultural areas for "long-term use for agriculture" and places strict conditions on allowing non-agricultural uses in prime agricultural areas. It is worth noting that the agricultural policies set out in Section 2.3 are, for all intents and purposes, identical to the policies found in the previous provincial policy statement adopted in effect from 2014 to 2020.

30. In this case, the Minister's Decision will result in the loss of 178 acres of prime agricultural land. This outcome cannot be said to be "consistent with" the policies of PPP 2020. As a result, the Decision to build the EOCC on the selected Kemptville site constitutes a violation of the Minister's obligations under subsection 3(5) of the *Planning Act* and is *ultra vires* the Minister's legislative authority.

Local planning policies

31. The Crown's second specific obligation, found in subsection 6(2) of the *Planning Act*, is to "have regard for, the established planning policies" of the municipality where a ministry's undertaking "will directly affect" the municipality.

32. The core planning policies in effect in the Municipality of North Grenville are found in the North Grenville Official Plan (NGOP) adopted under the *Planning Act*. The current NGOP came into force on November 22, 2018, after undergoing the periodic revision required by the *Planning Act*. The *Planning Act* also requires that municipalities ensure that their local official plans are "consistent with" the provincial policy statement in effect at the time.

33. The NGOP designates the selected Kemptville site as "Agricultural" land. The opening paragraph of the Agricultural chapter of the NGOP states that lands with this designation "are areas with highly valued soils in accordance with the Canada Land Inventory (CLI) mapping and therefore have potential for agricultural production, areas demonstrating a concentration of farming actively, as well as pockets of lesser valued soils within the greater context of a prime agricultural area." Not surprisingly, the selected Kemptville site has yielded crops of various types for several decades as part of the site's agricultural educational and research vocation.

34. Section 3.3.5 of the NGOP further sets out a specific policy applicable to the selected Kemptville site that conforms with the broader spirit of the general agricultural policies set out in the NGOP while reflecting the long-standing educational use in place at this location. Historical non-agricultural uses are permitted (post-secondary education institution) while future development is guided by "three pillars", namely "Education & training", "Health & wellness", and "Economic development". Nowhere do local planning policies contemplate a vocation such as the one proposed by the Minister.

35. In addition, the proposed EOCC has implications for a number of other local planning policy documents, including the Kemptville Campus Master Plan, the North Grenville Strategic Plan, and the North Grenville Tourism Strategy.

36. While the test of “having regard for” local planning policies is somewhat less strict than the Minister’s obligation to “be consistent with” the PPP 2020, completely disregarding local planning designations for primarily agricultural land with an educational vocation cannot be said to meet the requirement placed on the Minister by subsection 6(2) of the *Planning Act*.

37. As a result, the Decision to build the EOCC on the selected Kemptville site constitutes a violation of the Minister’s obligations under subsection 6(2) of the *Planning Act* and is therefore illegal and *ultra vires* the Minister’s legislative authority.

The Minister’s obligation to consult the municipality

38. Lastly, subsection 6(2) of the *Planning Act* also requires the Minister to consult with the local municipality “before carrying out or authorizing any undertaking” that directly affects the municipality. There is no doubt that the construction of a 235-bed correctional facility in a community of 4000 residents will have a profound and direct impact on the municipality, its ratepayers, its infrastructure, and future growth and development.

39. All the information available to date from the Province and the Municipality indicate that no consultation took place prior to the announcement on August 27, 2020. This constitutes the third violation of the Minister’s obligations under the *Planning Act*, rendering the Decision illegal and *ultra vires*.

The Applicants are public interest litigants

40. Victor Lachance is a founding member of CAPP. The unincorporated body was formed by a group of residents of Kemptville and the greater North Grenville area who are concerned about the proposal to build the EOCC on prime farmland, demolishing existing farm buildings in the process.

41. Kirk Albert is a founding member of JOG. The unincorporated body is a grassroots organization of concerned citizens that formed in the days following the Minister’s

announcement. It has been focused on advocating for Kemptville residents, seeking information to inform the community, and holding elected officials accountable for their positions on this project.

42. Over time, CAPP and JOG combined their efforts and, collectively, can count on the support of approximately 225 members under the direction of a steering committee of six members. Victor Lachance and Kirk Albert are part of the steering committee.

43. In addition to the work undertaken by the Applicants and the groups they represent, the following organizations are on the record as supporting CAPP's and JOG's opposition to the EOCC project:

- a. Ecological Farmers Association of Ontario
- b. Agritech Alliance Canada Ltd.
- c. Elizabeth Fry Society of Ottawa
- d. P4W Memorial Collective
- e. CPEP Criminalization and Punishment Education Project

44. The following organizations are on the record as supporting CAPP's and JOG's efforts to preserve the farmland at the selected Kemptville site:

- a. Canadian Organic Growers
- b. Just Food (Ottawa)
- c. National Farmers' Union (Ontario)
- d. Sustain Ontario

45. As founding and active members of CAPP and JOG, spearheading a broad coalition opposing the construction of the EOCC on prime agricultural land, the Applicants meet the requirements set out for Public Interest Litigants:

- a. The proceeding involves issues the importance of which extends beyond the immediate interests of the Applicants.

- b. The Applicants have no personal, proprietary or pecuniary interest in the outcome of the proceeding.
- c. The issues have not been previously determined by a court in a proceeding against the same respondent. In fact, the Crown's obligations under the *Planning Act* do not appear to have been judicially considered in any proceeding.
- d. The Respondent has a clearly superior capacity to bear the costs of the proceeding.
- e. The Application is neither vexatious nor frivolous.

46. Finally, the Applicants have public interest standing to seek the relief described above from this Honourable Court because there are no reasonable alternative means available to bring the issues engaged on this application before the Court.

DOCUMENTARY EVIDENCE

47. The following documentary evidence will be used at the hearing of the application:
- a. Affidavit of Victor Lachance to be sworn at a later date.
 - b. Affidavit of Kirk Albert to be sworn at a later date.
 - c. Affidavit of a professional planner to be retained at a later date.
 - d. Such further and other evidence as counsel may advise and as this Honourable Court may permit.

August 15, 2022

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Applicants *Respondents*

**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

Proceeding commenced at Ottawa

**NOTICE OF APPLICATION
FOR JUDICIAL REVIEW**

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**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

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– and –

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ATTORNEY GENERAL OF ONTARIO**

Respondents

**AFFIDAVIT OF KIRK ALBERT
(Affirmed December 16, 2022)**

I, Kirk Albert, of the Municipality of North Grenville, in the Province of Ontario, SOLEMNLY
AFFIRM AS FOLLOWS:

Backdrop

1. I have lived in the rural area of North Grenville (NG), just outside Kemptville, Ontario for my entire life. I grew up in Merrickville, a small nearby village, and then attended high school in Kemptville. I purchased my first home in the area in 1994, after graduating from University, and continue to live in a rural area of NG with my spouse and our two young sons who both attend schools in Kemptville.

2. My spouse and I made a conscious decision to raise our family in this area because of the benefits it offered including proximity to family and friends, safety, recreation and an overall high quality of life – despite both of us having to commute long distances to work.

3. I worked in the private sector for close to 15 years before being hired into the Federal Government in 2009, where I continue to be employed as Investigations Manager with Public Services and Procurement Canada (PSPC).

4. I have been actively involved in the local community for almost two decades, mostly with youth, either as a youth group counsellor or sports coach in hockey, baseball and soccer.

5. Although Kemptville is a growing town, the heritage, amenities, activities and vision for the town have always been maintained with a view to preserving the small-town charm as well as the lifestyle that long time residents have come to expect and enjoy, and that attracts newer residents to the community and the outlying area.

The unexpected provincial announcement and the immediate period that followed

6. This vision of peaceful rural living was upended on September 2, 2020, when I read an article in the local *North Grenville Times* newspaper authored by Jim Bertram, a Kemptville resident and a former North Grenville (Kemptville) municipal councillor. The article, found at **Exhibit A**, was about the Provincial Government announcement made in Brockville Ontario, just days earlier on August 27, 2020 by Ontario Premier Doug Ford, Ontario Solicitor General Sylvia Jones, our Member of Provincial Parliament Steve Clark, the Mayors of Brockville, Napanee, and the NG Mayor, Nancy Peckford.

7. The announcement was for a \$500 million dollar investment over 5 years by the province as part of what provincial officials termed the “Eastern Region Strategy” to modernize and/or build four correctional facilities with one of the new proposed prisons to be built in our small town of Kemptville. This facility was originally named the Greater Ottawa Correctional Complex, a name

which the Ministry of the Solicitor General (SolGen) subsequently and quietly changed to the Eastern Ontario Correctional Complex (EOCC), possibly after hearing from local residents that Kemptville was not part of Greater Ottawa, and to avoid confusion with the reconstruction of the Ottawa Carleton Detention Centre (OCDC) announced in 2017, a significant project which was now being abandoned and replaced by the new Eastern Region Strategy.

8. I was deeply concerned by Jim's article and the fact that such an announcement could be made without anyone in the community being consulted. I immediately thought about the impacts that a facility like this would have on our community and, in particular, on our small district hospital. I have been a regular donor to the hospital for several years and know the pressures this vital community institution faces. As the father of a young family, I did not want to see any reduction of service levels to local residents as a result of increased utilization from the prison that the Province was proposing to impose on the community.

9. Jim was organizing a group of citizens under the name Jail Opposition Group (JOG) and I immediately reached out to him. We agreed to work together and developed a recruitment strategy to grow the membership of JOG.

10. JOG took up the opposition efforts just five days following the provincial announcement, in the midst of the pandemic, of the proposed prison in Kemptville. JOG's focus was about seeking facts and conveying them to the interested and concerned residents of Kemptville and the surrounding area. JOG exists to advocate for Kemptville residents, who have concerns about the proposed prison from various perspectives that include prioritizing and preserving a quality of life in Kemptville, promoting tourism, revitalizing the town's core, maintaining its agricultural

heritage, and showcasing our town as a desirable location for innovative and sustainable businesses.

11. Jim and I also started researching the effects of prisons on small towns. The overwhelming constant that emerged from the academic studies we found was that prisons did more harm than good in small town environments. This was interesting information that we shared with local residents and with our Mayor and members of Council on October 1, 2020, to help them in their deliberations and decision-making. Over time, the Mayor and Council members refused to give much weight to the studies and articles that we provided as they felt that the sources were too “American-centric”, despite the fact that we also provided Canadian examples with similar conclusions.

12. The indications we were receiving in the period immediately following the announcement from our Mayor and Council was that they were taking a ‘wait and see’ approach to the announcement despite the many concerns being voiced in the community. We concluded that if we were to successfully oppose the prison project, we needed to continue to expand our call for assistance as quickly and as widely as possible.

13. We launched the NG Jail Opposition Group Facebook page on October 18, 2020 and held regular virtual meetings with JOG members to discuss and action various initiatives with a key objective to seek information from SolGen and, more importantly, inform the community of our findings to help residents make their own decisions about the provincial proposal.

14. Another unincorporated grassroots organization called the Coalition Against the Proposed Prison (CAPP) also came out in opposition shortly after the provincial announcement and

prioritized a strong web presence initially to leverage networking activities, quickly broaden their membership, as well as distributing information out to our community in a timely manner.

15. In October 2020, I contacted CAPP founder Colleen Lynas. The discussion was geared towards understanding each other's focus areas and expertise and eventually about where we could help each other as we realized that ultimately, we had the same goal, namely to obtain information from the Province and to inform the community.

16. Colleen and I agreed that our priority was the need to determine why class 2 agricultural land in the rural town of Kemptville could ever be selected as an appropriate location for a 235-bed facility, built to maximum security standards. We simply wanted SolGen, our municipal Council or our Member of Provincial Parliament (MPP) Minister Steve Clark, to convey to the community how a decision of this magnitude had been made, and why it had been made without any input from our municipal Council.

17. From that point forward, approximately in November 2020, JOG and CAPP were partnered, although mostly behind the scenes for reasons that worked well in our collective efforts to seek the facts. With a variable membership of approximately 300 members collectively, the groups are directed by a steering committee of 6 people. I am a member of the steering committee and also a spokesperson for JOG.

SolGen's October and November 2020 information sessions

18. SolGen held its first meeting with members of the NG community more than two months after the announcement of the selection of the Kemptville farmland as part of its new strategy in the wake of shelving the 2017 project to rebuild the OCDC in Ottawa.

19. This “by invitation only” meeting held October 30, 2020, brought together municipal officials from NG and key stakeholders. After constant pressure by JOG and CAPP for answers, I expressed significant interest in attending the meeting and was ultimately invited to join the small group of attendees who included representatives from the Kemptville District Hospital, representatives from the local school boards, members from the Salvation Army, a few members from the business community, some municipality staff, our MPP, Steve Clark and Colleen Lynas of CAPP.

20. I had prepared questions in advance (my document is reproduced at **Exhibit B**) and was able to ask some of them during the session, but there were many questions, from myself and others, that needed to be placed in a ‘parking lot’ for SolGen to consider and discuss, many other questions were not answered at all.

21. Provincial officials constantly repeated their commitments to transparency and partnering with the community, leaving me and others in attendance with the belief that the questions would be addressed at a later date. The presentation itself by SolGen officials spoke to various general design topics with a good amount of time being spent on how the design would be consistent with that of a hospital or school, on the exterior.

22. Provincial officials also explained that the project would be structured as a “P3” or public-private partnership covering the design, construction, and long-term maintenance of the facility. In other words, the project cost would not only include the facility itself but the maintenance contract locking-in the Province for decades to come. (The PowerPoint presentation used by provincial officials during the October 30, 2020 stakeholder session is reproduced at **Exhibit C**.)

23. A month later – in other words, three months after the announcement – the first fully public information session was hosted by SolGen on November 26, 2020. Approximately 300 people were in attendance (online) and the content was primarily a repeat of the slides and explanations made on October 30, 2020.

24. For this event, participants were specifically asked to submit questions in advance. I submitted 28 questions (found at **Exhibit D**) and fully expected, based on comments from Ali Veshkini, Associate Deputy Minister of SolGen, that they would be collected and responded to appropriately in the context of the meeting. This did not occur. The amount of new information compiled and shared since the October stakeholder meeting was negligible. Most important key issues remained unanswered.

A puzzling decision in need of a rationale

25. JOG and CAPP met on a regular basis and developed strategies as to how and where we could locate information that might explain the province's decision to place a 235-bed correctional facility, built to maximum security standards, on Class 2 designated farmland in a town of roughly 4000 residents. The choice of Kemptville was even more difficult to grasp in light of the lack of adequate infrastructure to support the facility. Kemptville would offer inmates no social supports, the small, highly utilized hospital would not be readily able to cope with increased usage, there is no courthouse nearby, there is no present or planned transit connection to Ottawa, and the new facility would be located approximately one hour Southwest of the existing Ottawa Carleton Detention Centre (OCDC).

26. An ever-growing number of local residents expressed their concern as to how Kemptville could ever be considered for a facility, the likes of which were only previously built in much larger

urban centres. Our research showed that there are 25 other provincial facilities: 8 detention centres, 8 jails, and 9 correctional centres. The average population size of the urban areas where the facilities are situated is 261,000 residents for the detention centres, 61,000 residents for the jails, and 129,000 residents for the correctional centres. (see **Exhibit E**) These much larger communities are able to dedicate the necessary resources and amenities to support such a facility.

27. It was also puzzling to me why an announcement of this magnitude was not known to local residents nor to our local government in advance. Our Mayor and Council conveyed frequently following the August 27, 2020, provincial announcement, that they were caught by surprise and had only 48 hours notice of the planned announcement. It seemed odd and unbelievable that this could be the case, but they have maintained this position to this day and none of the information JOG and CAPP have been able to obtain contradicts those statements.

28. The quest for answers from the Province and seeking provincial accountability, as promised explicitly during the October and November 2020 sessions, became the focus of our work.

A structured, coordinated opposition campaign that continues to this day

29. JOG and CAPP's initial efforts were aimed at a) growing our memberships and leveraging social media in our efforts to do so and b) contacting our MPP and local government to seek answers to a steadily growing list of questions regarding the proposal.

30. We held our first of several public demonstrations to express our opposition and increase the exposure of this announcement within the Kemptville community on November 7, 2020 (see CBC article at **Exhibit F**). This first event of this kind had a small turnout, but it was early days

and many people of Kemptville (including a strong demographic of seniors) did not utilize social media. We were also in the midst of the pandemic and there was substantial concern about any social gatherings, even if outdoors.

31. By coordinating their efforts, JOG and CAPP were successful in enlisting the help of various experts and tasking them with seeking and conveying the facts about this ill-conceived plan. Social media gradually became a strong driver for recruitment of volunteers, and to motivate other residents to find ways of getting involved. For example, Sarah Ciliberto, a local resident, took it upon herself to start a Change.org petition on October 8, 2020. The petition is now approaching 1850 signatures.

32. I, along with other JOG and CAPP members, also felt the need to communicate our concerns and seek support from our Mayor and Council. From my perspective, they too had been treated disrespectfully by not being consulted or included in the decision-making process for an infrastructure project that would have far reaching implications for the municipality.

33. In my view, the Province's announcement had derailed the community's vision for the farmland in question. The Municipality had already expressed an interest in purchasing the land that the Province had selected for the new correctional facility. Our MPP knew about the Municipality's strategic plan to develop the former Kemptville Agricultural College into a community hub, one that included what had been termed the "farmside land", to restore it to its roots of agricultural research and development projects and/or one of sustainable food growth.

34. To that end, our MPP, Mayor and Council had already been approached by entrepreneurs and investors from RANA Development Inc. to propose the North Grenville Centre for Agricultural and Environmental Technologies which was planned to be a Public-Private-

Partnership (P3) between Agritech Alliance Canada and the Municipality of North Grenville as well as with involvement of First Nations representation. The concept was to develop an eco-agricultural research centre in North Grenville. The plan included projects related to: Vertical Farming, Dairy research and development, development of the equestrian centre, an Aquaculture operation (a fish hatchery), active use of the W.B. George building for shows and exhibits and an agricultural museum for the region, among others. The concept was in support of North Grenville's vision to be an ecologically responsible municipality. This proposal and associated meeting pre-dates the official announcement by SolGen regarding the land.

35. All the while this project, in keeping with the farmland's history and Class 2 agricultural land designation, was being explored, our MPP and provincial Cabinet Minister never disclosed that the Province had already earmarked the land, nor did he explain why the municipality was not permitted to purchase the land, as it had with the rest of the former Kemptville Agricultural College in 2018. The Kemptville Campus, owned by the municipality, now houses schools, pre-school programs, businesses and was selected in the recent Tourism strategy for the municipality, to be the community hub.

36. As the list of impacts on the community became clearer to residents, I and other members of JOG and CAPP became increasingly worried that our Mayor and Council were not taking a very firm stand on the Province's proposal. Our volunteer organizations, with the help of academics and other experts, had already identified the following local repercussions that would have to be addressed:

- a. Increase demand on local infrastructure, including roads as well as water and wastewater services that do not yet extend to the proposed site.

- b. The permanent loss of 186 acres of Class 2 agricultural land that has served the community for well over a century in a variety of ways, including yielding various types of crops and enabling agricultural education programs.
- c. Policing costs for the facility borne by the local taxpayer.
- d. The absence of social services for discharged inmates.
- e. The lack of any transit connection to Ottawa for inmates leaving the facility or visitors coming to see them.
- f. The absence of a local courthouse, requiring frequent inmate transport to and from the facility.
- g. Our complete reliance on a small volunteer fire department. If a large fire or riot were to erupt in the proposed facility, there would simply be no local means of adequately responding.
- h. The stretched resources of our small, heavily utilized hospital.
- i. Impacts on wetland and mature forest.
- j. The loss of historical agricultural buildings.
- k. Impacts on the recently developed tourism strategy for the town.
- l. The lack of traffic studies, environmental assessments and other fundamental due diligence evaluations.

37. I consistently asked (as did others) our Mayor and Council, privately and publicly, to simply request that the project be held in abeyance until these fundamental questions were answered to the satisfaction of all local stakeholders. The interactions with our local government in the months following the announcement include, but are not limited to, the following dates and events:

- October 9, 2020 - CAPP meeting with Mayor / Deputy Mayor;
- October 29, 2020 - JOG meeting with Mayor, Deputy Mayor and Senior Staffer;
- November 11, 2020 - CAPP meeting with Mayor, Deputy Mayor and CAO;
- December 1, 2020 - CAPP meeting with Mayor;
- January 22, 2021 - JOG/CAPP meeting with Mayor, Deputy Mayor;
- January 26, 2021 - Kirk Albert meeting with Councillor Strakerjan;
- June 22, 2021 - JOG/CAPP Delegations to Council Meeting

38. An important piece of information that was communicated to me and other members of JOG and CAPP by our local elected officials is that, upon notification of the proposed prison, they sought the guidance of NG's Chief Administration Officer (CAO), Gary Dyke. I was told that Mr. Dyke had experience in larger municipalities, and Council valued his advice.

39. Mr. Dyke's advice, as it was recounted to me in more than one meeting, was that there was quite simply no use pushing back at all on the Province and that the prison should be considered a

fait accompli. Accordingly, the focus of the Mayor and Council should be on leveraging the situation for as much as they could.

40. The result of this advice was that our local government neither opposed nor supported the decision publicly. In fact, for more than 6 months, until we pushed for and obtained the right to bring a delegation at a council meeting on March 23, 2021, the matter had not even been discussed in any Council meetings since the August 2020 announcement.

41. In addition to the concerns regarding the future impacts of the proposed correctional facility on our community and its resources, the foundational question that those in opposition to the proposed prison kept raising was (and continues to be) related to the site selection process itself. What analysis had been conducted for the site selection of the EOCC? What criteria were used? Since Infrastructure Ontario's and SolGen's own documentation showed that Kemptville did not meet or only partially met some of the criteria, why was the Kemptville property short-listed and then ultimately selected when others that did not meet some of the same pre-determined criteria were eliminated from the search exercise?

42. Ms. Lisa Gallant, a community resident, had filed a Freedom of Information (FOI) request the day after the November 2020 public engagement session specifically on this point. Ms. Gallant was in regular contact with me and other JOG and CAPP members. Her efforts are set out in detail in her affidavit, included in the Motion Record. In short, as Ms. Gallant obtained some information and pursued appeals and adjudication to get at the entire record, what little information was being released by the Province only raised more questions. The number of locations according to the documents being released did not match the information provided by the Province. It was clear

that the Kemptville location did not meet several of the key selection criteria. And yet, the Kemptville farmland had been selected.

43. By early November 2020, we had also started engaging heavily with several media outlets and over time, with their assistance, we had promoted the story of the proposed prison broadly, gaining traction through CBC, CTV, Global News, The Toronto Star, local papers, podcasts and various radio programs (i.e. CBC's All in a Day etc.). With more than 300 articles, op-eds, radio and TV interviews to date, the story has generated good coverage of the reasons for our opposition and the flawed process to date, including lack of responses being provided despite claims of transparency and accountability at the SolGen public engagement sessions. The full list of media stories is referenced in the affidavit of my co-applicant, Victor Lachance.

44. SolGen's second public session took place November 17, 2021, almost 15 months after the announcement. The presentation again was light on content specific to the questions residents had asked of them previously in 2020 and new ones posed at this presentation. We also found out that provincial officials had recently been to Kemptville but had chosen not to accept a standing invitation for an in-person dialogue, in keeping with their commitments to open and transparent discussions with the community.

45. There was obvious frustration on the part of many participating residents due to a lack of substantive answers to the same questions people had raised following the original announcement. The discussion function (chat function) during the meeting was turned off part way through the meeting and many questions were left unanswered in the queue (see **Exhibit G**). Despite claims by SolGen to collect all questions and provide responses, this once again did not occur. Written

questions sent in advance of the meeting, at SolGen's request, also remain largely unanswered to this day.

46. It is important to note that the only other meetings held by SolGen with Kemptville stakeholders were closed to the public. There was a meeting on December 18, 2020, with the local hospital CEO and local school boards, as well as on May 3 and 4, 2021 with the English and French school boards. It should be noted that Indigenous groups were also stated as key stakeholders in this process, but no information was ever provided to indicate that they were contacted by SolGen. In a private conversation, Mayor Peckford has noted to me personally that Indigenous consultation is an area where the Province has not met their commitments.

47. In parallel to our efforts to hold provincial officials to their commitments, the political strategy I was involved in with other members of JOG and CAPP also unfolded, with particular attention on our local MPP and provincial Minister, Mr. Clark. We had been requesting a meeting with him for some time and had not yet been able to secure a commitment from him to that effect.

48. However, relations with Mr. Clark became more complicated when, unbeknownst to either JOG or CAPP, he filed a complaint with Elections Ontario regarding a lawn sign campaign we had launched in May 2021 to render the opposition to the proposed prison more tangible and visible. Mr. Clark filed his complaint on September 15th, 2021, alleging that JOG and CAPP were potentially breaking the law.

49. It was both surprising and upsetting to find out that allegations had been made by our MPP, attacking our grassroots efforts in an effort to seemingly scare us or quash the exercise of our democratic rights. It was however, reassuring that after only 15 business days (October 6, 2021), Elections Ontario concluded that the prison opposition lawn signs did not meet the definition of

political advertising and that Minister Clark's complaint had been closed accordingly. (see **Exhibit H** for the relevant correspondence.)

50. On October 15, 2021, one of our activities saw many residents visit Mr. Clark's election campaign office (a provincial general election was slated for June 2, 2022) with various presenters making clear statements about why the selection process for Kemptville was flawed and why the facility would be detrimental to the town.

51. Our political pressure seemed to pay off when our MPP committed publicly, during the November 17, 2021, SolGen engagement session, that he would meet with JOG and CAPP to better understand and discuss our concerns. Mr. Clark repeated this commitment on November 18, 2021, on the floor of the legislature at Queen's Park.

52. More than a year has passed since those commitments were made by Mr. Clark and we have had no follow-up communication from him or from his office to organize a meeting with members of JOG and CAPP, despite repeated attempts on our parts.

53. After the Elections Ontario complaint, and after the rather pointless second engagement session hosted by SolGen, it seemed clear that we had to rethink our political strategy. We therefore decided to shift our efforts to seeking other politically linked opportunities to shed some light on the unresolved issues and the Province's reluctance to provide information freely.

54. We enlisted the support of other organizations to selectively put political pressure on different individuals. For example, letters to the Provincial Minister of Agriculture, Food and Rural Affairs, Lisa Thompson, were sent on December 13, 2021, February 18, 2022 and April 8, 2022, by CAPP and on January 24, 2022 by the National Farmers Union. The letters asked the Minister

and her department to slow down or stop any request to transfer the land from the Agricultural Research Institute of Ontario (ARIO) to the SolGen since the result of the transfer would not align with their mandate to protect increasingly scarce agricultural land. We pointed out that the Ontario Federation of Agriculture (OFA) had recently concluded that Ontario was losing 319 acres of farmland every day, according to a 2021 Census on Agriculture.

55. By then, other organizations were also writing to the Minister, including Canadian Organic Growers, the Ecological Farmers Association of Ontario, and Sustain Ontario. Minister Thompson did not reply until March 31, 2022 stating that she and her Ministry would be unable to assist us. In fact, by then, the transfer of land had taken place without any notice to anyone in the community. (See **Exhibit I** for copies of the correspondence.)

56. Further contacts continued via emails, phone calls, letters and in person meetings with ONDP leaders Gilles Bisson and Joel Harden, MPP/SolGen critic Lucille Collard, OLP MPP candidate Josh Bennett, Canadian Civil Liberties Association, Senator Kim Pate, NDP Correction Critic Kevin Yarde, Liberal caucus members, Liberal and NDP Agriculture Critics, National Farmers Union and other Farming associations, the Mayor of Penetanguishene, and the list goes on. All these efforts were aimed at obtaining information that we were promised multiple times by SolGen and IO as well as our MPP, in the name of transparency.

57. We also held out hope that both a provincial and municipal election could see changes that would help in our prison location opposition efforts. Of all the candidates running to be MPP of our riding Leeds—Grenville—Thousand Islands and Rideau Lakes, only one was supportive of the prison, that being the incumbent Steve Clark. It is important to highlight that the candidates from the OLP, ONDP, Ontario Green Party, all formerly announced that if elected, they would

either pause or stop the plan to put a prison on agricultural land in Kemptville. Similarly, of the candidates running municipally for mayor and council in Kemptville and our municipality of North Grenville, almost all were opposed to the prison. So it was certainly logical to wait and hold out hope for political leadership changes.

58. After more than 15 months, it became clear that the information we were seeking – and which had been repeatedly promised by the Province – was not forthcoming. With the project timeline shown to us by SolGen on multiple occasions in mind, I and other JOG and CAPP members felt that our window of opportunity would soon begin closing. We felt that we had no alternatives other than to follow the lead set by Ms. Gallant and her initial FOI request in the hope that even some information might be released. (Details of Ms. Gallant’s efforts are found in her affidavit included in our Motion Record.)

59. Out of necessity and faced with what, by now, could only be characterized as stonewalling by the Province, we initiated 13 additional related FOI requests that were submitted mostly in January 2022, with a few more in February and March 2022. Building on the information provided by the Province to the effect that it had concluded a number of “due diligence” studies, the concerted FOI campaign launched by JOG and CAPP sought information on issues such as planning, site servicing, topographic plans, geotechnical and environmental studies, designated substance surveys, archeological investigations, natural heritage surveys, as well as any correspondence between various public authorities on the proposal. The Affidavit of Lisette Major included in this Motion Record provides full details on the subject matter and the status of these FOI requests. In short, none of them have produced any of the materials the Province claims it has completed.

60. We have also had to launch a few initiatives along the way to raise money to get information to those who were either preoccupied with Covid related matters or not on social media. Money was raised to mail out information flyers and more than 6400 residents received these by mail. Additionally, various social media have been used to both distribute material and receive material and support. Youtube, Instagram, Tik Tok, LinkedIn and two Facebook pages all are functioning with reasonable viewership. They proved invaluable during the pandemic when social distancing was of the utmost importance.

61. Among the numerous strategies considered, by JOG in particular, the thought of pursuing legal action was first discussed in December 2020, in the wake of the highly inconclusive October and November 2020 public sessions held by SolGen (see **Exhibit J**). We explored the option with members who had access to legal resources and advice. However, there were so few details about the announcement that we simply had no idea what we would be asking lawyers to advise us on. It seemed logical to wait, receive the information promised to us by provincial official, and then consider legal options.

Not the “journey” the Province had promised us

62. Over the past 28 months, we have had to wade through a number of issues in our efforts to seek the truth about the site selection for the proposed prison in Kemptville. We had high hopes of inclusion and transparency when these commitments were made, but these hopes did not materialize. With what I would characterize as systematic obfuscation by the Province, and the timelines for the project moving, particularly after finding out that the Province had transferred the land to SolGen, I and the other JOG and CAPP members had to take stock:

- a. We were told that the Kemptville property met their site selection criteria when in fact it did not.
 - b. We were told that 100 to 130 properties were assessed for their location only to find out from the Province's own documentation that 38 were reviewed.
 - c. Only two public meetings have been held, despite claims of being on a joint "journey" in which residents would be partners, along with our municipal government.
 - d. The farmland was transferred to SolGen despite obvious and continuous opposition from large groups of residents.
 - e. We were told that no cost would be incurred by the local taxpayer, yet it was clear that NG would foot the bill for policing costs.
 - f. Our MPP never followed through on his promise to meet with us – not even once.
 - g. Promises of economic benefits to our community have been largely debunked and are no longer seen as credible.
 - h. FOI requests for documents that, according to the Province's own affidavit in support of this Motion to Dismiss our Application, have been completed, are refused on the grounds that such documents do not exist.
63. It is clear we have been working at a distinct disadvantage. JOG and CAPP members are only concerned residents doing their best, giving this issue as much time and effort as possible, all the while facing a steep uphill battle to obtain any information.

64. Throughout our efforts, we maintained our belief that our opposition could bear fruit, given the successful opposition efforts put forth when the Ottawa Carleton Detention Centre (OCDC) expansion project was eventually abandoned after three years into the planned project. It showed us that the provincial government had little difficulty changing its mind, even after many years of activity. In our minds, it was reasonable to continue to wait for answers from the province to either be told or shown that the process of site selection that had been used was sound and that the results from due diligence activities identified no issues.

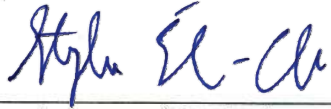
65. I will conclude, by stating that I have spent countless hours for more than two years, seeking facts about a selection process for a piece of land, facts that under any other circumstances would be readily available and accessible. I have prioritized informing the public, presenting at various rallies, meeting with political representatives, speaking at various information forums, attempting to establish the foundational pieces to this decision. I have done this not as an advocate but rather as someone who believes infrastructure projects should have established processes and that these processes should be followed. I have been steadfast in my commentary since the early days following the announcement in asking to be shown that a process exists for the site selection and that the province followed it. Initially my opposition efforts, which was the first of its kind for me, felt awkward, uncomfortable and at times isolating, being questioned about my justifications for continuing my efforts, even by friends and family, often being told it was a “David and Goliath” situation, so why bother. However, I have always believed that the questions we were asking on behalf of the residents were thoughtful and genuine and that appropriate due diligence by the province would have made responses to the questions simple and straightforward. This was not what occurred, responses just never came at all.

66. It has been a very busy time over the past two years, I've been involved in everything from researching information, chairing meetings for JOG members, meeting with local and provincial government officials, attending and speaking at rallies and public forums, meeting with stakeholders such as Indigenous leaders, and our local hospital CEO, visiting and presenting at our MPP constituency office, engaging with other municipal and provincial leaders to better understand the similar challenges they continue to face with receiving information from SolGen, and representing the opposition efforts as a spokesperson for JOG, meeting with Ontario Liberal, Green, NDP leaders and provincial caucus members and finally taking a leadership role with the local steering committee developing strategy and guiding ongoing opposition activities.

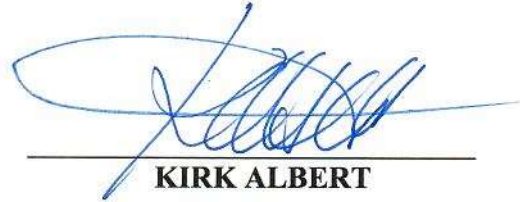
67. Despite my deep-rooted interest in this matter, I do not have any personal financial interest, nor do I stand to gain financially from any outcome of the judicial review process. Additionally, my personal property value will hopefully not be significantly affected as I do not live in close proximity to the proposed prison. My commitment to this endeavour has not only been from a time perspective. I have also committed to the process financially both in early stages of fund raising, purchasing signage and now with the Judicial Review process that has commenced.

68. To this day, substantive information about the province's site selection process or its decision to pave over valuable Class 2 designated farmland in Kemptville for a prison has not been provided. In part, that is why we felt the Judicial Review application was warranted. We felt that we did all we could do to avoid taking legal steps. From many perspectives, we strongly believe that the province has failed in its commitments to our local government and to our fellow residents, this is clear. We had exhausted all other avenues and concluded that we simply would never get to the bottom of how and why Kemptville was selected and whether a process was followed.

AFFIRMED remotely by Kirk Albert stated as)
being located in the Municipality of North)
Grenville in the Province of Ontario, before me)
at the City of Ottawa in the Province of Ontario,)
on December 16, 2022 in accordance with O.)
Reg 431/20, Administering Oath or Declaration)
Remotely.)



Commissioner of Oaths (or as may be)



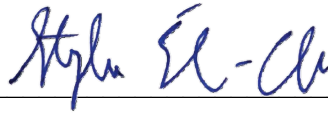
KIRK ALBERT

Exhibit "A"

Referred to in the affidavit of

Kirk Albert

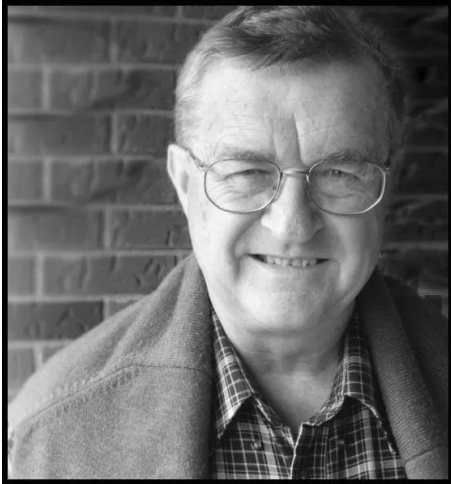
affirmed December 16, 2022

A handwritten signature in blue ink, appearing to read "Stephen El-Chi", is written above a horizontal line.

Commissioner for Taking Affidavits (or as may be)

A Tourist Delight

By **NG Times** - September 2, 2020



by Jim Bertram

Well ladies and gentlemen of North Grenville, the government of Ontario has struck again. Apparently, it was not enough to strip our municipality of the Kemptville College six years ago under the Wynne regime. Now, under Conservative auspices, the town is to become a jail town.

The recent announcement that a jail is to be located in the South end of town within easy reach of four schools was made two days ago. It is my understanding that

members of our Council had NO KNOWLEDGE of this project before its unveiling. If that is entirely true, it means that our provincial masters did not see fit to consult our local municipal representatives, a step that would have shown at least an elementary level of respect for the needs and interests of the residents of North Grenville. Given the support given locally to the party in power, it makes one wonder what North Grenville has to do to gain the consideration of the provincial powers.

I wonder if this project was floated elsewhere closer to the large centres which produce the potential inmates of this jail and rejected by powerful interests. "Not for us", said the well-placed interests in the South of the province. Dump it somewhere else where the people are milder, automatically supportive of the Party, and not likely to "answer back" to the power of government.

The project will be brightly portrayed as an important spur to "economic development". How will that occur? Should be a great boon to Council's new emphasis on tourism, right? Well, not exactly. Will Council still need to do a tourism study?

This new jail will be touted as a shining jewel showcasing the most up-to- date methods in dealing with those who can't manage to operate within the generous limits of the law. But what will those people bring with them in terms of criminal activity? The jail will be said to be a rich provider of jobs. To whom? To local people, or to specialised people from other areas? It will be said to spark growth in the economy. Even as it drives economic development away from Kemptville and causes home values to rise more slowly than in surrounding areas not saddled with a nice shiny new prison. And – will this prison itself grow as its initial phase becomes established? What will be the social effects of this huge institution? Has anyone thought about that? Anyone at all?

And what will be the effect of this addition to our municipality on municipal finances? How much will this institution contribute to municipal finances? How much will it cost the municipality to provide services? What will be the impact on the sewage and water systems? And, given the

negative impact on public safety, will the province come across with a generous subsidy to help provide an additional police presence? You know- like IN KEMPTVILLE , not patrolling Hwy 401? Or will the province leave the local taxpayer to flounder in a morass of additional costs and pay much increased property taxes? Another version of the many-headed beast of provincial downloading?

Ladies and gentlemen, I hope you will become informed on this issue. Whatever your analysis of the pros and cons, be aware that, as Councillor Barclay has told me, there will be a consultative process relative to this project. I will be writing further on aspects of this initiative as information becomes more plentiful. I really hope you will be too. And I look forward to seeing you at meetings which should be held in the above-mentioned consultation process. In the final analysis, I hope the province doesn't try to avoid this consultative step under the veil of Covid-19. Be aware and be active in the defense of your own interests.

 Post Views: 4

NG Times

<https://ngtimes.ca>

This article was either written by the North Grenville Times staff, or submitted to us for publication.

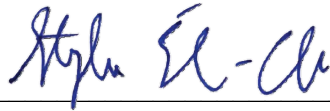


Exhibit "B"

Referred to in the affidavit of

Kirk Albert

affirmed December 16, 2022

A handwritten signature in blue ink, appearing to read "Stephen El-Chi", is written above a horizontal line.

Commissioner for Taking Affidavits (or as may be)

Hi Colleen,

Thanks for your time earlier this evening.
I was reading through the items from Justin and others.

Questions on my radar are as follows (in no particular order and some of JP's have been used below):

1/ Environmental Impact Assessment - when? By whom?

- You note that you will be building a LEED facility. Nonetheless, what are the environmental impacts of taking usable farmland offline and building a facility of this kind, especially down the road when infrastructure gets older?
- Are you planning an environmental assessment before moving the project any further to determine whether this plan is environmentally sound and to identify mitigation measures to limit the environmental impact of a new prison if it indeed gets built here?

2/ Why Kemptville, a suburb of approx. 4000 residents to house such a facility – all other 25 sites are in larger urban areas with maybe the exception of Penetanguishene at more than double our population (~9000)?

3/ What other sites were considered? Why not selected? Russell Rd. or Burritt's Rapids sites or expanding facilities elsewhere in Eastern Ontario?

4/ Provincial Surplus Lands listing - where is this available publicly?

5/ OCDC - Recently, the Minister has said that a decision regarding whether or not to renovate the Ottawa-Carleton Detention Centre will be assessed once the prison in Kemptville is built. Is there a scenario where you decide to shutdown the Ottawa-Carleton Detention Centre and expand the prison in Kemptville to accommodate the prisoner population there?

- Is it possible you could expand the prison in Kemptville down the road given the amount of provincial land you have here? OCDC after all opened as a 164-bed facility and now has around 600 beds.
- What percentage of prisoners do you anticipate will be on remand versus serving a sentence here in Kemptville's prison and how will that shape program offerings?

6/ Kemptville Hospital

- Advocates and experts have been calling for healthcare to be transferred out of your hands over to the Ministry of Health for years. How will this new prison not further burden our already taxed local healthcare services given that prisoners generally have poorer health than the general population?

7/ Public Consultation

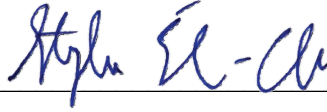
- What steps are being taken to consult the public?
- What is the purpose of your consultation process?
- Are we just going to be picking wall paint colours or will we have a real say in what will happen in the facility?
- How can public input shape the process given that the decision already seems to have been made?
- If one goal of this project is to improve community safety in eastern Ontario, why not have public consultations in our communities to ask us how we should spend funds that are currently earmarked for the Kemptville prison to improve public safety?
- If another goal of this project is to stimulate the local economy, why not have public consultations in North Grenville to ask us how we should spend funds that are currently earmarked for the Kemptville prison economic development?

Exhibit "C"

Referred to in the affidavit of

Kirk Albert

affirmed December 16, 2022

A handwritten signature in blue ink, appearing to read "Stephen El-Chi", is written over a horizontal line.

Commissioner for Taking Affidavits (or as may be)

New Kemptville Facility

Presented to: Municipality of North
Grenville & Key Stakeholders

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Date: October 30, 2020

Classification: Low Sensitivity

Introductions - Ministry of the Solicitor General

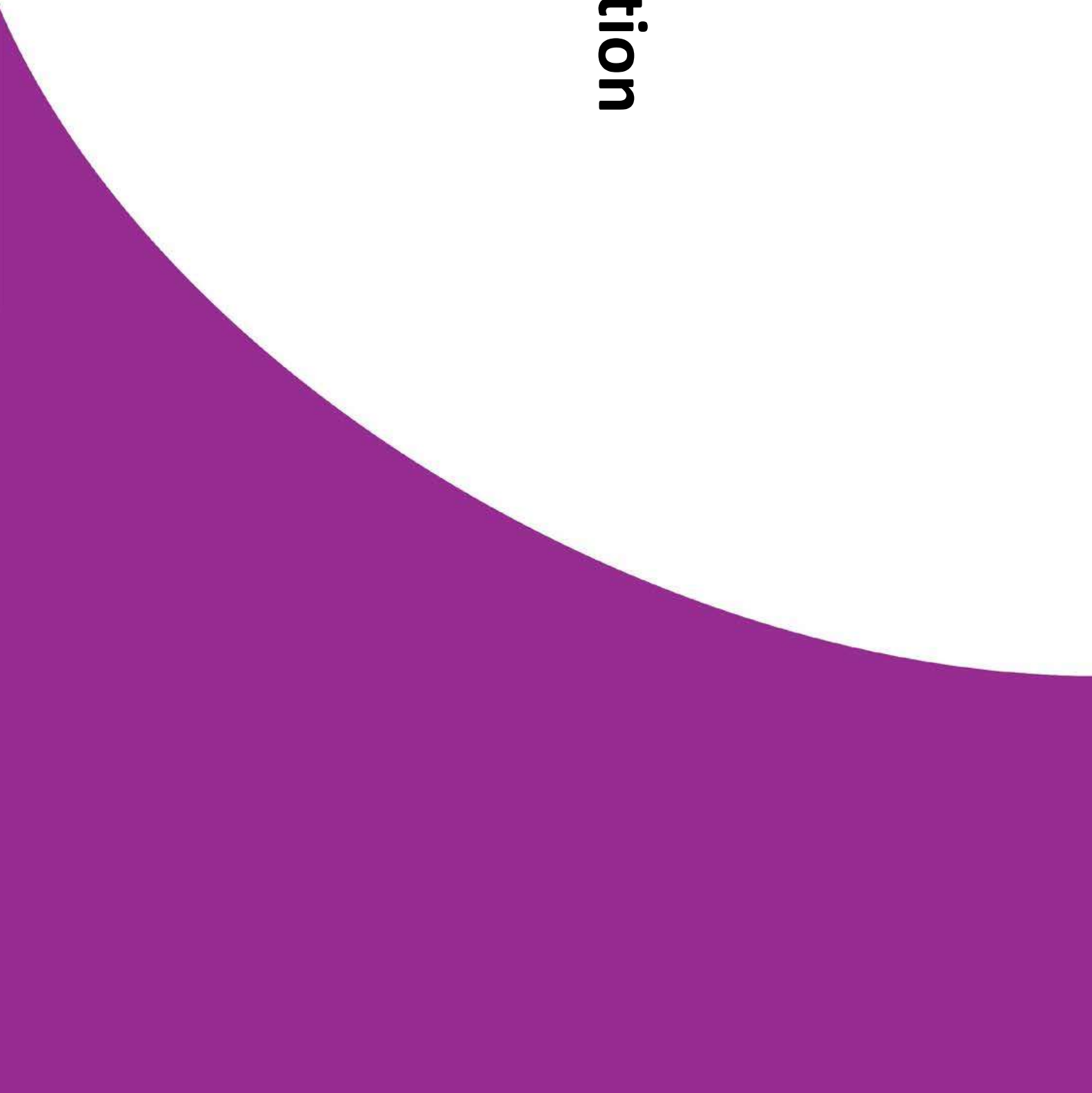
Name	Title
Ali Veshkini	Associate Deputy Minister
Karen Ellis	Assistant Deputy Minister – Institutional Services (IS)
Renu Kulendran	Assistant Deputy Minister – Community Services (CS)
Maria Duran-Schneider	Chief Administrative Officer (CAO) – Corporate Services (CSD)
Mena Zaffino	Assistant Deputy Minister – Operational Support (OS)
Angelo Gismondi	Senior Vice President – Infrastructure Ontario (IO)
⁵⁰ Doug Houghton	Executive Director (A) – Institutional Services
Robert Greene	Director, Facilities and Capital Planning (CSD)
Melanie Mayoh	Director, Corporate Health Care, Operational Support (OS)
Daniel Kielly	Manager, Major Projects (CSD)
Nick Liantzakis	Manager, Major Capital Projects (IS)
Rob Bauman	Project Lead (IS)
Marion Isabeau Ringuette	Director of Communications, Solicitor General's Office
Peter Copeland	Senior Policy Advisor, Solicitor General's Office

Agenda

- Site Selection
- Site Comparisons Walkthrough
- Project Overview
- Design Excellence
- Discharge Planning & Community Reintegration
- Health Care
- Local and Economic Benefits
- Project Timeline & Upcoming Engagements
- Questions & Answers

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Site Selection



Site Selection

- Already in Government Portfolio (government policy)
- Value for money
 - Private land purchase costs ranged from \$10M - \$40M
- Appropriate size to accommodate new facility
- Within Catchment area of existing facility in Ottawa
- Adjacent to the highway 417 or 416
- No development impediments (i.e. liens, 3rd party rights)
- Staff home locations in proximity to new location
- Build smaller, more efficient and manageable sized facility

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Test Fit



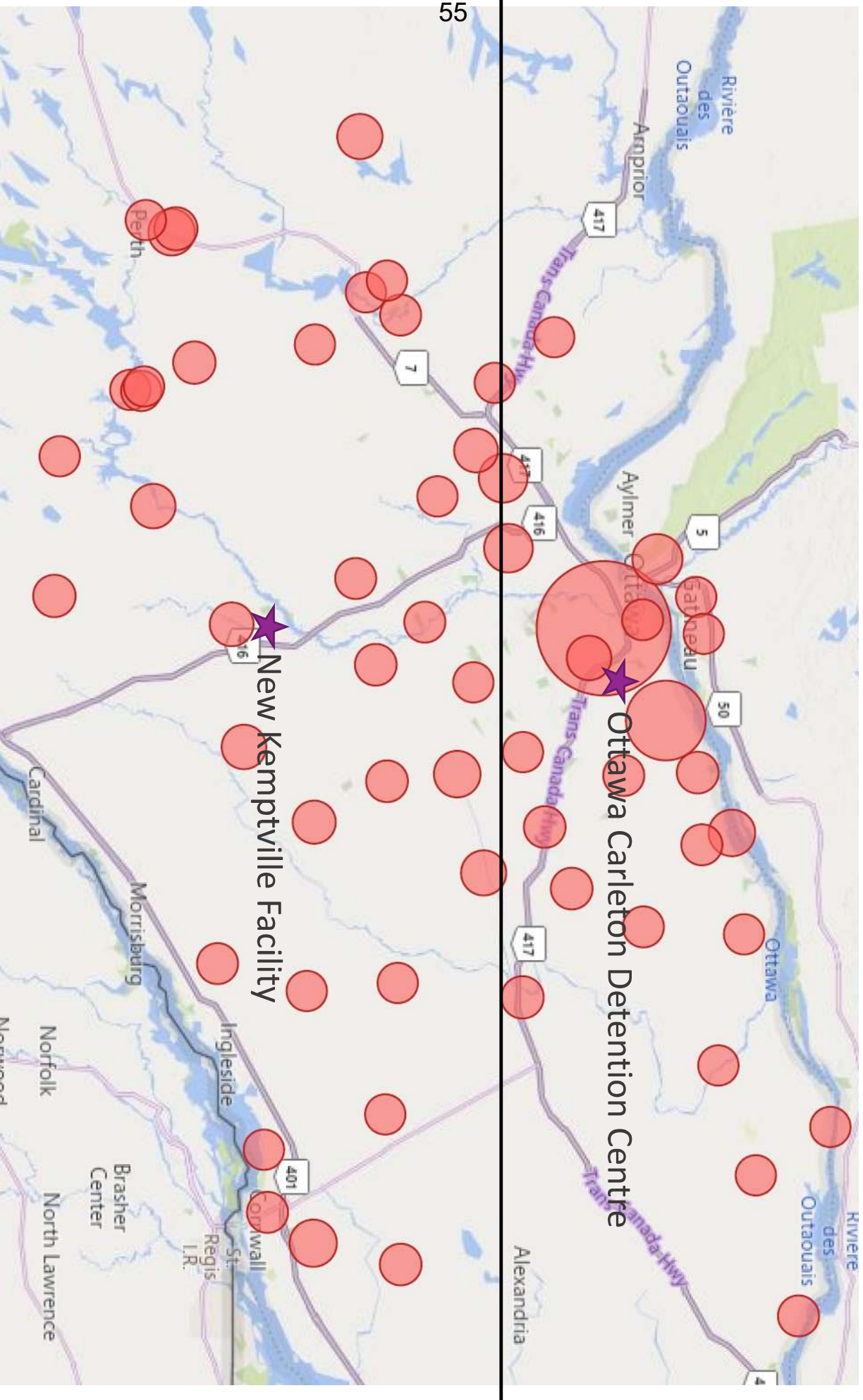
Notes

- Conceptual design greyed out due to commercial sensitivities.
- Plan is conceptual and subject to further studies, investigations and approvals prior to final placement on property.

LEGEND

	PROPOSED BUILDING
	FLOOD PLAIN
	LANDSCAPING
	PROPERTY BOUNDARY
	CREEK

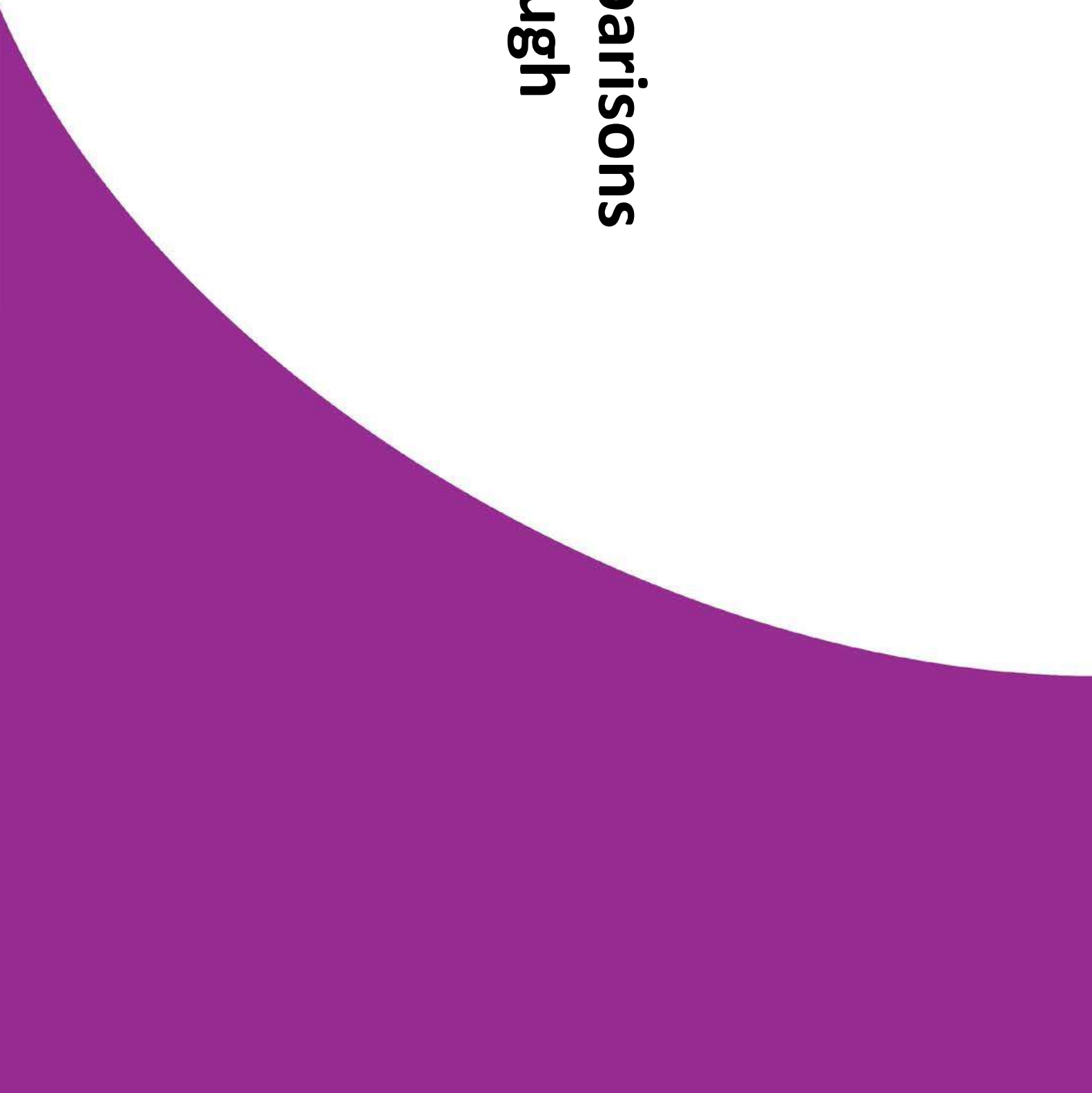
Staff Heat Map



Site Comparisons

Walkthrough

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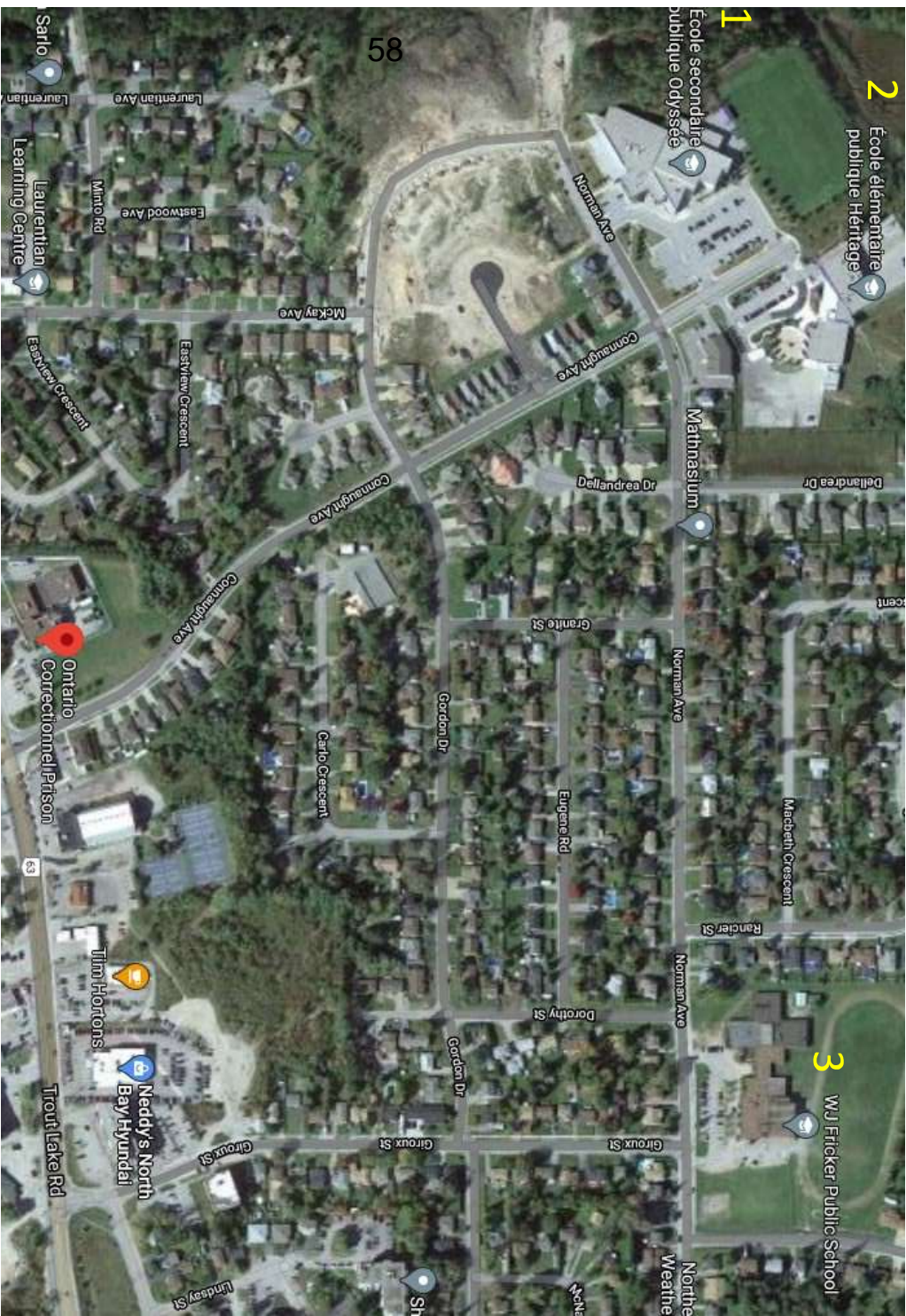


Ontario Correctional Institute (Brampton)



Item	Description
Year Opened	1973
Security Level	Medium
# of Beds	228
1) John Knox Christian	0.3km
2) Queen Street Public	0.5km
3) Ridgeview Public	0.8km
4) St. Augustine Catholic	1.2km

North Bay Jail



Item	Description
Year Opened	1929
Security Level	Maximum
# of Beds	111
1) École secondaire publique Odysée	0.6km
2) École élémentaire publique Héritage	0.7km
3) WJ Fricker Public	0.7km

Thunder Bay Jail



Item	Description
Year Opened	1928
Security Level	Maximum
# of Beds	145
1) St. Ignatius High School	0.2km

Niagara Detention Centre



Item	Description
Year Opened	1973
Security Level	Maximum
# of Beds	272
1) Ontario Public School	0.6km
2) Residential Development	0.5km

Project Overview



Correctional Services Overview

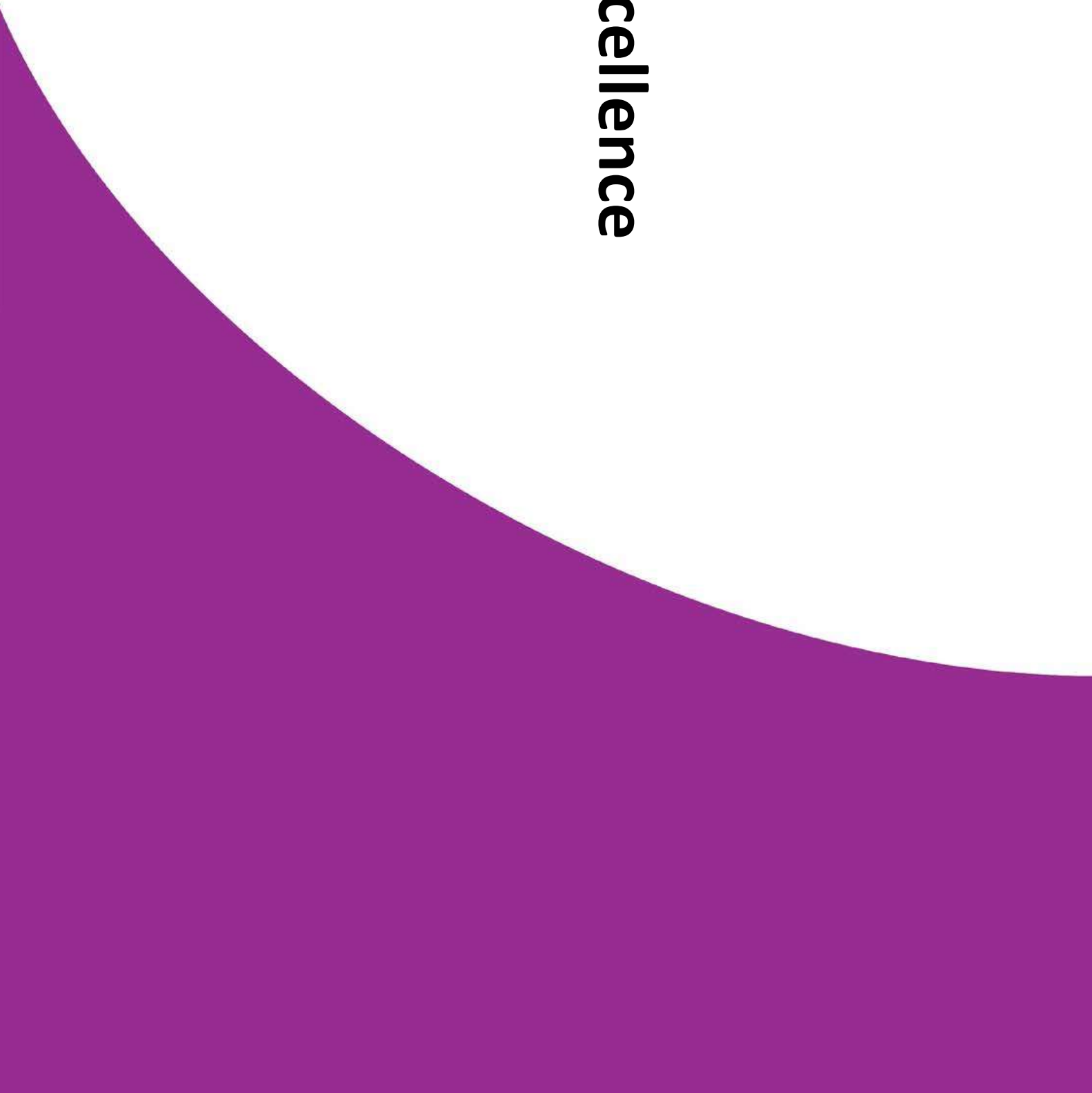
- Institutional Services
 - Currently operate 25 institutions across the Province
 - Average daily count of approximately 6,000 inmates
 - Over 6,300 staff
- Community Services
 - 120 Probation & Parole Offices across the Province
 - Responsible for an average of approximately 40,000 offenders per day
 - Over 1,200 staff

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New Kemptville Facility

Item	Description
Facility Profile	• 235 beds • Maximum Security (based on security envelope)
Inmate Profile	• Accommodate Men and Women Inmates • Accommodate minimum, medium and maximum classified inmates
Functional Space	• Single cell occupancy • Program and cultural spaces • Day area (soft furniture, television, telephones – where appropriate) • Appropriate level of alternative housing and medical/mental health services • Regular access to outdoor spaces • Open visitation spaces • Improved professional development space for staff • Video court suites
Project Delivery	• Private Public Partnership (P3) - Design Build Finance and Maintain

Design Excellence



South West Detention Centre (Windsor)



Public Waiting Area



Toronto South Detention Centre



Public Waiting Area



Major Project Examples - Hospitals



Institutional Area: Inmate Living Units

Goal: *Normalized environment with open space & access to natural light*



Current State



***Future State**

*This photograph is an illustrative example of the future state and may differ once constructed to reflect and accommodate ministry specific security and design features.

Institutional Area: *Medical Services*

Goal: *Access to quality healthcare*

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Current State



***Future State**

*This photograph is an illustrative example of the future state and may differ once constructed to reflect and accommodate ministry specific security and design features.

Institutional Area: Inmate Outdoor Space

Goal: *Access to an outdoor space with green space & natural light*



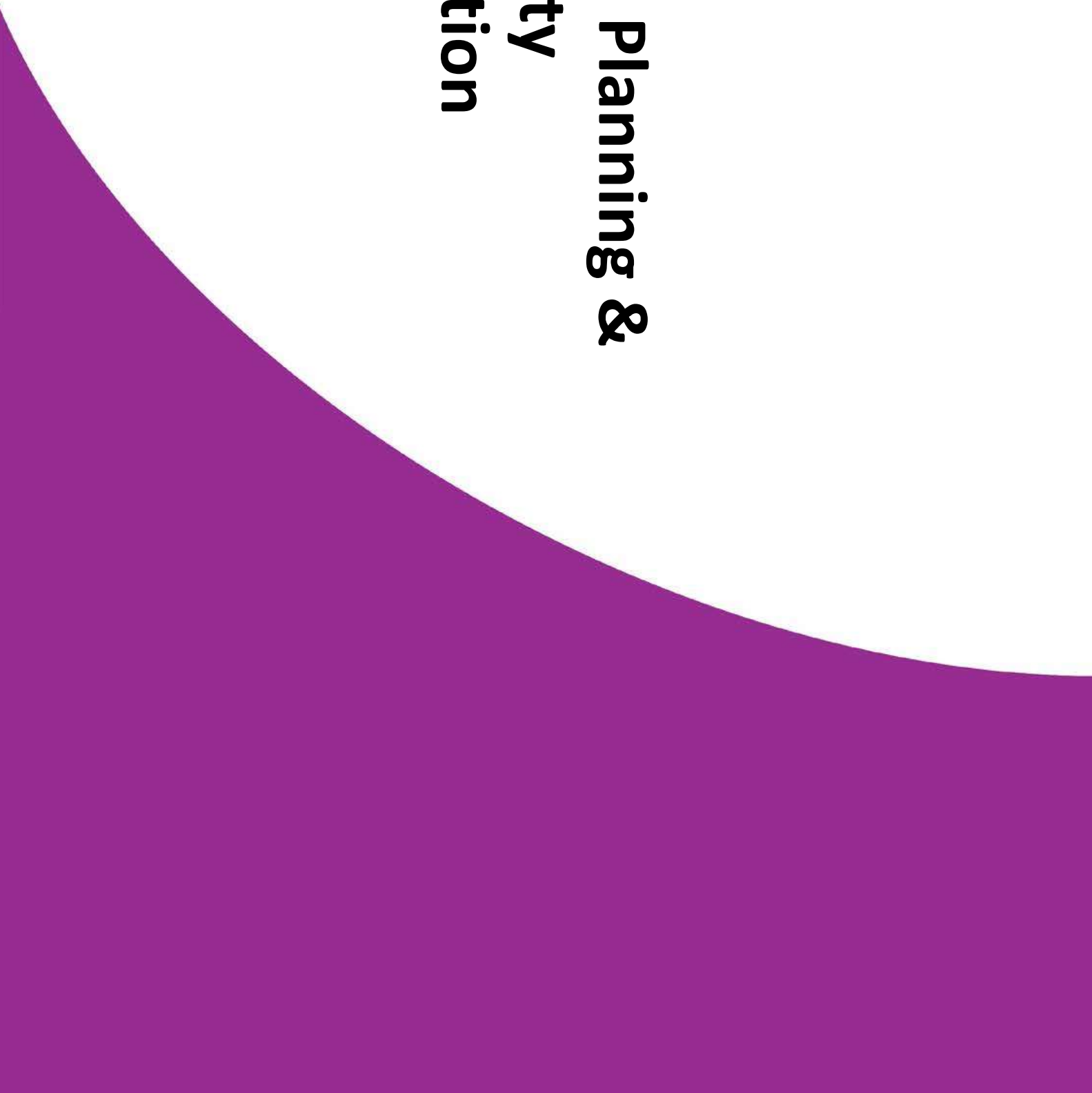
Current State



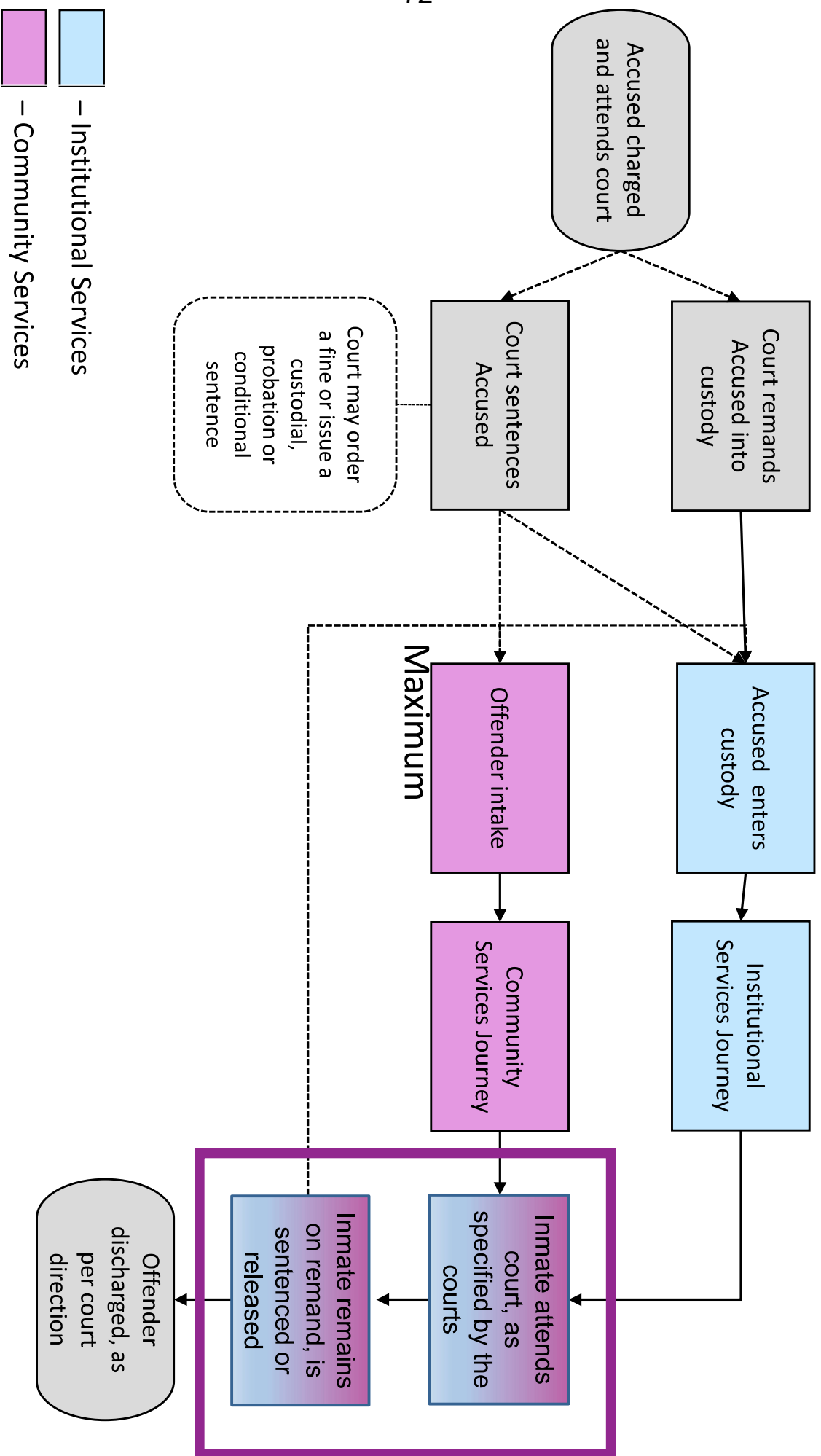
***Future State**

*This photograph is an illustrative example of the future state and may differ once constructed to reflect and accommodate ministry specific security and design features.

Discharge Planning & Community Reintegration



Interactions with the Criminal Justice System



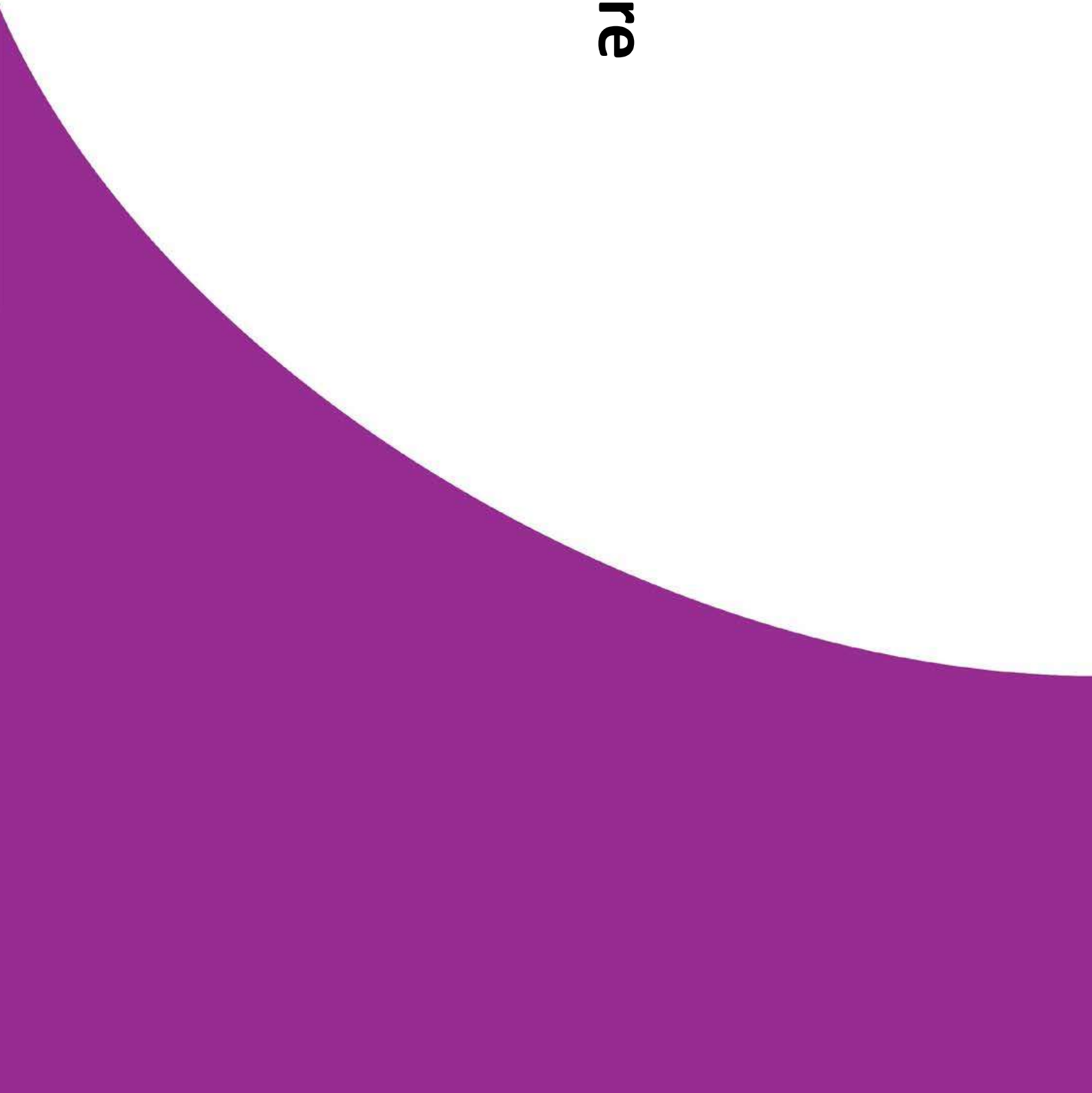
Community Reintegration Supports

- The Community Services Division works with institutional staff and community rehabilitation services providers to support the reintegration of clients under community supervision orders. It also provides funding for:

- Community Residential Agreements, which provide supervised housing for offenders requiring housing and other supports;
- Community Service Orders, which support offenders who require volunteer placements as a condition of their order;
- Mental health services: psychologists, psychiatrists, psychotherapists, and social workers;
- Culturally-appropriate services for Indigenous offenders, including Indigenous Community Correctional Worker positions, contracted through Indigenous organizations and communities; and
- Individual and group programming that targets core areas, which includes sex offending, domestic violence, anger management, and substance abuse.

- Ministry partners delivering these services include: the John Howard Society, St Leonard's Society, Elizabeth Fry Society, Salvation Army, Morneau Shepell, Indigenous communities and organizations, and other identity-based organizations

Health Care



Health Care Services in Correctional Institutions

Health Care Managers oversee health care services in institutions

- Physicians and nurse practitioners provide primary care in correctional facilities*, with limited dental and optometry services also available.
- There are **71** infirmary beds available at **four** sites for those who need specialized care, but do not require hospitalization.

75 **Eight** facilities have pharmacists and **five** have pharmacy technicians, while the remainder rely on nursing staff to manage pharmacy needs.

- **76%** of clients receive at least one medication, while **69%** receive three or more.

Approximate number of Health Care Workers: 641

Public Health

- Outbreaks of infectious illness are managed under the guidance and in collaboration with the Public Health Unit local to the institution.

Nursing

Registered Nurses
(including mental health nurses),
Registered Practical Nurses, and
Nurse Practitioners

- All facilities have nurses on staff who perform intake assessments and provide the majority of health services.

Primary Care

Physicians and Dentists

Mental Health

Mental Health Nurses
Psychiatrists, Psychologists
and Social Workers

Pharmacy

Pharmacists,
Pharmacy Technicians

Discharge

Social Workers, Discharge Planners

Hospitalization

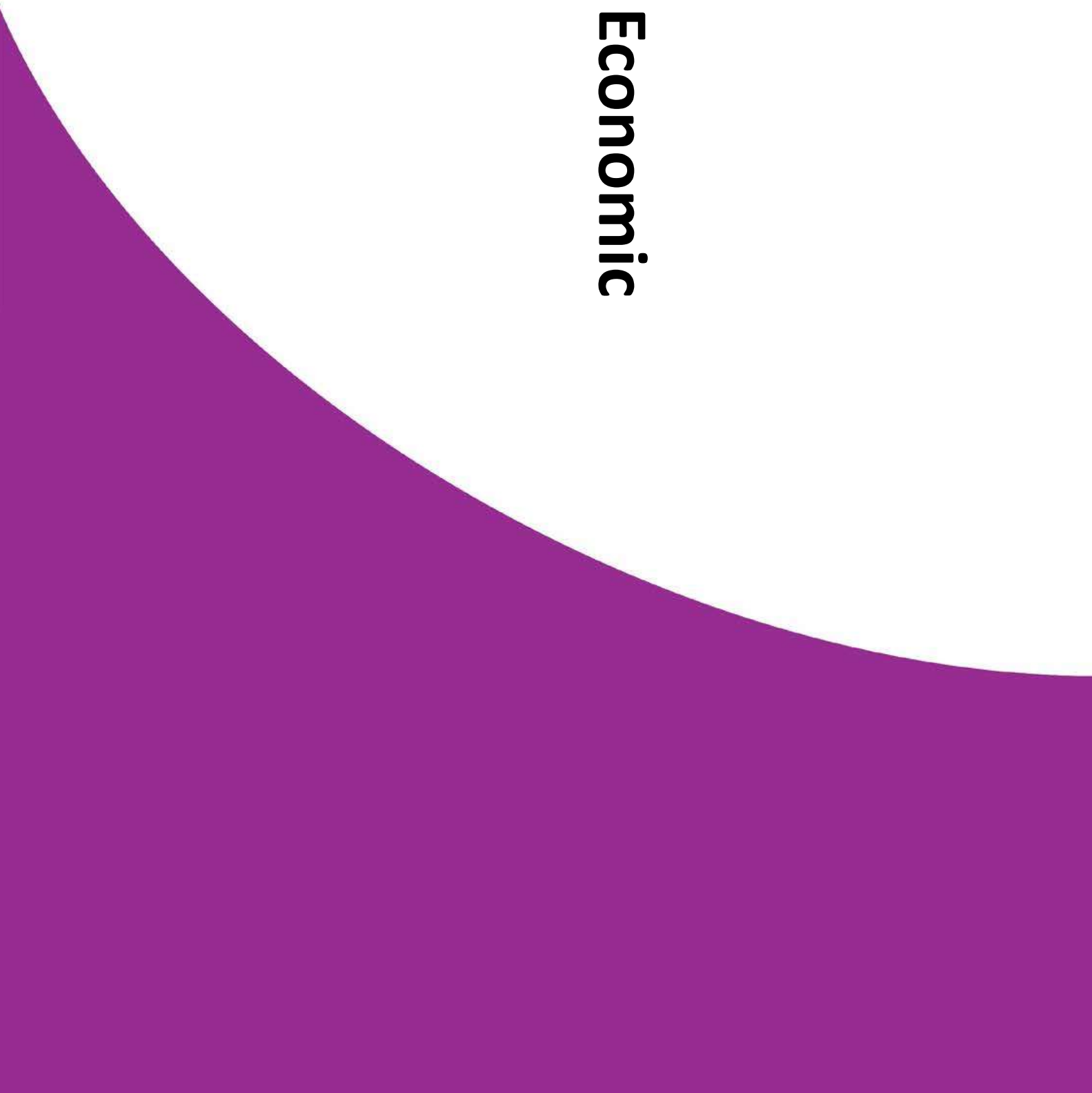
- Patients who require hospital level care are hospitalized with security escorts (correctional officers or local police services).

Telemedicine

- All facilities have access to a psychiatrist.
- One facility is designated a Schedule 1 psychiatric hospital.
- Two facilities have access to Forensic Early Intervention Service to identifying high-risk patients who are unfit for trial or have the possibility of a not criminally responsible defense.
- Discharge planning is performed by social workers or discharge planners at the institution.
- Release from custody workers and transitional case managers work from within the community.
- All sites are enabled with telemedicine via the Ontario Telemedicine Network (OTN)

Local and Economic Benefits

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Local and Economic Benefits

- Economic Benefit created during construction
 - Hundreds of direct/indirect jobs created during the construction of the new facility.
 - Buying local (e.g. coffee shops, hospitality, etc.)
 - Subcontracting of local trades (e.g. gravel, etc.)
- Ongoing economic benefits once operational
 - Additional staff to operate new facility
 - Buying local (e.g. coffee shops, hospitality, etc.)
 - Other subcontracting opportunities (e.g. grass cutting, snow removal, etc.)
 - Potential positive real estate impact

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- At the peak of construction in Windsor for the **South West Detention Centre**, there were approximately 200 workers employed and 80% of those were local to the surrounding area.

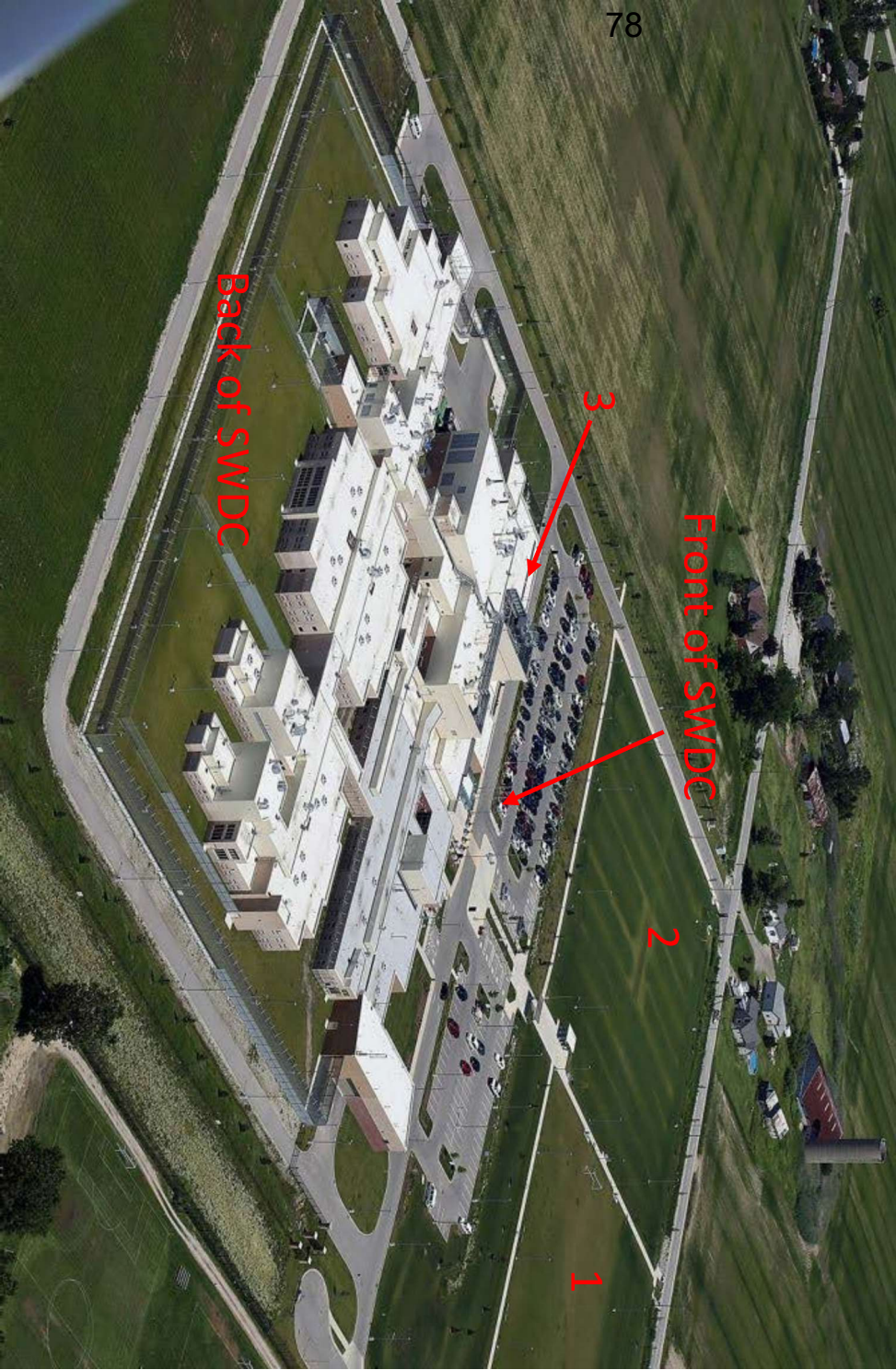
- **Durham Region Courthouse P3 Project**

- Estimated that about 1,500 people will conduct business daily in the new facility, bringing increased demand for restaurant meals, office space and other services in downtown Oshawa.
- Courthouse employees and visitors will bring an estimated \$7 million per year in additional spending to the City of Oshawa. (Extract from Value for Money Assessment)



South West Detention Centre (Windsor)

- Other opportunities
 - Sports Field
 - Publicly accessible Gymnasium
 - Greenhouse or other heritage considerations
 - Community Volunteer opportunities
- Other programmatic opportunities to partner with local school boards (e.g. literacy, agriculture, etc.)



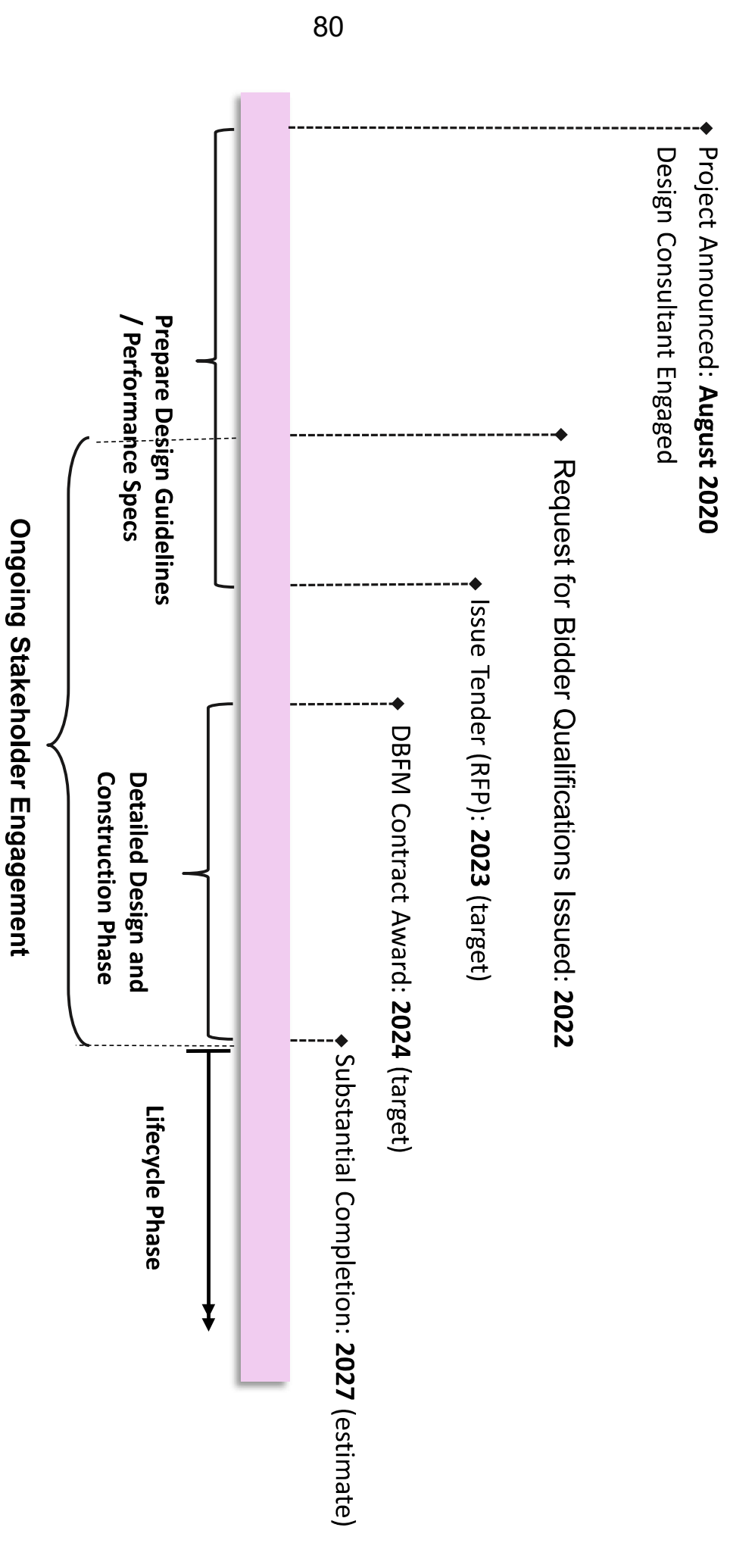
Item	Description
Year Opened	2014
Security Level	Maximum
# of Beds	316
1)	Sports field
2)	Sports field
3)	Publicly Accessible Gymnasium

Project Timelines & Upcoming Engagements

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Estimated Project Timelines & Engagement Opportunities



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- Opportunities existing through the journey of making this new facility a reality.
- Opportunity to tour facility prior to operationalization (i.e. open house)

Questions & Answers

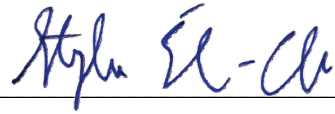


Exhibit "D"

Referred to in the affidavit of

Kirk Albert

affirmed December 16, 2022

A handwritten signature in blue ink, appearing to read "Stephen E. Cho", is written over a horizontal line.

Commissioner for Taking Affidavits (or as may be)

1. What is the purpose of the Ministry's consultation process when the decision appears to have already been made? Why do tax paying residents and the municipal government not have a real say in the proposed prison or in shaping the process?
2. It is widely believed that the Ministry of the Solicitor General received significant push back from the City of Ottawa to locate the new prison facility outside of their urban limits, despite it being a financially prudent and socially responsible decision (i.e. inmate family proximity to facility) to locate it near OCDC. The key opposition point from Ottawa being that decades of bad publicity from the OCDC facility has tarnished the image of the city and that they do not want a possible repeat situation with this new facility. Can the Ministry confirm that the City of Ottawa did not want the facility located in their jurisdiction?
3. North Grenville residents have documents showing that the Ministry had looked at a site in Ottawa off of Russell Road for the new prison. Why did it decide against building the new prison there instead of building it in Kemptville and expanding facilities elsewhere in eastern Ontario? Russell Road is only 15 minutes from Ottawa Carleton Detention Centre (OCDC) which would be highly cost effective for transfers of inmates, staff, materials, services etc., however it was not selected. Please explain.
4. Are you planning an environmental assessment before moving the project any further to determine whether this plan is environmentally sound and to identify mitigation measures to limit the environmental impact of a new prison if it indeed gets built in Kemptville?
5. The Ministry has noted that they will be building a LEED facility. Nonetheless, what are the environmental impacts of taking usable farmland offline and building a facility of this kind, especially down the road when infrastructure gets older?
6. Has the Ministry and independent researchers studied the impact your new facilities have had on local economies in terms of providing short-term construction jobs for local contractors or long-term facility jobs for local residents? If so, what are the results?
7. What are your assumptions or research findings concerning anticipated local job creation associated with the new prison in Kemptville in a context where longitudinal research suggests communities without prisons perform better economically than those with them?
8. Even if we accept that this new prison will create jobs, what kind of jobs are you proposing to create here? Are you going to be making extra local resources available for physical and mental healthcare, family supports and other services to support these workers?
9. The Ministry has stated that proper discharge planning is difficult currently, where many prisoners come in and out of places like OCDC on a revolving door basis, what will be different in Kemptville? What additional supports will you be providing

prisoners, their families from elsewhere who will be further separated because they are being displaced here in Kemptville?

10. Advocates and experts have been calling for healthcare to be transferred out the Ministry's hands over to the Ministry of Health for years. How will this new prison not further burden the already taxed local healthcare services in Kemptville, given that prisoners generally have poorer health than the general population?
11. Without acute care facilities and aftercare capabilities and with limited beds and staff, how can you expect the Kemptville District Hospital to contend with significant increased demand created by inmates and/or prison staff?
12. Over 100 properties were reviewed by the Ministry of the Solicitor General and Kemptville was selected. Why can the Ministry not provide residents and municipal council details about why all other properties were deemed ineligible for the prison location?
13. Kemptville will be the smallest (by population) town with a Provincial prison facility. Why is it a cost effective choice to build the prison in Kemptville when support networks such as the ones identified below do not exist? Establishing these will create significant costs for the province and the local tax payer.

Indigenous support programs – <u>NO</u>	Acute care hospital facilities - <u>NO</u>
John Howard Society - <u>NO</u>	Elizabeth Fry Society - <u>NO</u>
Addiction and rehab centre - <u>NO</u>	Homeless shelter(s) - <u>NO</u>
Parole and probation office - YES	Other social support programs - <u>NO</u>
Public transportation system - <u>NO</u>	Court house- <u>NO</u>
Infrastructure with capacity for sewage treatment and drinking water systems - <u>NO</u>	Policing capacity – <u>NO</u>

14. When research studies clearly show that prisons do more harm than good to small communities from multiple perspectives, why is the Ministry proceeding while deeming the evidence invalid for this prison proposal?

15. The Ministry of the Solicitor General talked about **hundreds of local jobs** but plans to staff the facility with existing correctional officers and staff management (mostly from OCDC). It would seem **reasonable that only residual, low income, non-unionized employment may be a spin-off (i.e. custodial, administrative, grounds maintenance etc.)**. Can you explain in detail where the 100's of local jobs will be created?

16. Ontario has 124 ridings, MPP Steve Clark's riding of Leeds Grenville, 1000 Islands and Rideau Lakes is a small riding however it will have 3 provincial correctional facilities (Brockville, St. Lawrence Valley & Kemptville), if these facilities "will provide benefits throughout the area for years to come, including creating jobs and supporting local businesses during construction and providing jobs to local residents once the projects are completed." **Why are no other regions or municipalities (urban or not) expressing interest in locating the facility in their community?**

17. Ontario has 8 jails, 8 detention centres and 9 correctional facilities – the average population for these large urban areas are 61,000, 261,000 and 129,000 respectively. How is it even conceivable that Kemptville would prove to be the best location with a population of only 4000, no support services and a significant distance from Ottawa where many of the inmates reside? **It is a fact that regular and frequent family contact with those incarcerated is an important, effective and proven method to help with the prisoner rehabilitation process and has helped reduce recidivism.** The significant distance from Ottawa, will isolate and separate inmates from their families. It will prove difficult for many inmate families to visit based on lack of public transportation and the time and cost necessary to make a round trip from Ottawa to Kemptville.

18. Why will the Ministry of the Solicitor General not guarantee that OCDC will remain operational and that the Kemptville location, if constructed, won't become its full replacement? Virtually every other provincial facility is over capacity and the Ministry's stated goal for their facilities to be no more than 75% to 85% of capacity has proven unattainable.

19. If the threshold for new Ontario correctional facilities is 75% to 85% of potential capacity, why will the Ministry of the Solicitor General not guarantee that the proposed Kemptville site will never see expansion in the future?

20. The Provincial government attempted to close Kemptville's Service Ontario location, they closed the G. Howard Ferguson Forestry Centre, they pulled funding from the University of Guelph which led to closing the Kemptville College satellite campus and

now they have mandated a prison – each of these actions occurred without any consultation with the residents of the municipality – why do the elected officials of the province continue to unilaterally make decisions without consideration of the voting public in which the decisions affect?

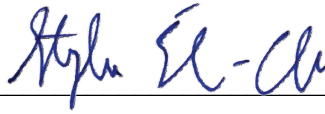
21. My understanding is that facilities like correctional institutions do not pay property taxes to the municipality, is this correct? Please explain.
22. Who decided to change the name of the facility from Greater Ottawa to Eastern Ontario?
23. Why was the name change made?
24. What influenced the decision?
25. Does the Ministry understand that the residents of North Grenville do not consider this name change to be an example of the Ministry “working with the community”, this is by no means to be considered as a ‘win’ for residents.
26. With it now named, **Eastern Ontario Correctional Complex**, it does make it easier for your Ministry to reconsider the proposed location in Kemptville and relocate it elsewhere in Eastern Ontario to a more suitable location, does it not?
27. If Mr. Doug Ford, Ms. Sylvia Jones and Mr. Steven Clark are truly listening to the community and are **willing to quickly make the change to the name based on dissent from a very small number of residents, it should be willing to make a change to the location of the facility, when a significant statistical majority of tax paying residents completely oppose the decision** in its entirety to locate it in Kemptville, should it not? It is a bad decision for the town, the residents, the displaced inmates and their families.
28. In the October 30th, engagement session, the Ministry stated that the plan to use the Kemptville property for this ‘asset’ was kept quiet as Solgen wanted to make sure they could secure the land “without commercial input” and avoid “commercial sensitivity” – can you please explain/clarify this statement when the land was already owned by the province and designated as “surplus land”.

Exhibit "E"

Referred to in the affidavit of

Kirk Albert

affirmed December 16, 2022

A handwritten signature in blue ink, appearing to read "Stephen El-Chi", is written above a horizontal line.

Commissioner for Taking Affidavits (or as may be)

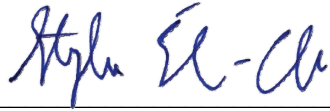
	offenders typically serving incarceration from 60 day to max. two years less a day or who is incarcerated while awaiting trial or sentencing, must serve their sentence in a provincial correctional facility.. Eligible for education, counselling and work experience programs.			
Correctional Centres (Kemptville will be this type)		LOCATION	POPULATION	% of population who are inmates
Algoma Treatment and Remand Centre	Cap 104	Sault Ste. Marie	75,490~	0.000014
Central East Correctional Centre	Cap 1184	Lindsay	20, 713	0.000571
Central North Correctional Centre	Cap 1184	Penatanguishene	9600	0.001233
Maplehurst Correctional Complex	Cap 1055	Milton	101,715	0.010300
Monteith Correctional Complex	Cap 232	Monteith(iroquois falls)	4537 (2016)	0.051100
Ontario Correctional Institute	Cap 228	Brampton	735,850	0.000300
St. Lawrence Valley Correctional and Treatment Centre	Cap 100	Brockville	21, 346	0.004680
Thunder Bay Correctional Centre	Cap 132	Thunder Bay	127,201	0.001030
Vanier Centre for Women	Cap 124	Milton	101,715	0.001210
Total	9		KVILLE	0.058750
Jails	older, generally smaller, originally established by counties or other municipalities.			
Brockville	Cap 44	Brockville	21,346	
Fort Frances	Cap 23	Fort Frances	7739 (2016)	
Kenora	Cap 105	Kenora	15,096 (2016)	KEMPTVILLE POPULATION (2016) - 3911
North Bay	Cap 121	North Bay	51,553	
Sarnia	Cap 101	Sarnia	72,000	
Stratford	Cap 53	Stratford	31,465 (2016)	
Sudbury	Cap 185	Sudbury	161,351 (2016)	
Thunder Bay	Cap 149	Thunder Bay	127,201	
Total	8			
Detention Centres	larger, more modern built to serve needs of several regions - point of entry into institutional system. They hold persons on remand (awaiting trial, sentencing or other proceedings), offenders sentenced to shorter terms (approx. 60 days or less, offenders awaiting transfer to federal or provincial correctional facility. Both Jails and Detention facilities are maximum security.			
Elgin Middlesex Detention Centre	Cap 450	London, ON	545,441	
Hamilton Wentworth Detention Centre	Cap 560	Hamilton	763,000	
Niagara Detention Centre	Cap 260	Thorold	21, 663	
Ottawa Carleton Detention Centre	Cap 585	Ottawa	1, 095,134	KEMPTVILLE POPULATION (2016) - 3911
Quite Detention Centre	Cap 228	Napanee	15,892	
Southwest Detention Centre	Cap 315	Maidstone (windsor)	336,000	
Toronto intermittent Centre	N/A (not included in total)	Horner Ave. Toronto	not included	
Toronto South Detention Centre	Cap 1650	Etobicoke	365,143 (2016)	
Toronto East Detention Centre	Cap 473	Scarborough	61,749	
Total	8			
Treatment Centres	specialized and intensive treatment for motivated offenders with clearly identified problems (substantce abuse, sexual misconduct, impulse control, anger management - professional clinical personnel employed or under contract work here.			
Algoma Treatment and Remand Centre	Cap 104	Sault Ste. Marie	75,490~	
Ontario Correctional Institute	Cap 228	Brampton	735,850	KEMPTVILLE POPULATION (2016) - 3911
St. Lawrence Valley Correctional and Treatment Centre	Cap 100	Brockville	21,346	
Vanier Centre for Women	Cap 124	Milton	101,715	
Total	4 (already counted above)			
OVERALL TOTAL	25			
	KEMPTVILLE POPULATION (2016) - 3911			

Exhibit "F"

Referred to in the affidavit of

Kirk Albert

affirmed December 16, 2022

A handwritten signature in blue ink, appearing to read "Stephen El-Chi".

Commissioner for Taking Affidavits (or as may be)

Ottawa

Kemptville residents protest against proposed new jail

Jail Opposition Group was formed after Doug Ford's announcement in August

[Sarah Kester](#) · CBC News · Posted: Nov 09, 2020 4:00 AM ET | Last Updated: November 9, 2020



Protesters gathered in Kemptville on Nov. 7, 2020 to protest a proposed new correctional facility the Ontario government wants to build in their town. (Submitted by Marty Pemberton)

[comments](#)

Protesters gathered in Kemptville over the weekend to register their disapproval of a proposed new jail the province plans to build on government-owned land in the town.

Residents were upset by Premier Doug Ford's [announcement at the end of August](#), which came as a surprise even to their own North Grenville, Ont., municipal council south of Ottawa.

The Ministry of the Solicitor General has said it will hold public consultations on the jail proposal. But Jim Bertram, who founded the Jail Opposition Group and organized Saturday's protest, said he thinks it's in bad faith to do that after the project's already been green-lit.

"Consultation is only consultation if that consultation stands a chance of affecting what's going to come down the pipe," he said. "We had no opportunity to do that."

- [Province to build 2 new jails, upgrade 3 others in eastern Ontario](#)

Bertram said Saturday's protest was a way of letting people in Kemptville know they still have a voice.

"I'm hoping to cause the politicians on council and at the province [to] take heed, that they will say, well, you know, we didn't really do this the right way, folks."

More than NIMBY-ism

Kirk Albert attended the weekend protest, describing the opposition to the jail as more than just NIMBY-ism.

"We have an aging ... sewage and drinking water system. We do not have social supports like the John Howard Society or Elizabeth Fry. We don't have a public transportation system that would be essential for both inmates and their families to come and visit. And the list goes on," he said.

Kemptville's hospital is small, Albert added, and its emergency room would be unable to handle the added stress a jail could bring.

The jail will likely have about 235 beds and won't be operational until at least 2027, North Grenville Mayor Nancy Peckford said on the weekend.

In an email on Monday, a ministry spokesperson said it's too early in the process to determine a completion date for the project.

Peckford said her council supports an open dialogue with the province and sees its role as ensuring the ministry is accessible and available to members of the community.

"The ministry did convene a meeting of stakeholders at our request. It included all Kemptville campus boards of education, as well as the local BIA, the hospital, a representative from the faith community and two individuals who ... represent networks where there has been a lot of dissent," she said.



North Grenville Mayor Nancy Peckford said she sees her role as ensuring the Ministry of the Solicitor General is available and accessible to residents during the jail consultation process. (Matthew Kupfer/CBC)

Albert, who was part of that three-hour meeting, said he felt he was given time to voice his concerns — but he's still skeptical about how much they were taken into account.

"They certainly listened to us, but they also had many examples of how they, quote unquote, partnered with other urban centres and [still] put correctional facilities in place," he said.

In an email, the ministry said the project will bring jobs and economic prosperity to the town of about 4,000 just outside Ottawa.

"Ontario recognizes the need for public safety and the importance of stimulating local economies, creating jobs and supporting positive, long-term economic development," a spokesperson wrote.

"The ministry welcomes input into this project. Engagement sessions are underway and further sessions are being planned for the near future."

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Rebecca Zandbergen

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Christian Paas-Lang

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Sports - Soccer - World Cup

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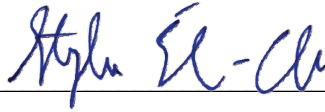
Visitez Radio-Canada.ca

Exhibit "G"

Referred to in the affidavit of

Kirk Albert

affirmed December 16, 2022

A handwritten signature in blue ink, appearing to read "Stephen El-Chi", is written above a horizontal line.

Commissioner for Taking Affidavits (or as may be)

From Tech Support - 1-343-801-3088 - Erika Booth to Everyone: 05:04 PM

Zoom FAQ: <https://support.zoom.us/hc/en-us/sections/200277708-Frequently-Asked-Questions>

From Lisa Gallant to Everyone: 06:23 PM

Was a formal site review done and if so when will that be made available to the public?

From pmosher to Everyone: 06:24 PM

Will the prison be serviced by private well and septic system or will it be serviced by municipal services which would be extended to the site?

From Nancy Tremblay to Everyone: 06:24 PM

People moved to Kemptville to get away from the city. We do not have the infrastructure in place to support such a large facility in terms of water, sewer and roads.

From Genevieve Garneau to Everyone: 06:24 PM

Why were there no consultations with the municipality prior to the announcement?

From Natalie S to Everyone: 06:24 PM

I have a question, comment.

From Martin to Everyone: 06:25 PM

What is the worth of the land that the jail will be built on? I am worried that we are wasting a valuable piece of land (I think north of 120k\$/acre). Would it make more sense to sell it, and build the jail somewhere else?

From Lisa Gallant to Everyone: 06:25 PM

As correctional facilities are exempt under the MTAA, what assurances can you give that the municipality will not be bearing the burden of funding services and ongoing infrastructure needs?

From Jennifer Lockyer to Everyone: 06:25 PM

what is the expected length of stay of an inmate? do people serve long sentences at this facility?

From Ashleigh S to Everyone: 06:25 PM

What will be done about the assumingly very bright lights that will surround the facility? People who move to this part of town do so to live in the country, enjoy wildlife and escape city lights.

From Me to QUESTIONS: (Privately) 06:29 PM

Will SOLGEN be able to provide the public with a list of the approx. 100 property locations that were considered (surplus owned or privately owned)? Infrastructure Ontario has lists of surplus land publically available

From Me to QUESTIONS: (Privately) 06:45 PM

Why does this small riding of Leeds Grenville, 1000 islands and Rideau lakes have 3 correctional facilities, surely SOLGEN had suitable surplus land elsewhere? Why are no other ridings, regions or municipalities eager to have your facility if it provides so many benefits?

From Me to QUESTIONS: (Privately) 06:51 PM

Regarding classification, is it not common that inmates with a maximum individual classification can and do exist in remand, so dangerous offenders will exist in the Kemptville facility.

From Len Habinski to Everyone: 06:57 PM

During the site selection process, were other eastern Ontario cities/towns considered, such as Cornwall or Hawkesbury? If not, why not?

From Jess to Everyone: 06:57 PM

I have a question please.

From Me to QUESTIONS: (Privately) 06:57 PM

What existing statistics can you provide that show impacts on urban hospitals usage from your facilities?

From Len Habinski to Everyone: 06:58 PM

Kemptville has antiquated water, sewage facilities and no local police services. What is the plan to address these major gaps.

From Lyndon Murdock to Everyone: 06:58 PM

Can you elaborate on discharge agreements and whether they are in place in all locations outside of urban centres with public transportation options.

From Trevor Rouillard to Everyone: 06:59 PM

The lack of public consultation is rather indicative of how governments have been operating as of late. During this presentation, I have heard a lot of consideration for the environment, the well being of the prisoners and the location chosen which best suited this facility, but we have heard very little consideration for the impacts this prison will have on the citizens of Kemptville and the effects of property values. I am a former resident who has considered moving back to Kemptville to raise our family but have now chosen to exclude Kemptville as our potential home town.

From Sarah Bowie to Everyone: 06:59 PM

When it comes to site workers, what is the km radius you use when you say "surrounding communities"?

From Me to Audrey (Tech) - +1 343 805 0810: (Privately) 07:00 PM

All my questions show "PRIVATELY" can you please ensure they are made available.

From Jessica Deaken to Everyone: 07:01 PM

Did the areas around these prisons boom because the prices became so low? Are the youth centres built because these areas became low income? Did the prices drop compared to previous years trends and comparable nearby communities? Higher days on the market for these homes?

From Sarah Bowie to Everyone: 07:01 PM

Is the reason you don't tell the community beforehand because it discourages new developments, new residents, and new businesses? is that because it effects property values? scared of fire sales? Ie. Do the prices drop compared to previous years trends and comparable nearby communities? Higher days on the market for these homes? Do the economics of the community change over time? You use Niagara and Brampton as an example, they are very different from small town Kemptville. Both are in the top 120 most dangerous "cities" in Canada... Brockville is #21 and Kingston is #94

From Fraser to Everyone: 07:02 PM

What regulatory processes can we use to stop this project or is it a done deal?

From Colleen to Everyone: 07:02 PM

At the October 30th stakeholders meeting, you included the "heat map" showing OCDC staff and their locations. Do you plan to share that slide with today's participants?

From Al Billiald to Everyone: 07:03 PM

Will you consider a dedicated Hwy 416 South exit & entrance to facilitate construction traffic and ongoing service traffic once completed?

From Me to QUESTIONS: (Privately) 07:03 PM

Why not build sufficient capacity in the new Brockville jail or the St. Lawrence Valley expansion to eliminate the need for a facility elsewhere, they are a larger more urban area with existing social supports.

From Trevor Rouillard to Everyone: 07:04 PM

Its government. Its a done deal. This is to appease the population. This is an engagement session not a consultation.

From Justin Piché to Everyone: 07:04 PM

Not that I want to help you MSG, but perhaps Monteith would be an example of a smaller town with a provincial jail. Lots of mythbusting and research to debunk much of what's been said tonight by government officials to be done here.

From Trevor Rouillard to Everyone: 07:05 PM

We were not given a chance to say no

From FrankBourdage to Everyone: 07:05 PM

Why not consider, instead of downtown Kemptville, an industrial neighbourhood, far away from schools and homes? Avoiding an increase in traffic and disgruntling residents of a small peaceful town. What is the advantage here besides the fact the Province already owns the parcel of land?

From Genevieve Garneau to Everyone: 07:05 PM

So much has been done to make Kemptville a bustling, vibrant, family-centric community... this prison will undermine all these efforts and change the character of the town.

From Audrey (Tech) - +1 343 805 0810 to Me: (Privately) 07:06 PM

taxes

From Mairéad Frizell to Everyone: 07:06 PM

Ontario has 124 ridings, MPP Steve Clark's riding of Leeds Grenville, 1000 Islands and Rideau Lakes is a small riding however it will have 3 provincial correctional facilities (Brockville, St. Lawrence Valley & Kemptville), if these facilities "will provide benefits throughout the area for years to come, including creating jobs and supporting local businesses during construction and providing jobs to local residents once the projects are completed." Why are no other regions or municipalities (urban or not) expressing interest in locating the facility in their community?

From Me to I7 Facilitator Daniel Archambault: (Privately) 07:12 PM

All my questions are showing "PRIVATELY", can you please ensure that my questions are addressed.

From Me to Audrey (Tech) - +1 343 805 0810: (Privately) 07:16 PM

you responded "taxes" what does that mean?

From Me to Tech Support - 1-343-801-3088 - Erika Booth: (Privately) 07:18 PM

All my questions are showing "PRIVATELY", can you please ensure that my questions are addressed.

From Me to Zoom Administrator: (Privately) 07:19 PM

All my questions are showing "PRIVATELY", can you please ensure that my questions are addressed.

From Tech Support - 1-343-801-3088 - Erika Booth to Me: (Privately) 07:22 PM

Your questions are being sent privately to the "Questions" account, who is funnelling the questions to the facilitator, Daniel Archambault

From Me to I7 - Justin Smith - Facilitation Support: (Privately) 07:23 PM

All my questions are showing "PRIVATELY", can you please ensure that my questions are addressed.

From Me to I7 Facilitator Daniel Archambault: (Privately) 07:25 PM

QUESTION

From Trevor Rouillard to Everyone: 07:26 PM

You want to work with the community but the community does not have a choice in the matter

From I7 - Justin Smith - Facilitation Support to Me: (Privately) 07:32 PM

The "Privately" that is showing up indicates that your question is not being seen by all participants in the session. If you submit your question to 'QUESTIONS' it will be received and we will do our best to get to it. However, we are receiving a large number of questions and may not be able to get to all of them. But SOLGEN intends to answer questions in some other manner that it is unable to get to in this session.

From Me to I7 - Justin Smith - Facilitation Support: (Privately) 07:33 PM

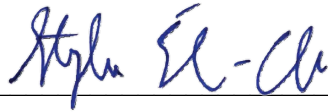
THanks but I have not option to change that. What should I do?

Exhibit "H"

Referred to in the affidavit of

Kirk Albert

affirmed December 16, 2022

A handwritten signature in blue ink, appearing to read "Stephen El-Chi", is written above a horizontal line.

Commissioner for Taking Affidavits (or as may be)

From: SJC (Steve Clark)
Sent: September 15, 2021 9:11 AM
To: Kevin Thomas
Subject: JOGG and CAPP Kemptville

Hi Kevin,
 I'm concerned about another group(s) who seem to be working together but ignoring the third party law

[Anti-prison protest organized in Kemptville for September 14th - My Kemptville Now](#)

"The Coalition Against the Proposed Prison (CAPP) and Jail Opposition Group (JOG), two protest groups, are organizing a protest before one of the upcoming North Grenville town hall meetings.

At 5:30 pm on September 14th, representatives from the two groups will meet outside the Heritage Hall building where the town hall is being held. The groups will be selling "No Prison" lawn signs at the protest, and are asking people who want to protest to bring their own signs, if they have them. The protest is planned to last for an hour, ending as the evening town hall begins."

They have distributed a mailer to all homes in North Grenville, have lawn signs up NOW in the municipality and continue to fundraise on their GOFUNDME page

[Fundraiser by Coalition Against Proposed Prison : Help Stop the Kemptville Prison \(gofundme.com\)](#)

Here is their website with link to their flyer

[News & Events | Kemptvillecapp \(coalitionagainstoproposedprison.ca\)](#)

Donations on this site are here

[Take Action | Kemptvillecapp \(coalitionagainstoproposedprison.ca\)](#)

Based on this information, it appears that they are breaking the law. I'm asking that Elections Ontario investigate.

Thank you

Steve Clark



Kirk Albert <kirk.albert2@gmail.com>

Fwd: Complaint to Elections Ontario: File reference 2021-86

CAPP Kemptville <cappkemptville@gmail.com>

Wed, Oct 6, 2021 at 3:18 PM

To: Aaron Doyle <adoyle2525@rogers.com>, Colleen Lynas <clynas@cogeco.ca>, Justin Piche <Justin.Piche@uottawa.ca>, Kirk Albert <kirk.albert2@gmail.com>, Marie-Therese Voustinos <applesbymarie@gmail.com>, "casscalow@gmail.com" <casscalow@gmail.com>

----- Forwarded message -----

From: **Kevin Thomas** <Kevin.Thomas@elections.on.ca>

Date: Wed, Oct 6, 2021 at 2:40 PM

Subject: Complaint to Elections Ontario: File reference 2021-86

To: jail.opposition.group@gmail.com <jail.opposition.group@gmail.com>, coalitionagainstproposedprison@gmail.com <coalitionagainstproposedprison@gmail.com>

CC: Electfin - Elections Ontario <Electfin@elections.on.ca>

Good Afternoon,

Elections Ontario received a complaint from Minister Steve Clark on September 15, 2021, regarding your organization's activity in protest against the planned construction of a prison in Kemptville, Ontario. Minister Clark alleged that you were conducting unregistered third party political advertising

Your organization's activity does not currently meet the definition of political advertising and registration is not required. Minister Clark's complaint has been closed accordingly and Elections Ontario will take no further action. However, your organization should register as a third party if it plans to conduct advertising that meets the definition of political advertising under the *Election Finances Act*.

I have attached the latest version of Elections Ontario's CFO handbook for third parties and a third party registration form for your information.

If you have any additional questions, please send them to electfin@elections.on.ca

Sincerely,

Kevin Thomas

Manager, Compliance Enforcement

Elections Ontario elections.on.ca
1.866.566.9066 Fax: 416.325.9466



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--

CAPP (Coalition Against the Proposed Prison)
Website: <https://www.cappkemptville@gmail.com>
Email: cappkemptville@gmail.com

2 attachments



2021 CFO Handbook for Third Parties - EN.pdf
295K



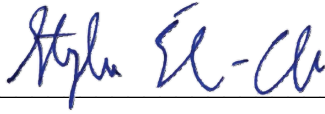
Form TP-1 - Third Party Registration and Change Notice Form.pdf
1018K

Exhibit "I"

Referred to in the affidavit of

Kirk Albert

affirmed December 16, 2022

A handwritten signature in blue ink, appearing to read "Stephen E. Clark", is written over a horizontal line.

Commissioner for Taking Affidavits (or as may be)

An Open Letter to the Honourable Lisa Thompson, Minister of Agriculture, Food and Rural Affairs
Please Stop the Transfer and Destruction of Landmark Heritage Farmland to Build a Prison

Monday, December 13, 2021

Via email: minister.omafra@ontario.ca

Dear Minister Thompson:

I am writing on behalf of the Kemptville Coalition Against the Proposed Prison. It has come to our attention that the Agricultural Research Institute of Ontario (ARIO) is considering the transfer of the former Kemptville College farm property from the Ministry of Agriculture, Food and Rural Affairs to the Ministry of the Solicitor General (SolGen), a move that will result in the destruction of heritage farmland in order to build the proposed 235-bed Eastern Ontario Correctional Complex. The targeted land has a century-long history of farming, education and agrotourism, and served as an agricultural hub for the Eastern Ontario farming community. As the minister responsible, we ask that you do not authorize the transfer of this property from your ministry to SolGen, and instead take a strong stand in support of preserving Ontario's farmland and agricultural heritage.

ARIO continues to own 182 acres of the lands comprising the former Kemptville Agricultural School (circa 1917) having sold approximately 633 acres to the Municipality of North Grenville in 2018 for the development of an Education and Community Centre, now referred to as the Kemptville Campus. The land still in ARIO's possession is a stone's throw from the campus and includes prime agricultural land, comprising mainly class 2 and 3 soils; it sits prominently at the south entrance to the small town of Kemptville. A large section of the property north of College Street will be paved over to build the proposed Eastern Ontario Correctional Complex, which will also result in the destruction of the numerous serviceable farm and heritage buildings on the site.

A 2014 report by former federal Minister of Agriculture Lyle Vanclief, and commissioned by the provincial government, recommended that the property be preserved in its entirety and transferred to the municipality, but sadly this did not come to pass. From a November 2019 media report in Ontario AgriNews, we do know that current mayor of North Grenville, Nancy Peckford, spoke to both your predecessor, Minister Ernie Hardeman, and our local MPP, Minister Steve Clark, about the municipality's interest in purchasing the remaining land and restoring it to its status as part of the Kemptville Campus. In an October 2020 story in Nation Valley News, Mayor Peckford confirmed that the municipality had asked for right of first refusal to buy the lands had they become surplus. We learned through a Freedom of Information request disclosure that the lands were not declared surplus, but instead quietly put on hold by SolGen in September 2019, almost a full year before plans to build the "Greater Ottawa Correctional Complex", renamed shortly thereafter the Eastern Ontario Correctional Complex, were made public.

The irreversible loss of this publicly owned agricultural land runs counter to your ministry's obligations including: the stewardship of Ontario's capacity to produce food locally – especially in the context of growing food insecurity and supply chain interruptions; fostering the sustainability and growth of the agri-food sector; and improving the resilience of rural communities. In this time of the climate crisis,

resilience must include climate resilience – the property sits within a floodplain – and the protection of arable land wherever possible.

There are many ways for this farmland to contribute to the sustainable growth of North Grenville's agri-food and tourism sectors, and its local economy. The property could be transferred in whole to its rightful place as part of the Kemptville Campus, or leased to one or more farmer tenants, as is successfully done through the National Capital Commission in Ottawa. The existing buildings could be brought back into use to support farming projects and the A.M. Barr arena could once again be the centerpiece for rural shows and competitions. With the International Plowing Match coming to the site in September 2022, the up to 70,000 visitors projected to attend would be far more impressed to know the land will be preserved for agricultural uses, than to learn that it will be destroyed to make way for a prison complex.

The recent Auditor General's report on Environmental Protection in Ontario paints a bleak picture. That trend needs to be reversed. We urge you to prevent the destruction of this agricultural land on the doorstep of our community. Please say no to the transfer of the Kemptville College farmland to SolGen and begin the process for meaningful consultation with key stakeholders, with the goal of preserving the site as an agricultural resource and an enduring symbol of the rich history of this community for generations to come.

Your sincerely,

Marie-Therese Voutsinos B.Sc. Biol., Agr., M.Sc. Agr., Oxford Mills, Ontario

On behalf of the Coalition Against the Proposed Prison (Kemptville)
cappkemptville@gmail.com

An Open Letter to the Honourable Lisa Thompson, Minister of Agriculture, Food and Rural Affairs

Minister Thompson, where are you?

February 18, 2022

Via email: minister.omafra@ontario.ca

Dear Minister Thompson:

In an open letter sent to you over two months ago on Dec. 13, 2021, the Coalition Against the Proposed Prison called on you to not transfer the former Kemptville College farm property from your Ministry of Agriculture, Food and Rural Affairs to the Ministry of the Solicitor General who plans to build a provincial prison on the site. Should the land transfer and the proposed prison proceed, it will result in the destruction of heritage farmland – including prime agricultural land – numerous farm buildings, and all the promise and opportunity the entire 182-acre property offers. This is a major concern for numerous farmers and residents of this region and beyond, yet we have not received even an acknowledgement of this letter from you.

Our initial letter has since been endorsed by two key organizations, the National Farmers Union – Ontario and Just Food, both strong supporters of local food systems, as well as academics affiliated with the former Kemptville College and the University of Guelph. You have also heard from the hundreds of individuals who have participated in our Email Zap calling on you to do the right thing.

Considering that agricultural land is a precious non-renewable resource, a strong stand is needed by your ministry to support Ontario's farmland, agricultural heritage, and the rich agricultural potential of this property, by preserving the site as an agricultural resource for generations to come. This should go without saying since protection of farmland is a mandate of your ministry. In a time of food insecurity, supply chain interruptions, and climate catastrophe, the consensus from scientists is that it becomes even more important to save, not pave over farmland.

Why have we not heard back from you on such an important issue? It's not too late to start a process of meaningful consultation with key stakeholders, with the goal of preserving the entire site as the vital agricultural resource that it is.

Sincerely,

Marie-Therese Voutsinos, M.Sc. Agriculture
Coalition Against the Proposed Prison

An Open Letter to the Honourable Lisa Thompson, Minister of Agriculture, Food and Rural
Affairs Regarding the Former Kemptville College Farmlands

Friday, April 8, 2022

Via email: minister.omafra@ontario.ca

Dear Minister Thompson:

Thank you for your recent reply to my letters dated December 13, 2021, and February 24, 2022, in which I called on you to say no to the transfer of the former Kemptville College farm property from the Ministry of Agriculture, Food and Rural Affairs to the Ministry of the Solicitor General (SolGen). The transfer of this land is intended for the sole purpose of paving over acres of publicly owned heritage farmland and the destruction of numerous farm buildings in order to build a 235-bed provincial prison. This prime farmland and serviceable barns and buildings have already cost millions of dollars to the taxpayers and should be preserved as the valuable agricultural resources that they are.

I am extremely disappointed with your statement, “I am unable to assist you”. The Agriculture Research Institute of Ontario, which is under your purview, has title to the property in question and a mandate to protect farmland. Your reference to the transfer being “substantially completed” is an opaque statement that does not diminish your capacity and obligation to do the right thing.

I know you have heard from many other groups and individuals asking you not to authorize the transfer, including the National Farmers Union (NFU) – Ontario, Canadian Organic Growers, and a group of food scholars from across Canada. The Ecological Farmers Association of Ontario, Just Food (Ottawa) and Sustain Ontario have also joined the call. Over 290 people have signed on to an email zap sending you the same message.

You know that the Ontario Federation of Agriculture (OFA) and NFU-Ontario, as well as numerous other farm organizations, are calling for protection of all farmlands, which are presently being lost at a rate of around 175 acres/day (according to OFA). This is becoming more crucial as we need more food sovereignty and security in these uncertain times.

This farm that is slated for transfer could go a long way to increase local food production and associated jobs in North Grenville, as a community small farm business incubator and hub. The available buildings are essential infrastructure that do not exist elsewhere on the Kemptville campus lands. A perfect marriage exists between the base for a farmland bank and barns and outbuildings available to carry out animal, fruit, or vegetable production. Its wanton destruction is unwarranted, unnecessary, and a total waste of resources already paid for by taxpayers.

I respectfully urge you to act now to stop the transfer and begin the process for meaningful consultation to ensure the preservation of these heritage farmlands for generations to come.

Best regards,

Marie-Therese Voutsinos M.Sc. Agriculture, Oxford Mills, Ontario

On behalf of the Coalition Against the Proposed Prison

cappkemptville@gmail.com

Ministry of Agriculture,
Food and Rural Affairs

Ministère de l'Agriculture, de
l'Alimentation et des Affaires rurales

Office of the Minister

Bureau du ministre

77 Grenville Street, 11th Floor
Toronto, Ontario M7A 1B3
Tel: 416-326-3074
www.ontario.ca/OMAFRA

77, rue Grenville, 11^e étage
Toronto (Ontario) M7A 1B3
Tél. : 416 326-3074
www.ontario.ca/MAAARO



March 31, 2022

Marie-Therese Voutsinos
CAPP (Coalition Against the Proposed Prison)
cappkemptville@gmail.com

Dear Ms. Voutsinos:

Thank you for your letter about the transfer of the Kemptville campus to the Ministry of the Solicitor General. As Minister of Agriculture, Food and Rural Affairs, I am pleased to respond.

I appreciate you taking the time to make your concerns known. Please know our government is committed to supporting our rural communities.

As you may know, the majority of the former Kemptville campus and institutional buildings (over 600 acres and 36 buildings) were transferred to the Municipality of North Grenville. I believe the plans the Municipality has to create a community-based hub focused education and training, health and wellness, and economic development will enrich Kemptville and the entire municipality for generations to come.

I want to assure you that as part of any disposition of provincial lands, great care is taken to ensure any environmental, archeological and heritage attributes are considered. We are also providing Rural Economic Development program funding to support agri-food education for youth on the site of former Kemptville campus. This funding will help the Kemptville Campus Education and Community Centre to develop a bilingual pilot program to teach skills in agri-food entrepreneurship for youth. This initiative will engage youth from the campus's four partnering school boards and the community, to build a thriving ecosystem for agri-food entrepreneurship.

.../2

The parcel you refer to in your letter is being transferred to the Ministry of the Solicitor General. With the transfer of the former Kemptville campus substantially completed, I am unable to assist you. I have shared your letter with Ontario's Solicitor General, the Honourable Sylvia Jones, to ensure she is aware of your concerns and suggestions.

Again, thank you for writing.

Sincerely,

A handwritten signature in blue ink that reads "Lisa Thompson". The signature is written in a cursive, flowing style.

Lisa M. Thompson
Minister of Agriculture, Food and Rural Affairs

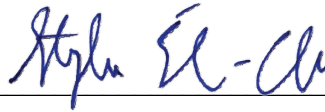
c: The Honourable Sylvia Jones, Solicitor General

Exhibit "J"

Referred to in the affidavit of

Kirk Albert

affirmed December 16, 2022

A handwritten signature in blue ink, appearing to read "Stephen El-Chi", is written over a horizontal line.

Commissioner for Taking Affidavits (or as may be)

DECEMBER 3rd JOG MEETING

Back to basics

- who actually is a member in our group,
- put together a master contact list document,
- establish roles/responsibility
- basic terms of reference
- mandate
- plan our next moves

ACTION : JOG's research document – add to it, improve the format, put Willem's piece just as an icon to select

ACTION: Seek local legal counsel pro bono assistance – municipal process, environmental, land claims

1. Find private or surplus land that the Ministry could have selected but didn't (despite it meeting their criteria) once they provide the listing.

2/ Understand the Algonquin land claims to the proposed site and Burritts Rapids and determining why recent changes were made in October just after the announcement to the land claim document (two new entries for both Rapids and Kville)

3/ Engage provincial critics – get them working for us at a level beyond local

4/ Coordinating an opinion poll that meets the predefined government requirements and will be seen as valid,

5/ Securing expertise within our group and leveraging that in our future discussions etc. We are doing our best but it just can't be about local buzz and outcry, that absolutely is necessary but we have to be strategic and run a parallel path.

- LEGAL
- MEDIA
- RECRUITMENT
- RESEARCH
- PETITION
- SUBCOMMITTEE INVOLVEMENT
- PROTESTS
- FUNDRAISING
- OTHERS?

5a/ Solgen took all of our questions (prior to and during the engagement session) – when will we receive responses? Q&A's?

Use ATIP or FOI request(s) if necessary.

5b/ Recent workshop with Ottawa U grad students – “Lessons from campaigns to stop prison construction”

Attended by Kirk for JOG - Kirk to finalize and send out notes

Session was recorded (ZOOM) – Kirk will see if it can be shared with JOG

Main points:

- Examples of jail opposition that was successful
- Leaflet campaigns and proper use
- Petitions
- Open letters – signed by businesses – google forms
- Zap example – all electronic/all pre-populated – focus is MP, and elected officials with pick boxes – forces formal letters to be sent back
- First-hand accounts from inmates about rehab, programming, systems etc.
- Paper wrenching strategies
- Speak to John Howard Society and E-Frye in areas of Windsor example (Southwest detention or Toronto South) – stories are horrific
- Question the rhetoric and stats of the province

6/ Do we want to partner with CAPP – YES – discuss with group

6a/ CAPP website and December 8th public Information and Discussion Event – registration required – Kirk presenting on behalf of JOG

7/ Article about “realities of a prison” – status and when to publish?– Erika and Jess

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9/ Challenge local govt. to find out who is part of “significant enthusiastic support” for the proposed jail – what are their reasons/motives? Who in the business community? Why have they not come forward?

10/ Protest at the plowing match in 2022.

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13/ CBC still running Kemptville jail article in *current events* online

We have done a ton of work in a short period of time and I'm quite sure that the province and our local government didn't think we would mobilize this quickly- but in my opinion what we have done so far with media, demonstration, articles, Facebook etc. is the low hanging fruit, it will get increasingly more complex and possibly require fundraising, legal consultation, business case development, independent research etc. Lots to do but it will need to be by committee, the numbers are on our side.

JOG MEETING MINUTES – Dec. 3, 2020

(Agenda/Notes, Meeting minutes)

Attending: Kirk, Jess, Mairead, Erika, Jim, John Gagnon, Mannie Giles

Regrets: Steve Hammond

Back to basics

- who actually is a member in our group,
- put together a master contact list document,
- establish roles/responsibility
- basic terms of reference
- mandate
 - who leads group
 - what is our mandate?
 - We need to answer these questions
 - Kirk will draft it up and we can all comment on it
- plan our next moves

Successful strategies from Kirk's workshop

- Zap software – template that establishes pic boxes, it automatically fires off emails with prescribed text. MPP, SolGen, Council etc... Forces a response.
 - Can link to FB
- Petitions
- Open letters

Colleen Lynas – CAPP Kemptville chapter

- We can streamline messaging
- Cut down on duplicating efforts
- Is there a benefit to having one group
- Maybe we can divide and have sub-committees

Jim's comment – we need to be focused on where we want to do. The more we diversify, the less potent our message could become. Individual feeling: 1) outrage at the lack of democratic process. No consultation 2) Direct harms that will result in the community. Changes to crime rate, social structures, etc... Worried about joining other groups in case it trends to social objective.

Kirk: let's invite Colleen to a meeting

Mannie: People are opposed to the prison being built. She attended council meeting. She thinks they don't want it either. She is interested in evolving the campus into an agricultural hub. But there was no action to back the claims of sustainability.

Rural Summit: Jim, originated it. Idea was to build the summit into an activity which would interlock with the acquisition of the college. Province never paid into this, municipality funded some. What if: province to take some of the money from the jail into an economic development summit- partnership with

municipality which would offer incentives for people to set up. Argi-related companies. This would show more imagination and care for area.

ACTION : JOG's research document – add to it, improve the format, put Willem's piece just as an icon to select – Erika to do in new year

ACTION: Seek local legal counsel pro bono assistance – municipal process, environmental, land claims

Connie Lamble, Tom Byrne, Jansen, Ottawa courthouse, free legal clinics

Justin Piché has access to law grad students who need volunteer hours, pro-bono – Jess says students are the best route. Kirk asks Jim to find local help.

Kirk: we need them to be clear about what we need them to do. Brings up Gary Dyke: will treat province and prison like a developer. True claims?

Jim: will be meeting on Saturday with a CAO – so he knows what can and can't be done. Will ask about Dyke's claims

Erika: students vs. lawyers- ask lawyers first what we should get students to do

1. Find private or surplus land that the Ministry could have selected but didn't (despite it meeting their criteria) once they provide the listing.

2/ Understand the Algonquin land claims to the proposed site and Burritt's Rapids and determining why recent changes were made in October just after the announcement to the land claim document (two new entries for both Rapids and Kville)

Amendment made in October on these two sites (182 acres, Burrtis). Why?

3/ Engage provincial critics – get them working for us at a level beyond local

Mai, Kirk and Jim have written critic Kevin Yarde. Jim wrote liberal leader John Fraser. No response yet either.

John: secretary general – can we find out re: ecology, agriculture, what's unique on this land? What species etc need protection and can halt the project?

Mannie: Agrees. We should use sustainability argument. We could feed our entire community with those acres.

Erika: as tourism rebuilds, we need to build it sustainability. We tried to attract people downtown, but prison will ruin it all.

Mannie: Rural summit - Jim was onto something- great buzz

4/ Coordinating an opinion poll that meets the predefined government requirements and will be seen as valid,

5/ Securing expertise within our group and leveraging that in our future discussions etc. We are doing our best but it just can't be about local buzz and outcry, that absolutely is necessary but we have to be strategic and run a parallel path.

- LEGAL
- MEDIA
- RECRUITMENT
- RESEARCH
- PETITION
- SUBCOMMITTEE INVOLVEMENT
- PROTESTS
- FUNDRAISING
- OTHERS?

5a/ Solgen took all of our questions (prior to and during the engagement session) – when will we receive responses? Q&A's?

Use ATIP or FOI request(s) if necessary. Cheap way to get into and they notice – Jess will consult them. What's most effective wording etc? It's \$5 per ATIP

5b/ Recent workshop with Ottawa U grad students – “Lessons from campaigns to stop prison construction”

Attended by Kirk for JOG - Kirk to finalize and send out notes

Session was recorded (ZOOM) – Kirk will see if it can be shared with JOG

Main points:

- Examples of jail opposition that was successful
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- Question the rhetoric and stats of the province

6/ Do we want to partner with CAPP – YES – discuss with group

Jess: let's ride CAPP's coat-tails. Community- we need to have a base representation. Let's be allies with CAAP.

Mannie: it is possible to remain as two separate identities.

Erika- distribution of labour. Stay separate because not sure WHAT to do with the land, but just don't want it there.

Kirk: if you can attend the Dec. 8 session. Many people speaking, Paul Cormier. Not For Profit proposal to develop agri-research on the land

6a/ CAPP website and December 8th public Information and Discussion Event – registration required – Kirk presenting on behalf of JOG

7/ Article about “realities of a prison” – status and when to publish?– Erika and Jess

Jess: there is misconception about what jails are. Worked in corrections for over a decade. Parole officer and programing. Confidentiality issues. Does not mind being anon.

Erika: use notes from 2 meetings ago as jumping off point. Get outside reference that support what jess said.

Kirk: there are other people on discussions page (one lady for 43 years?) They are opposed, vehemently. We should approach them. Katharine/Laura? Laurie? Kirk and others will check.

8/ Political engagement - NDP critic (Kevin Yarde) and MPP liberal opponent (Jfraser.mpp.co@liberal.ola.org) - get them engaged – Jim and Kirk

8a/ Law school access exists through Justin. Law students to volunteer and explore viability and other aspects of the proposed correctional facility, due diligence, permits & zoning etc. We also need to seek local legal support and attempt to get some pro-bono help.

9/ Challenge local govt. to find out who is part of “significant enthusiastic support” for the proposed jail – what are their reasons/motives? Who in the business community? Why have they not come forward?

Kirk: knows of some businesses in town that think there will be an upturn in economics. They don't want to affect their business.

Petition in stores? Erika- valuable and invaluable advertising. M to ask contact, Steph. If interested in taking this up. But first, to write a good one.

Petition? Mannie- wording is very important. –

Erika and Jess- do we go with CAPP.

Krik: want it recognized by provincial government. Sarah Silberto- reached out but haven't heard back. What are the requirements? Can we meet them?

10/ Protest at the plowing match in 2022. Put a pin in it. Revisit closer to date.

11/ Brockville Recorder & Times article to come out soon (journalist Heddy – Jim, Kirk, Nancy, Paul Cormier etc.) J, K, P and Nancy were interviewed. She's local, lives in Merrickville.

12 / Hilary's NGTimes article into the “the Star” by Torstar – they picked up the story.

Mannie : Hilary also spoke to her re: vision on agriculture based use of Campus

13/ CBC still running Kemptville jail article in *current events* online

Kirk:

We have done a ton of work in a short period of time and I'm quite sure that the province and our local government didn't think we would mobilize this quickly- but in my opinion what we have done so far with media, demonstration, articles, Facebook etc. is the low hanging fruit, it will get

increasingly more complex and possibly require fundraising, legal consultation, business case development, independent research etc. Lots to do but it will need to be by committee, the numbers are on our side.

Kirk: learned from Jim- just talk to people and see where they stand.

Jim: we already have hooked into what we can. We've progressed naturally, "grassroots?"
Thoughts: 1) don't be impatient 2) don't get too complex. Basic problem: this is a moral issue. Experts don't count (?) or not as much. Jim goes back to initial arguments above.

SolGen has all kinds of experts.

We are concerned citizens. Stand up for your rights.

We won't beat them with expertise, we'll beat them politically. Mr. Clark wants to be re-elected. Let officials know we won't stand for it.

Fundraising- joggers JOG – rally, sell shirts

Lawn signs –? (Mairéad)

Mannie: John Barclay- Rural Affairs committee- she will make a virtual presentation to council.

Jess: owns and runs organic farm, panel discussion at greenhouse. Main focus, female led farms. Offers Mannie names of other farmers. Mannie accepts. Joanne Tipler?

Kirk: who owns the land next to site? – Jim: Jennifer Westendorp is close. Can we find out who it is?

Good evening everyone,

I hope everyone is doing as well as can be expected in these ongoing strange times.

We haven't had a JOG meeting for quite some time, however, I wanted to assure you that things are moving ahead on a number of fronts in our opposition to the jail.

Below is a list of items that are currently in progress that I wanted to bring to your attention.

1. Information/Engagement campaign - mass mailing/ door to door

It is clear that there is still a great deal of community members who have been misinformed or don't have the facts about the announcement by the provincial government to place the jail in Kemptville. Roughly 6000 residences in and around North Grenville will receive information to inform and myth-bust. Drafts are in development for mass mail out and media platforms.

2. JOG specific email address created → jail.opposition.group@gmail.com

Please use and distribute this to your friends, neighbors and family or those that have questions, comments or wish to participate and join our efforts.

3. Gofundme campaign

Approximately \$3K has been donated to date. Donations are for signage, postal costs for mass mail out and other opposition costs.

4. JOG Fundraising

The Gofundme campaign is a shared venture with CAPP and it has a shared purpose for the funds. In fact, I know there are a number of JOG members that have already contributed to the GoFundMe campaign which is great. With that said, JOG is interested in seeking contributions for some additional ventures in our opposition efforts and to supplement partner initiatives with CAPP and other opposition groups (ie. Save the Kemptville Land). In particular, billboard manufacture and rental costs are approximately \$2K. The GoFundMe campaign will contribute some \$ toward this cost and other funding has been donated to cover approximately half of the overall total cost, so donations to JOG would go directly to cover the other half of this cost. The donations can be made using a method of your choice (i.e. e-transfer) and the accounting of the donations to JOG will be maintained by a treasurer with multiple member oversight. If you are interested in donating to JOG or know someone that would be, please have them contact me to get things rolling.

5. JOG comprehensive mailing list

JOG is building a comprehensive mailing list for future notifications. You will see a request posted on the JOG Facebook page in the coming days from Erika Cuccaro that will ask those interested to submit their email address to her privately for upcoming news, events and updates.

6. Signage

As we all continue to have limited mobility, it is a good opportunity to get signage out there. Quotations and build timing have been collected for lawn signage and other sign ideas including

Billboard(s), car signs, mobile trailer displays (similar to those you see for store openings etc.), banners, radio advertising time and/or material costs for building large signs on private property etc. A webinar is planned to brainstorm slogans, other signage ideas and to demonstrate how to build/create your own cost effective signs for your vehicle, home or yard. See bullet item below re: Zoom Webinar – May 6, 2021.

7. Petition - <https://www.change.org/p/doug-ford-cancel-the-proposed-construction-of-a-kemptville-jail>

The text within the change.org petition opposing the jail has been corrected and we need to promote this for signatures. It currently sits at just under 800 signatures. If you haven't signed follow the link above and please do and please send it out to all your contacts for their consideration.

8. Caravan

Car caravan (by invitation only) in planning stage for after the stay-at-home order; tentative date Saturday May 22nd, more details to follow.

9. Freedom to Information request

Solgen adamantly stated that they reviewed 100-130 properties before deciding that the Kemptville location was the only one that met all their criteria. We have challenged that statement and filed an Freedom to Information request. Our request was submitted November 27th, 2020, and Solgen still have not provided any information. It has been 152 days (108 business days) since our request. No reasons have been provided by SOLGEN as to why such as delay has been necessary. We plan to consider lodging a formal complaint upon receipt of whatever documentation to support their claims is provided.

10. Zoom webinar

CAPP will be holding a May 6th evening of information and sign-making – posting with details to be send out shortly.

11. Dialogue underway with MPP Joel Harden (NDP)

We are requesting that he discuss this matter with your caucus colleagues and we are seeking a meeting with him virtually for the time being or in person once the public health orders are loosened.

12. JOG and CAPP meeting/demonstration with Steve Clark

Date to be determined after stay at home order concludes.

13. CAPP Public Forum (spring) – Land uses

Date to be determined after stay at home order concludes.

14. Demonstration at the proposed jail site (spring)

Date to be determined after stay at home order concludes.

Court File No: DC 22-2731

VICTOR LACHANCE and KIRK ALBERT *and* **SOLICITOR GENERAL OF ONTARIO and ATTORNEY**
Applicants **GENERAL OF ONTARIO**

Respondents

**ONTARIO
 SUPERIOR COURT OF JUSTICE
 (DIVISIONAL COURT)**

Proceeding commenced at Ottawa

**AFFIDAVIT OF KIRK ALBERT
 (Affirmed December 16, 2022)**

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**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

BETWEEN:

**VICTOR LACHANCE and
KIRK ALBERT**

Applicants

– and –

**SOLICITOR GENERAL OF ONTARIO and
ATTORNEY GENERAL OF ONTARIO**

Respondents

**AFFIDAVIT OF VICTOR LACHANCE
(Affirmed December 15, 2022)**

I, Victor Lachance, of the Municipality of North Grenville, in the Province of Ontario, SOLEMLY
AFFIRM AS FOLLOWS:

Backdrop

1. I have been a resident of a development known as Country Walk located in Kemptville, in the Municipality of North Grenville (“NG”), since moving to Kemptville from Ottawa in June 2018.
2. I retired in 2011 from a career in public health, in sport ethics and as a management consultant. Shortly after my retirement, I joined a team assembled by the Community Foundations of Canada to create a community engagement program and to subsequently establish a charitable foundation for Rideau Hall over the course of 2012-2013.

3. I am a member of an unincorporated grassroots community organisation known as the Coalition Against the Proposed Prison (“CAPP”) and have been since November 2020. I joined the group in order to help provide on online platform and database where residents of NG could obtain information, pertinent research, expert opinions and answers to their various questions regarding the Province’s plans to build a correctional facility on farmland located in Kemptville. The ultimate goal was to empower community members to develop informed opinions about the Province’s proposed jail project.

A two-year battle for promised transparency, dialogue, and accountability

4. When the Province announced, on August 27, 2020, that it had decided, at some undisclosed earlier date, to build a new correctional facility in Kemptville, I had been President of the Country Walk Community Association (“CWCA”) for 22 months. Because of a lack of information about the proposed jail, and my leadership role in the community, many members of the CWCA turned to me to see whether I could find out more about the government’s plans and share those findings with the broader community.

5. My first step was to reach out to our local elected officials and request a meeting with the NG Mayor, Nancy Peckford. A telephone meeting with the Mayor took place on October 9th, 2020, and was also attended by the Deputy Mayor, Jim McManaman. During our discussion the Mayor and Deputy Mayor both confirmed their earlier public statements to the effect that the announcement had been a complete surprise to them, and that neither they personally – nor the municipality of NG – had been consulted at all prior to the Province’s announcement.

6. While both the Mayor and the Deputy Mayor stated that they did not have any specific information or answers to provide to any of the questions I put to them regarding the Province’s

proposed correctional facility, they shared with me what the Province had told them up to this point: the gist of the Province's position was to the effect that the Province considered the proposed jail to represent a benefit to the municipality.

7. The Mayor and Deputy Mayor also indicated to me that they felt there was nothing they, nor the municipality, could do about the situation. Their stated position was that, as local representatives, they would therefore try to make the best of the situation. At that moment in time, I had no reason to doubt their statements regarding the Province's ability to do as it planned, and relied on this information in my subsequent communications with community members and in making my own decisions regarding my involvement with the issue.

8. Immediately following the August 27, 2020, announcement, I learned that a group of NG residents, headed by former municipal councillor Jim Bertram, had formed the Jail Opposition Group ("JOG"), another unincorporated grassroots community organization. JOG began to hold public protests about the lack of consultation concerning the proposed prison. I believe the first I attended was on November 7, 2020

9. Two months after the announcement, on October 30th, the Ministry of the Solicitor General ("SolGen") held a "by invitation only" stakeholder information session. I was not invited to the session, but the meeting was recorded (audio only) and I was able to listen to the recording shortly after the session took place. This recording was fairly widely circulated within the growing circles of concerned Kemptville citizens. My personal assessment of the stakeholder session, based on the absence of detailed information, was that there was no real plan for how the site would be developed – or at least not yet. It was disconcerting to note how few answers were given by

officials from SolGen and other provincial government departments or agencies to the participants' numerous questions.

10. Despite the dearth of detailed information, several representations and commitments were made to the assembled stakeholders by Ali Veshkini, Associate Deputy Minister from SolGen, and by Minister Steve Clark, our local MPP, in response to the concerns that were being voiced.

11. The first significant commitment that was made by Mr. Veshkini was that the stakeholder meeting marked “the beginning of a journey” or “the beginning of our dialogue” with the local community as a whole, a comment that was then repeated at least five more times by Mr. Veshkini. For his part, Mr. Clark echoed this representation that the meeting marked the start of a fulsome dialogue with residents and stakeholders, declaring that he “would love to have a meeting like this every month.”

12. The second significant commitment or representation made by provincial officials was that the dialogue would be “transparent”. This representation of future transparency – using this exact word – was made no fewer than eight times by Mr. Veshkini, and repeated by Angelo Gismondi, Senior Vice-President at Infrastructure Ontario, and Daryl Pitfield, Assistant Deputy Minister, Institution Services at SolGen.

13. The third significant commitment, in my view, was made in response to concerns regarding the potential impacts of the proposed correctional facility on key local institutions: our local hospital's resources, local police resources, community safety, etc. Mr. Veshkini replied that broader community engagement would begin in November 2020 and that, at that time, the Province would begin creating various committees with members of the community to address various aspects of the facility. Committees on healthcare, security, and the community benefits of

the facility, were expressly given by Mr. Veshkini as three examples of liaison committees or working groups that would soon be established. (A compilation of relevant quotes from the October 2020 session and subsequent public sessions can be found at **Exhibit A.**)

14. In the wake of the October 30, 2020, stakeholder session, and after initial email attempts at obtaining information from Minister Clark were not successful, CAPP founder Colleen Lynas and I sought out and contacted individuals with expertise in the field of correctional facilities who might contribute answers to our questions that were not yet forthcoming from the Province. These experts included Justin Piché, Associate Professor of Criminology, University of Ottawa, Aaron Doyle, Associate Professor, Department of Sociology and Anthropology, Carleton University, Marie-Thérèse Vousinos, Agrologist, Paul Cormier, Chairman, RANA Development, Kim Beaudin, Vice-Chair of the Congress of Aboriginal Peoples and Bryonie Baxter, former Executive Director of the Elizabeth Fry Society of Ottawa. They advised us that they had serious doubts concerning the Province's claims that the proposed jail would bring economic benefits to the community. In fact, their opinion was to the effect that correctional facilities essentially never benefit their surroundings, in particular when they are located in small communities such as Kemptville.

15. Concerned with what I was learning, I requested another meeting with Mayor Peckford. This meeting was held in person on November 11, 2020. In attendance were CAPP member Colleen Lynas, Mayor Peckford, Deputy Mayor McManaman, the municipality's Chief Administrative Officer ("CAO"), Gary Dyke, and me.

16. Given the absence of any concrete evidence, during SolGen's stakeholder session, that the project would indeed bring economic benefits to NG, I specifically challenged the Mayor on her

repetition of the Province's claims of economic and other purported benefits of the proposed jail. The CAO intervened to state that the current municipal zoning of the property could be interpreted as allowing for a jail, and that in any event, efforts to resist the Province's plan would be a fruitless and costly exercise. The CAO also indicated that the municipality's hope was to save existing farm buildings on the proposed site by having the jail placed closer to the north end of the property. However, as the CAO noted, the northern portion of the property is a floodplain and influencing the exact location of the facility might prove difficult. The Mayor and Deputy Mayor indicated that they accepted the advice the CAO was providing to them.

17. Over the course of November and December 2020, I helped CAPP develop an information database to complement the work of JOG. This tool was designed with two principal purposes in mind. First, it acts as a broader means of engaging experts, responding to concerned residents, and identifying sources of objective, credible information. Second, the tool promotes collaborative activities to gather information, to express residents' concerns and to develop information materials specifically intended for the general public.

18. On November 26, 2020, SolGen convened a broader online public engagement session which I attended. SolGen had asked interested participants to submit any question they might have prior to the event, presumably because this would give provincial officials time to prepare responses worthy of their commitments to a transparent dialogue. Like many participants, I prepared and submitted a list of questions. The questions I submitted in advance to SolGen can be found at **Exhibit B**. I have also seen the questions submitted by Colleen Lynas and Colin Creasy as they were shared with me by these CAPP members. Both these lists are found at **Exhibit C**.

19. As the public engagement session unfolded, it again became clear to me that even though questions had been sent in advance of the public meeting, SolGen staff did not have answers to the vast majority of the questions they had received or that were being put to them during the public engagement session. The answers that were provided were not very detailed, often referred to general circumstances or other similar projects, and lacked specificity to the situation in Kemptville.

20. On the specific issue of the potential economic benefits to the Kemptville community, there was essentially no evidence provided to support the Province's claims that our community would reap any benefits from this facility. And while the session was described as an engagement session and/or consultation, I would characterize it more as a unidirectional presentation rather than a true consultation or iterative process.

21. When officials were questioned as to how or why the Kemptville site had been selected, participants in the November 2020 session were told that the province had looked at over 100 sites in its search for an appropriate location for an "eastern Ontario complex". Officials simply stated, in general terms, that Kemptville was found to be the most suitable site that had been considered. None of the other sites considered were mentioned, nor were the specific selection criteria used by SolGen.

22. Provincial official further justified the choice of Kemptville on the grounds that there would be no land acquisition cost to the Province since it still owned this part of the former Kemptville Agricultural College. It would appear that this statement was false as the Province now claims that if our Application for Judicial Review will proceed, the single largest financial impact will be the funds expended to acquire the property.

23. This session did nothing to calm my suspicions and earlier concerns that we were dealing with a political announcement without a fully formulated plan. There was certainly no concrete explanation regarding how the province had arrived at the decision to build the facility in Kemptville specifically. Officials did, however, repeat their commitment to answering the questions they had received as part of their follow-up work to the November 2020 public engagement session.

24. In the months that followed the November 2020 session, I found myself, along with many residents of North Grenville with whom I was in regular contact, waiting for SolGen to fulfill its promise of transparency. My expectation was that the response to the questions SolGen had solicited prior to the November 2020 engagement session – as well as the questions they collected during and received after that session – would shed light on the process that had led to the selection of the Kemptville site.

25. Members of CAPP and JOG eagerly awaited the answers and information promised as this would allow them to assess, for themselves, the Province's rationale and, hopefully, find ways of holding the Province to a certain degree of public accountability.

26. This was particularly important as the Province' selection of Kemptville was coming after it had previously announced plans, in May 2017, to build the new facility in Ottawa. These plans had been abandoned when the Kemptville site was announced. Why was a new prison built on designated farmland in Kemptville now preferable to constructing a replacement facility in Ottawa? Why had the Ottawa site been abandoned and could we, in Kemptville, hope for a similar reconsideration? These were pressing questions for me and other CAPP and JOG members.

27. In parallel, I was also eagerly awaiting news of the creation of the various issue-specific working committees the Province had promised as these would help address the most significant concerns expressed at both the October and November 2020 sessions. If it turned out that, despite the growing community objections, we had to conclude that the jail was indeed a “done deal” at some point in the future, these committees might provide means of mitigating some of the repercussions of the project on the community and its resources.

28. Although engaged citizens were waiting for the Province to fulfill its commitments, this was anything but a “wait and see” period. In the absence of answers to residents’ questions, I, like several other residents, became very active in organizing or participating in activities to express opposition to the proposal.

29. I continued to actively reach out to experts and explore available research to better understand the circumstances under which the Province had developed its plan to locate the “Greater Ottawa Correctional Facility” in Kemptville, and to share this information via the CAPP website and contact list. (The facility has since been renamed the “Eastern Ontario Correctional Complex”.)

30. I led the organising and hosting of three public information sessions for residents of North Grenville in late 2020 and early 2021. As a member of CAPP, I participated in a number of activities, such as sending letters to various officials, writing op-ed articles for the local weekly paper, organizing public rallies, developing informational videos, participating in the Municipality’s Strategic Plan development session which was directly affected by the Province’s announcement, and participating in the Municipality’s “Local Green” initiative related to the proposed jail site.

31. In February of 2021, I requested the opportunity to make a presentation at an upcoming Municipal Council meeting scheduled for March 23, 2021. At CAPP's and JOG's insistence, the original delegation was expanded to include others who wished to express their concerns and ask questions about the proposed prison. In the end the Municipal Council decided to turn the March 23, 2021, meeting into a "town hall" event for the public in general. Unfortunately, in my view, Municipal Council also decided that members of Council would simply listen to the concerns and questions, but not attempt to answer any of them. This, in my view, inevitably led to a diminishing level of trust in the Municipal Council's ability or willingness to represent the residents' concerns regarding the proposed facility to provincial officials.

32. I subsequently requested permission to organize another delegation to Municipal Council. This time, the purpose was specifically focused on accountability. Members of Council would go on the record and state their position with respect to the proposed facility, and to have them answer questions with respect to the most pressing community concerns. The delegation was invited to attend the June 22, 2021, meeting of NG Municipal Council.

33. Members of Council did try to answer questions during the meeting, but in the absence of any new information from the province, local elected officials simply repeated what provincial representatives had presented eight or nine months earlier, in the October and November 2020 sessions. As for their individual position on the Province's plans, all Members of Council stated that while they did not like the proposed prison, they would not oppose it as there were no grounds to do so – essentially relying on the advice provided by the CAO to that effect. Council collectively reiterated that it would only object to the proposed facility if NG taxpayers were faced with having to bear any direct costs related to the prison.

34. At the same time as coordinating the delegation for the June 22, 2021 meeting of Council, I was also actively involved in soliciting financial contributions through a GoFundMe campaign to cover the cost of information materials, including a tri-fold flyer that was sent on June 14, 2021 to over 6,400 North Grenville residents via Canada Post, as well as funding 50,000 Google advertisements via Canada Post targeting local residents.

35. While JOG and CAPP developed independently, with somewhat different approaches to the jail issue, both organizations shared information and collaborated on a number of local initiatives, such as information distribution, and on trying to obtain information from SolGen and IO, beyond the broad overview and jail design considerations that were contained in the government's PowerPoint presentations to date. As a result, over the course of 2021, CAPP and JOG agreed to blend their mailing/membership lists, and Kirk Albert, the other Applicant in these proceedings, has since attended and contributed to CAPP's regular online meetings, which I co-chaired with Colleen Lynas, another resident of Kemptville and founder of CAPP.

36. It took the Province a full year, from November 2020 to November 2021, to reconvene the community. In the intervening period, I personally participated in some 74 events or activities in opposition to the prison proposal, an average of three every fortnight. A complete list of all my activities, from the August 27, 2020, announcement to the filing of the Application for Judicial Review, can be found at **Exhibit D** to this affidavit.

37. SolGen's second public engagement session was therefore held November 17, 2021. Once again, provincial officials asked that interested persons send in questions in advance. Having never received answers to the list I had sent a year earlier, I simply resent the same list of questions.

38. As this session was unfolding – only the second interaction of any kind between the Province and the community since the August, 27 2020 announcement – it became evident that almost none of the solicited, collected and received questions would be answered. Our MPP, Minister Clark, who was part of the announcement in August 2020, noted the lack of answers, and called on SolGen and IO to provide “specific answers”. (Further details on the various statements made during the November 2021 session can be found in **Exhibit A**).

39. More troubling to me was the fact that some facts presented a year earlier were now being contradicted. Notably, during the November 17, 2021, session, participants were told that the Province had, in fact, looked at only 38 possible locations – not the 100 or so stated in 2020 – and had whittled that list down to a shortlist of five or six, which included the Kemptville site ultimately selected.

40. When, in wake of the November 2021 session, it seemed that our own MPP, who was also Minister of Municipal Affairs and Housing, was himself struggling to get “specific answers”, and that the Municipal Council was also unable to get the information they needed with respect to the prison plan and its impacts on the community, the CAPP team began discussing turning to Freedom of Information (FOI) requests to obtain information about the province’s selection process and due diligence activities that SolGen Ministry staff had indicated were already completed, but were apparently not prepared to share with the community, despite their commitments to a transparent and ongoing dialogue.

41. As I and other CAPP members were still focused on our goal of understanding how the decision to build on Kemptville farmland had been made in order to present cogent arguments in

opposition and attempt to have the decision reversed, as it had been in Ottawa, it seemed like the next logical step at ascertaining what we were up against was to turn to the FOI process.

42. The first person to submit a FOI request was Lisa Gallant who filed the day after the original November 2020 session. Although Ms. Gallant was not affiliated with CAPP or JOG, she was – and continues to be – very concerned about how the Kemptville farmland had been selected, in part because of her background in public real estate projects. Her FOI therefore focused on the selection process itself and Ms. Gallant kept CAPP and JOG members informed of the progress of her FOI request. An initial release in June 2021 had raised more questions than provided answers but Ms. Gallant had appealed the release and we were hopeful that more information would come on this specific issue.

43. Building on the efforts of Ms. Gallant, other topics for FOIs were identified and various individuals took on the task of filing a total of 14 applications during the first months of 2022. I personally submitted three FOI requests in February 2022 to the three school boards operating in NG, asking for any correspondence, meetings, and any further discussions with SolGen. None of the first responses received provided any new or substantial information about any records relevant to the proposed prison. I decided to appeal one of the responses, a process that is still ongoing. I also participated in meetings with other residents who had submitted FOIs, who were slowly working their way through the process, with similar results to my own applications.

44. In parallel to the FOI strategy to find out why and how the Province had made its decision, my focus also started to turn to the upcoming provincial general election, slated to take place on June 2, 2022. In February 2022, I began to contact the provincial opposition parties to obtain their position on the proposed jail.

45. Over the course of several months, we were able to obtain on-the-record commitments on the part of all three major opposition parties (Liberals, NDP, and Greens) to either pause or cancel the proposed jail plan, especially in light of the lack of consultation prior to the announcement and the lack of information released by the province.

46. It is noteworthy that, in the context of the provincial election, our own MPP's attempted to use Elections Ontario to have CAPP and JOG muzzled. Mr. Clark filed complaints with Elections Ontario on September 15, 2021, seeking to have the two organizations considered "third parties" and thereby prevent CAPP and JOG from providing non-partisan materials to the residents of NG concerning the proposed jail. Elections Ontario quickly determined that CAPP and JOG's activities did not constitute "third parties" activity subject to any restrictions.

47. When the previous provincial government was re-elected in June 2022, CAPP and JOG reassessed the feasibility of making any progress in addressing NG residents' concerns about the proposed jail by getting the political decision-makers to reverse course. In addition, although the Province had still supplied practically no information regarding how or why the Kemptville farmland site had been chosen, information obtained through a second release to Ms. Gallant's FOI in April 2022 raised other concerns.

48. The information provided through the Gallant FOI revealed the fact that the Kemptville site had been identified as early as 2017 as a candidate location for a prison. The information also indicated that SolGen had used internal government processes to put a "hold" on the land held by ARIO (the Agricultural Research Institute of Ontario) for that purpose in 2019, essentially asking ARIO to keep the land and to make it available to SolGen if needed. None of these facts were ever communicated to us by the Province in any of the meetings or email exchanges.

49. By June 2022, not knowing when the decision had been made, nor how fast the Province was proceeding, CAPP and JOG became deeply concerned that we were being stonewalled by the Province and that we would wake up, one day, to a “fait accompli” with bulldozers digging up the designated farmland or tearing down the farm buildings on the site. In the absence of any transparency or communication by the Province, faced with a decision that seemed to have been taken potentially years before it was announced, we turned to consider legal action as our last resort.

50. In the wake of the provincial elections, CAPP and JOG briefly looked into the possibility of seeking an injunction to pause the process until such time as all of the information pertaining to the selection of Kemptville over other sites was made available to the residents of NG, and to our Municipal Council.

51. In the course of exploring this option, we were advised to consider the possibility of a Judicial Review that would more directly speak to the lack of consultation prior to the original announcement, the inability to get information, and the government’s lack of adherence to certain provisions of the *Planning Act*, including the relevant provincial policy statement and the local official plan.

52. Since neither CAPP nor JOG are incorporated entities, the decision was made by Kirk Albert and myself to be co-applicants in the Judicial Review application.

53. It is fair to say that one of the mistakes I made was believing and trusting SolGen and IO’s commitments.

Timing of the Judicial Review Application

54. As evidenced by **Exhibit D**, along with other CAPP and JOG members, I have worked tirelessly to get the information residents need to make informed decisions about the proposed jail ever since the August 2020 announcement. This work has included actively engaging with the media at the local, regional, and provincial level to ensure that our continued opposition to the proposed jail remained in view of residents and officials. The archives compiled by CAPP and JOG now hold some 300 instances of media coverage. The majority of these can be found on the CAPP website (on this page: <https://www.coalitionagainstoproposedprison.ca/news-events>) and a representative sample can be found at **Exhibit E**.

55. While SolGen staff initially promised complete transparency and accountability in their October 2020 Stakeholder Session and again in the November 2020 Engagement Session, follow-up email requests for answers were either ignored or left unanswered. We nevertheless patiently waited for answers and for the creation of the issue-specific committees we were promised, continuously voicing our concerns in a number of ways.

56. When a second engagement session was announced a year later, in November 2021, it was shocking to see that it was equally bereft of any substantive information or specific answers to residents' questions.

57. During this period, I also relied on Municipal Council's advice to the effect that there was nothing to be done to legally or otherwise oppose the project. Instead, I worked cooperatively on the early promises to represent residents' concerns to the province, to get information they and we needed to make informed decisions, and to oppose the plan if it entailed costs to NG taxpayers. I initially worked with the Municipal Council to help get the needed information. However, by the

time the June 2022 provincial elections came about, it became clear that the Municipal Council was not going to oppose the prison plan, even in the face of costs to NG taxpayers, and even if Council itself had not received any of the detailed answers it had originally sought or commitments it was still seeking.

58. After the November 2021 SolGen engagement session, I and others began a systematic campaign to use Freedom of Information requests to obtain information and answers concerning the proposed prison. These efforts were not successful either. It was also easy to see that the province's non-responses and/or drawn-out FOI responses amounted to what many began to refer as stonewalling on the part of government officials. Based on responses to various appeals, that stonewalling continues to this day.

59. Since the provincial government had held out the hope of transparency and public accountability, we continued, in the public interest, to try to get information through open letters to provincial Ministers, through emails and letters, through FOIs and through our MPP who had promised during the November 2021 SolGen Engagement Session, and subsequently in the Legislature itself, that he would meet with the residents of North Grenville to answer questions, particularly with respect to purported benefits and alternative uses of the land to promote community safety and economic benefits. This meeting never took place.

60. When we learned that the decision process may have started back in 2017, that a hold had been placed on the land in 2019, and found, through a land registry search in June 2022 that the Ministry of Agriculture had moved forward with the process of transferring the proposed site to the Ministry of the Solicitor General, we felt that there was little option but to initially explore the possibility of an injunction, and ultimately determine that a Judicial Review process was seemingly

the only remaining option to address the concerns of North Grenville residents with respect to the proposed jail.

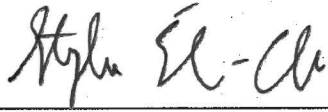
61. It has taken two years to this point, but this has been the pace set by the province since their announcement in August 2020. I believe that we were reasonable in believing and trusting the province's promises of transparency and accountability. I believe we were equally reasonable, when we believed and trusted our Municipal Council's statements about the absence of legal recourses and that they would represent residents' concern and questions. We tried, unsuccessfully, to use the route of FOIs to obtain information the province had previously indicated existed, which has been drawn out over time by the province. And we also had the opportunity of an election that, based on the support we obtained from all the opposition parties, might have changed the government's view of the proposed prison project. In the end we were left with the option of a judicial review as a last resort.

62. I have spent the last two years on an ongoing and extensive number of activities as described in **Exhibit D**. I organised, contributed to, or attended at least 117 activities over the two years leading up to the application for a judicial review of the province's plan to build a prison in Kemptville. Since many if not most of these activities required many hours of preparation and planning, it is fair to say that I worked continuously on the prison issue every week in one way or another from October 2020 to August 2022. I undertook this work knowing that it would be a long battle since, in the case of the Ottawa Carleton Detention Centre announcement that had been made in 2017, it had taken three years for the Province to reconsider the proposal and abandon it.

63. At no time in this process have I had any personal financial interest in the matter. In fact, my spouse and I have used our own money to set up the CAPP website, to help pay for FOI requests

and to produce/distribute information material to the residents of NG. My property will not be affected by the proposed jail, other than that which will negatively affect Kemptville as a whole. I do not stand to personally benefit in any way if the government's proposed prison project ends.

AFFIRMED remotely by Victor Lachance stated)
as being located in the Municipality of North)
Grenville in the Province of Ontario, before me)
at the City of Ottawa in the Province of Ontario,)
on December 15, 2022 in accordance with O.)
Reg 431/20, Administering Oath or Declaration)
Remotely.)



Commissioner of Oaths (or as may be)



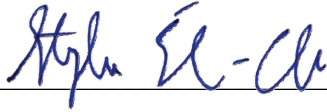
VICTOR LACHANCE

Exhibit "A"

Referred to in the affidavit of

Victor Lachance

affirmed December 15, 2022

A handwritten signature in blue ink, appearing to read "Stephen El-Chi", is written over a horizontal line.

Commissioner for Taking Affidavits (or as may be)

VICTOR LACHANCE AFFIDAVIT – EXHIBIT A

This exhibit contains quotes from provincial officials about promises of transparency, public accountability, the holding of engagement sessions and creating committees, on answering questions, and on the prison project being a journey as opposed to a one-time decision.

Names of those quoted

Ali Veshkini, Associate Deputy Minister, SOLGEN

Daryl Pitfield, Assistant Deputy Minister, Institution Services, SOLGEN

Maria Duran-Schneider, Chief Administrative Officer/Assistant Deputy Minister, SOLGEN

Angelo Gismondi, Senior Vice President, Infrastructure Ontario

Rob Bauman, Project Lead, Institutional Services

Daniel Archambault, Facilitator

ON HOLDING ENGAGEMENT OR CONSULTATION SESSIONS (10 quotes)

1. I'm glad that we've got this first meeting kicked off and I'm looking forward to many other meetings and engagements. I think this is going to be the key to this process, that people feel that they're being listened to, and that I'm going to continue pushing you, your ministry and the minister on this in the future. So thanks for setting this up. - **Steve Clark Oct 30, 2020**
2. I would love to have a meeting like this every month. I think it's very important that the community has an opportunity to express its opinion, and to have its questions answered. -**Steve Clark Oct 30, 2020**
3. Tonight's meeting gave a lot of local voices the opportunity to put some concerns, some questions, some comments forward, and I'm going to continue to make sure that those local voices are heard throughout this process – **Steve Clark Oct 30, 2020**
4. We're going to be doing more engagements in November to launch this, and that's when we start ...to build different committees for different aspects of the facility. So healthcare would be one committee.... we'll have security, we'll have community benefits as well. – **Ali Veshkini, Oct 30, 2020** [*No such committees were ever established*]
5. ...Now the arrow at the bottom is really important to us because that's about the ongoing engagement [that] spans the life cycle of this project **Ali, Nov 26, 2020 (18:01)**
6. We want to make sure that there's ongoing public engagement throughout the project, that it's iterative, that we're making sure that we're hearing from our partners, that we're hearing from local [residents] **Ali, Nov 26, 2020**

7. If what the group wants is to have a meeting with me in Kemptville, then then let's just do it. Let's just have the meeting and we can let them continue with the session tonight. – **Steve Clark, Nov 17, 2021**
8. And then I will work with you because I'm at Queen's Park. I communicated with to you and to the other organizations that the house is sitting and I'm here. So rather than belabour the meeting, I will commit to you that we'll have a meeting in the municipality. – **Steve Clark, Nov 17, 2021**
9. I wasn't expecting to have so many questions tonight ... and I want to assure everyone tonight that the reason I pushed so hard to have this meeting tonight was I felt there needed to be some answers. – **Steve Clark Nov 17, 2021**
10. As I believe Mr. Clarke [said], we already recognize that those certain discussions should be taken, and he's committed that he'll have that discussion with a group of the citizens moving forward. – **Ali Veshkini, Nov 17, 2021**

ON ANSWERING QUESTIONS (11 quotes)

1. I want to stress that were here to keep you in the loop Minister Clark, so please reach out any time. –**Peter Copeland Oct 30, 2020**
2. I'll continue to push the Ministry [SolGen] to make sure that this community is reflected in whatever final decisions are made around the site. – **Steve Clark Oct 30, 2020**
3. I just want to thank the Solicitor General's Office for tonight's engagement. I think I was encouraged by some of the comments that were made about the issue that I have ... [which is] that level of specificity that I think people are looking for. - **Steve Clark Nov 17, 2021**
4. I think the faster we can get the answers, the more specifics, better specifics, on some of those issues that residents have asked for the last 15 months, the better off we are. – **Steve Clark Nov 17,**
5. So I just I want to reiterate that we need a higher degree of specifics moving forward ...and I'll keep taking notes from some of the questions. – **Steve Clark Nov 17, 2021**
6. There was a “MY KEMPTVILLE Now” story today about Mayor Peckford’s letter to the Solicitor-General outlining some longstanding questions that the community has asked. ... I think that's a very important piece to be able to provide that certainty to the municipality. – **Steve Clark Nov 17,**
7. I think you heard me at the start of this call. I think there are some legitimate concerns that people need to have answered in the community. – **Steve Clark Nov 17, 2021**

8. I think you need to do your due diligence. These are valid concerns people are raising and we need to have some certainty in the community regarding [policing] costs – **Steve Clark, Nov 17 2021**
9. Thanks for the [questions]. I'm committed to have those conversations. As I said at the start of the process, I want to make sure that those community concerns are addressed....So, I remain committed to working with the community on some of the challenges and some legitimate concerns that [they have]. – **Steve Clark, Nov 17, 2021**
10. Will you commit to answering [questions] in real time? By that, I mean, not in a year's time or in a future engagement. When people send you emails, will you commit to answering the questions right away? – **Victor Lachance, Nov 17, 2021** Ali's response – yes, absolutely.
11. I've taken copious notes to provide answers and continue to advocate to the Ministry of Solicitor-General and the other ministries to provide the answers. – **Steve Clark, Nov 17 2021**

ON TRANSPARENCY (20 quotes)

1. I want to thank her Worship and MPP Steve Clark for keeping us transparent and honest - **Ali Veshkini Oct 30, 2020**
2. I want to thank her Worship and MMP Steve Clark for continuing to work with our Minister's office, Minister Jones, to see what we can do to help accommodate, to continue to be transparent. - **Ali Veshkini Oct 30, 2020**
3. Transparency is key for us, full transparency whenever we are building. – **Ali Veshkini Oct 30, 2020**
4. Our goal is to be transparent, to have fruitful discussions, have those opinions, take those opinions and act on those opinions as much as possible. that's our goal through this journey. – **Ali Veshkini Oct 30, 2020**
5. We had [selection] criteria and it's transparent that [the proposed site] met the majority of those criteria. – **Ali Veshkini Oct 30, 2020 (1:50)** *[Later FOI information showed otherwise]*
6. We're not always going to have a meeting of the minds but that's okay as long as we're transparent and were providing information and were having that dialogue and we're bringing those committees together and those engagements together to have those fruitful discussions. – **Ali, Oct 30, 2020**
7. A key message for us at Infrastructure Ontario is that ... we have been fairly successful with delivering these projects in an open, transparent way **Angelo Gismondi Oct 30, 2020**

8. [On communications with and involvement of the Ombudsman's office].... I think we've come a long ways in those biweekly meetings that have been very productive with [the Ombudsman's Office], [Community Services -*probation and parole offices*], as well as [Institutional Services], our operational support division, we're all on the same page and that constant clear transparent communication level is making things much better. – **Daryl Oct 30, 2020**
9. The more transparency and the more dialogue we have the better. – **Ali Veshkini Oct 30, 2020**
10. Hopefully you saw that we're trying to be as transparent as possible ... so that's how we're going to continue this relationship. – **Ali Veshkini Oct 30, 2020**
11. I appreciate you holding us **accountable** you know that's something that we like. **Ali Oct 30, 2020**
12. [Thank you] your Worship, thank you Minister [Steve Clark], for Minister Jones, to make sure that we're continuing with the engagements and being transparent. **Ali, Nov 26, 2020** (wrapping up)
13. This is continuing our journey in terms of engagement and transparency – **Ali Veshkini Nov 17, 2021**
14. The agency's transparency has been very important for Minister Clark, our Minister Jones and Mayor Peckford as well, so we'll continue with these engagements again – **Ali Veshkini Nov 17, 2021**
15. When we know something, we want to be transparent and disclose, when we don't know something we will find it out, or if we don't know something at this point and won't know for you know six months or a year from now we also want to make that clear as well. So for us transparency is always key throughout this process. **Ali Veshkini, Nov 17, 2021**
16. Our agency's transparency has been very important for Minister Clark, our Minister Jones and Mayor Peckford as well, so we will continue with these engagements again. – **Ali Veshkini Nov 17, 2021**
17. Can you explain why so much discussion about transparency has been conveyed both last November and this November, but we had to file a Freedom of Information request to get accurate numbers regarding the number of properties that were assessed? **Kirk Albert question Nov 17, 2021** [*Ali 's response did not address the transparency comment nor the need for residents to resort to FOIs to get information/answers*]

18. Why did the Kemptville site not get disqualified? **Kirk Albert question Nov 17, 2021**
[Ali 's response did not address this question]
19. But if we get to that point (policing costs) ... we will work with the municipality, but we want to make sure that we.... we're transparent about using that [estimate of policing service calls] – **Ali Nov 17, 2021**
20. When you say that all there are 50 to 100 calls for [policing] services a year {in another prison}, that is not totally transparent. Not everyone, I think, understands that not all calls for service are billed at the same rate. Because I'm concerned about the money [taxpayers will pay]. **Don Sherritt comment Nov 17, 2021**

ON THE PRISON PROJECT BEING A JOURNEY (15 quotes)

1. This facility won't be built for another six, seven years and so ... by the time we get to operationalizing this building in six, seven years were much farther along on that journey. – **Ali Oct 30, 2020**
2. In terms of engagement, engagement for us is a journey it's not a one-time thing, it's not a one-time occurrence that we're having here. – **Ali Oct 30, 2020**
3. It's the beginning of our journey. It's the beginning of our dialogue. - **Ali Veshkini Oct 30, 2020**
4. This facility won't be built for another six, seven years and so were hopeful that by the time we get to operationalizing this building in six, seven years were much farther along on that journey. – **Ali Oct 30, 2020**
5. It's the beginning of our journey. It's the beginning of our dialogue. - **Ali, Oct 30, 2020**
6. Our goal is to be transparent, have fruitful discussions, have those opinions, take those opinions and act on those opinions as much as possible so that's our goal through this journey. - **Ali Oct 30, 2020**
7. Hopefully you saw that we're trying to be as transparent as possible from what we know and so that's how we're going to continue this relationship. - **Ali Oct 30, 2020**
8. it is a long timeline in terms of building an infrastructure piece like this but this is not dissimilar to any other piece of infrastructure that the province builds whether it's transit or hospital, infrastructure usually it takes about five to seven years to build something like this and that's why you see between now and 2027 - **Ali or Angelo Nov 26, 2020 (15:58)**

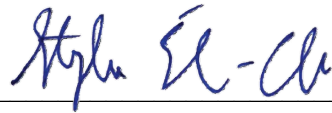
9. We want to make sure that there's ongoing public engagement throughout the project, that it's iterative, that we're making sure that we're hearing from our partners, that we're hearing from local [residents]. - **Ali, Nov 26, 2020**
10. When we talk about the project timelines you'll see that engagement is permeated throughout the life of this project and so again this is the start of the journey this is not the last you'll hear from us. - **Ali, Nov 26, 2020**
11. With respect to engagement this is actually a journey. This is the start of the engagement, this is not the end of the engagement and so there'll be iterative engagement throughout this process. **Ali, Nov 26, 2020**
12. The important part is when you look from 2020, which we are in now, to 2022, it's really the part where we start the first part of our engagement session. Again I said this is a journey in terms of engaging the community and our partners. - **Ali Veshkini Nov 26, 2020**
13. So again this is not the first time you're going to hear from us. This is actually just the start of the journey we want to continue that relationship. - **Ali Nov 26, 2020**
14. I truly want to appreciate everyone that signed on today. I think my beginning words were that this is a journey and that is true; this is the first part of the journey. - **Ali, Nov 26, 2020**
(wrapping up)
15. ...Now the arrow at the bottom is really important to us because that's about the ongoing engagement [that] spans the life cycle of this project. - **Ali, Nov 26, 2020 (18:01)**
16. This is continuing our journey in terms of engagement and transparency – **Ali Veshkini Nov 17, 2021**

Exhibit "B"

Referred to in the affidavit of

Victor Lachance

affirmed December 15, 2022

A handwritten signature in blue ink, appearing to read "Stephen El-Chi", is written above a horizontal line.

Commissioner for Taking Affidavits (or as may be)

EXHIBIT B

Questions prepared by Victor Lachance and sent to SolGen in advance of the

November 26, 2020 Public Engagement Session organized by SolGen

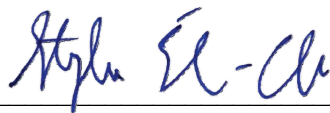
1. Why did you feel that you didn't need to consult with our Municipal Council before announcing such an important decision?
2. Do you plan to raze the existing buildings on the proposed site for this prison?
3. Are the economic benefits being referred to by our MPP Steve Clark supported by actual research or is it just what others think the benefits might be?
4. If prisons are good for the economy of communities, are there no cities clamoring for the building of a prison in their communities?
5. Are you aware of studies that say that prisons do more harm than good to small communities like Kemptville?
6. Do you have any research or evidence about how this proposed prison will affect the Kemptville Hospital?
7. As a resident of Kemptville, I am not aware of any Indigenous support services, or an Elizabeth Fry centre, or a John Howard Society centre. Without these kind of services, does it make sense to put a prison here in Kemptville?
8. Kemptville is a small town with not much infrastructure to manage a prison. Do you think it makes sense to put a prison in such a small town with no public transportation , not enough drinking water and sewage treatment facilities, and no support services for prisoners?
9. I've read how prison jobs are not really healthy jobs, what with stress and dangerous conditions for the guards and PTSD and those sorts of things. Do you believe prison jobs are healthy jobs?
10. Several articles and letter to the North Grenville Times have identified better and innovative uses for the land in question. Is the province aware of these proposals? Doesn't the government support these uses for the land?
11. Shouldn't a prison be built on land that has little or no agricultural value?
12. Kemptville is a small town with a small town charm to it. That's why we moved here. I think no matter what name you give this facility, it will be known as the Kemptville Prison. What's your message to people like me who don't want people to talk about Kemptville as a prison town?
13. More than half of prisoners are apparently waiting for their trial, and so we wouldn't need more prisons if you reduced that number. Is this true? If so, what are you doing about it?

Exhibit "C"

Referred to in the affidavit of

Victor Lachance

affirmed December 15, 2022

A handwritten signature in blue ink, appearing to read "Stephen El-Chi", is written above a horizontal line.

Commissioner for Taking Affidavits (or as may be)

EXHIBIT C**AFFIDAVIT OF VICTOR LACHANCE****Questions submitted by Colleen Lymas****Transparency and site selection**

1. During the initial engagement session with key stakeholders on 30 October 2020, a provincial government official stated that “transparency is key for us”. In this spirit, will the Government of Ontario release its site selection assessments that led to the decision to build a new prison in Kemptville?
2. During the initial engagement session with key stakeholders on 30 October 2020, a provincial government official stated that the Ministry was being outbid for land in Ottawa, hence the decision to build on government owned land in Kemptville. In the spirit of transparency, will the Government of Ontario release documents outlining the potential extra costs associated with building a new prison in Kemptville such as utilities and transportation as opposed to within Ottawa, including on the parcel of land available on Russell Road near the William Hay Youth Centre?

Economic impacts

3. During the initial engagement session with key stakeholders on 30 October 2020, the facility’s proximity to the staff was cited so that staff doesn’t have to travel forty minutes to an hour to get to the facility. Has the Ministry of the Solicitor General done a survey with OCDC and Brockville based staff to see how many of them would (a) consider working in Kemptville and (b) moving to Kemptville?
4. How many institutional jobs at the Kemptville prison does the Ministry anticipate there will be and how many of these positions does the Ministry anticipate will be filled by existing staff transferring from other facilities like OCDC, the Brockville jail and elsewhere among provincial employees?

Possibility for future expansion

5. What is the maximum number of cells the Ministry anticipates being able to build on the leased property at OCDC during its renovation? Given the limited space available at OCDC to accommodate the construction of new units, if additional bed space is required in the greater Ottawa area in the future, is it not a reasonable assumption that the facility in Kemptville would be expanded? In the spirit of transparency, will the Government of Ontario release documents outlining the future potential for expansion of the proposed correctional complex in Kemptville that would have surely been a factor during the site selection process.

Community infrastructure

6. During the initial engagement session with key stakeholders on 30 October 2020, a provincial government official stated that the Ministry does not want to burden taxpayers with any increased costs. There was also a statement about having money in the budget to help with any servicing costs. Given the dearth of basic services like water and sewage, re-entry services, public transportation and the like, what so-called opportunity costs does the provincial government expect municipal taxpayers to cover in order to build a new prison in Kemptville versus what costs will be borne by the province?

7. During the initial engagement session with key stakeholders on 30 October 2020, a provincial government official stated that people who are in mental health crisis, or who have overdosed or have life threatening injuries, or need surgery and so on will be transferred to the Kemptville Hospital, or if needed to other local hospitals. In the spirit of transparency, will the province release documents outlining the anticipated impact of the new prison in Kemptville on the local hospital and local healthcare service provision more broadly?

Questions submitted to SolGen by Colin Creasy

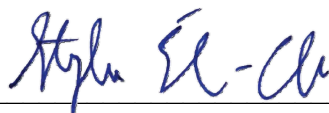
1. Given the Ministry's very poor track record at improving prison conditions and outcomes, including in recent years with new builds in Toronto and Windsor, what is being done differently this time around to ensure the Kemptville prison will be a success story unlike every other correctional institution you have built in the province to date?
2. Would it not make more sense for the Government of Ontario to invest more in reducing the use of imprisonment through measures such as bail and parole reforms than expanding the supply of provincial prison spaces?
3. Even if the province is not willing to follow this path of reducing imprisonment as it did during the first wave of the pandemic, where Ontario's prison population declined by more than 30% within a few months, should a cost-ineffective prison not be built in communities with appropriate community infrastructure already in place instead of retrofitting a small rural municipality so that it can become a prison town?
4. If the plan is to destroy the existing buildings on the proposed site for the prison, has the Ministry done an evaluation of the value of these assets, and therefore the opportunity cost of destroying them?
5. What is the plan to transport prisoners' loved ones to Kemptville for institutional visits and the plan to transport prisoners to their home communities upon discharge? Is the province planning to setup a bus service to and from Kemptville for these purposes when it could build a prison in a community with such infrastructure already in place?
6. The new facility is apparently being designed, built, financed and maintained through a 30-year public-private-partnership. The government apparently insists there will be construction jobs and spin-off opportunities in Kemptville, but given the Ministry's reliance on large contracts for things like food services, what kinds of contracts and what specific percentage of contracts will local companies be able to reasonably bid on and secure? Will the province provide documents detailing the anticipated economic impact of the new prison in Kemptville?

Exhibit "D"

Referred to in the affidavit of

Victor Lachance

affirmed December 15, 2022

A handwritten signature in blue ink, appearing to read "Stephen El-Chi", is written above a horizontal line.

Commissioner for Taking Affidavits (or as may be)

EXHIBIT D**AFFIDAVIT OF VICTOR LACHANCE**

The following is a list of activities that I have organized, carried out, contributed to or attended since the provincial announcement of the proposed Kemptville jail on August 27, 2020 up to the filing of the Notice of Application for a judicial review submitted on August 15, 2022

1. Helped to establish CAPP's database of documents, research articles, expert interviews and information material for the residents of NG.
2. Signed a Change.org petition against the proposed jail organized by NG resident Sarah Ciliberto
3. Emails to MPP Steve Clark (responded to by Doug Brewer) between October 2020 and December 2020.
4. Country Walk Community Association (CWCA) information session, including questions raised by CWCA members, October 7, 2020
5. Meeting with NG Mayor and Deputy Mayor to obtain available information on behalf of the members of the Country Walk Community Association, October 9, 2020
6. Review of the Kemptville Campus Master Plan, released in October 2020, to assess impact of proposed prison on the Campus future.
7. Podcast, North Grenville Times, included discussion of proposed prison, October 26, 2020.
8. Produced transcripts of the Ministry of the Solicitor General's October 30 2020 by-invitation stakeholders session, for public access.
9. First of many letters to the Editor of the North Grenville Times between November 2020 and July 2022
10. Beginning of weekly meetings of the CAPP team, November 2020 to present day.
11. CAPP community meeting re: post November 26 SolGen public engagement session, November 30, 2020
12. Meeting with Paul Cormier, RANA Canada, about previous proposal for use of the proposed site, along with Municipality's support for acquisition of the farmland in question, Dec. 1, 2020
13. Meeting with Dr. Justin Piché, University of Ottawa professor of criminology, re: helping CAPP with expert knowledge and advice on the province's claims regarding the proposed prison, Dec. 2, 2020
14. Reaching out to other groups interested in becoming stakeholders in opposition to the proposed jail between during November 2020, which eventually featured on the CAPP website in December 2020
15. Meeting with NG Mayor, Deputy Mayor and Chief Administration Officer, November 11, 2020
16. Preparing list of questions requested by the Ministry of the Solicitor general prior to the public engagement session of November 2020
17. SolGen public engagement meeting November 26, 2020
18. Follow-up questions via email to the SolGen staff December 2020

19. Assistance with the making of videos for the CAPP website (over 70 videos), from December 2020 to August of 2022
20. Meeting with Tom Graham of Sustainable Grenville with respect to saving the farmland and existing farm buildings, December, 2, 2020
21. Participated in JOG protest in downtown Kemptville, December 5, 2020
22. First of eight media releases I drafted, as well as assistance to dozens of other media materials (over 100) from November 2020 to present day.
23. Organized and hosted first CAPP Public Information Session, December 8, 2020
24. Guest Editorial in the NGTimes, "A better Vision for Kemptville" Dec. 9, 2020
25. Sent email to several provincial politicians/officials via ZAP letter campaign Dec. 10, 2020
26. Meeting with the former NG CAO to obtain a historical perspective and his experience with respect to dealing with the Municipal Council and the provincial government, Jan 8, 2021.
27. Meeting with Paul Cormier, strategic planning for CAPP and related activities to have Municipal Council and province more transparent and accountable, January 9, 2021
28. Interview, My Kemptville Now, Jan. 19, 2021 re: public information session
29. Letter to Editor, NGTimes, January 27, 2021 – "Asking for the Evidence"
30. Organized and hosted second CAPP Public Information Session, "New Building, Old Problems" February 2, 2021
31. Interview, My Kemptville Now, "CAPP looks for answers from Municipality and Province" February 4, 2021
32. Meeting with NG Mayor and staff with the Country Walk Community Association on community issues, including the proposed prison, February 9, 2021
33. Organised and hosted a "Save the Lands" meeting of local agri-food groups and experts, February 11, 2021
34. Cited in NGTimes article "Coalition Against Proposed Prison Information Session" February 18, 2021
35. CAPP open forum for NG residents re: questions about the proposed prison, and discussion about how to get information from the province, April 27, 2021
36. Requested delegation at March 23, 2021 Municipal Council Meeting, Feb 2021
37. Expanded delegation of March 23, 2021 Municipal Council meeting into a "town hall" session, to accommodate others who wished to ask questions to Municipal Council, March 2021
38. Interview, Ottawa valley News, "Kemptville Prison Opposition groups to have their voices heard at special council meeting March 23, 2021" March 9, 2021
39. Interview, My Kemptville Now, "Special Council Meeting set to discuss proposed prison in Kemptville" March 9, 2021
40. NGTimes podcast "Discussion with CAPP Group", March 10, 2021
41. Assisted with launch of first CAPP GoFundMe campaign to develop and mail out public information flyers and material to NG residents, March 11, 2021.

42. Delegation to Municipal “town hall” Council meeting re: the proposed prison March 23, 2021
43. Interview, My Kemptville Now, “Still lots of uncertainty on proposed prison following a special council meeting”, March 26, 2021
44. Interview, North Grenville Times, “Concerns about proposed prison voiced at public meeting”, March 31, 2021
45. Development of Myth-Busting document as information material for residents of NG; eventually printed in the NG Times, April 2021
46. Op-Ed, North Grenville Times, “ Provincial Government’s Gamble” May 12, 2021
47. Community Action event via Zoom meeting for the community, May 13, 2021
48. Interview, Inside Ottawa Valley, “Groups against provincial jail in Kemptville raising funds to send mail-outs to residents” May 25, 2021
49. Webinar interviews by criminology, sociology and other programs at University of Ottawa and Carleton University re: student research on carceral issues, and situation in Kemptville, June 2, 2021
50. Webinar for graduate students in criminology program, University of Ottawa, June 8, 2021
51. Information Flyers developed and mailed to 6,400+ residents and businesses, June 14th, 2021
52. CAPP meeting with invited speakers for delegation to Municipal Council meeting and for the upcoming CAPP Public Information Session, June 15, 2021
53. Drafting of Google Ads, with 50,000 sent to NG residents via Canada Post, June 2021
54. Delegation to North Grenville Municipal Council, June 22, 2021
55. Organized and hosted third CAPP Public Information Session, “Saving the Farmland”, June 23, 2021
56. Organized and participated in a Car Caravan event in Kemptville, July 4, 2021
57. Meeting with Don Sherritt, former Chair of Police Services Board, re; potential policing costs related to proposed prison, July 6, 2021
58. Meeting with Don Sherritt, former Chair of Police Services Board, re; potential policing costs related to proposed prison, August 5, 2021
59. Contributor to Group Op-Ed, NG Times “The Proposed Prison” August 11, 2021
60. Assistance in launching third GoFundMe in support of application for judicial review, August 14th 2022
61. CAPP planning session with community residents, August 5, 2021
62. Organised and participated in a “No Prison – Save Farmland” rally outside of the Municipal Strategic Planning session, September 14, 2021
63. Participated in the NG Municipality Strategic Planning Session, Sept.4, 2021
64. Op-Ed North Grenville Times “The Steve Clarke Prison” September 29, 2021
65. Response to Steve Clark complaint to Elections Ontario from October 6 to October 9, 2021

66. Interview, Farmers Forum, "Kemptonville College prison opponents to protest at MPP Clark's Brockville office, October 15, 2021
67. Organised a "No Prison- Save Farmland" rally at MPP Steve Clarke's constituency office, Brockville, October 15th, 2021
68. Interview North Grenville Times "Anti-prison protest comes to Steve Clark" October 20 2021
69. Meeting with ONDP leaders Gilles Bisson and Joel Harden, October 21, 2021
70. Interview, Kemptonville Advance, "MPP Steve Clark files complaint about Kemptonville prison protesters, then announces new public engagement session" November 1, 2021
71. Contributed to Op-Ed, North Grenville Times, "Time for Truth and Transparency" November 3, 2021
72. Organised and participated in a "No Prison-Save Farmland" rally at proposed prison site, November 13, 2021
73. Interview, CTV News, "Protesters rally against proposed Kemptonville prison" November 13, 2021
74. Interview, North Grenville Times, "Anti- prison rally draws large crowd" November 17, 2021
75. SolGen engagement session November 17, 2021
76. Presentation at CPEP event, November 20, 2021
77. Email campaign via ZAP to Minister of Agriculture Lisa Thompson, December 1, 2021
78. Webinar, Masters students, University of Ottawa, re: Kemptonville prison, Dec. 8, 2021
79. Freedom of Information request to the Conseil des écoles publiques de l'Est de l'Ontario, January 15, 2022
80. Freedom of Information request to Upper Canada District School Board, January 15, 2022
81. Freedom of Information request to Catholic District School Board of Eastern Ontario, January 16, 2022
82. Assisted with the second GoFundMe campaign to raise funds for NG residents' costs related to their Freedom of Information requests, January 28, 2022
83. Correspondence and follow-up with the Ontario Liberal Party, the NDP, the Green Party and Progressive Conservative Party regarding their respective party's position on the reconstruction of the proposed prison in Kemptonville, January, 2022
84. Correspondence and follow-up with the Liberal and NDP agriculture critics regarding efforts to stop the transfer of farmland property held by ARIO (Ministry of Agriculture) to SolGen, February 7, 2022
85. Op-Ed editor, North Grenville Times, "Correctional Facility: Connecting the Dots, February 9, 2022
86. Meeting of NG residents involved in Freedom of Information requests, February 10, 2022
87. Meeting with Steve Gabell, Executive Director of local Green Party association, Feb. 14, 2022
88. CAPP meeting with Green Party leader Mike Schreiner, February 15, 2022
89. Development and design of "Save the Farmland" lawn signs, March 2022

90. Meeting with Len Habinski re: information obtained by SolGen, and being directed to use Freedom of Information request to get more information, March 13, 2022
91. Organizing and hosting a “Save the Farmland Forum” with agri-food groups and farmland protection group in Ontario, March 17, 2022
92. Assistance to Liberal Agriculture critic regarding a question in the Ontario Legislature about saving the farmland on the proposed prison site, March 25, 2022
93. Meeting of NG residents involved in Freedom of Information requests, April 5, 2022
94. Meeting with Editor of the North Grenville Times re: CAPP and JOG activities at the provincial and municipal levels, April 23, 2022
95. Interview with Luke Ottenhoff, Broadview Publishing, re: the proposed prison, April 19, 2022
96. CAPP media release about the “whitewashing” of the proposed prison by a Municipal session on potential surplus farmlands, April 11, 2022
97. Organised and participated in a “Save the Farmland” rally at Kemptville Campus, April 12, 2022
98. Participation in the “Local Green” session held by the NG Municipality, April 12, 2022
99. Interview, City News Radio, Sam Laprade show, April 18, 2022
100. Meeting via Zoom with Liberal MPP and SolGen critic Lucille Collard and Ontario Liberal Party MPP candidate Josh Bennett, April 19, 2022
101. Op-Ed North Grenville Times, “A Theatre Critic’s Review” April 20, 2022
102. Op-Ed, North Grenville Times, “Mr. Steven Goes to Queen's Park” May 11, 2022
103. Distribution of Save Farmland lawn sign, May 2022
104. Ontario provincial election All-Candidates Debate in Kemptville; discussion with MPP Steve Clark about promised meeting with residents of NG re: proposed prison, May 25, 2022
105. Interview, Kemptville Advance re: proposed prison and All-Candidates Debate, May 31, 2022
106. Op-Ed North Grenville Times, “The Real Dirt on Farmer Lisa” June 1, 2022
107. Organised and participated in a Save the Farmland rally on the proposed site of the Kemptville prison, June 4, 2022
108. Meeting with former Kemptville College professors and Reeve Bill Dobson on historical significance and value of existing farm buildings on the proposed jail site, Jun 24, 2022
109. Meeting with Rachel Everett-Fry re: municipal election and potential municipal council candidates, June 28, 2022
110. Interview, Luke Ottenhoff, post-election review, June 30, 2022
111. Meeting with lawyer Stéphane Émard-Chabot of the law firm Sicotte Guilbault re: legal options regarding province’s proposed prison project, June 30 2022
112. Collaboration with the National Farmers’ Union –Ontario re: alliance on potential legal options to address breakdown of process with SolGen and provincial government

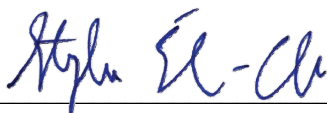
113. Meeting with lawyer Stéphane Émard-Chabot of the law firm Sicotte Guilbault re: judicial review application, June 30 2022
114. Meeting with Amanda Wilson, St. Paul University, re: farm group planning on saving the farmland, July 22, 2022
115. Prisoners justice Day, Ottawa, August 10, 2022
116. Preparation of application for judicial review, August 10 to August 14, 2022
117. Filing of Notice of Application for the judicial review, August 15, 2022 and accompanying media conference/media release.

Exhibit "E"

Referred to in the affidavit of

Victor Lachance

affirmed December 15, 2022

A handwritten signature in blue ink, appearing to read "Stephen El-Chi", is written above a horizontal line.

Commissioner for Taking Affidavits (or as may be)

EXHIBIT E

AFFIDAVIT OF VICTOR LACHANCE

OTTAWA AND PROVINCIAL MEDIA COVERAGE

November 5, 2020 - Ottawa Citizen

['There is no doubt some division in our community' over proposed Kemptville jail site](#)

December 2, 2020 - Toronto Star

[Proposed Kemptville jail meets with resistance](#)

September 20, 2021 - Toronto Star

['It came out of nowhere': Residents in the small town of Kemptville don't want a prison Doug Ford's government says they're getting one anyway](#)

October 16, 2021 - The Ottawa Citizen

["Doesn't make sense" Kempville residents question plan to build huge jail in the middle of a small town](#)

October 17, 2021 - Toronto Star

[Minister in Doug Ford's government accused of using controversial new law to try to 'silence' grassroots groups](#)

November 19, 2021 - Ottawa Sun

[RESIDENTS FURIOUS: Kemptville jail consultation blasted as a 'false sales job'](#)

March 30, 2022 - Ottawa Citizen

[Wilson: Trading public farmland in Kemptville for a new prison is the wrong move](#)

Extracts from other media coverage:

"In an email on Monday, a ministry spokesperson said it's too early in the process to determine a completion date for the project."

November 9, 2020, CBC.ca [Kemptville residents protest against proposed prison](#)

"We would be interested in them starting the selection process over because of the flaws we've identified to date," *Kirk Albert*

October 26, 2021 - Global News [Kemptville, Ont. residents concerned about provincial prison proposed for their town](#)

Municipal Affairs Minister and local MP Steve Clark was also on the call. Residents had a lot of questions for him, none of which he fully answered. He remained silent for the first two directed at him, and only jumped in after resident Colleen Lynas scolded him.

November 18, 2021 - Toronto Star [Queen's Park Briefing: the Engagement session](#)

"Even though the government says so, or did say so, they now acknowledge there will be very little in the way of jobs or any economic benefit to the municipality," Lachance explained.

Apr 18, 2022 - City News [Concerned residents opposing proposed jail in Kemptville](#)

LOCAL MEDIA COVERAGE

November 7, 2020 Inside Ottawa Valley

[Residents protest New Jail](#)

November 17, 2020, Inside Ottawa Valley

[Prison planned for downtown Kemptville divides residents, both sides demand more details](#)

February 4, 2021, My Kemptville Now

[Coalition Against Proposed Prison in Kemptville Looks for Answers From Municipality and Province](#)

June 26, 2021, Inside Ottawa Valley

[Kemptville prison opposition groups reveal findings of Solicitor General access to information request](#)

October 20, 2021 North Grenville Times

[Anti-prison protest comes to Steve Clark](#)

November 1, 2021, Kemptville Advance

[MPP Steve Clark files complaint about Kemptville prison protesters, then announces new public engagement session](#)

November 10, 2021 North Grenville Times

[Open letter to Solicitor General and Steve Clark - by Kirk Albert](#)

November 18, 2021 Inside Ottawa Valley

[Residents rally against prison on provincial lands](#)

December 15, 2021 North Grenville Times

[Mayor Peckford requesting clarity regarding policing cost associated with future correctional facility](#)

December 22, 2021 North Grenville Times

[CAPP asks Province not to transfer land for prison](#)

March 12, 2022, Kemptville Advance

[Ontario Liberal Party calls for moratorium on Kemptville prison](#)

May 31, 2022 Kemptville Advance

[Post-election jail opposition rally set for Saturday in Kemptville](#)

SAMPLE OPINION EDITORIALS

[A better vision for Kemptville](#) December 9, 2020 - NG Times *by Victor Lachance*

[The proposed prison](#) August 11, 2021 - NG Times *Group Editorial*

[The Steve Clark Prison](#) September 29, NG Times 2021 *by Victor Lachance*

[Nowhere man](#) October 20, 2021 *by NG Times Editor David Shanaghan*

[Time for truth and transparency](#) November 3, 2021 NG Times, *by Lisette Major*

[Access to Information request reveals lack of transparency about prison plan](#)

June 23, 2021, NGTimes *by Kirk Albert and Colleen Lynas*

[Skepticism is warranted regarding prison promises](#) April 6, 2022, NG Times *by Don Sheritt*

Extracts from other opinion editorials:

“And then, there is the upcoming provincial election...where it is possible that the Liberals, New Democrats, and Greens will have more seats than the Progressive Conservatives, and that the former have all had candidates, riding associations, or sitting members raise concerns about the selection of the Kemptville College farmlands as the site for a new prison...”

[Yet more serious questions raised about the proposed prison](#)

February 2, 2022, NG Times *by Colleen Lynas*

“It is significant that opposition to the proposed prison comes, not just from local groups and individuals in North Grenville, but more and more experts in the field of agriculture and agri-business are speaking out as well, and from a position of real knowledge and credibility.”

[Proposed prison gets more attention](#) April 6, 2022, *by NG Times Editor David Shanahan*

“The 235-bed Eastern Ontario Correctional Complex planned for Kemptville is already drawing pushback from residents. Area MPP Steve Clark and ministry officials are trying to pave over both acres of farmland and contemporary racial injustices. The townspeople’s well-developed plans for agricultural and environmental uses of the site have been shunted aside without meaningful consultation.”

[Doyle and Piché: Eastern Ontario should say no to prison expansion in 2021](#)

March 3, 2021 Ottawa Citizen

SATIRICAL OP EDS in NG Times *by Victor Lachance*

[A Theatre Critic’s Review](#) April 20, 2022

[Mr. Stephen Goes to Queens Park](#) May 11, 2022

[The Real Dirt on Farmer Lisa](#) June 1, 2022

VIDEOS Produced by CAPP

CAPP has published 76 videos available on [YouTube](#).

Featured Videos

[What the Doug Does](#) July 14, 2022

[Ten months and counting - Still waiting for Steve Clark](#) September 17, 2022

[Kirk Albert: Sol Gen's "Engagement" session Nov 17, 2021](#), November 24, 2021

[Why the Ford/Clark Prison is a bad Idea](#) May 21, 2021

[Transparency: Fail](#) March 24, 2022

[Doug Ford's prison plan is a problem \(Reasons might shock you\)](#) April 26, 2022

Court File No: DC 22-2731

VICTOR LACHANCE and KIRK ALBERT *and* SOLICITOR GENERAL OF ONTARIO and ATTORNEY
Applicants

Respondents

**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

Proceeding commenced at Ottawa

**AFFIDAVIT OF VICTOR LACHANCE
(Affirmed December 15, 2022)**

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Lawyers for the Applicants

**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

BETWEEN:

**VICTOR LACHANCE and
KIRK ALBERT**

Applicants

– and –

**SOLICITOR GENERAL OF ONTARIO and
ATTORNEY GENERAL OF ONTARIO**

Respondents

**AFFIDAVIT OF LISA GALLANT
(Affirmed December 15, 2022)**

I, Lisa Gallant, of the municipality of North Grenville, in the Province of Ontario, SOLEMNLY AFFIRM AS FOLLOWS:

1. I have been a resident of Kemptville, in the municipality of North Grenville, since 2008. I currently work for the federal public service as senior real property advisor.
2. I first became aware that the Province of Ontario was proposing to build a new correctional facility on the farmland that was part of the former Kemptville College shortly after the announcement was made in August 2020.
3. While I have no formal connection to any of the community groups that have created as a result of the Province's decision to select the Kemptville site, I have attended a number of meetings organized by the groups headed by Victor Lachance and Kirk Albert. Of relevance in the context

of this affidavit, I attended the online public information session organized by the Ministry of the Solicitor General (“SolGen”) on November 26, 2020.

4. From professional experience, a comprehensive site selection review is a critical step for any development project. I expected that Infrastructure Ontario, on SolGen’s behalf, would have undertaken such a review, with a comprehensive, detailed analysis of all relevant impacts and considerations for each potential site prior to committing to a location.

5. Nothing provided by the Government of Ontario during that meeting addressed a review and site selection process, or any details at all about why this particular location was chosen. I was of the view that this is the kind of information that should have been presented. By comparison, the multi-year site selection review undertaken for the new campus of The Ottawa Hospital had been consultative and transparent from the outset. (Details can be found on this web page: <https://ncc-ccn.gc.ca/projects/the-ottawa-hospital-site-review>.)

6. As a result, I submitted a request to Infrastructure Ontario (“IO”) under the *Freedom of Information and Protection of Privacy Act* (“FOI request”) the next day, on November 27, 2020, to find out what process had been undertaken or what analysis had been conducted to arrive at the selection of the Kemptville site.

7. Two years later, as of the time of preparing this affidavit, my FOI request is still ongoing and is awaiting adjudication. In the paragraphs that follow, I describe the key milestones in the process so far. A complete and detailed timeline of my FOI request can be found at **Exhibit A**.

8. On December 10, 2020, I was informed that my application package, reproduced at **Exhibit B**, was being transferred to the Ministry of the Solicitor General (“SolGen”) as the appropriate party to respond.

9. I received the first release package from SolGen on June 4, 2021. The information released contained 14 pages of text, including 5 title pages, and two pages containing the same information. The release package and the covering letter that accompanied it are reproduced at **Exhibit C**.

10. Not satisfied with what little information was released – absence of complete list of sites considered, absence of individual assessments for each site, absence of communications-type documents (emails, letters, etc.) – I filed an appeal on July 22, 2021. A copy of my appeal form is reproduced at **Exhibit D**.

11. In November 2021, the Office of the Information and Privacy Commissioner (“IPC”) informed me that a Mediator had been appointed. The IPC Mediator asked me to provide a summary of the arguments or reasons in support of my appeal. I provided this summary on November 29, 2021 by email, a copy of which is at **Exhibit E**.

12. The second release package was not received until April 25, 2022. The second package and its covering letter are found at **Exhibit F**. Although this second package contained more information about the various sites considered by SolGen, there were still no communication documents between government officials that would hopefully complete my understanding of the decision-making process and the assessment that led to the selection of the Kemptville site.

13. I promptly contacted the Mediator at the Office of the Information and Privacy Commissioner of Ontario (“IPC Mediator”) in charge of my file to express my concern at the

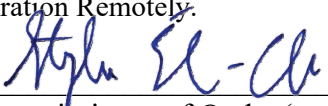
complete absence of emails and documents of a similar nature from the second package. I reactivated my request for adjudication and a series of exchanges ensued. On July 20, 2022, I was informed by the IPC Mediator that SolGen would be releasing 100 pages of email communications by August 2022.

14. The next communication received from SolGen was on October 5, 2022, indicating that the request for email communications was being denied. A copy of this Supplemental Decision Letter is found at **Exhibit G**.

15. In response, I once again contacted the IPC Mediator and indicated that I saw no option but to proceed to adjudication on my request. I received the Mediator's final report on November 23, 2022, and the matter is now with an IPC Adjudicator.

16. Since the filing of my application two years ago, I have regularly updated both Victor Lachance and Kirk Albert on the status of my FOI request so that they and their respective groups would be able to use this information when deciding which course of action they wished to pursue.

AFFIRMED remotely by Lisa Gallant stated as being)
located in the Municipality of North Grenville, in the)
Province of Ontario, before me at the City of Ottawa)
in the Province of Ontario, on December 15, 2022 in)
accordance with O. Reg 431/20, Administering Oath)
or Declaration Remotely.)



Commissioner of Oaths (or as may be)



LISA GALLANT

Exhibit "A"

Referred to in the affidavit of

Lisa Gallant

affirmed December 15, 2022

A handwritten signature in blue ink, appearing to read "Stephen El-Chi". The signature is written in a cursive, flowing style.

Commissioner for Taking Affidavits (or as may be)

Exhibit A – Detailed Timeline of FOI Request

November 27, 2020	Initial Request
December 10, 2020	Notice - request transferred from IO to SolGen
December 17, 2020	Letter – anticipating partial access - \$600 fee
November 1, 2020	50% of fee paid.
February 16, 2021	Email – Working on request, apologies for delay
March 23, 2021	Email – working on request, another apology
April 15, 2021	Email – another delay, apologies, looking at a reduction in \$600 fee
June 4, 2021	First release package received. 14 pages including 5 title pages and two pages with the same information; remaining \$300 fee waived)
July 22, 2021	Appeal submitted and acknowledged
November 2, 2021	IPC acknowledgement and notice of mediation
November 15, 2021	IPC mediator meeting
November 29, 2021	Summary of arguments provided to mediator – forwarded to SolGen
February 3, 2022	Email from IPC Mediator – SolGen “The additional records that I intend on releasing are currently being reviewed. I will be issuing a supplemental decision once it has been completed.”
February 25, 2022	Email to IPC Mediator – no response from SolGen
March 1, 2022	Email to IPC Mediator – no response from SolGen
April 12, 2022	Email to IPC Mediator requesting adjudication
April 22, 2022	Email from IPC Mediator – notice of adjudication, mediator report to come
April 22, 2022	Email from IPC Mediator – SolGen reviewing revised decision, to be issued shortly.
April 25, 2022	2 nd release package received.
May 10, 2022	Phone discussion with IPC Mediator re the absence of any communications type documents (ie. Emails).
May 27, 2022	Email from IPC containing email chain with SolGen. SolGen saying the request should have gone to Infrastructure Ontario, not SolGen. However, the initial FOIP WAS for IO and transferred at their initiative.
July 19, 2022	Phone conversation with IPC Mediator – adjudication requested again.
July 20, 2022	Phone conversation with IPC Mediator – SolGen advising that 100 pages of email communications to be released by August. Adjudication on hold

August-September	Series of phone conversations re 3 rd release. No response coming from SolGen
October 5, 2022	Supplemental decision letter denying release of correspondence, communications.
October 12, 2022	Phone conversation with IPC Mediator – directed adjudication. Mediator’s report to follow
November 9, 2022	Mediator report received. Asked for addition of public interest exception
November 23, 2022	Revised Mediator’s report received. File is now with Adjudicator.

Exhibit "B"

Referred to in the affidavit of

Lisa Gallant

affirmed December 15, 2022

A handwritten signature in blue ink, appearing to read "Stephen El-Chi", is written over a horizontal line.

Commissioner for Taking Affidavits (or as may be)

Ministry of Government and Consumer Services

Access or Correction Request

Freedom of Information and Protection of Privacy Act

Personal information contained on this form is collected under the *Freedom of Information and Protection of Privacy Act* and will be used to answer your request.

Questions about this collection should be directed to the Freedom of Information and Privacy Coordinator at the institution where you make the request.

Many records of public institutions are available to you without making a request under the *Freedom of Information and Protection of Privacy Act*. Contact the Freedom of Information and Privacy (FOIP) Coordinator at the institution that holds the records to determine whether you need to make a formal request.

Section A - Type of Request

Fields marked with an asterisk (*) are mandatory.

Check the box that indicates what you are requesting. (Records that do not contain personal information are general records.)

The FOIP Coordinator will contact you to verify your identity before giving you access to your own personal information or to secure proof that you have authority to act for another person if making a request for another person's personal information records (e.g., power of attorney, guardian or trusteeship order).

Type of Request *

- ☒ Access to general records (non-personal information)
- ☐ Access to own personal information
- ☐ Access to other's personal information by authorized party
- ☐ Correction of own personal information

Name of institution request made to *

Infrastructure

Freedom of Information and Privacy Coordinator Contact

Email Address: mtofoi@ontario.ca

Telephone Number: 416-212-1894

Section B - Requester's Information

Fields marked with an asterisk (*) are mandatory.

Please ensure you have entered your name, mailing address, telephone and email address accurately.

Last Name *

Gallant

First Name *

Lisa

Mailing Address

☒ Canada ☐ U.S.A. ☐ International

Unit Number

Street Number

Street Name

PO Box

145

Raina Way

City/Town *

Kemptville

Province *

ON

Postal Code *

K0G 1J0

Telephone Number

Home

613-851-5835

Mobile

Business

ext.

Email Address *

lisagallant@rogers.com

Section C - Description of Records or Correction Requested

Fields marked with an asterisk (*) are mandatory.

Provide as much detail as possible about the requested general records, own personal information, other's personal information or correction of own personal information.

If you are requesting access to personal information, provide the name that appears on the records.

If you are requesting a correction of your own personal information, describe the personal information to be corrected. The Ministry of Infrastructure will contact you with next steps in the process.

Description of Records or Correction Requested *

Any and all documentation including reports, reviews, analysis, emails, messages, briefing notes, presentation decks, etc. related to the site selection for the new Ontario correctional facility to be located in Kemptville, Ontario.

<https://news.ontario.ca/en/backgrounder/58157/modernizing-adult-correctional-facilities-in-eastern-ontario>

Time Period of the Records *

Specify the time period for the records as precisely as possible, e.g., from 2008/07/21 to 2009/11/30.

From (yyyy/mm/dd)

To (yyyy/mm/dd)

2018/07/01

2020/11/27

Method of Access *

Check a box to indicate whether you want to examine original documents (which may only be done on site) or receive copies.

☒ Receive copy

☐ Examine original (on site only)

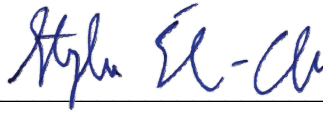
Payment confirmation number: 20177326

Exhibit "C"

Referred to in the affidavit of

Lisa Gallant

affirmed December 15, 2022

A handwritten signature in blue ink, appearing to read "Stephen E. Cho", is written above a horizontal line.

Commissioner for Taking Affidavits (or as may be)

Ministry of the Solicitor General ministère du Solliciteur général

Freedom of Information and
Protection of Privacy Services
200 First Avenue West
North Bay ON P1B 3B9

Telephone (705) 494-3080
Toll Free 1-855-273-3080
Facsimile (705) 494-3081
www.ontario.ca/mes4

Services d'accès à l'information et de la
Protection de la vie privée
200 First Avenue West
North Bay ON P1B 3B9

Téléphone (705) 494-3080
Sans Frais 1-855-273-3080
Télécopieur (705) 494-3081
www.ontario.ca/s199



June 4, 2021

Lisa Gallant
145 Raina Way
Kemptville, Ontario K0G 1J0

Email: lisagallant@rogers.com

Dear Lisa Gallant:

SUBJECT: REQUEST NUMBER SOLGEN-A-2020-04716

This letter is in response to your request submitted to the Ministry of the Solicitor General (the Ministry) under the Freedom of Information and Protection of Privacy Act (the Act).

Your request is for access to copies of all documentations including reports, reviews, analysis, emails, messages, briefing notes, presentation decks etc. relating to the site selection for the new Ontario Correctional facility to be located in Kemptville. Please be advised that partial access is granted to the requested records.

Please note that the Ministry of the Solicitor General has decided to waive the remaining fee in the amount of \$300.00.

Access to part of the responsive information is denied in accordance with section(s) 12(1), 13(1), 17(1), 18(1)(c), 18(1)(d) and 18(1)(e) of the Act as follows:

12(1)

A ministry shall refuse to disclose a record where the disclosure would reveal the substance of deliberations of the Executive Council or its committees.

13(1)

A ministry may refuse to disclose a record where the disclosure would reveal advice or recommendations of a public servant, any other person employed in the service of an institution or a consultant retained by an institution.

.../2

Lisa Gallant
Page two

17(1)

A ministry shall refuse to disclose a record that reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly, where the disclosure could reasonably be expected to

- a) prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person,
- b) result in similar information no longer being supplied to the institution where it is in the public interest that similar information continue to be so supplied; or
- c) result in undue loss or gain to any person, group, committee or financial institution or agency;

18(1)(c)

A ministry may refuse to disclose a record that contains information where the disclosure could reasonably be expected to prejudice the economic interests of an institution or the competitive position of an institution.

18(1)(d)

A ministry may refuse to disclose a record that contains information where the disclosure could reasonably be expected to be injurious to the financial interests of the Government of Ontario or the ability of the Government of Ontario to manage the economy of Ontario.

18(1)(e)

A ministry may refuse to disclose a record that contains positions, plans, procedures, criteria or instructions to be applied to any negotiations carried on or to be carried on by or on behalf of an institution or the Government of Ontario.

Attached is a copy of the information being released. This access decision was made by the undersigned. You are entitled to appeal this decision within 30 days to:

Information and Privacy Commissioner/Ontario (IPC)
2 Bloor Street East, Suite 1400
Toronto, ON M4W 1A8
(416) 326-3333

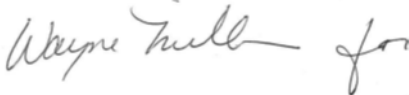
Lisa Gallant
Page three

Should you decide to file an appeal, please provide the IPC with the following information:

- 1) a copy of this decision letter;
- 2) a copy of your original request for access to information;
- 3) the mandatory appeal fee of \$25.00 in the form of a cheque or money order payable to the Minister of Finance.

Should you have any questions regarding the foregoing, please do not hesitate to contact Tracy Buttigieg, Senior Program Analyst & Advisor, at 705-492-6245.

Sincerely,

A handwritten signature in cursive script, appearing to read "Wayne Mull", followed by a small flourish.

Enza Ragone
Coordinator
Freedom of Information and
Protection of Privacy Services

Attachment

**Pages 1 to / à 33
are withheld pursuant to sections
sont retenues en vertu des articles**

12(1), 17(1)

**of the Access to Information
de la Loi sur l'accès à l'information**

Pages 34 to / à 75
are withheld pursuant to sections
sont retenues en vertu des articles

13(1), 18(1)(c), 18(1)(d), 18(1)(e)

of the Access to Information
de la Loi sur l'accès à l'information

July 16, 2019

OTTAWA LAND ACQUISITION UPDATE

Work Completed to Date:

- Over 38 properties assessed this month some of which were a result of the CBRE Public Request (Newspaper Ad) while others were new listings on MLS.
- 6 of the 38 properties have some potential and are under further investigation by IO (rezoning and municipal servicing)
- The rest of the 38 properties are not recommended for further consideration because of any one of the following reasons: too small, inappropriate site configuration, lack of municipal servicing, no access to transit, or significant natural heritage constraints.

Newspaper Ad Release

CBRE Ottawa on behalf of IO has released an Ad in the Ottawa paper inviting submissions of available land for sale or lease to be used for institutional development.

The ad is scheduled for the following release dates:

- Ottawa Citizen in print on Saturday June 15. There are no further plans to run the ad for longer in the Ottawa Citizen.
- Ottawa business Journal's website for 1 week starting on July 8th.
- Translated into French and posted in Le Droit newspaper on Saturday June 15 and Wednesday June 19. There are no further plans to run the ad for longer.
- In addition to the on-line posting, the Ottawa Business Journal sent an email blast to its 6,000+ subscribers. The ad is included in this daily email blast that the Ottawa Business Journal sends its subscribers every day starting June 17 until July 8th.
- CBRE has also sent the ad to its 660 person contact list consisting of investors, developers, real estate sales representatives. 360 people viewed the ad and 3 have responded – City of Ottawa, a developer and a real estate agent.

Update on Kemptville Land

- ARIO like many other agencies and Ministries have been asked to trim their budgets by the end of this fiscal year. ARIO is trying to achieve this by selling off a number of their excess land holdings and therefore eliminating the operating budgets of those properties, the Kemptville property being one of them. ARIO intends to use the revenue from the sale of the Kemptville property to complete other infrastructure projects.
- The holding costs for Kemptville are estimated to be \$500,000 per year.

July 16, 2019

- Utility costs in 2018-2019 were approximately \$300,000 for the year.
- Operations & Maintenance is an additional \$200,000 per year.
- ARIO currently has a water main project for the Kemptville site out to tender. This is a necessary project with an estimated value of \$1.1 million. If ARIO sells the property through the circulation, they will provide the tender package to the Agency/Ministry who takes over the property, who would then have to undertake the work themselves. If the property goes on the market, ARIO will complete the water main project and include it in the sale price of the property.

Decision required:

- SolGen to make decision on putting a hold on Kemptville site.

Next Steps for Land Acquisition

- July 12 – CBRE newspaper ad for available land ends
- July 15 – CBRE report due on results from newspaper ad
- July 17 – ADM briefing on Kemptville
- July 19 – OMAFRA will initiate Kemptville circulation. (OMAFRA agreed to delay circulation by 1 week to accommodate SolGen request)
- August 9 – SolGen to make decision on Kemptville site
- Aug 15 – Stage 1 & 2 Provincial level property circulation ends

Criteria	Current Ottawa Land Options				
	IO & CBRE Sourced				
	Site #1	Site #2	Site #3	Site #4	Site #5
	Kemptville (Site Address TBD)	2201 Rideau Road (Rural Site) CONDITIONALLY SOLD	Uplands Dr. (Urban Site)	2 & 35 Leatham Dr. (Urban Site)	Porter Road (W. of Hwy 101, S. of 47th) (W. of Hwy 101, S. of 47th)
Acquisition Cost (approx.)	~\$4M	~\$4.5M	Land Lease Term and Cost Unknown	~\$18M - \$21M	Unknown
Land Size	178 acres	138 acres	40 acres	Potentially 98 acres	40 acres
Distance from Existing Facility	60 KM 50 Minutes	23.1 KM 25 Minutes	18 KM 23 Minutes	28.7 KM 29 Minutes	6.8 KM 10 Mins
Proximity to Potential Natural or Manmade Disaster	N/A	N/A	N/A	N/A	Yes - Railway
Size (30 to 75 acres)	✓	✓	✓	Q	✓
Severance Feasibility (for sites >100 acres)	N/A	✓	N/A	N/A	N/A
Room for Expansion	✓	✓	Q	Potential	✗
Feasibility of Zoning	Q	Q	Q	Q	Q
Airport Operating Influence Zone	N/A	N/A	✓	✓	N/A
Ajacent Lands Impeding Operations	Q	Q	Q	Q	Q
Serviced / Serviceable	✓	✓	✓	✓	✓
Transit	✗	✗	✓	✓	✓
Radius (proximity to Ottawa City Centre)	53.3 KM 54 Minutes	21.6 KM 27 Minutes	13.1 KM 20 Minutes	20.4 KM 25 Minutes	11.8 KM 16 Minutes
* Correctional Design Criteria includes Two (2) access points to the property is preferred, even if only on one roadway. The property is able to accommodate 100m setback and perimeter. Access to the facility shall be such that the signage can be observed 100 m in each direction.					
**Not in proximity to flood plain, nuclear power generator major hydro transmission line/ transformer station; or oil or chemical (toxic or flammable) refinery					

Legend	
	Yes
	No
	Requires further research/investigation



**BUSINESS CASE FOR MINISTRY HOLDS
AND INTER-MINISTRY TRANSFERS
STAGE 1 INTEREST**

Holdings for Ministry of Solicitor General

Interested Property — PIN 681260206, ARIO Lands (Kemptonville)

Summary

The Ministry of Solicitor General (Sol Gen) wish to express interest in the Agriculture Research Institute of Ontario (ARIO) land in Kemptonville to construct a new 235 bed Correctional Institution to address in part, the necessary capacity needs within the Eastern Region. ARIO has circulated the land for sale to in part fund further capital works on other sites.

The ministry received Stage 2 approval as part of the 2017/2018 Program Review, Renewal Transformation process, to replace the current Ottawa-Carleton Detention Centre (OCDC). Since May 2017, SolGen, along with Infrastructure Ontario (IO), has been actively engaged in a search for a site (approximately 60 to 70 acres) for the proposed Ottawa Correctional Complex (OCC) facility. Over the past 2.5 years, the ministry and IO have explored over 30 properties to meet the ministry's need, however SolGen has been unable to obtain any potential sites due to various reasons: unsuitable land constraints, sale of land, etc. The project is delayed unless suitable land is found.

Based on the Ministry of Infrastructure (MOI) Reality Directive, IO is always required to review the Provincial portfolio for available lands to accommodate Ministry uses: the Ministry has expressed interest in the ARIO property that is currently circulating for sale. On September 26th 2019, SolGen expressed interest to the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) to formally place the property on hold and remove from circulation.

The ARIO property meets most of the criteria the ministry has in place for a new facility: the parcel, at 178 acres, meets the ministry's size constraints with potential future expansion if necessary. The site is accessible and has frontage on Highway 416: close proximity to major highway provides easy access for both staff and members of the public who need to visit the facility. There is access to public transit from Kemptonville to Ottawa with the municipality looking to expand this service for the local community.

The distance between the existing OCDC facility and the Kemptonville property is 67 km driving distance. Although this exceeds the ministry's criteria of a preferred distance of < 40 kms, the ministry analyzed current staffing home locations and the data provided demonstrates the majority of current OCDC staff live within the 40 km boundary to the proposed Kemptonville property.

There are further Ministry criteria which will need investigating that the Kemptonville lands only partially meet: municipal servicing, natural heritage constraints and hazards with respect to the watercourse on the east perimeter and the woodlot on the southwest corner, compatibility with adjacent uses with both rural residential uses located to the immediate north and light industrial uses located to the east. IO, along with the ministry, will need to work with the municipality to investigate and determine the feasibility of the extension of services/transit and the ability to rezone/re-designate as required.

**Pages 81 to / à 85
are withheld pursuant to sections
sont retenues en vertu des articles**

13(1), 17(1)

**of the Access to Information
de la Loi sur l'accès à l'information**

Pages 87 to / à 141
are withheld pursuant to sections
sont retenues en vertu des articles

13(1), 18(1)(c), 18(1)(d), 18(1)(e)

of the Access to Information
de la Loi sur l'accès à l'information

Ministry of the Solicitor General

Status Update: *Ottawa and Thunder Bay Correctional Centres & Eastern Region Strategy*

196

Presented to: Office of the Solicitor General

Division: Corporate Services

Date: July 29, 2019

Classification: High Sensitivity/Confidential

Ottawa: Land Acquisition Status (cont'd)

Current Ottawa Land Options					
IO & CBRE Sourced					
Criteria	Site #1 Kemptville (Site Address T80)	Site #2 2201 Rideau Road (Rural Site)	Site #3 Uplands Dr. (Urban Site)	Site #4 2 & 35 Leinster Dr. (Urban Site)	
Acquisition Cost (approx.)	~\$3.2M	\$33K per acre	Land Lease Term and Cost Unknown	\$300K per acre	
Distance from Existing Facility	60 KM 50 Minutes	23.1 KM 25 Minutes	18 KM 23 Minutes	28.7 KM 29 Minutes	
Site Meets Correctional Design Criteria*	Q	Q	Q	Q	
Proximity to Potential Natural or Manmade Disaster	Q	Q	Q	Q	
Size (30 to 75 acres)	✓	✓	✓	Q	
Severance Feasibility (for sites > 100 acres)	Q	Q	Not Applicable	Not Applicable	
Room for Expansion	Q	Q	Q	Q	
Feasibility of Zoning	Q	Q	Q	Q	
Airport Operating Influence Zone	Q	Q	Q	Q	
Ajacent Lands Impeding Operations	Q	Q	Q	Q	
Serviced	Q	X	✓	✓	
Transit	Q	Q	✓	✓	
Radius (proximity to Ottawa City Centre)	53.3 KM 54 Minutes	21.6 KM 27 Minutes	13.1 KM 20 Minutes	20.4 KM 25 Minutes	
* Correctional Design Criteria includes Two (2) access points to the property is preferred, even if only on one roadway. The property is able to accommodate 100m setback and perimeter. Access to the facility shall be such that the signage can be observed 100 m in each direction.					
**Not in proximity to flood plain, nuclear power generator major hydro transmission line/ transformer station, or oil or chemical (toxic or flammable) refinery					

Legend	
✓	Yes
X	No
Q	Requires further research/investigation

- According to IO, the targeted timeline to fully acquire a new site is 16 months (i.e., securing an access agreement, completing site due diligence activities and finalizing the purchase of sale).

Ottawa: *Land Acquisition Status*

- CBRE, on behalf of Infrastructure Ontario (IO), released an advertisement in the Ottawa Citizen (June 2019) and Ottawa Business Journal (July 2019) inviting submissions of available land for sale or lease to be used for institutional development to accommodate the new Ottawa Correctional Complex (CC).
- Over 38 properties were assessed. Some of these properties resulted from the issued advertisements while others were new listings on MLS.
- Four (4) properties have been shortlisted for further investigation. The remaining properties were not recommended for further consideration for some of the following reasons:
 - Inadequate size;
 - Inappropriate site configuration;
 - Lack of municipal servicing;
 - No access to transit;
 - Significant natural heritage constraints.
- See the next slide for details regarding the potential sites.

Ottawa: *Potential Sites*

- The map below highlights the geographical location of the potential sites vis-à-vis the current location of the Ottawa-Carleton Detention Centre:

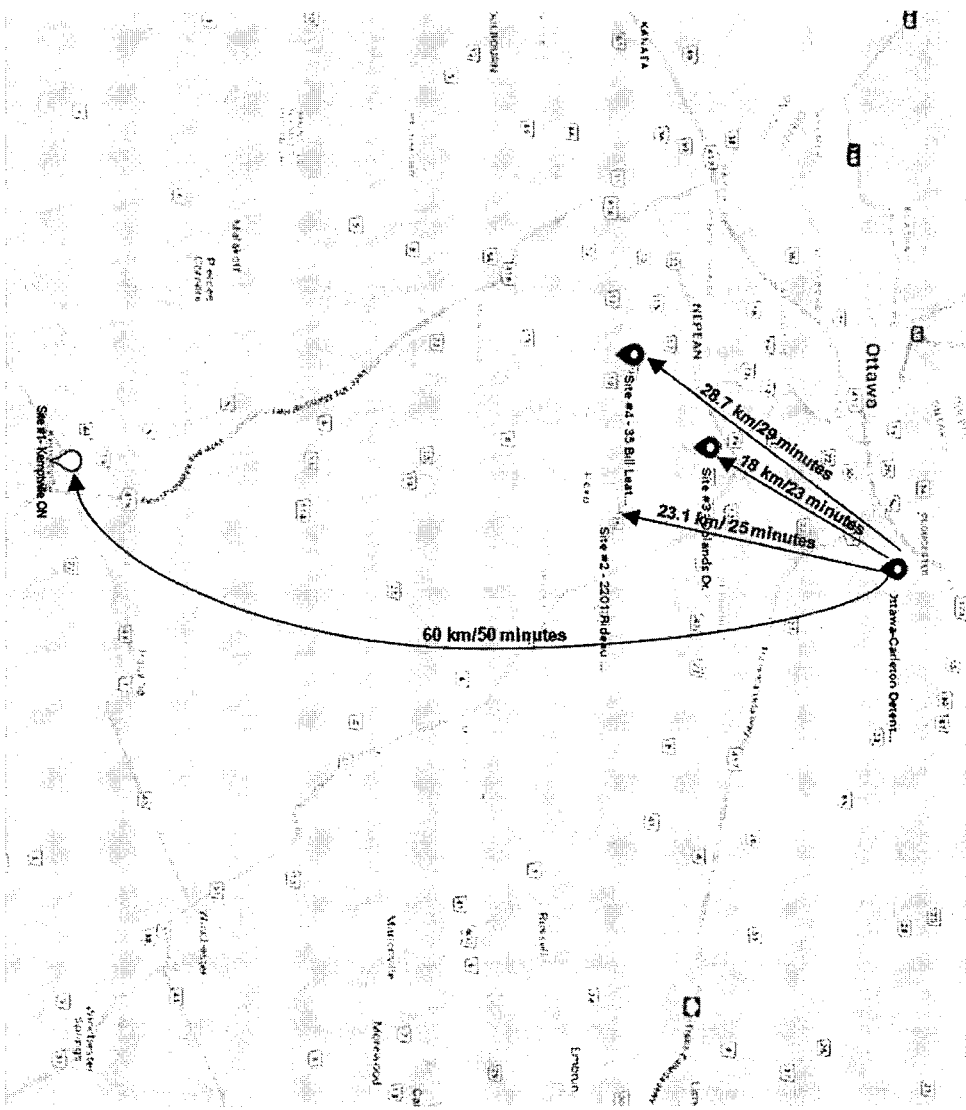
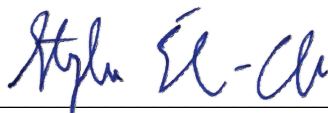


Exhibit "D"

Referred to in the affidavit of

Lisa Gallant

affirmed December 15, 2022

A handwritten signature in blue ink, appearing to read "Stephen El-Chi", is written above a horizontal line.

Commissioner for Taking Affidavits (or as may be)

Appeal Form

Appeal under the
Freedom of Information and Protection of Privacy Act (FIPPA)
or the
Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)

Note: An appeal must be sent in writing **to the Registrar within 30 days** after the institution has given notice of its decision.

The government organization which dealt with your request is referred to as an “institution” under the Acts.

Your Information

☐ MR. ☐ MRS. ☒ MS. ☐ MISS

SURNAME OR Gallant
NAME OF COMPANY, ASSOCIATION OR ORGANIZATION _____

GIVEN NAME Lisa INITIALS _____

ADDRESS 145 Raina Way UNIT _____

CITY Kemptville PROVINCE ON POSTAL CODE K0G1J0

TELEPHONE DAYTIME 613-851-5835 EVENING 613-851-5835

If this appeal is not being made in a personal capacity, please provide the following information:

NAME OF CONTACT _____

TITLE _____ TELEPHONE _____

E-MAIL ADDRESS* lisagallant@rogers.com

☒ *I consent to being contacted at this e-mail address or through that of my representative on my behalf. I acknowledge that sending e-mail over the Internet is not secure, in that it can be intercepted and/or manipulated and retransmitted.

Please select *one* of the following:

- ☒ I made a request for access to a general record, and have enclosed the required \$25.00 appeal fee.
- ☐ I made a request for access to my own personal information and have enclosed the required \$10.00 appeal fee.
- ☐ I made a request to correct my own personal information and have enclosed the required \$10.00 appeal fee.
- ☐ I received a notice that the institution intends to disclose a record/personal information that may relate to me. (No appeal fee required.)

Representative Information (Complete only if you will be represented.)

I authorize the following person to act on my behalf and to receive any personal information pertaining to me, as necessary for the purposes of this appeal.

REPRESENTATIVE IS A: ☐ LAWYER ☐ AGENT ☐ MR. ☐ MRS. ☐ MS. ☐ MISS

SURNAME _____

GIVEN NAME _____ INITIALS _____

NAME OF COMPANY, ASSOCIATION OR ORGANIZATION _____

ADDRESS _____ UNIT _____

CITY _____ PROVINCE _____ POSTAL CODE _____

TELEPHONE DAYTIME _____ EVENING _____

E-MAIL ADDRESS _____

Institution Information (if available)

NAME OF INSTITUTION SolGen

INSTITUTION FILE NUMBER SOLGEN-A-2020-04716

Consent to Provide a Copy of Documentation to the Institution

Please select *one* of the following:

- ☒ I consent to a copy of this form and all attachments being provided to the institution.
- ☐ I do not consent to a copy of this form and all attachments being provided to the institution.
-

Attachments

The following documents have been attached (if available):

- ☒ Copy of the request.
- ☒ Copy of the institution's decision letter.
- ☐ Appeal fee made payable to the Minister of Finance (if required).

Details of the Appeal

Please select the box(es) that explain why the appeal is being made.

- ☐ **Deemed Refusal** – It is more than 30 days since I made my request and I have not received a decision.
- ☐ **Failure to Disclose Records** – The institution decided to grant access to requested records but I have not received them.
- ☐ **Time Extension** – The institution decided to extend the time limit for responding to my request, and I disagree.
- ☐ **No Jurisdiction** – The institution indicated that the requested records are excluded from the *Act* and I disagree.
- ☐ **Reasonable Search** – The institution indicated that some or all of the requested records do not exist and I believe that more records do exist.
- ☐ **Frivolous or Vexatious** – The institution indicated my request is frivolous or vexatious and I disagree.
- ☒ **Exemptions** – The institution has exempted all or part of the requested records and I believe that more of them should be disclosed.
- ☐ **Interim Decision** – Because of the number of records at issue, the institution reviewed a sample of the records or consulted an experienced employee, advised me of the exemptions that might apply, and provided me with a fee estimate. I disagree with the amount of the fee estimate.
- ☒ **Fee/Fee Estimate** – The institution sent me an access decision that included a fee or fee estimate that I feel is excessive.
- ☐ **Fee Waiver** – The institution has refused to grant my request to waive the fees.
- ☐ **Refusal to Confirm or Deny** – The institution has refused to confirm or deny the existence of the requested records.
- ☐ **Correction** – The institution has refused to make corrections to my personal information.
- ☐ **Third Party** – The institution has indicated it will grant access to a record/personal information that may relate to me or the appellant, and I feel this information should not be disclosed.
- ☒ **Other** – please explain:
 - a) Not all records redacted pursuant to 13(1) would reveal advice or recommendations
 - b) Revealing documentation about the site selection will not reasonably prejudice economic interests or competitive positions, it will not be injurious to financial interests or the management of the economy, and the records are not relevant to negotiations.
 - c) Revealing documentation will not reasonably prejudice significantly the competitive position or interfere with the contractual or other negotiations, and/or result in undue loss or gain.
 - d) The fee is excessive for the responsive records
 - e) The records are over-zealous in redactions.

Resolution of Appeal

Please describe how you feel this appeal could be resolved.

Release of the bulk of records found.

Refund of a large portion of the \$300 paid, in light of the excessive amount of time to provide the documentation and the lack of documents released. Only 14 pages released / 133 redacted.

Previous Appeals

Please list any previous appeals with the Information and Privacy Commissioner/Ontario that may relate to this matter.

None.

Information about the Appeal Process

For more information about the processes of the Information and Privacy Commissioner/Ontario and the Code of Procedure for appeals, please contact our office at 416-326-3333, toll-free at 1-800-387-0073, or visit our website at www.ipc.on.ca.

Where to Send this Form

This form, the applicable fee, and any additional documentation must be sent in writing to the Registrar within 30 days after the institution has given notice of its decision. The cheque should be payable to the Minister of Finance.

DO NOT SEND CASH. Mail the above to:

Registrar
Information and Privacy Commissioner/Ontario
1400-2 Bloor Street East
Toronto, Ontario
M4W 1A8

Signature

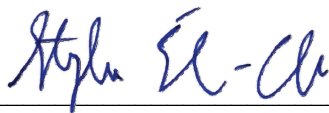
YOUR SIGNATURE _____ DATE _____

Exhibit "E"

Referred to in the affidavit of

Lisa Gallant

affirmed December 15, 2022

A handwritten signature in blue ink, appearing to read "Stephen El-Chi", is written above a horizontal line.

Commissioner for Taking Affidavits (or as may be)

From: Lisa G <lisagallant@rogers.com>
Sent: Monday, November 29, 2021 5:02 PM
To: Kate Franklin <Kate.Franklin@ipc.on.ca>
Subject: Re: PA21-00346 (SolGen-A-2020-04716)

Hi Kate,

As per our conversation, here is a summary of what it is I am looking for.

As it's difficult to know what is not being provided, I'm focusing on what should be provided as part of proper site review.

A good example of a robust site review can be found here: https://heritageottawa.org/sites/default/files/toh_recommendation_report_0.pdf. This was done for The Ottawa Hospital (TOH) and released to the public prior to the final site selection. It includes all aspects that are missing from SolGens submission:

- evaluation matrix with strengths and weaknesses of each site
- comparative analysis
- impact analysis on surrounding properties and the town itself, ie. any documentation that shows positive/negative contributions to the existing community in economical, physical, and social terms
- feasibility studies and environmental considerations
- site investigation reports.

All of the above should be detailed in nature, and not the highly summarized table provided by SolGen. TOH is a registered charity that must comply with provincial financial reporting requirements and receives the majority of it's funding from the province. Their release of a comprehensive site selection review clearly shows that the exclusions listed below are without standing.

On going through the reasons for withholding information:

12(1) - A site selection review does not include Exec committee or council deliberations. It's a document prepared prior to that process.

13(1) - Reference PO-3211: Evaluative, analytical, factual information does not qualify as advice/recommendations

17(1) - There is no competitive interest interference with a review. Merely suggesting a property and detailing pros and cons in no way affects commercial interests or would result in losses/gains. Especially when the chosen property is Crown owned.

18(1) - The only interests that would be affected would be from a development perspective. As this institution will presumably be built somewhere within the province, and there are limited interests that would qualify to build it, the actual site selection review would change nothing for both commercial interests and the government of Ontario.

At the end of the day, the site has already been selected, and MPP Clark has repeatedly stated that it's a done deal. Releasing the actual details of the analysis that led to that decision would have zero effect on any government business or commercial enterprise, and would not reveal the substance of a cabinet decision. If there are emails or communications that are part of the analysis, reports and/or studies, they also would not fall under the above exclusions.

If names have to be redacted, it isn't a problem.

I could go on for pages, but I believe this accurately reflects what should be available to the public. Again, not knowing what has been excluded makes it difficult.

Thanks Kate.

Lisa

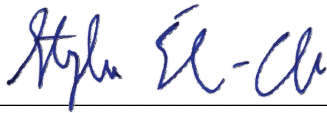
613-851-5835

Exhibit "F"

Referred to in the affidavit of

Lisa Gallant

affirmed December 15, 2022

A handwritten signature in blue ink, appearing to read "Stephen El-Chi", is written above a horizontal line.

Commissioner for Taking Affidavits (or as may be)

Ministry of the Solicitor General ministère du Solliciteur général

Freedom of Information and
Protection of Privacy Services
200 First Avenue West
North Bay ON P1B 3B9

Telephone (705) 494-3080
Toll Free 1-855-273-3080
Facsimile (705) 494-3082
Email: foi.solgen@ontario.ca

Services d'accès à l'information et de la
Protection de la vie privée
200 First Avenue West
North Bay ON P1B 3B9

Téléphone (705) 494-3080
Sans Frais 1-855-273-3080
Télécopieur (705) 494-3082
courriel: foi.solgen@ontario.ca

**SUPPLEMENTAL DECISION LETTER**

April 25, 2022

Lisa Gallant
145 Raina Way
Kemptville, Ontario K0G 1J0

Email: lisagallant@rogers.com

Dear Lisa Gallant:

**SUBJECT: REQUEST NUMBER SOLGEN-A-2020-04716
APPEAL NUMBER PA21-00346**

This letter is in response to your request submitted to the Ministry of the Solicitor General (the Ministry) under the Freedom of Information and Protection of Privacy Act (the Act) and your subsequent appeal to the Information and Privacy Commission of Ontario (IPC).

Your request was for access to copies of all documentation including reports, reviews, analysis, emails, messages, briefing notes, presentation decks etc. relating to the site selection for the new Ontario correctional facility to be located in Kemptville. Please be advised that during mediation the Ministry has reviewed the initial release of records and has decided to grant you partial access to additional records.

Access to part of the responsive information is denied in accordance with section(s) 12(1) and 13(1) of the Act as follows:

12(1)

A ministry shall refuse to disclose a record where the disclosure would reveal the substance of deliberations of the Executive Council or its committees.

13(1)

A ministry may refuse to disclose a record where the disclosure would reveal advice or recommendations of a public servant, any other person employed in the service of an institution or a consultant retained by an institution.

.../2

Lisa Gallant
Page two

Attached is a copy of the information being released. This access decision was made by the undersigned. You are entitled to appeal this decision within 30 days to:

Information and Privacy Commissioner/Ontario (IPC)
2 Bloor Street East, Suite 1400
Toronto, ON M4W 1A8
(416) 326-3333 / Toll Free: 1-800-387-0073

Should you decide to file an appeal, please provide the IPC with the following information:

- 1) a copy of this decision letter;
- 2) a copy of your original request for access to information;
- 3) the mandatory appeal fee of \$25.00 in the form of a cheque or money order payable to the Minister of Finance.

If you have any questions regarding your request, please contact, Tracy Buttigieg, Senior Program Analyst & Advisor, at 705-492-6245 or Tracy.Buttigieg@ontario.ca.

Sincerely,

A handwritten signature in dark ink, appearing to read "Noel Kent", followed by a small flourish.

Noel Kent
Senior Manager
Freedom of Information and
Protection of Privacy Services

Attachment

**Pages 1 to / à 33
are withheld pursuant to section
sont retenues en vertu de l'article**

12(1)

**of the Access to Information
de la Loi sur l'accès à l'information**

**Pages 34 to / à 38
are withheld pursuant to section
sont retenues en vertu de l'article**

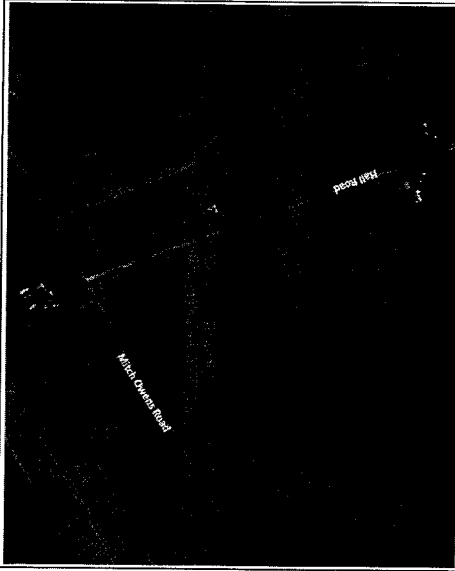
13(1)

**of the Access to Information
de la Loi sur l'accès à l'information**

Site #4: Carlsbad Springs Land Bank – Mitch Owens

MGCS

N00991 (10) / PIN 043240142

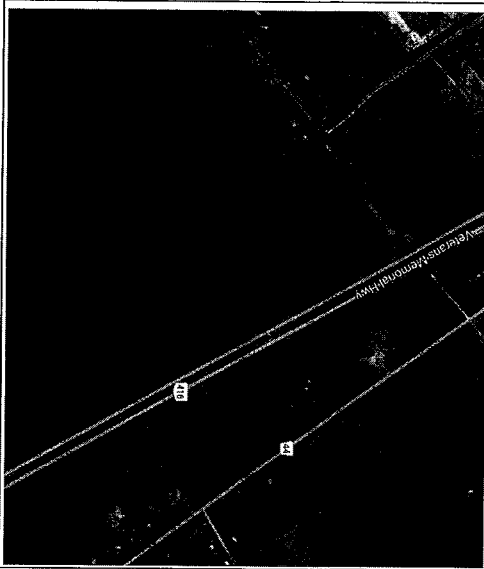
Overview	
Description – Part of the Carlsbad Springs Land Bank, located in south Ottawa west of Hwy 417. Used for agriculture Land Owner – MGCS Acquisition Cost – n/a	
	
Criteria	
Distance to existing facility (<40 km)	☒ Meets ☐ Partially meets ☐ Does not meet • Approximately 22 km driving distance to the existing OCDC facility.
Size (>50 acres)	☒ Meets ☐ Partially meets ☐ Does not meet • 153 acres (Land Bank is approximately 1,700 acres in total).
Frontage / Site Access	☒ Meets ☐ Partially meets ☐ Does not meet • Frontage on Mitch Owens and Hall Roads. Approx 3.5 km from the Hwy 417 interchange at Boundary Road.
Municipally serviced	☐ Meets ☐ Partially meets ☐ Does not meet • No sanitary services and limited water services. Site would require private services at a cost of \$20M +.
Access to public transit	☐ Meets ☐ Partially meets ☐ Does not meet • No access to public transit.
Minimal natural heritage constraints and hazards	☐ Meets ☒ Partially meets ☐ Does not meet • Several small watercourses that feed into the Bear Brook system are present, corresponding with pockets of woodland.
Compatible with adjacent uses	☒ Meets ☐ Partially meets ☐ Does not meet • Rural location. Surrounded by agricultural and rural uses, natural features.
Permissive Official Plan / Zoning (or easily modified for use)	☐ Meets ☐ Partially meets ☐ Does not meet • Designated General Rural Area in OP and zoned Rural Countryside. Correctional use is considered a Major Urban Facility - generally not permitted in rural designations, should be located near rapid transit.
Overall Recommendation	
NOT recommended for further consideration due to lack of servicing/transit and restrictive OP policies	

MTO SITES

Site #5: Vacant Parcel abutting Hwy 416

MTD

ID K-01977 / PIN 681200201

Overview	
Description – Vacant lands parcel, approx. 7km south of Kempville and directly north of Site #3.	
Land Owner – MTO	
Acquisition Cost – n/a	
	
Criteria	
Distance to existing facility (<40 km)	☒ Meets ☐ Partially meets ☐ Does not meet
Size (>50 acres)	☒ Meets ☐ Partially meets ☐ Does not meet
Frontage / Site Access	☐ Meets ☒ Partially meets ☐ Does not meet
Municipally serviced	☐ Meets ☐ Partially meets ☐ Does not meet
Access to public transit	☐ Meets ☐ Partially meets ☐ Does not meet
Minimal natural heritage constraints and hazards	☐ Meets ☐ Partially meets ☐ Does not meet
Compatible with adjacent uses	☒ Meets ☐ Partially meets ☐ Does not meet
Permissive Official Plan / Zoning (or easily modified for use)	☐ Meets ☐ Partially meets ☐ Does not meet

- Approximately 68 km driving distance to the existing OCDC facility.
- 88 acres.
- Frontage on Highway 416, however access permit from MTO required. Current access is off McGovern Rd (approx. 2.5 km to nearest interchange).
- Not municipally serviced.
- No access to public transit.
- Provincially significant wetland and buffer area encumbers most of the site.
- Rural location. Surrounded by agricultural and rural uses, natural features.
- Located outside the Urban Service Area. Designated Rural and Provincially Significant Wetland in OP, zoned EP – Environmental Protection. Use is generally not permitted in rural designations and prohibited in wetland areas.

Overall Recommendation

NOT recommended for further consideration due to location, significant natural heritage constraints, and lack of servicing/transit

Site #6: Vacant parcel abutting Hwy 416

MITO

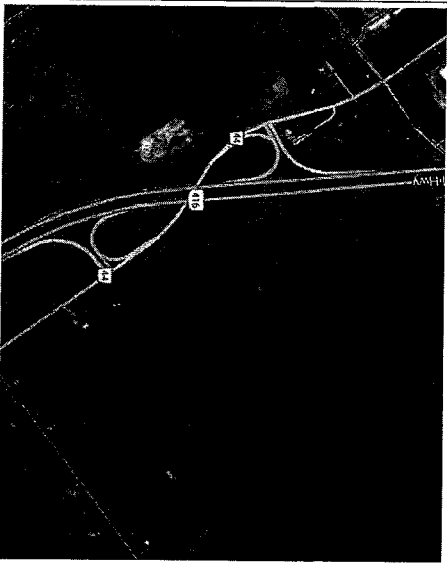
ID K-01939 / PIN 681210274

Overview

Description – Vacant parcel, approx. 4.5 km south of Kempville.

Land Owner – MTO

Acquisition Cost – n/a



Criteria

☒ Meets

☐ Partially meets

☐ Does not meet

Distance to existing facility (<40 km)



- Approximately 65 km driving distance to the existing OCDC facility.

Size (>50 acres)



- 64 acres.

Frontage / Site Access



- Landlocked (frontage on Highway 416 does not provide access given location of ramps).

Municipally serviced



- Not municipally serviced.

Access to public transit



- No access to public transit.

Minimal natural heritage constraints and hazards



- Tree covered, MNR mapping shows unevaluated wetland located on the north portion of the site.

Compatible with adjacent uses



- Rural location. Surrounded by agricultural and rural uses, natural features.

Permissive Official Plan / Zoning (or easily modified for use)



- Designated Rural and Woodlands in the OP, zoned Rural. Located outside of the Kempville Urban Service Area. Use is generally not permitted in rural designations.

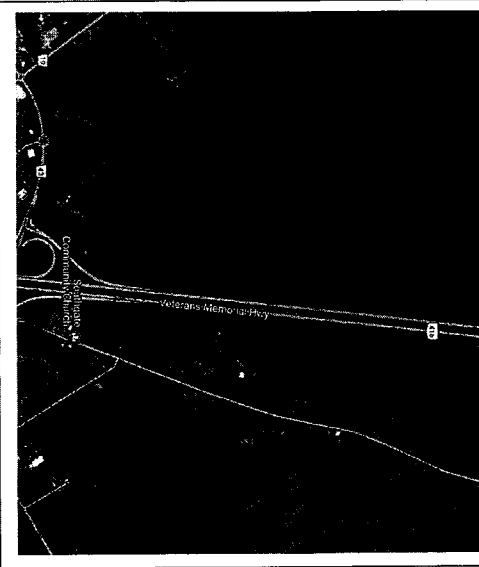
Overall Recommendation

NOT recommended for further consideration due to location, significant natural heritage constraints, and lack of servicing/transit/access

Site #7: Vacant parcel abutting Hwy 416

MTO

ID K-02055 / PIN 681330097

Overview			
Description – Vacant, irregularly shaped parcel located just north of Kempville. Land Owner – MTO Acquisition Cost – n/a			
			
Criteria			
Distance to existing facility (<40 km)	☒ Meets	☐ Partially meets	☐ Does not meet
Size (>50 acres)	☒ Meets	☐ Partially meets	☐ Does not meet
Frontage / Site Access	☐ Meets	☐ Partially meets	☐ Does not meet
Municipally serviced	☐ Meets	☐ Partially meets	☐ Does not meet
Access to public transit	☐ Meets	☐ Partially meets	☐ Does not meet
Minimal natural heritage constraints and hazards	☐ Meets	☐ Partially meets	☐ Does not meet
Compatible with adjacent uses	☒ Meets	☐ Partially meets	☐ Does not meet
Permissive Official Plan / Zoning (or easily modified for use)	☐ Meets	☐ Partially meets	☐ Does not meet

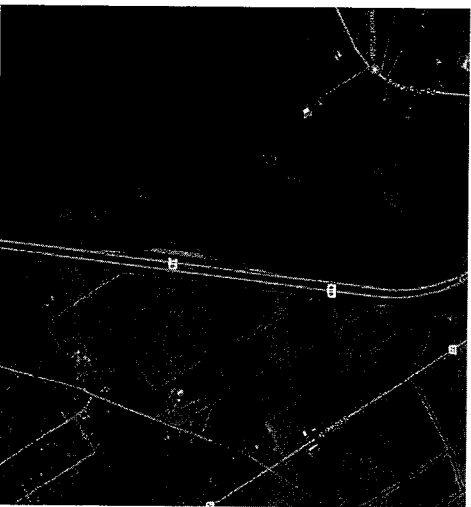
Overall Recommendation

NOT recommended for further consideration, due to location, natural heritage constraints, and lack of servicing/transit/access

Site #8: Vacant parcel abutting Hwy 416

MTD

ID K-02528 / PIN 681330300

Overview	
Description – Vacant, narrow parcel located just north of Kempville and north of Site #7.	
Land Owner – MTO	
Acquisition Cost – n/a	
	
Criteria	
Distance to existing facility (<40 km)	☒ Meets ☐ Partially meets ☐ Does not meet Approximately 68 km driving distance to the existing OCDC facility.
Size (>50 acres)	☐ Meets ☒ Partially meets ☐ Does not meet 138 acres, however narrow site configuration is not conducive to development of a correctional facility.
Frontage / Site Access	☐ Meets ☐ Partially meets ☐ Does not meet Frontage on Highway 416, however access permit from MTO would be required. No current access.
Municipally serviced	☐ Meets ☐ Partially meets ☐ Does not meet Not municipally serviced.
Access to public transit	☐ Meets ☐ Partially meets ☐ Does not meet No access to public transit.
Minimal natural heritage constraints and hazards	☐ Meets ☐ Partially meets ☐ Does not meet Tree covered, MNRF mapping shows woodlands, unevaluated wetland and watercourse on the site.
Compatible with adjacent uses	☒ Meets ☐ Partially meets ☐ Does not meet Rural location. Surrounded by agricultural and rural uses, natural features. Rural residential lots abut site to the north. Urban area of Kempville located just south of the site beyond the interchange.
Permissive Official Plan / Zoning (or easily modified for use)	☐ Meets ☐ Partially meets ☐ Does not meet Designated Rural, Woodlands and Unevaluated Wetland in OP, located outside of the Kempville Urban Service Area. Majority of the size is zoned Rural, with northern portion zoned FE. Use is generally not permitted in rural designations.

Overall Recommendation

NOT recommended for further consideration, due to location, significant natural heritage constraints, and lack of servicing/transit/access



Site #9: Vacant parcel abutting Hwy 416

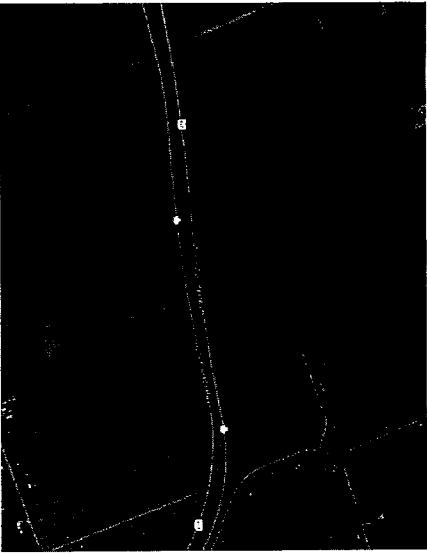
ID K-06636 / PIN 046310414

Overview	
Description – Vacant irregularly shaped parcel, located 15km southeast of Kanata.	
Land Owner – MTO	
Acquisition Cost – n/a	
Criteria	
Distance to existing facility (<40 km)	☒ Meets ☐ Partially meets ☐ Does not meet Approximately 30 km driving distance to the existing OCDC facility.
Size (>50 acres)	☒ Meets ☐ Partially meets ☐ Does not meet 63 acres, however configuration of eastern portion not conducive to development of a correctional facility.
Frontage / Site Access	☐ Meets ☐ Partially meets ☐ Does not meet Abuts Hwy 416, frontage on Moodie Dr. to the west. Site could access 416 via Hwy 12 Rd exit and Moodie Rd. Direct access to Hwy 416 unlikely given curve at this location.
Municipally serviced	☐ Meets ☐ Partially meets ☐ Does not meet Not municipality serviced.
Access to public transit	☐ Meets ☐ Partially meets ☐ Does not meet No access to public transit.
Minimal natural heritage constraints and hazards	☐ Meets ☐ Partially meets ☐ Does not meet Provincially significant wetland located in the middle of the site, MNRF mapping shows additional unevaluated wetlands.
Compatible with adjacent uses	☐ Meets ☐ Partially meets ☐ Does not meet Rural location. Surrounded by agricultural and rural uses, natural features. Large quarry operation located to the west which may generate noise, odour impacts.
Permissive Official Plan / Zoning (or easily modified for use)	☐ Meets ☐ Partially meets ☐ Does not meet Located just outside Ottawa's Urban Boundary, north half is in the Greenbelt. Designated General Rural Area (south portion) and Natural Environment Area and Significant Wetland (north portion). Majority is zoned RU – Rural Countryside, with the wetland area zoned Environmental Protection.
Overall Recommendation	
NOT recommended for further consideration due to significant natural heritage constraints, and lack of servicing/transit	

Site #10: Vacant parcel abutting Hwy 417

MTO

ID K-02206 / PIN 690280508

Overview	
Description – Vacant, located in the Nation Municipality southeast of Ottawa.	
Land Owner – MTO	
Acquisition Cost – n/a	
	
Criteria	
Distance to existing facility (<40 km)	Meets Partially meets Does not meet Approximately 34 km driving distance to the existing OCCDC facility.
Size (>50 acres)	Meets Partially meets Does not meet 83 acres.
Frontage / Site Access	Meets Partially meets Does not meet - Abuts Hwy 417, however direct access would require a permit from MTO. Site appears to below the grade of the highway. Concession Road 4 terminates just east of the site; extension of this road could provide access to Baker Road to the east. Nearest interchange is 9m via Baxter. - Not municipality serviced.
Municipally serviced	Meets Partially meets Does not meet No access to public transit.
Access to public transit	Meets Partially meets Does not meet Heavily treed. MNRF mapping shows Woodlands and unevaluated wetlands on the site.
Minimal natural heritage constraints and hazards	Meets Partially meets Does not meet Rural location. Surrounded by agricultural and rural uses, natural features.
Compatible with adjacent uses	Meets Partially meets Does not meet Designated Rural. Significant Woodland and Wintering Habitat. Zoned RU – Rural Countryside, with the wetland area zoned Environmental Protection. Use is generally not permitted in Rural designations.
Permissive Official Plan / Zoning (or easily modified for use)	Meets Partially meets Does not meet

Overall Recommendation

NOT recommended for further consideration due to significant natural heritage constraints, and lack of servicing/transit

**Pages 47 to / à 48
are withheld pursuant to section
sont retenues en vertu de l'article**

13(1)

**of the Access to Information
de la Loi sur l'accès à l'information**

Site #12: Russell Road – West Side



PINs 041610168, 041610158, 041610166

Overview	
Description – Vacant, irregularly shaped parcel located at 4120 and 4224 Russell Road, just north of Hunt Club Rd. Land Owner – NCC Acquisition Cost – n/a	
	
Criteria	
Distance to existing facility (<40 km)	Approximately 7 km driving distance to the existing OCDC facility.
Size (>50 acres)	30 acres.
Frontage / Site Access	The site has frontage on Russell Road.
Municipally serviced	Access to municipal sanitary and water sewers. On site SWM facility may be required.
Access to public transit	Access to local bus routes. No sidewalks in immediate vicinity of the site.
Minimal natural heritage constraints and hazards	No major natural heritage constraints. An Unstable Slope is shown bisecting the site, however the nature of this slope is unclear based on maps and imagery. Further investigation would be required.
Compatible with adjacent uses	Immediately surrounded by light industrial uses with Hunt Club Road to the south. Residential uses are located further west.
Permissive Official Plan / Zoning (or easily modified for use)	In the Urban Boundary, designated Urban Employment Area. Correctional use is considered a Major Urban Facility - generally not permitted in employment designations, should be located near rapid transit. Zoned Heavy Industrial and Agricultural (south portion).
Overall Recommendation NOT recommended for further consideration due to size and restrictive OP employment policies.	

Site #13: Russell Road – East Side

PINs 043510393, 043510384



Overview

Description – Vacant, irregularly shaped parcel located at 4055 Russell Road, just north of Hunt Club Rd. Former farm buildings located at the centre of the property.

Land Owner – NCC

Acquisition Cost – not available



Criteria

Meets

Partially meets

Does not meet

Distance to existing facility (<40 km)

- Approximately 7 km driving distance to the existing OCDC facility.

Size (>50 acres)

- 69 acres.

Frontage / Site Access

- The site has frontage on Russell Road.

Municipally serviced

- Access to municipal sanitary and water sewers. On site SWM facility may be required. Note a trunk sewer roughly bisects the property from south to north upon which development is not permitted.

Access to public transit

- Access to local bus routes. No sidewalks in immediate vicinity of the site.

Minimal natural heritage constraints and hazards

- No major natural heritage constraints. A tributary of Green's Creek runs through the southern portion of the property east to west and an unstable slope is shown associated with this tributary.

Compatible with adjacent uses

- Immediately surrounded by light industrial uses with Hunt Club Road abutting the site to the south and Highway 416 to the east. Agricultural uses are located further east.

Permissive Official Plan / Zoning (or easily modified for use)

- In the Urban Boundary, designated Urban Employment Area. Correctional use is considered a Major Urban Facility - generally not permitted in employment designations, should be located near rapid transit. Zoned Heavy Industrial.

Overall Recommendation

NOT recommended for further consideration – site is no longer available

**Pages 51 to / à 54
are withheld pursuant to section
sont retenues en vertu de l'article**

13(1)

**of the Access to Information
de la Loi sur l'accès à l'information**

Site #17: 2 and 35 Leathem Drive



PINs 047333013 (Parcel A); 047336646 (B)

Overview	
Description – Two vacant parcels located southwest of the airport.	
Land Owner – Private (Minto Properties Inc)	
Acquisition Cost – \$330k/acre (2018)	
Criteria	
Criteria	Meets
Distance to existing facility (<40 km)	

- Approximately 29 km driving distance to the existing OCDC facility.
- Parcel A: 5.23 acres; Parcel B: 28.35 acres
- The site has frontage on Bill Leathem and Leikin Drives.
- Access to municipal sanitary and water sewers.
- Access to local bus routes.
- South part of Parcel A is heavily treed and may contain a tributary of Barrhaven Creek.
- Immediately surrounded by agricultural uses to the north and residential uses to the south. Parcel B abuts the RCMP headquarters. Located within close proximity (600m) to elementary school.
- Located within the Urban Boundary, designated Urban Employment Area; use is considered a Major Urban Facility - generally not permitted in designations and should be located near rapid transit. Located within Airport Operating Influence Zone, prohibits a correctional centre as it is considered a 'sensitive use'. Zoned Rural Heavy Industrial.

Overall Recommendation

NOT recommended for further consideration due to size and airport restrictions

**Pages 56 to / à 63
are withheld pursuant to section
sont retenues en vertu de l'article**

13(1)

**of the Access to Information
de la Loi sur l'accès à l'information**

Site #26: Lands at Albion and Rideau Roads



PINs 043280160, 043280159, 043280158

Overview			
Description – Three vacant parcels located south of the airport. City-owned parcel historically used as landfill and Federal parcel subject to lease with Airport Authority Land Owner – Federal Gov't, City of Ottawa, Central Canada Exhibition Association Acquisition Cost – unknown, Exhibition Lands previously listed for x in 2016			
Criteria			
Distance to existing facility (<40 km)	Meets Partially meets Does not meet	Meets	
Size (>50 acres)	Meets	Meets	
Frontage / Site Access	Meets	Meets	
Municipally serviced	Meets	Meets	
Access to public transit	Meets	Meets	
Minimal natural heritage constraints and hazards	Meets	Meets	
Compatible with adjacent uses	Meets	Meets	
Permissive Official Plan / Zoning (or easily modified for use)	Meets	Meets	

- Approximately 22 km driving distance to the existing OCDC facility.
- Federal parcel: 155 acres; City parcel: 58 acres; Exhibition parcel: 123 acres.
- Frontage on a Albion and Rideau. No current access point.
- Not currently available, private water services will not be permitted due to ground water contamination. Previous servicing agreement for the exhibition lands could potentially be leveraged, will depend on capacity remaining after casino expansion.
- No public transit, however future LRT may extend close to the site. Casino offers shuttle service to downtown which could potentially be leveraged. There are existing bus routes in proximity e that could potentially be modified to service the site.
- MNRF mapping shows areas of woodlands and unevaluated wetlands on west portion of the site, further investigation required. City parcel previously used as a landfill. Can only be used as a parking lot until 2027 as per MOE.
- Surrounded by agricultural and rural uses. Hard Rock Casino Ottawa is located to the north east, expansion planned. Rail ROW along west perimeter of the Exhibition parcel. Hydro ROW over City and Federal parcels.
- Located outside of the Urban Boundary, designated General Rural Area and zoned Rural Commercial. Use is considered a Major Urban Facility - generally not permitted in rural designations however Casino has this designation, serves as precedent. Federal parcel is Within the Airport Operating Influence Zone which prohibits new noise sensitive uses.

Overall Recommendation

RECOMMENDED for further consideration, pending investigations into the extension of services and transit.

**Pages 65 to / à 73
are withheld pursuant to section
sont retenues en vertu de l'article**

13(1)

**of the Access to Information
de la Loi sur l'accès à l'information**

Site 35: ARIO Lands (Kemptville)



PIN 681260206

Overview	
Description – located in south Kemptville, currently used for agriculture and educational purposes. Land Owner – ARIO Acquisition Cost – unknown	
	
Criteria	
Distance to existing facility (<40 km)	Approximately 67 km driving distance to the existing OCDC facility.
Size (>50 acres)	178 acres.
Frontage / Site Access	Site has frontage on Highway 416, however the site is currently accessed off of Prescott St. to the west via College Road.
Municipally serviced	Not currently serviced. Majority of the site is within the urban serviced area, however upgrades are needed and likely not sufficient capacity to service a large scale facility. Further study required.
Access to public transit	No local transit, however there is a shuttle bus service between Kemptville and Ottawa, provided by Allegiance Transportation Services (appears to only offer an am and pm service). The municipality is looking at expanding this to service the local community as well.
Minimal natural heritage constraints and hazards	Watercourse located along the east perimeter of the site. Woodlot located on the southwest corner.
Compatible with adjacent uses	Surrounded by agricultural and rural uses. Rural residential uses located to the immediate north, light industrial uses located to the east.
Permissive Official Plan / Zoning (or easily modified for use)	Located within the Kemptville Urban Settlement Area, designated Agriculture. OP policies generally do not allow conversion to other uses, however site specific provision allows for educational and community hub uses. Zoned Institutional – correctional facility not a
Overall Recommendation RECOMMENDED for further consideration provided location is acceptable. Further investigations into the extension of services/transit and ability to rezone/re designate is required.	

Page 75

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est retenue en vertu de l'article**

13(1)

**of the Access to Information
de la Loi sur l'accès à l'information**

July 16, 2019

OTTAWA LAND ACQUISITION UPDATE

Work Completed to Date:

- Over 38 properties assessed this month some of which were a result of the CBRE Public Request (Newspaper Ad) while others were new listings on MLS.
- 6 of the 38 properties have some potential and are under further investigation by IO (rezoning and municipal servicing)
- The rest of the 38 properties are not recommended for further consideration because of any one of the following reasons: too small, inappropriate site configuration, lack of municipal servicing, no access to transit, or significant natural heritage constraints.

Newspaper Ad Release

CBRE Ottawa on behalf of IO has released an Ad in the Ottawa paper inviting submissions of available land for sale or lease to be used for institutional development.

The ad is scheduled for the following release dates:

- Ottawa Citizen in print on Saturday June 15. There are no further plans to run the ad for longer in the Ottawa Citizen.
- Ottawa business Journal's website for 1 week starting on July 8th.
- Translated into French and posted in Le Droit newspaper on Saturday June 15 and Wednesday June 19. There are no further plans to run the ad for longer.
- In addition to the on-line posting, the Ottawa Business Journal sent an email blast to its 6,000+ subscribers. The ad is included in this daily email blast that the Ottawa Business Journal sends its subscribers every day starting June 17 until July 8th.
- CBRE has also sent the ad to its 660 person contact list consisting of investors, developers, real estate sales representatives. 360 people viewed the ad and 3 have responded – City of Ottawa, a developer and a real estate agent.

Update on Kemptville Land

- ARIO like many other agencies and Ministries have been asked to trim their budgets by the end of this fiscal year. ARIO is trying to achieve this by selling off a number of their excess land holdings and therefore eliminating the operating budgets of those properties, the Kemptville property being one of them. ARIO intends to use the revenue from the sale of the Kemptville property to complete other infrastructure projects.
- The holding costs for Kemptville are estimated to be \$500,000 per year.

July 16, 2019

- Utility costs in 2018-2019 were approximately \$300,000 for the year.
- Operations & Maintenance is an additional \$200,000 per year.
- ARIO currently has a water main project for the Kemptville site out to tender. This is a necessary project with an estimated value of \$1.1 million. If ARIO sells the property through the circulation, they will provide the tender package to the Agency/Ministry who takes over the property, who would then have to undertake the work themselves. If the property goes on the market, ARIO will complete the water main project and include it in the sale price of the property.

Decision required:

- SolGen to make decision on putting a hold on Kemptville site.

Next Steps for Land Acquisition

- July 12 – CBRE newspaper ad for available land ends
- July 15 – CBRE report due on results from newspaper ad
- July 17 – ADM briefing on Kemptville
- July 19 – OMAFRA will initiate Kemptville circulation. (OMAFRA agreed to delay circulation by 1 week to accommodate SolGen request)
- August 9 – SolGen to make decision on Kemptville site
- Aug 15 – Stage 1 & 2 Provincial level property circulation ends

Current Ottawa Land Options					
IO & CBRE Sourced					
Criteria	Site #1 Kemptville (Site Address TBD)	Site #2 2201 Rideau Road (Rural Site) CONDITIONALLY SOLD	Site #3 Uplands Dr. (Urban Site)	Site #4 2 & 35 Leathem Dr. (Urban Site)	Site #5 1860 Leith Road (Urban Site)
Acquisition Cost (approx.)	~\$4M	~\$4.5M	Land Lease Term and Cost Unknown	~\$18M - \$21M	Unknown
Land Size	178 acres	138 acres	40 acres	Potentially 98 acres	40 acres
Distance from Existing Facility	60 KM 50 Minutes	23.1 KM 25 Minutes	18 KM 23 Minutes	28.7 KM 29 Minutes	6.8 KM 10 Mins
Proximity to Potential Natural or Manmade Disaster	N/A	N/A	N/A	N/A	Yes - Railway
Size (30 to 75 acres)	✓	✓	✓	⊗	✓
Severance Feasibility (for sites >100 acres)	N/A	✓	N/A	N/A	N/A
Room for Expansion	✓	✓	⊗	Potential	✗
Feasibility of Zoning	⊗	⊗	⊗	⊗	⊗
Airport Operating Influence Zone	N/A	N/A	✓	✓	N/A
Ajacent Lands Impeding Operations	⊗	⊗	⊗	⊗	⊗
Serviced / Serviceable	✓	✓	✓	✓	✓
Transit	✗	✗	✓	✓	✓
Radius (proximity to Ottawa City Centre)	53.3 KM 54 Minutes	21.6 KM 27 Minutes	13.1 KM 20 Minutes	20.4 KM 25 Minutes	11.8 KM 16 Minutes
* Correctional Design Criteria includes Two (2) access points to the property is preferred, even if only on one roadway. The property is able to accommodate 100m setback and perimeter. Access to the facility shall be such that the signage can be observed 100 m in each direction.					
**Not in proximity to flood plain, nuclear power generator major hydro transmission line/ transformer station; or oil or chemical (toxic or flammable) refinery					

Legend	
	Yes
	No
	Requires further research/investigation



**BUSINESS CASE FOR MINISTRY HOLDS
AND INTER-MINISTRY TRANSFERS
STAGE 1 INTEREST**

Holdings for Ministry of Solicitor General

Interested Property — PIN 681260206, ARIO Lands (Kemptonville)

Summary

The Ministry of Solicitor General (Sol Gen) wish to express interest in the Agriculture Research Institute of Ontario (ARIO) land in Kemptonville to construct a new 235 bed Correctional Institution to address in part, the necessary capacity needs within the Eastern Region. ARIO has circulated the land for sale to in part fund further capital works on other sites.

The ministry received Stage 2 approval as part of the 2017/2018 Program Review, Renewal Transformation process, to replace the current Ottawa-Carleton Detention Centre (OCDC). Since May 2017, SolGen, along with Infrastructure Ontario (IO), has been actively engaged in a search for a site (approximately 60 to 70 acres) for the proposed Ottawa Correctional Complex (OCC) facility. Over the past 2.5 years, the ministry and IO have explored over 30 properties to meet the ministry's need, however SolGen has been unable to obtain any potential sites due to various reasons: unsuitable land constraints, sale of land, etc. The project is delayed unless suitable land is found.

Based on the Ministry of Infrastructure (MOI) Reality Directive, IO is always required to review the Provincial portfolio for available lands to accommodate Ministry uses: the Ministry has expressed interest in the ARIO property that is currently circulating for sale. On September 26th 2019, SolGen expressed interest to the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) to formally place the property on hold and remove from circulation.

The ARIO property meets most of the criteria the ministry has in place for a new facility: the parcel, at 178 acres, meets the ministry's size constraints with potential future expansion if necessary. The site is accessible and has frontage on Highway 416: close proximity to major highway provides easy access for both staff and members of the public who need to visit the facility. There is access to public transit from Kemptonville to Ottawa with the municipality looking to expand this service for the local community.

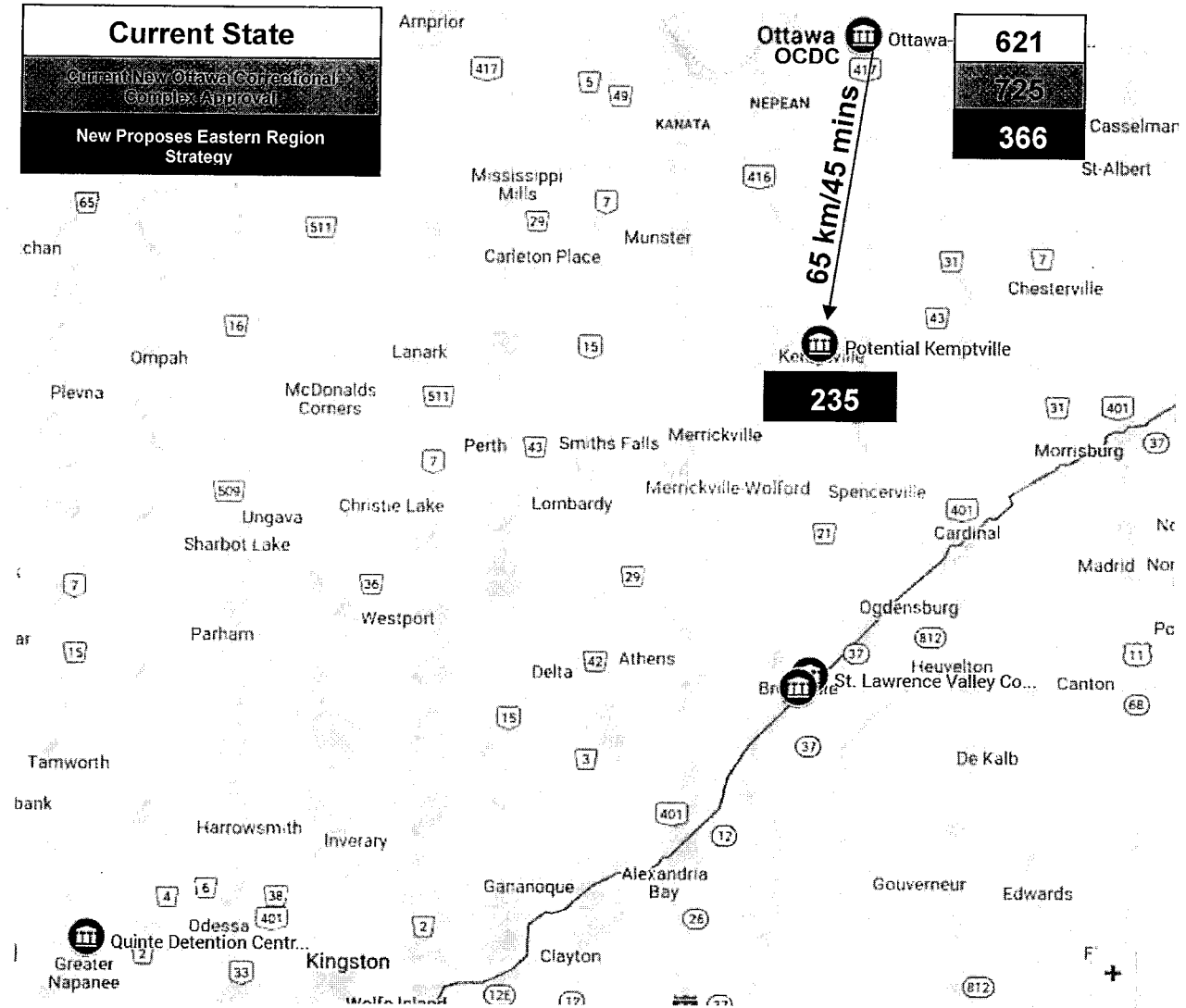
The distance between the existing OCDC facility and the Kemptonville property is 67 km driving distance. Although this exceeds the ministry's criteria of a preferred distance of < 40 kms, the ministry analyzed current staffing home locations and the data provided demonstrates the majority of current OCDC staff live within the 40 km boundary to the proposed Kemptonville property.

There are further Ministry criteria which will need investigating that the Kemptonville lands only partially meet: municipal servicing, natural heritage constraints and hazards with respect to the watercourse on the east perimeter and the woodlot on the southwest corner, compatibility with adjacent uses with both rural residential uses located to the immediate north and light industrial uses located to the east. IO, along with the ministry, will need to work with the municipality to investigate and determine the feasibility of the extension of services/transit and the ability to rezone/re-designate as required.

**Pages 81 to / à 85
are withheld pursuant to section
sont retenues en vertu de l'article**

12(1)

**of the Access to Information
de la Loi sur l'accès à l'information**



July 15, 2019

MARKET SURVEY

Ottawa Area - West

PREPARED BY:

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Ontario
Infrastructure Ontario

CBRE

- 4740 High Road
- 2201 Rideau Road
- Ottawa International Airport
- Limebank & Leitham Road
- 2 & 35 Bill Leatham Drive
- 1211 River Road
- 3818 Barnsdale Road
- 4160 William McEwen Drive
- 3420 Bottroskane Road
- Stranherd Road @ HWY 416
- 2965 Steeple Hill Crescent
- 5373 Faulmer Road
- Terry Fox Road
- 6336 Fallowfield Road
- Huntmar Road
- Campeau Drive
- 2826 Carp Road
- Carp Airport
- 2375 Richardson Side Road
- 6400 Rothbourne Road
- 6559 Hazeldean Road
- David Manchester Road
- 577 Jinkinson Road
- Aston Station Road @ HWY 7
- 2097 Dillworth Road

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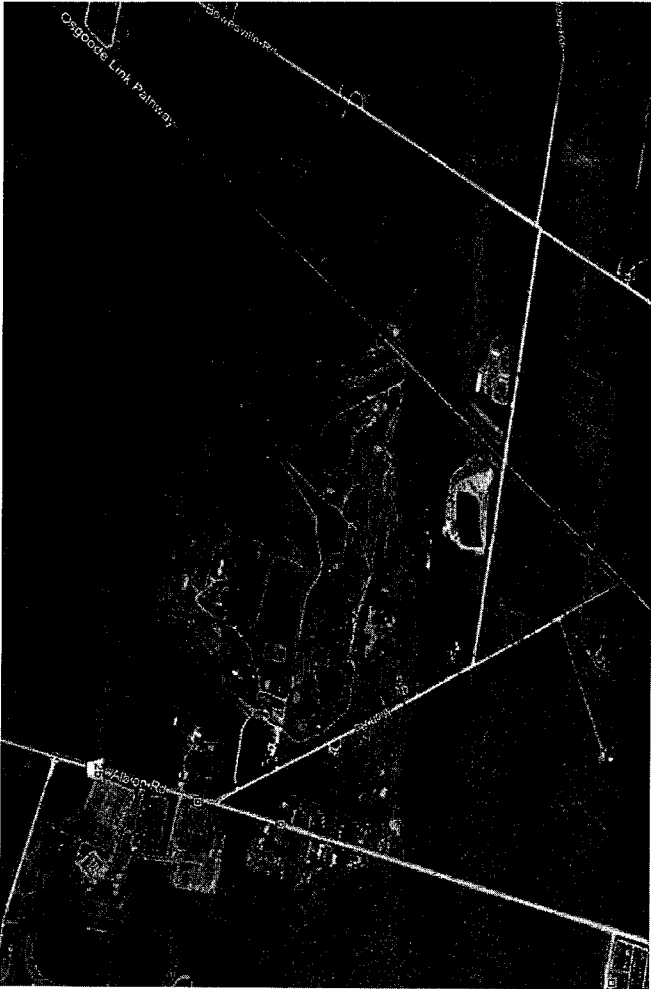
FOR SALE

Details

Owner:	W. A. Spratt & Sons Ltd.
Land Size:	324.72 acres
Zoning	01A – Parks and Open Spaces
List Price:	\$39,500,000
Price per Acre:	\$121,643
Proximity to Ontario Court of Justice:	24 minute drive
Status:	Available immediately
240 PIN:	043280118
Listed With:	Ken Valliquette, Sutton Group

LISTING COMMENTS

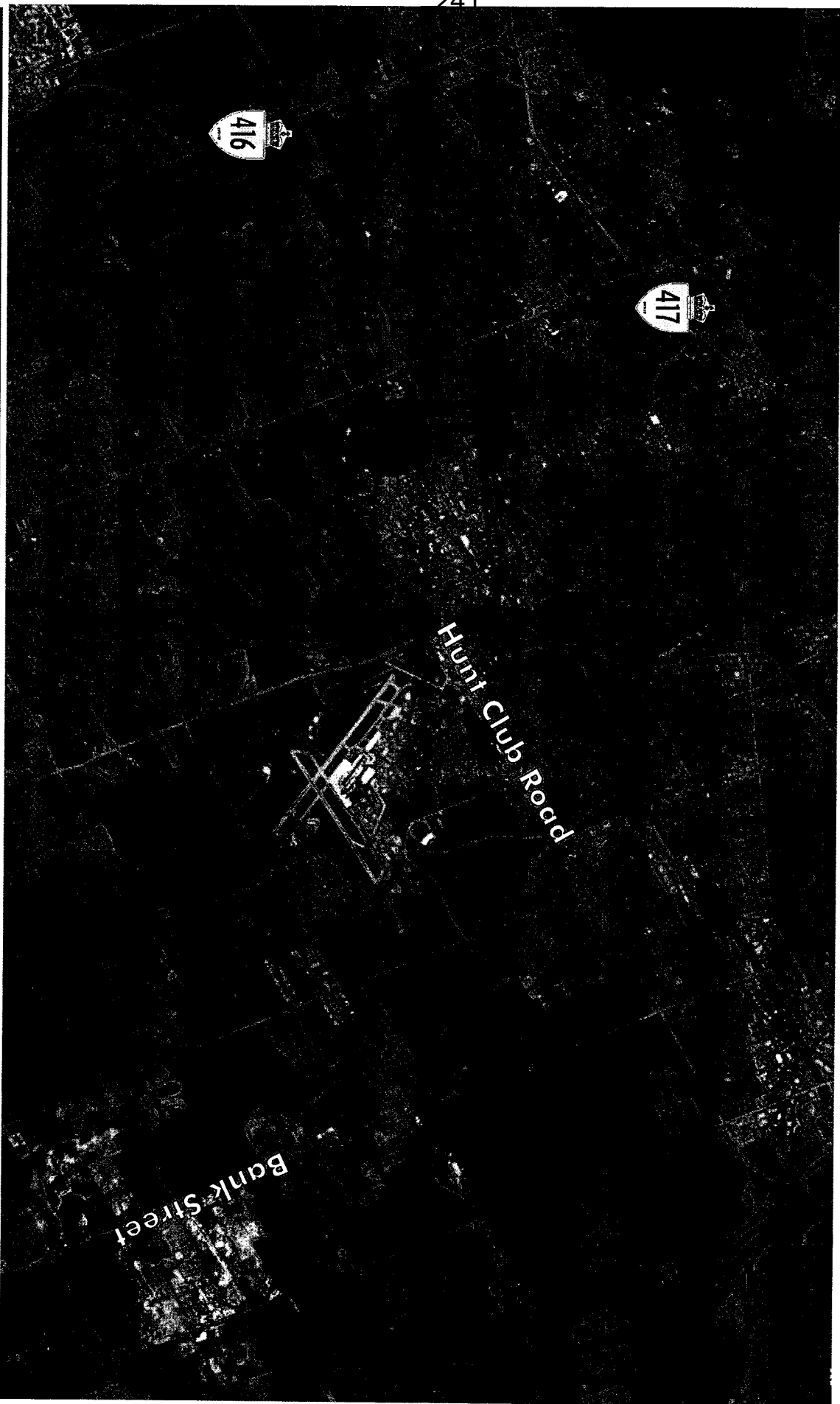
- + Rural servicing – well and septic would have to be installed
- + Bus stop next to the Casino
- + Hydro close by
- + Accessible from Bowesville and Albion Road
- + Currently Falcon Ridge Golf Course



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FOR SALE

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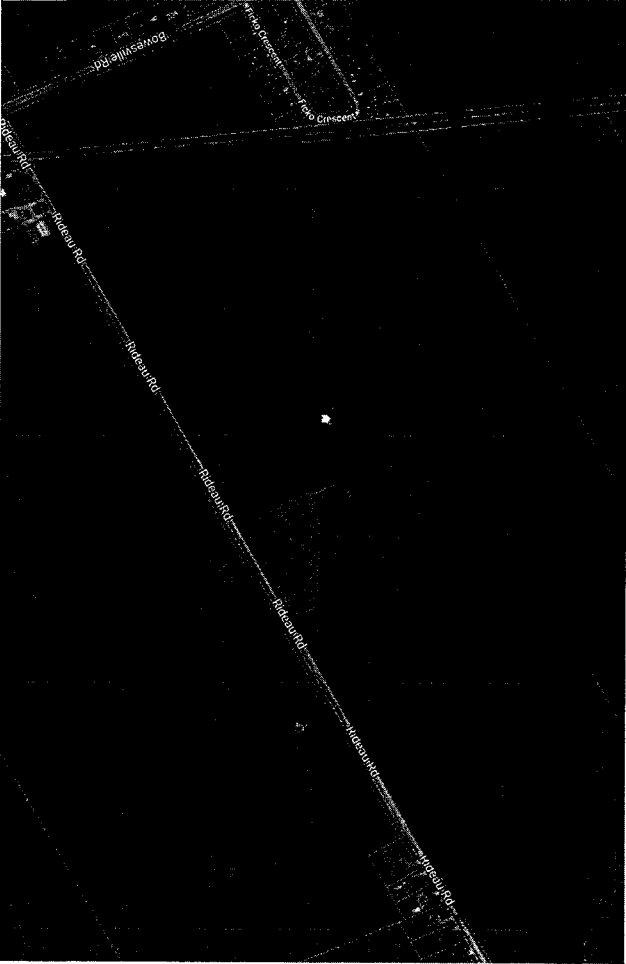
FOR SALE

Details

Owner:	Central Canada Exhibition Association
Land Size:	138 acres
Zoning	RC4 – Rural Commercial
List Price:	\$4,500,000
Price per Acre:	\$32,609
Proximity to Ontario Court of Justice:	30 minute drive
Status:	Available immediately
242 PIN:	043280160
Listed With:	James Palmer, Re/Max

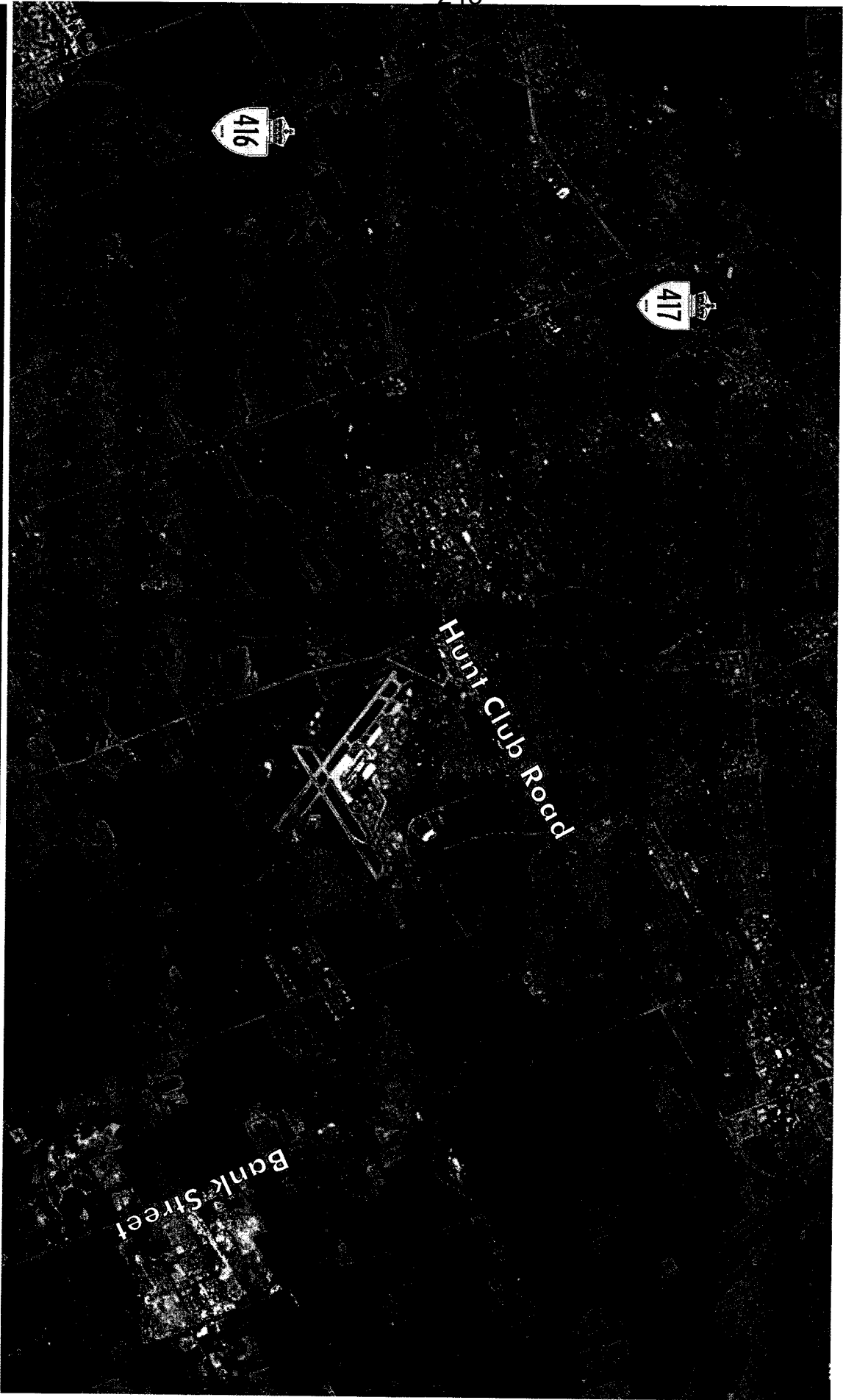
LISTING COMMENTS

- + Zoning permits a number of uses from amusement park to industrial buildings to car dealerships
- + Rural servicing – well and septic



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CBRE

Details

Price:	LAND LEASE Annual Land Rent = Land Valuation X Rate of Return	
Sector 1:	60 acres and 87 acres	
Sector 4:	46 acres (Not compatible with noise sensitive uses due to runway proximity)	
Sector 5:	74 acres (Not compatible with noise sensitive uses due to runway proximity)	

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LISTING COMMENTS

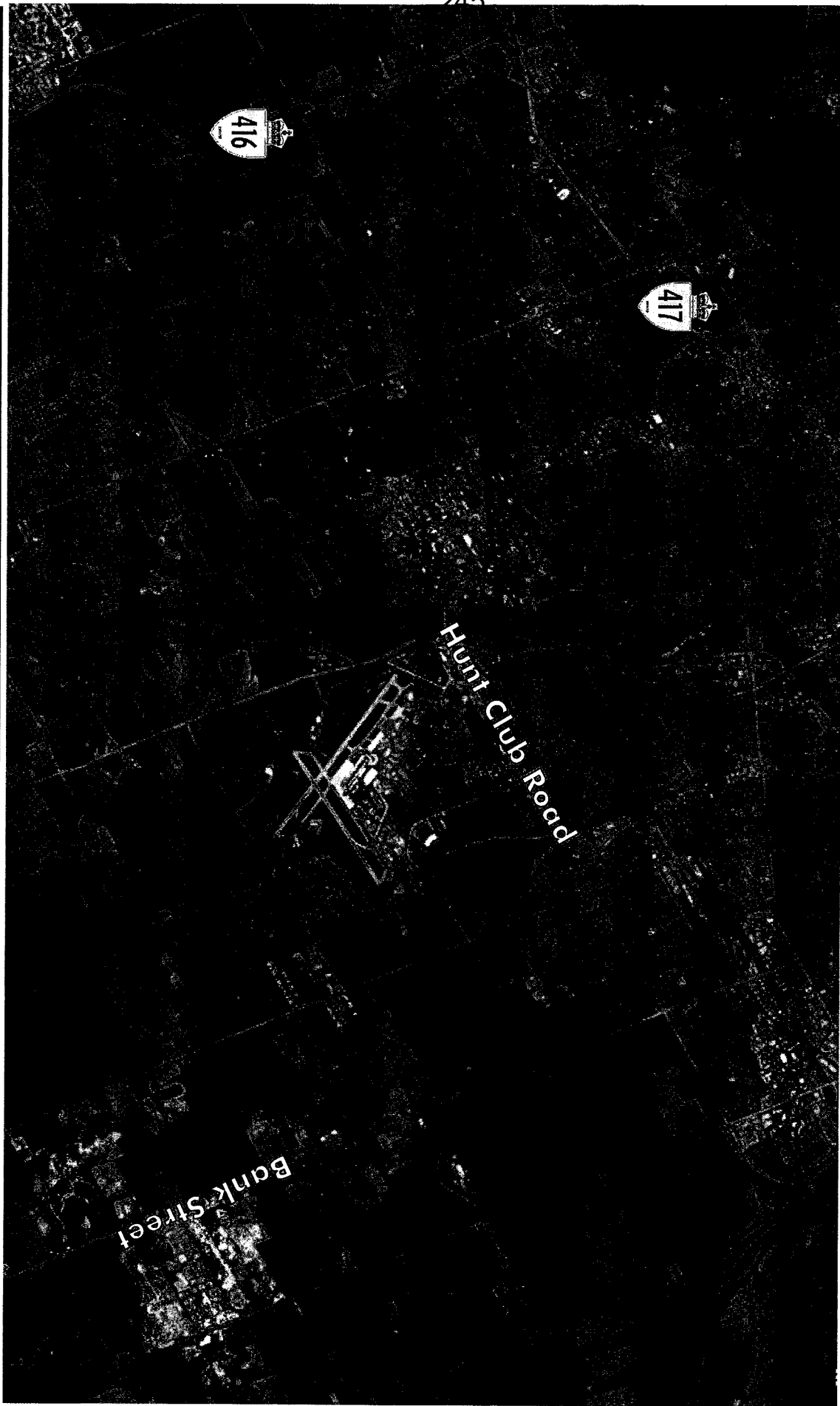
- The Ottawa International Airport is managed by the Airport Authority under the terms of a lease entered into with the Federal Crown. Under this agreement, the Authority can only lease land to third parties and such leases may only extend until January 30, 2077. Any project which proposes to occupy more than 12 acres must also have Transport Canada approval.
- + Urban servicing - municipal services available



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FOR LEASE

Submitted as per
CBRE Public Request



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CBRE

000094

FOR LEASE

Details

Owner:	National Capital Commission
Land Size:	64 acres
Zoning:	DR – Development Reserve
List Price:	LAND LEASE
Price per Acre:	\$12,200 per acre per annum
Proximity to Ontario Court of Justice:	25 minute drive
Status:	Available immediately
Pin:	043313984
Listed With:	Inside Edge Properties

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LISTING COMMENTS

- + Approximately 4,000 feet of frontage on Leirtrim Road
- + Commercial development potential
- + Quick access to major thoroughfares including Hunt Club Road, and Leirtrim Road
- + In close proximity to future, and planned, Limebank Light Rail Transit Station
- + Urban servicing - municipal services available



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CBRE

FOR SALE

Details

Owner:	Minto Properties Inc.
Land Size:	Parcel A- 5.23 acres Parcel B- 28.35 acres
Zoning:	IL9 – Light Industrial
List Price:	\$8,505,000
Price per Acre:	\$300,000
Proximity to Ontario Court of Justice:	23 minute drive
Status:	Available immediately
PIN:	047336646 047337027
Listed With:	Charles Mirsky, District Realty

LISTING COMMENTS

- + Adjacent to RCMP Headquarters
- + 17 km to Downtown Core
- + 12 km to Highway 416
- + Centered in one of Ottawa's fastest growing communities
- + Urban servicing - municipal services available



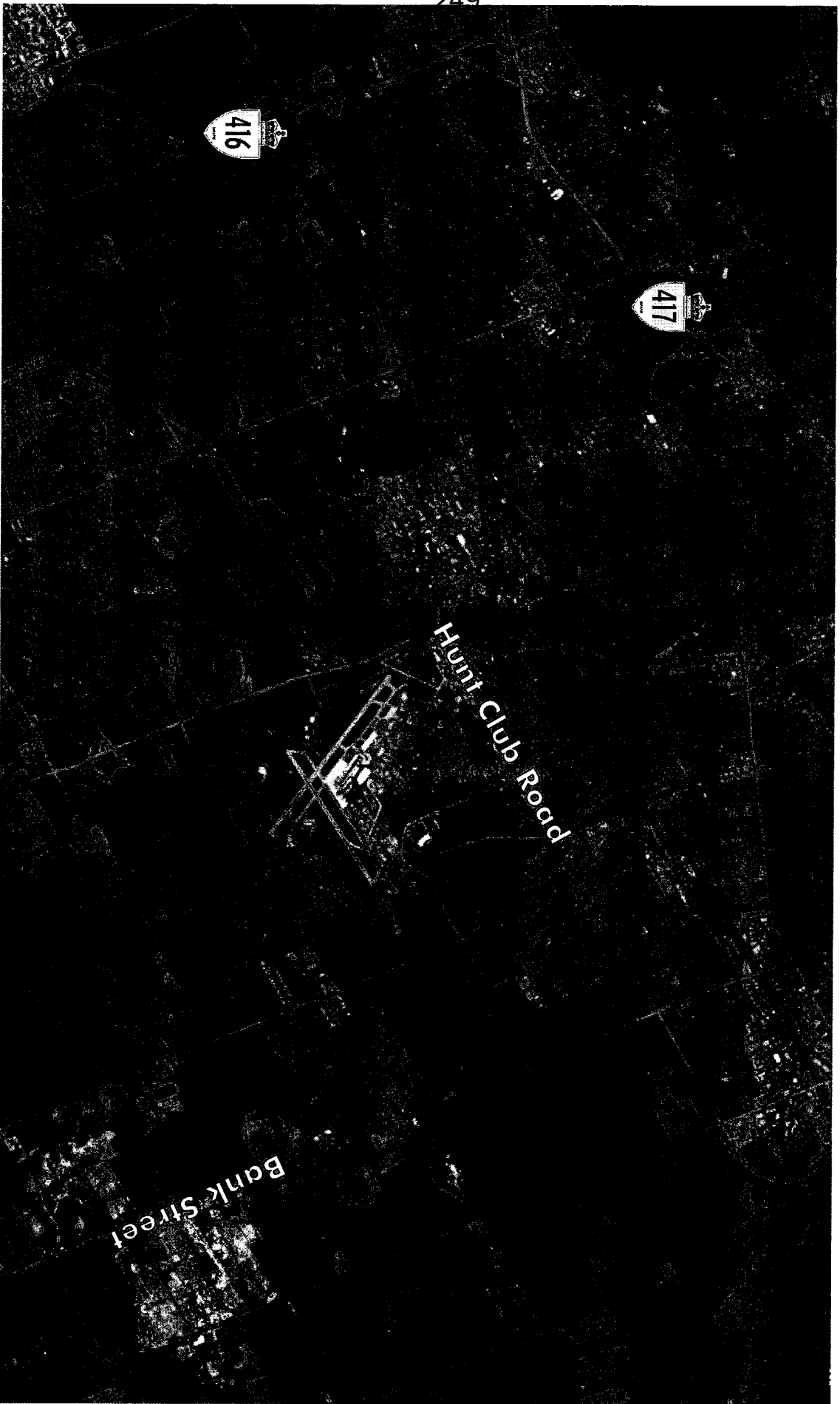
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CBRE

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FOR SALE

Details

Ann & Michael O'Neil

88 acres

AG1 - Agricultural

\$2,150,000

\$24,431.82

40 minute drive

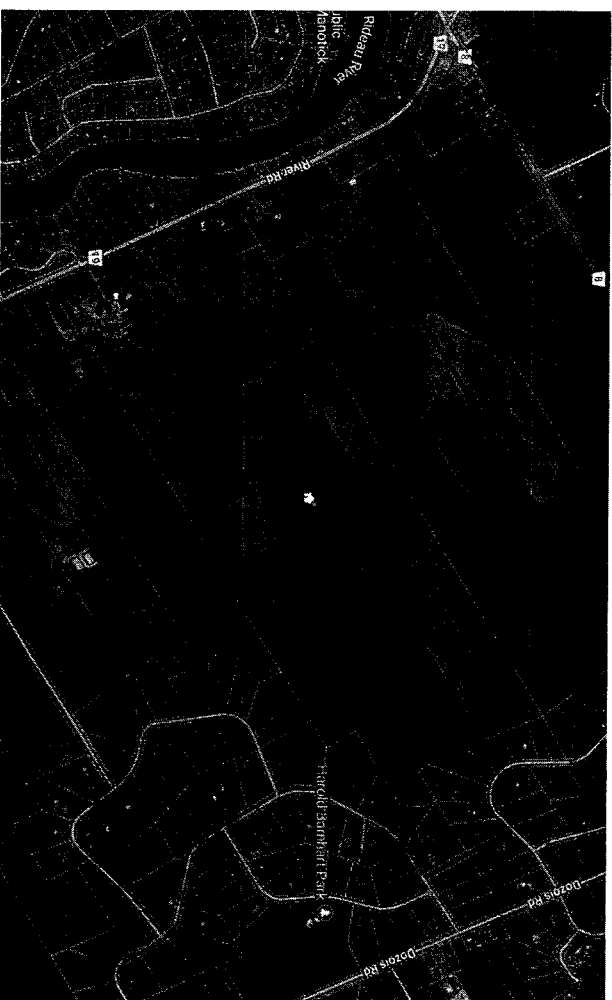
Available immediately

043170324

Jim Cooper,

LISTING COMMENTS

- ✦ Located south of Mitch Owens and River Road
- ✦ This land slopes from the road to the top of the hill where there is now an abandoned house, and adjacent to Rideau Forest Estates
- ✦ Rural servicing – well and septic

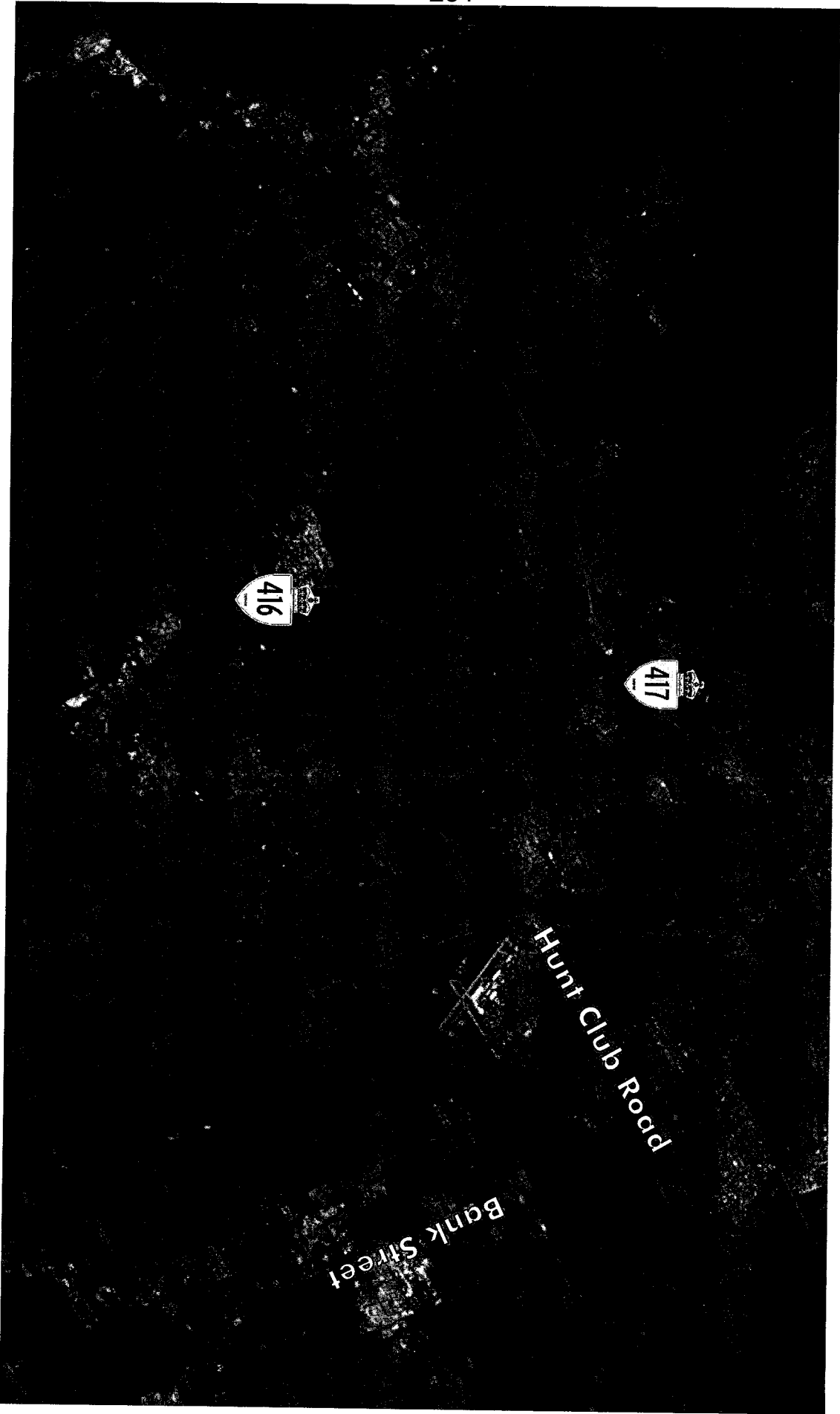


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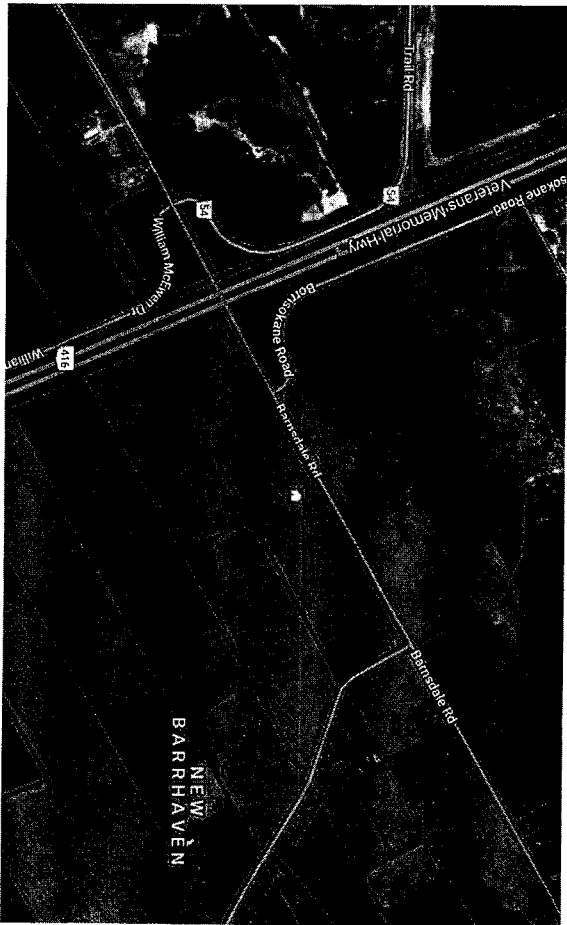
FOR SALE

Details

Owner:	Thomas Miller & Robert Miller
Land Size:	50 acres
Zoning	AG - Agricultural Zone
List Price:	\$9,250,000
Price per Acre:	\$185,000
Proximity to Ontario Court of Justice:	26 minute drive
Status:	Available immediately
PIN:	045920047
Listed With:	Diane Jabocs, Re/Max

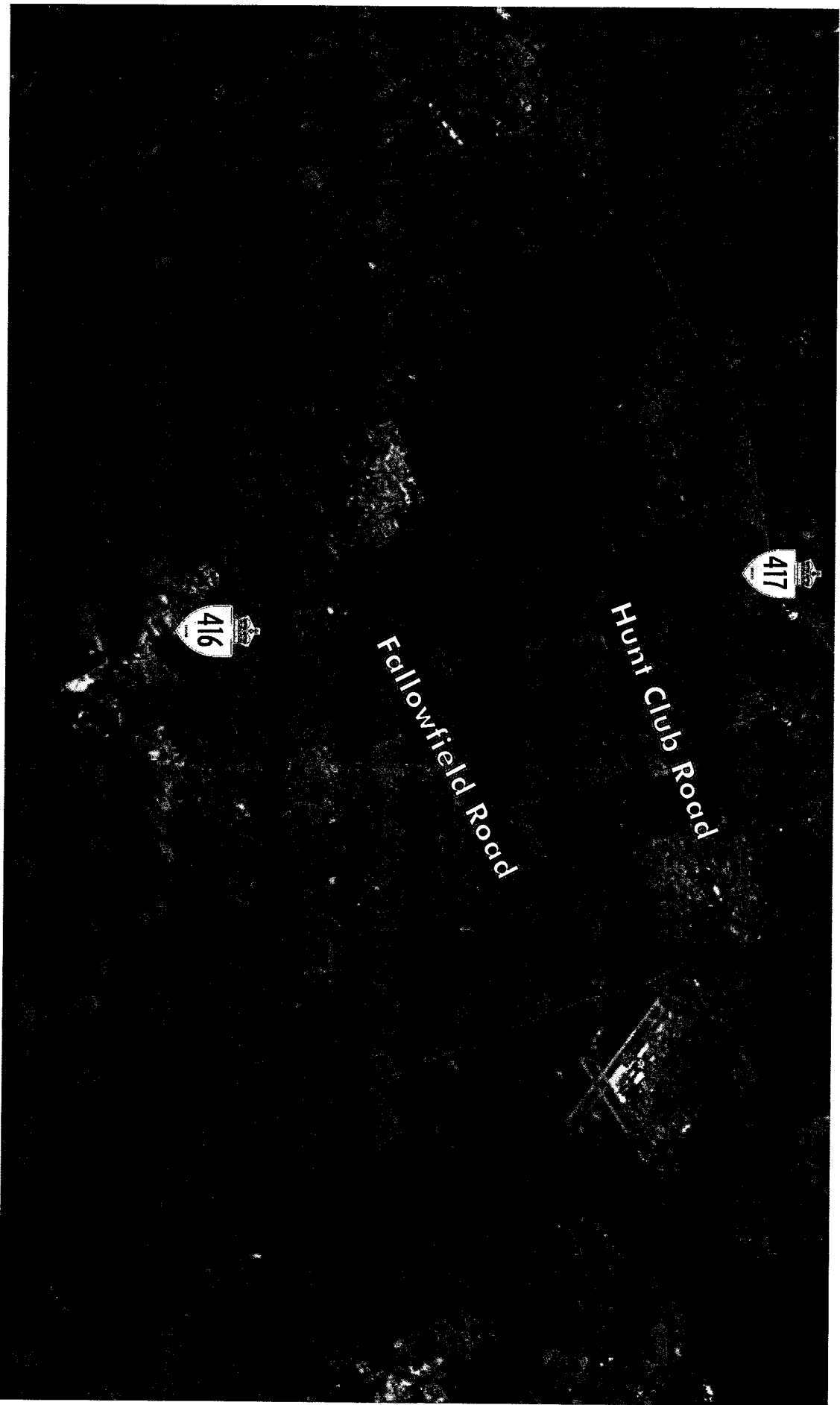
LISTING COMMENTS

- + Frontage on Barnsdale Road
- + Potential interchange at HWY 416
- + Well and septic would have to be installed
- + Hydro close by



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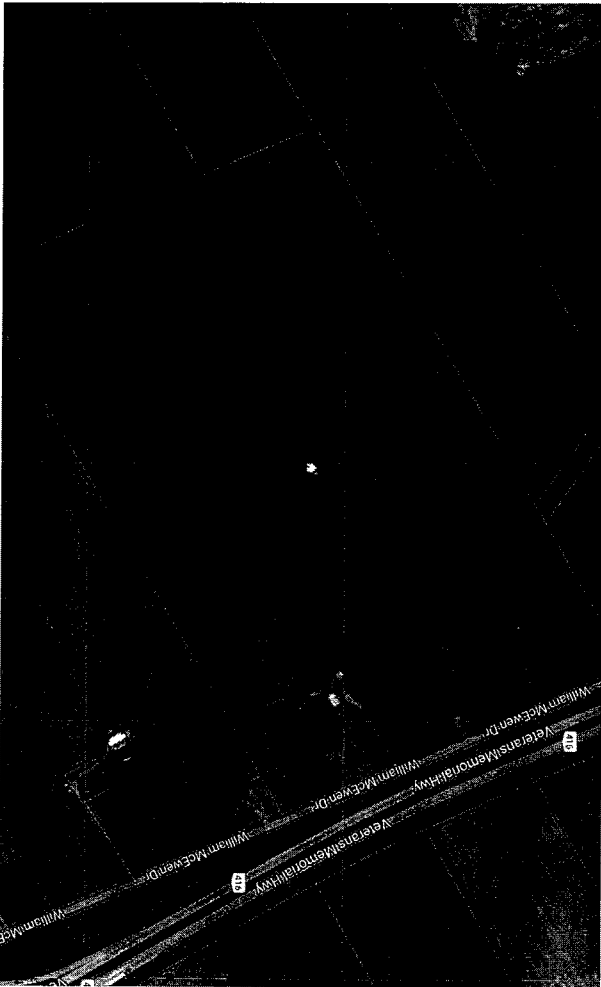
Details

Owner:	Shirley Williams Durand & Josef – Estate Durand		
Land Size:	52 acres		
Zoning	RU – Rural Countryside		
List Price:	\$1,250,000		
Price per Acre:	\$24,039		
Proximity to Ontario Court of Justice:	30 minute drive		
Status:	Available immediately		
PIN:	045920023		
Listed With:	Bill Edelson, Royal LePage		

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LISTING COMMENTS

- ± Close proximity to Bankfield Road and HWY 416 interchange
- ± Rural servicing – well and septic

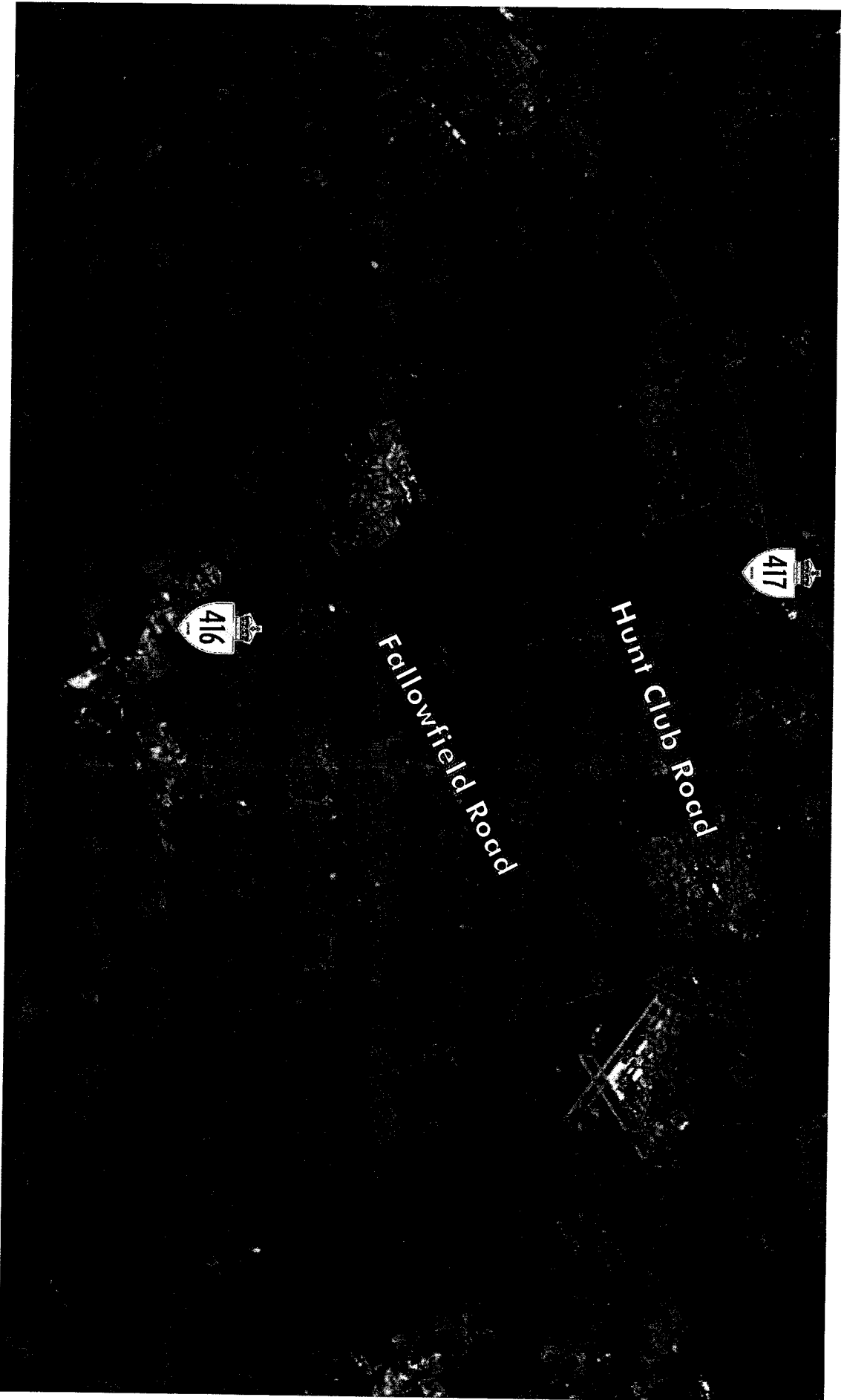


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CBRE

FOR SALE

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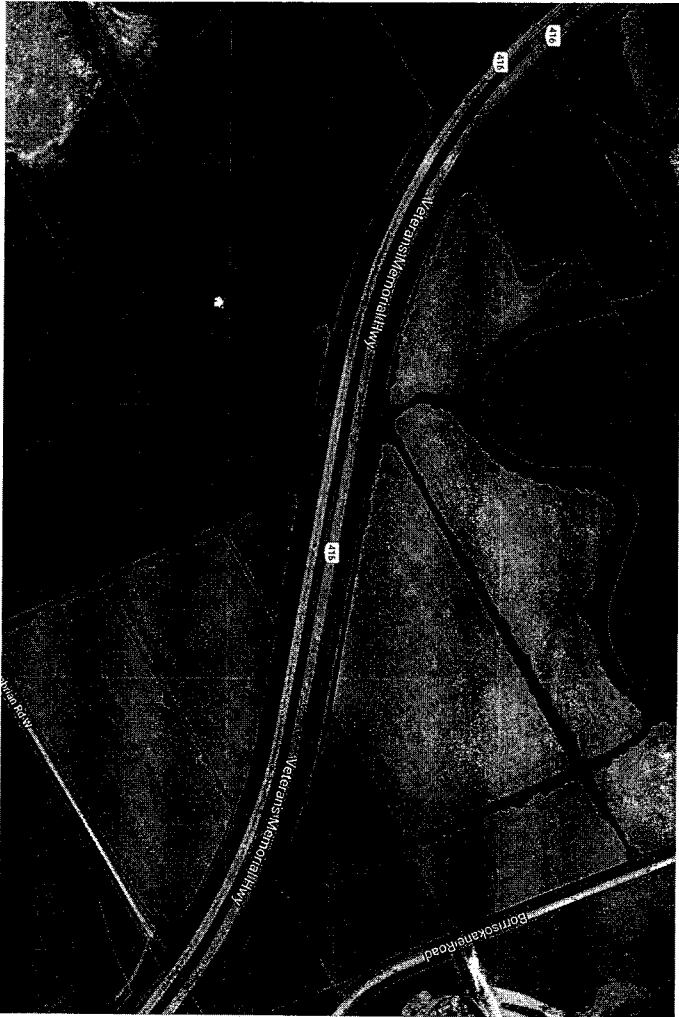
FOR SALE

Details

Owner:	Walter John McKenna
Land Size:	42 acres 47 acres
Zoning	DR - Development Reserve RU - Rural Countryside
List Price:	\$1,264,000
Price per Acre:	\$14,202
Proximity to Ontario Court of Justice:	25 minute drive
Status:	Available immediately
PIN:	045950033 045950031
Listed With:	Ron Milligan, Avison Young

LISTING COMMENTS

- + Two separate parcels of land separated by Highway 416
- + 42 acres off Borrisokane Road and 47 acres off Highway 416
- + Currently farmed under lease
- + Rural servicing close to urban boundary and municipal services



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FOR SALE

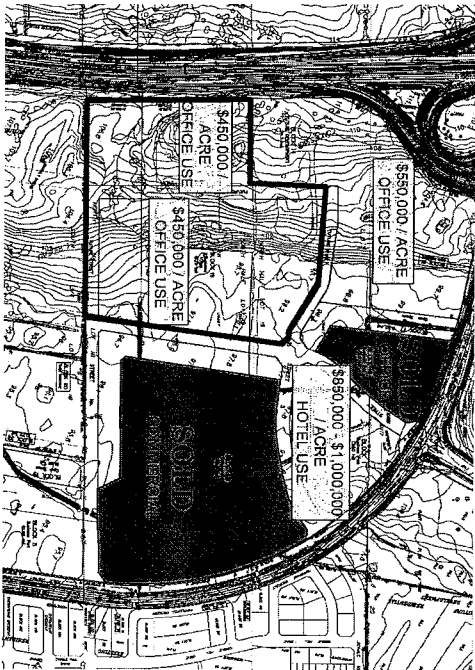
Submitted as per
CBRE Public Request

Details

Owner:	Strandherd Road Inc.
Land Size:	58.42 acres
Zoning:	IP – Business Park Industrial
List Price:	\$26,289,000
Price per Acre:	\$450,000
Proximity to Ontario Court of Justice:	24 minute drive
Status:	Available immediately
258 PIN:	044671618
Listed With:	David Kardish, Regional Realty

LISTING COMMENTS

- ± At HWY 416 and Strandherd Road exit, located next to new Costco
- ± Subject to plan of subdivision
- ± Urban land with municipal services available

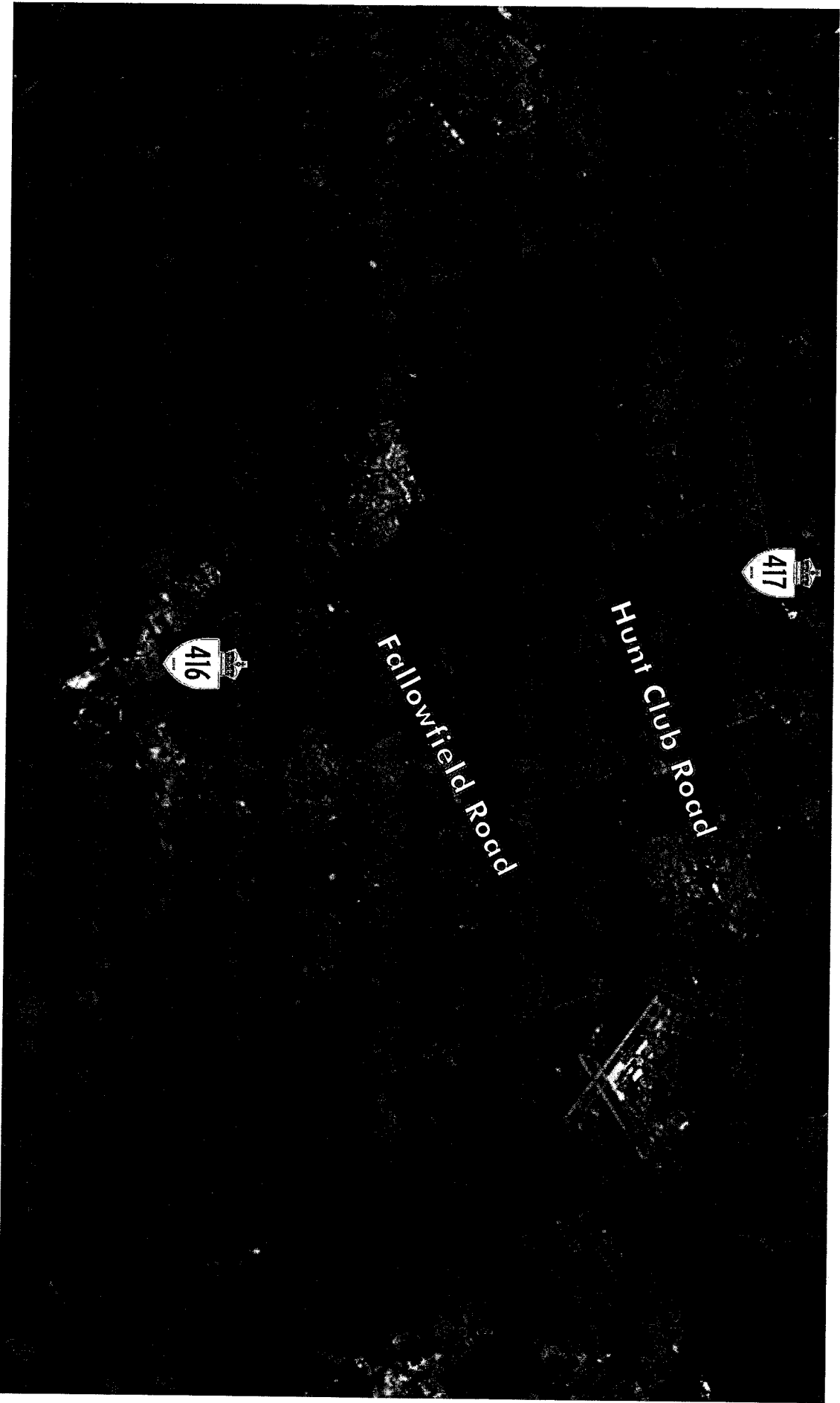


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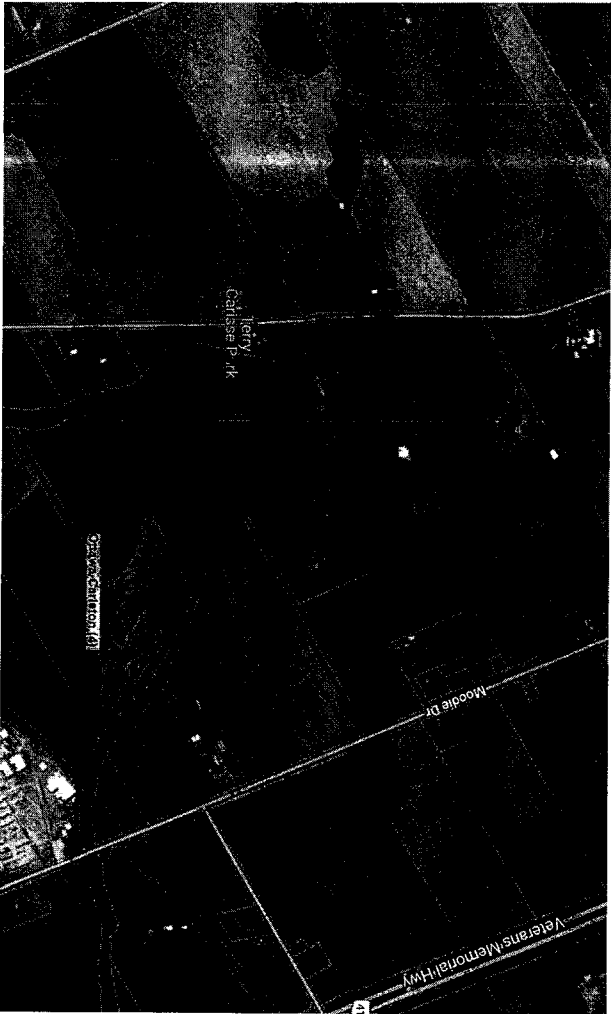
FOR SALE

Details

Owner:	Brenda Joyce Scholz
Land Size:	117 acres
Zoning:	AG – Agricultural Zone
List Price:	\$2,395,000
Price per Acre:	\$20,470
Proximity to Ontario Court of Justice:	30 minute drive
Status:	Conditionally sold
PLN:	045940073
Listed With:	Ron Milligan, Avison Young

LISTING COMMENTS

- + Located 5 minutes from Barnhaven and Highway 416
- + The property includes an existing farmhouse, one barn, and other outbuildings
- + Rural servicing – well and septic



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FOR SALE

Submitted as per
CBRE Public Request

Details

Owner:	Construction Alberto Bulhoes Inc., et al.
Land Size:	64 acres
Zoning:	AG2 - Agricultural Zone
List Price:	\$19,200,000
Price per Acre:	\$300,000
Proximity to Ontario Court of Justice:	28 minute drive
Status:	Available immediately
PIN:	044490328
Listed With:	Not listed

LISTING COMMENTS

- + Located south of Kanata South, surrounded by agricultural uses.
- + Located at the corner of Eagleson and Faulkner Roads
- + Rural servicing – well and septic



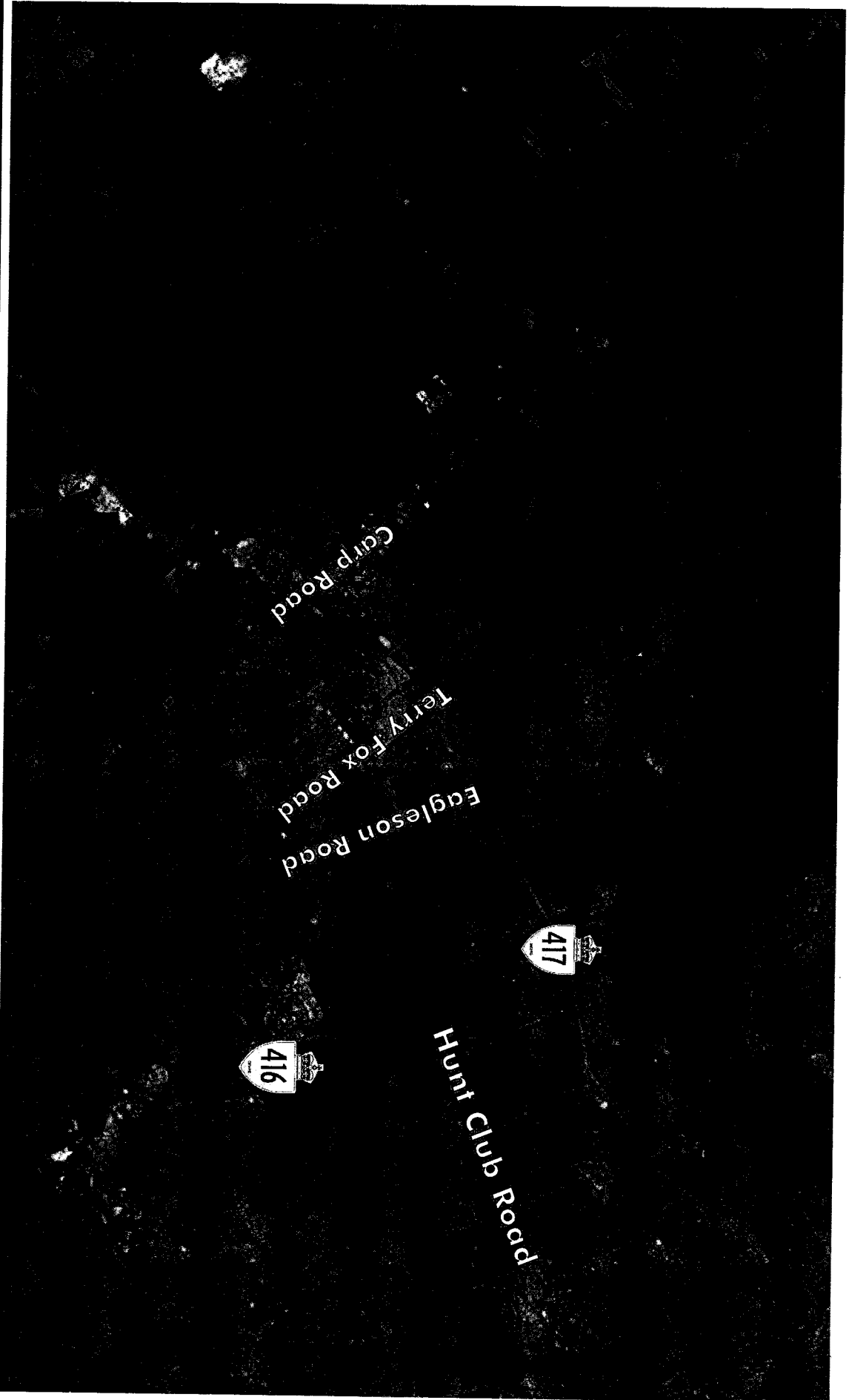
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CBRE

000112

FOR SALE

Submitted as per
CBRE Public Request

Details

Owner:	Marty Van Gool
Land Size:	35-40 acres
Zoning:	IP – Business Park Industrial
List Price:	\$21,000,000- \$24,000,000
Price per Acre:	\$600,000
Proximity to Ontario Court of Justice:	26 minute drive
Status:	Available immediately
264 PIN:	047440158
Listed With:	Not listed

LISTING COMMENTS

- + Located in Kanata South, across from new Ferbank Residential Community
- + Urban servicing available at the property line (City pumping station at the north-east corner)

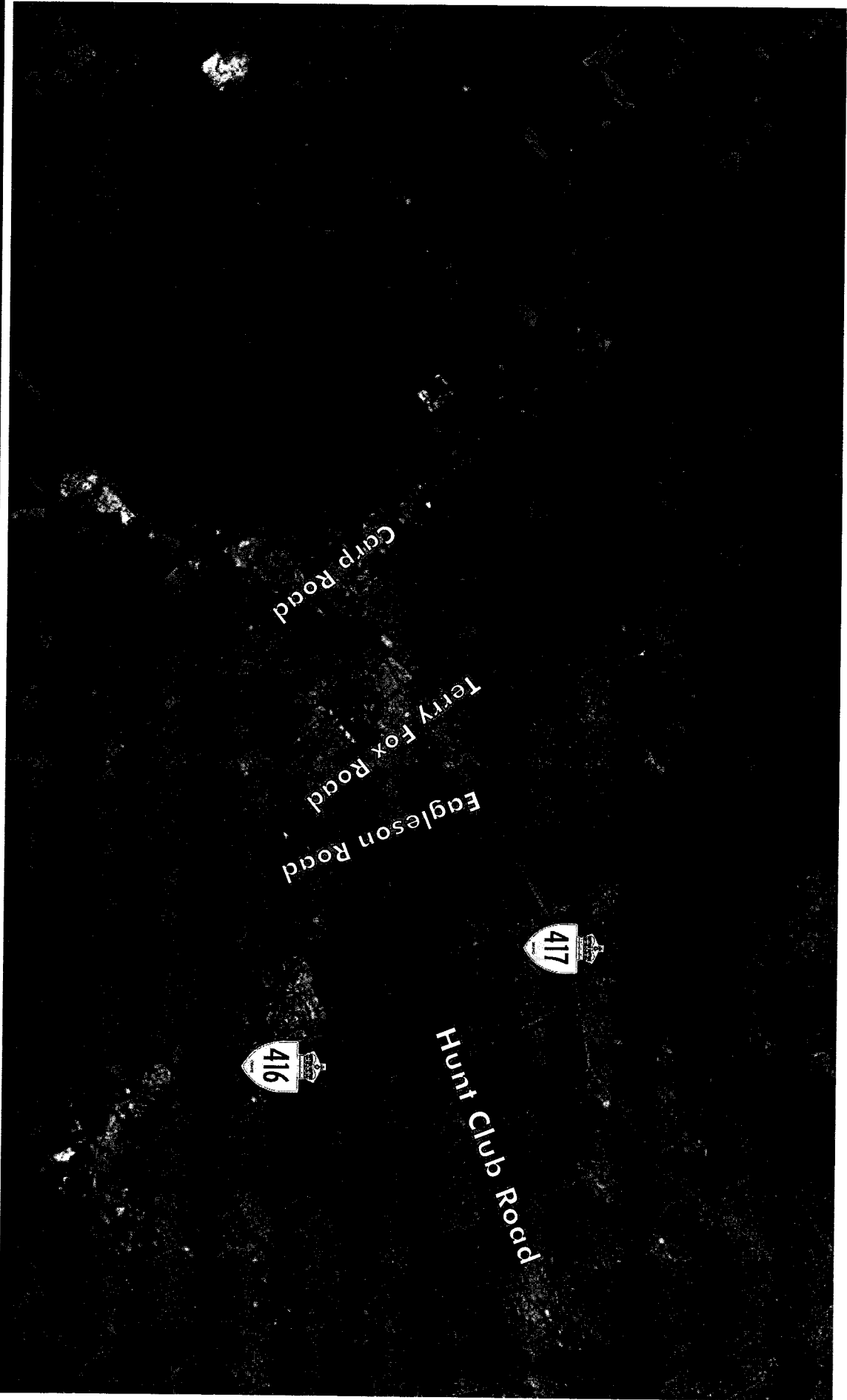


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FOR SALE

Details

Owner:	Karters' Komer LTD.
Land Size:	33 acres 43 acres
Zoning	RC - Rural Commercial RU- Rural Countryside
List Price:	\$2,700,000 \$900,000
Price per Acre:	\$81,818 \$20,930
Proximity to Ontario Court of Justice:	28 minute drive
Status:	Available
PIN:	044480001
Listed With:	Mitch Gauzas, Keller Williams Integrity Realty

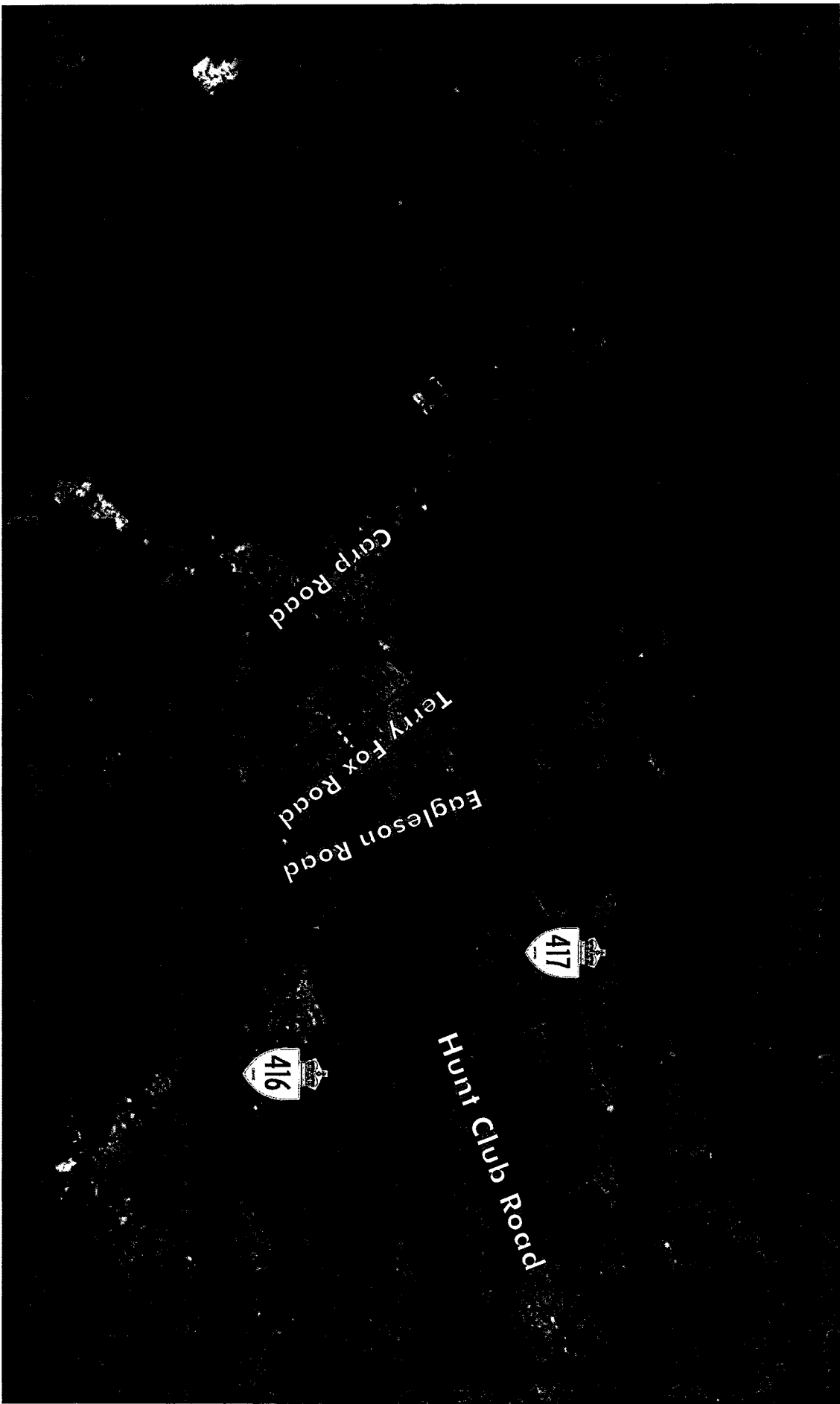
LISTING COMMENTS

- + 33 acres - Large corner site located South of the Stittsville Main Street area. Commercial development opportunity. The site is currently being used as an entertainment facility offering go-kart, mini-putt, driving range and paintball.
- + 43 acres - Large site near the corner of Fallowfield Road and Huntley Road South of the Stittsville Main Street area. Development opportunity for a variety of rural-urban uses.
- + Rural servicing – well and septic



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FOR SALE

Details

Owner:	Broccolini Holdings Inc.
Land Size:	47 acres
Zoning	DR - Development Reserve Zoning Official Plan Designation – Mixed Use
List Price:	\$18,800,000
Price per Acre:	\$400,000
Proximity to Ontario Court of Justice:	22 minute drive
Status:	Available immediately
PIN:	0451 00631
Listed With:	Not listed

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LISTING COMMENTS

- + Located at HWY 417 and Huntmar, next to Tanger Outlets
- + Across the HWY from the Canadian Tire Centre
- Urban servicing - municipal services available



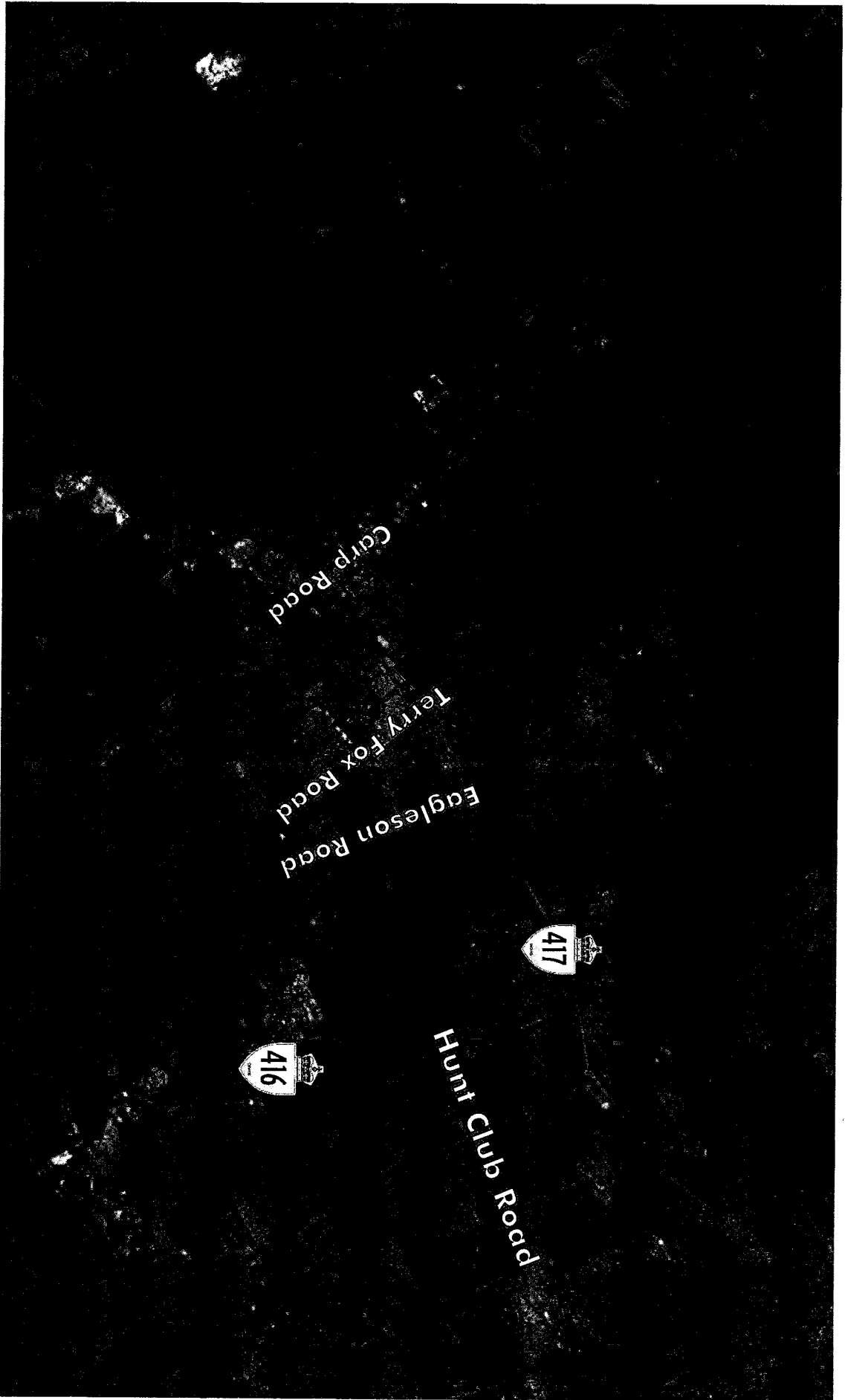
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CBRE

000118

FOR SALE

Details

Owner:	West Ottawa Holdings Inc.
Land Size:	45 acres
Zoning:	IP - Business Park Industrial
List Price:	\$22,500,000
Price per Acre:	Pricing will vary from \$400,000-\$1.0M per acre
Proximity to Ontario Court of Justice:	20 minute drive
Status:	Available immediately subject to plan of subdivision or severance
PIN:	045080132
Listed With:	Derek Howe, Taggart Realty Management

LISTING COMMENTS

- + Can be rezoned for specific uses
- + HWY 417 at Palladium exit
- + Urban servicing - municipal services available

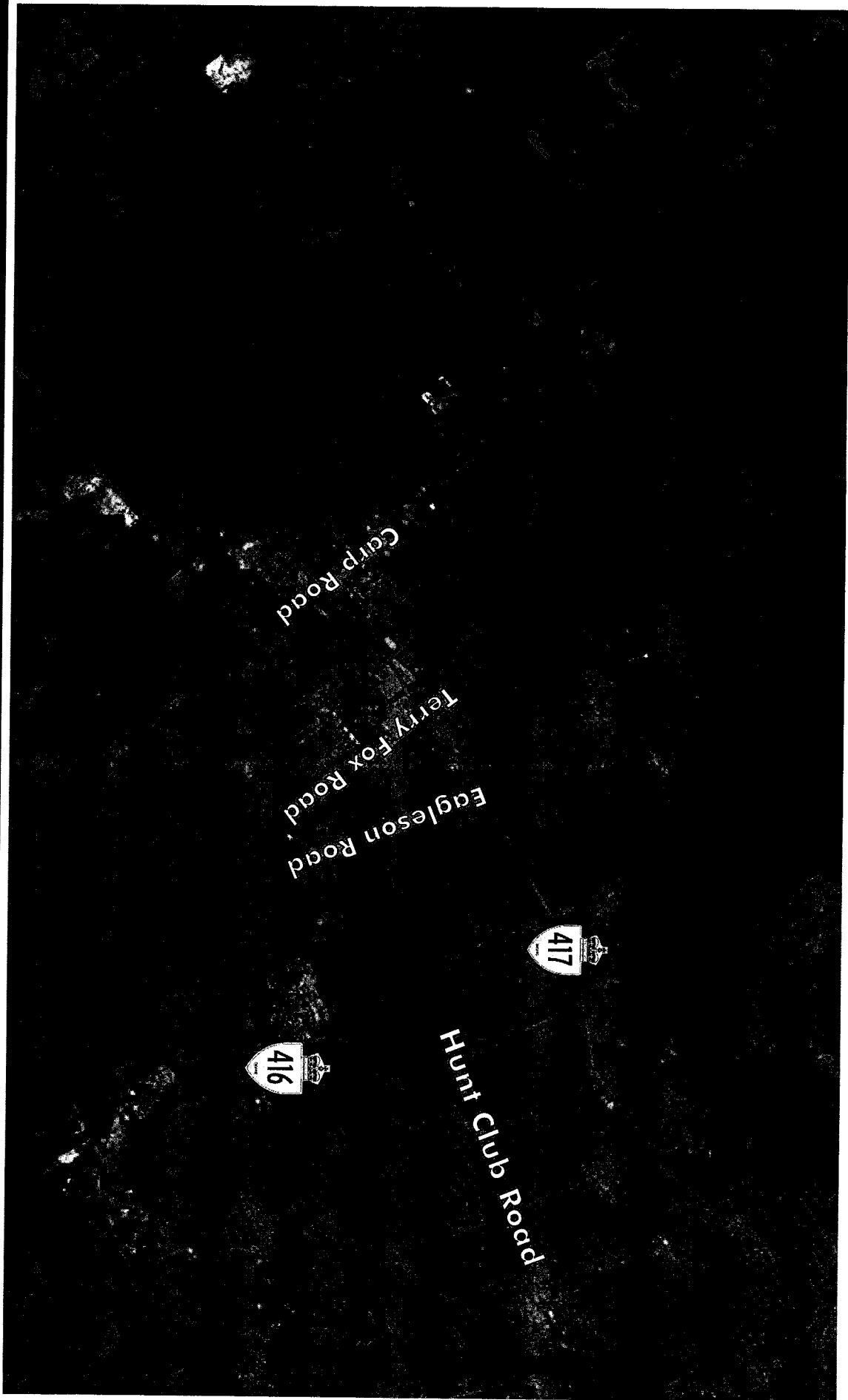


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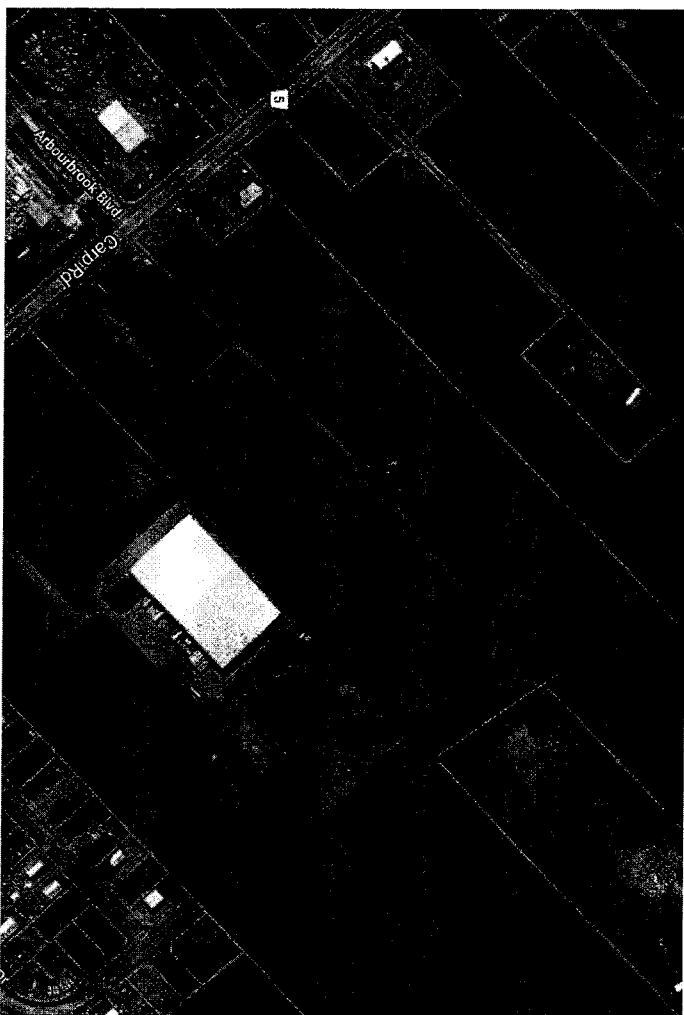
FOR SALE

Details

Owner:	2385790 Ontario LTD.
Land Size:	45 acres
Zoning:	RC9 - Rural Commercial
List Price:	\$3,960,000
Price per Acre:	\$88,000
Proximity to Ontario Court of Justice:	25 minute drive
Status:	Available immediately
PIN:	045370853
Listed With:	Sean Downey, Royal Lepage Team Realty

LISTING COMMENTS

- + Ready for development, this parcel is next door to the Lee Valley Distribution Centre.
- + 3.5 kilometres to HWY 417
- + Rural servicing – well and septic, possible municipal water available



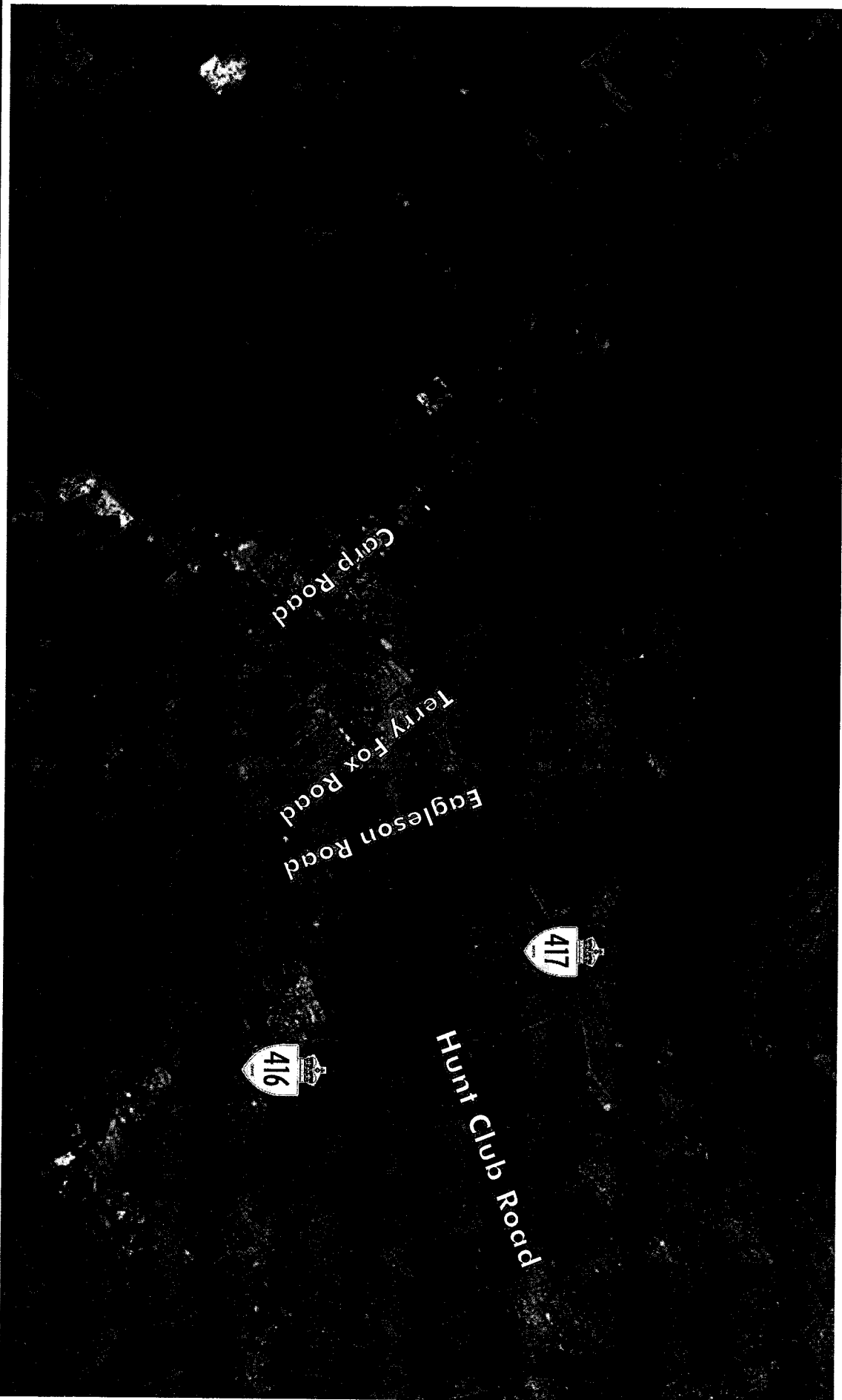
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CBRE

000122

FOR SALE

Details

Owner:

1514947
Ontario Inc.

Land Size:

10-100 acres

Zoning

IP – Business Park

List Price:

\$1,300,000

Price per Acre:

\$130,000

Proximity to Ontario Court of Justice:

27 minute drive

Status:

Available immediately

274

PIN:

045380914

Listed With:

Andy Oswald &
Sean Downey
Royal LePage Realty

LISTING COMMENTS

- + Access to highway 417.
- + Unique green field commercial development at airport.
- + Choose from 2-10 acres parcels available now, choose desired size of lot.
- + Rural servicing – well and septic, possible municipal water available.

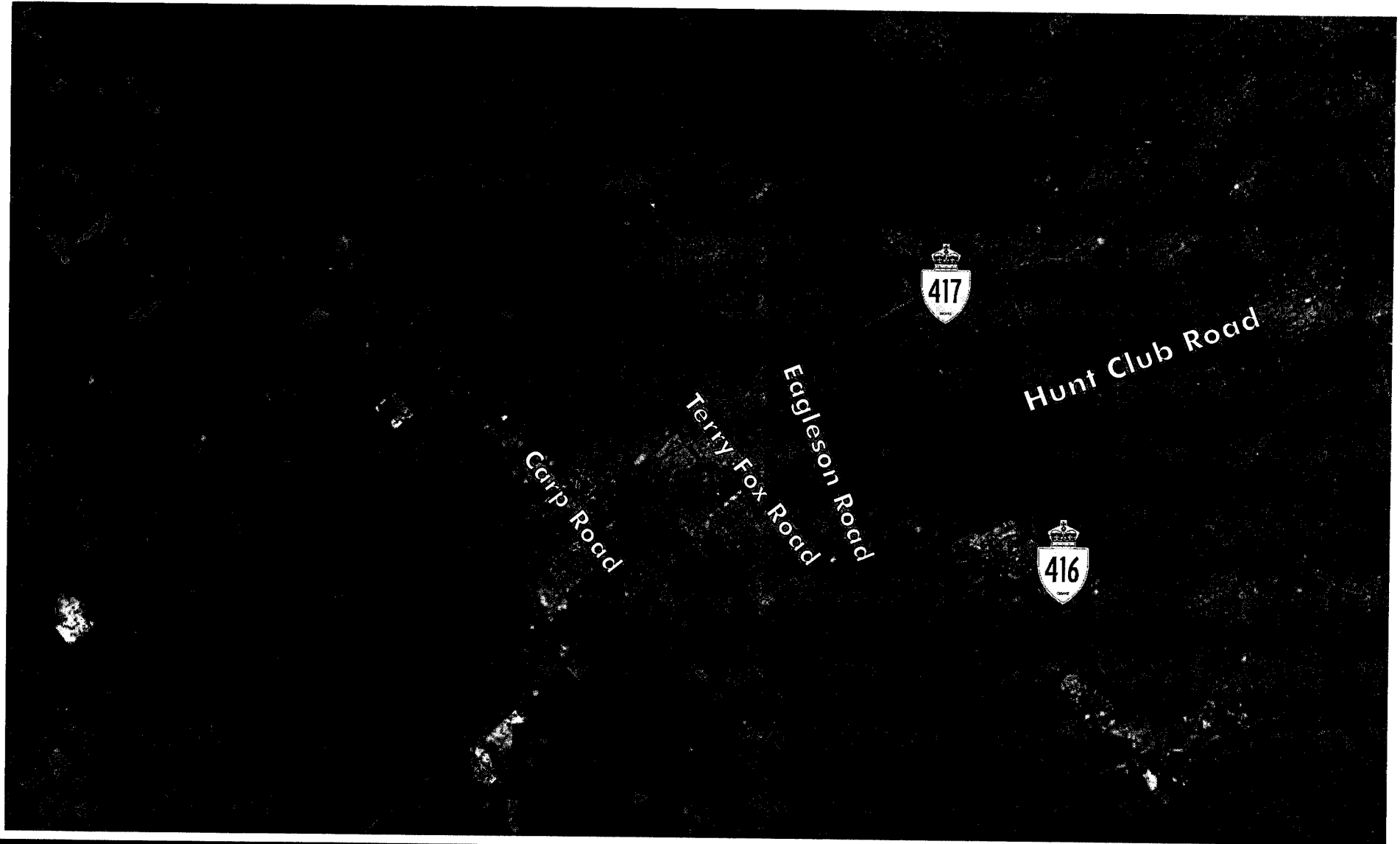


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CBRE

FOR SALE

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CBRE

000124

FOR SALE

Details

Owner:	Stuart Blackburn, Kathryn Blackburn
Land Size:	52.77 acres
Zoning	RU- Rural Countryside Zone
List Price:	\$3,000,000
Price per Acre:	\$56,850
Proximity to Ontario Court of Justice:	30 minute drive
Status:	Conditionally sold
PIN:	045361275
Listed With:	Allison Smith, Exit Realty

LISTING COMMENTS

- + Minutes away from Canadian Tire Centre, Tanger Outlets.
- + Minutes away from the HWY 417.
- + Located between Richardson Side Road and Cavanmore Road.
- + 10-15 minute walk to public transportation
- + Well and septic would have to be installed
- + Hydro close by
- + Rural servicing — well and septic

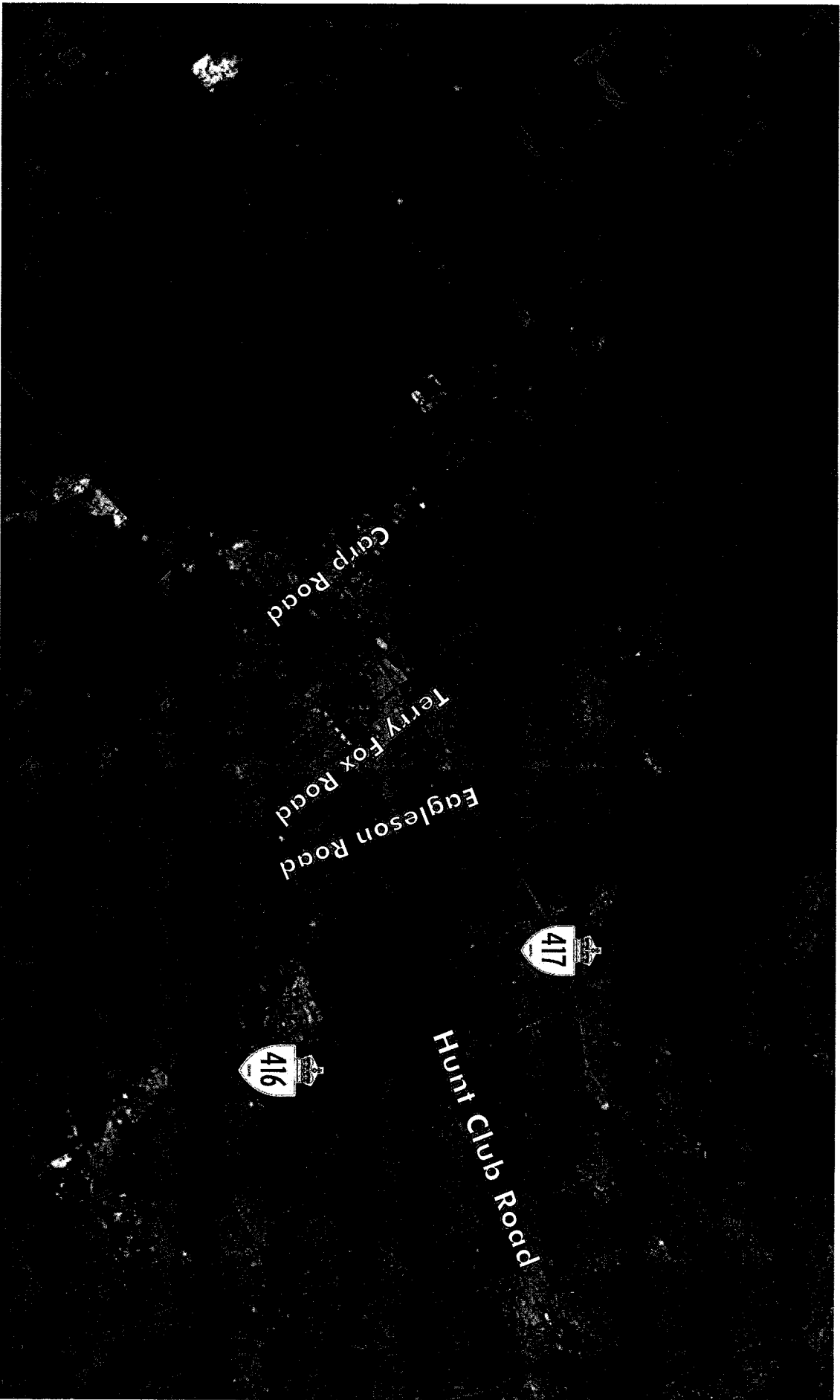


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CBRE

000126

FOR SALE

Submitted as per
CBRE Public Request

Details

Owner:	2082285 Ontario Inc.
Land Size:	65 acres
Zoning:	RG - Rural Industrial
List Price:	\$10,400,000
Price per Acre:	\$160,000
Proximity to Ontario Court of Justice:	22 minute drive
Status:	Available immediately
PIN:	045361365
Listed With:	Not listed

LISTING COMMENTS

- + Near HWY 417 and Carp Road
- + Land divided into separate parcels
- + Can be rezoned for specific uses and broken up into smaller parcels
- + Municipal services available on Carp Road.
- + Private Servicing – Well and Septic. Numerous studies completed to support Industrial/Institutional development available (Hydrogeological, Geotechnical, Natural Environment, Servicing and Stormwater). Utilities available to the property (Hydro, Natural Gas, Rogers, Bell).
- + The property is ideally situated southwest of Carp Road minutes from the 417 Interchange and approximately 20 km (20 min) from Parliament Hill. Access via Rothbourne Road and Wallgreen Road.



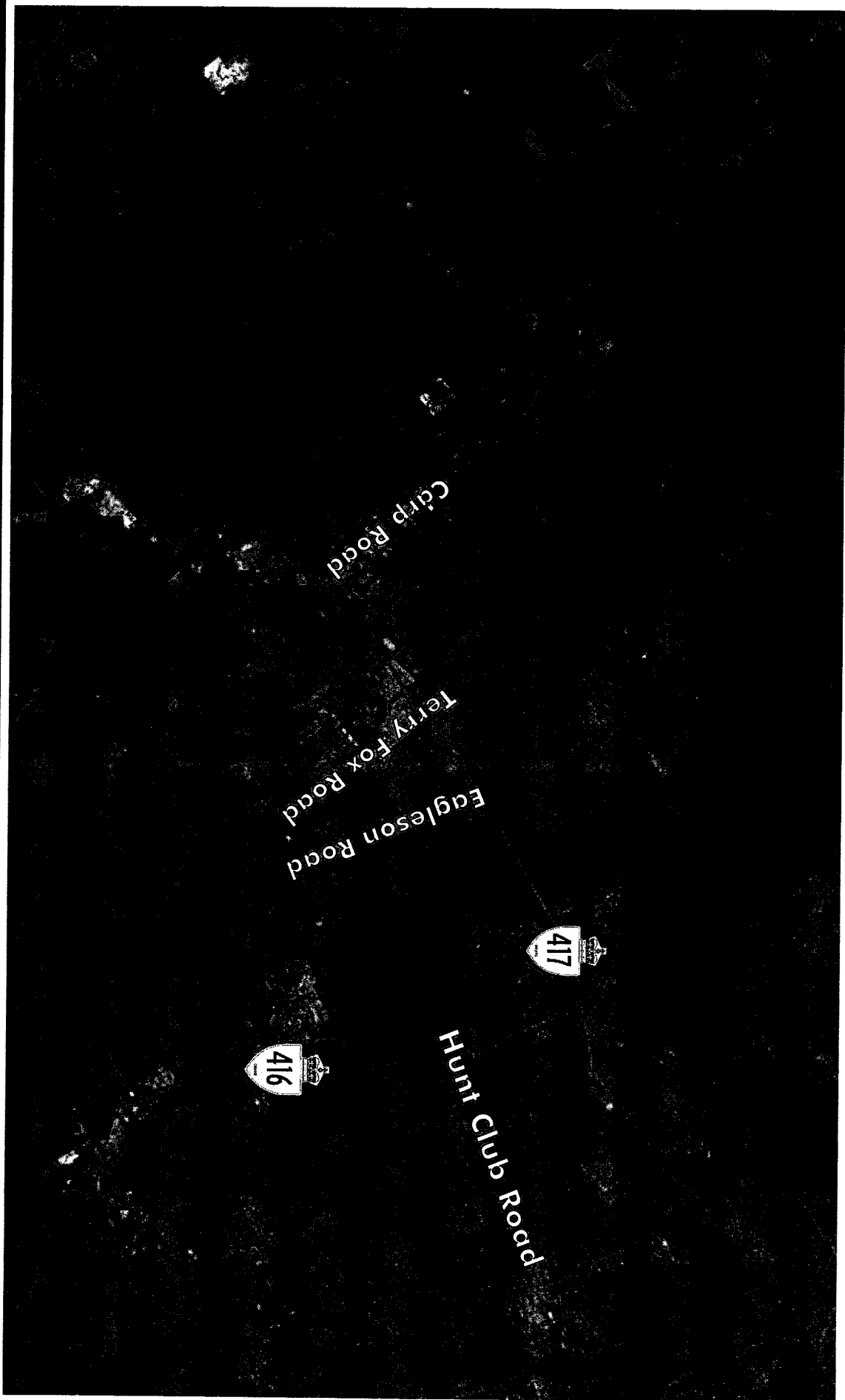
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CBRE

000127

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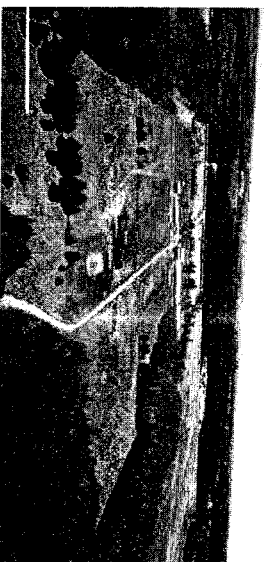
FOR SALE

Details

Owner:	2490348 Ontario Ltd.
Land Size:	33.86 acres
Zoning:	RU - Rural Countryside
List Price:	\$1,200,000
Price per Acre:	\$35,440
Proximity to Ontario Court of Justice:	30 minute drive
Status:	Conditionally sold
PIN:	045360406
Listed With:	Laura Hilary, Royal LePage

LISTING COMMENTS

- + Close proximity to Highway 417 @ Hazeldean and Carp Road exits
- + Farming structures on property
- + Not fully serviced land (well and septic)
- + Operational equestrian farm
- + Property fronts onto Rothbourne Road
- + Well and septic would have to be installed



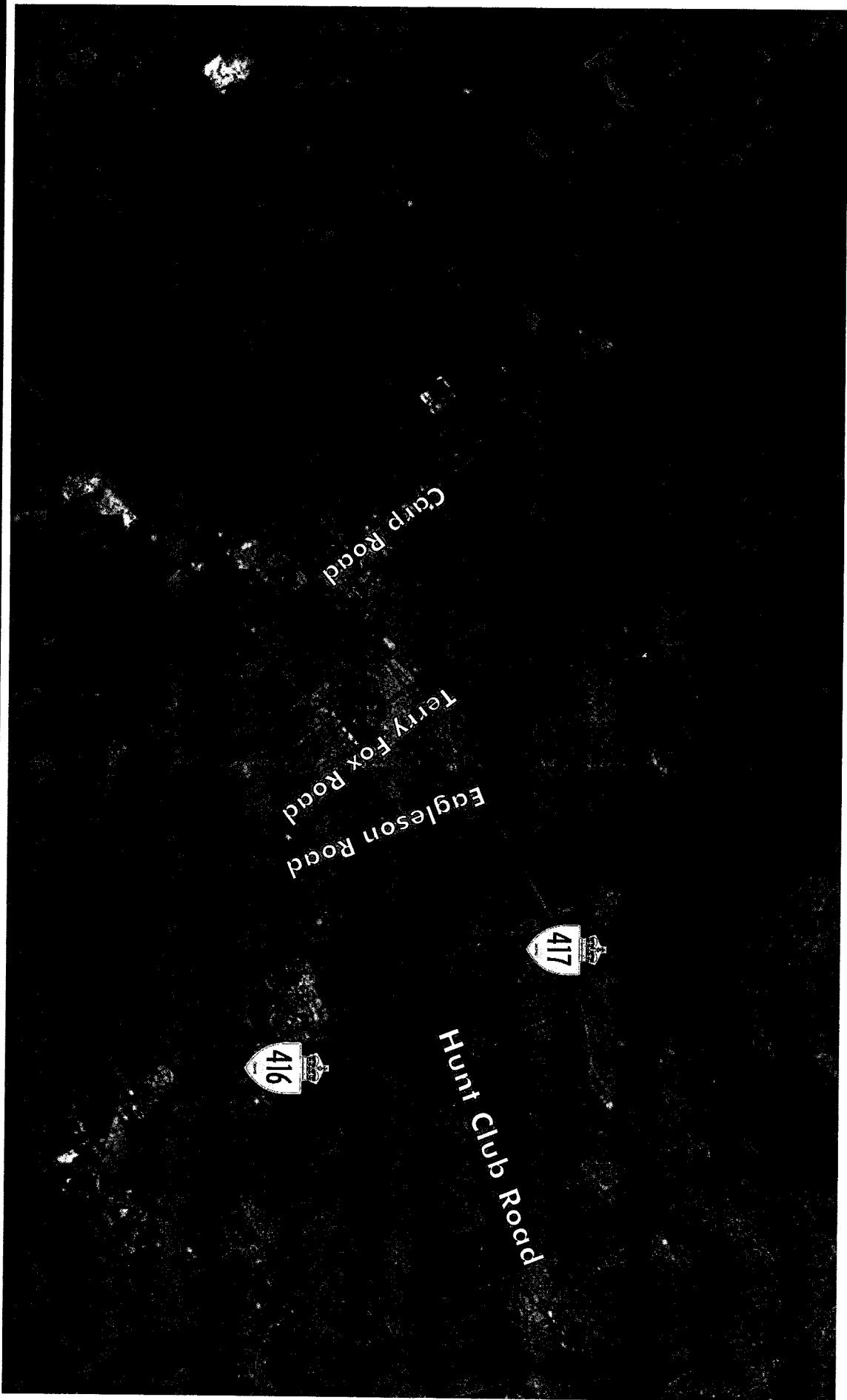
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CBRE

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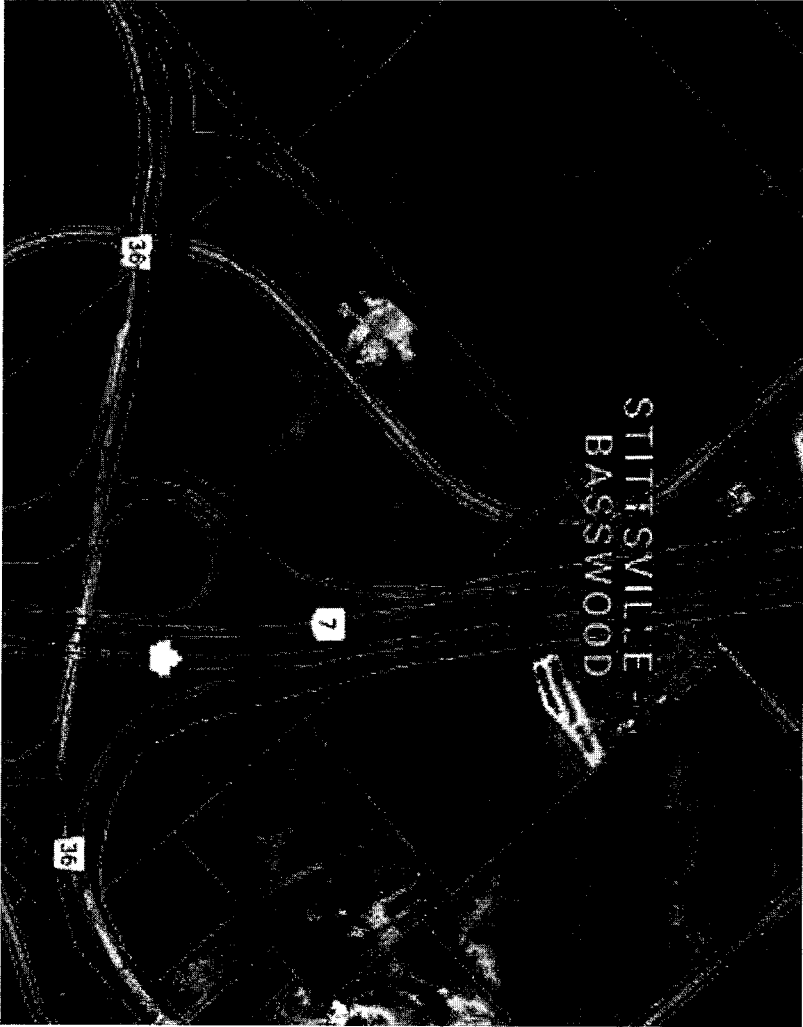
FOR SALE

Details

Owner:	Mion Holdings
Land Size:	80 acres
Zoning:	RG- Rural Industrial
List Price:	\$30,000,000
Price per Acre:	\$375,000
Proximity to Ontario Court of Justice:	Available immediately
Status:	30 minute drive
PIN:	045351031
Listed With:	Ian Shackell, CBRE

LISTING COMMENTS

- + Located West of Stittsville at HWY 7 and Hazeldean exchange
- + Owner willing to do design build
- + Well and septic would have to be installed
- + Hydro close by
- + Rural servicing – well and septic

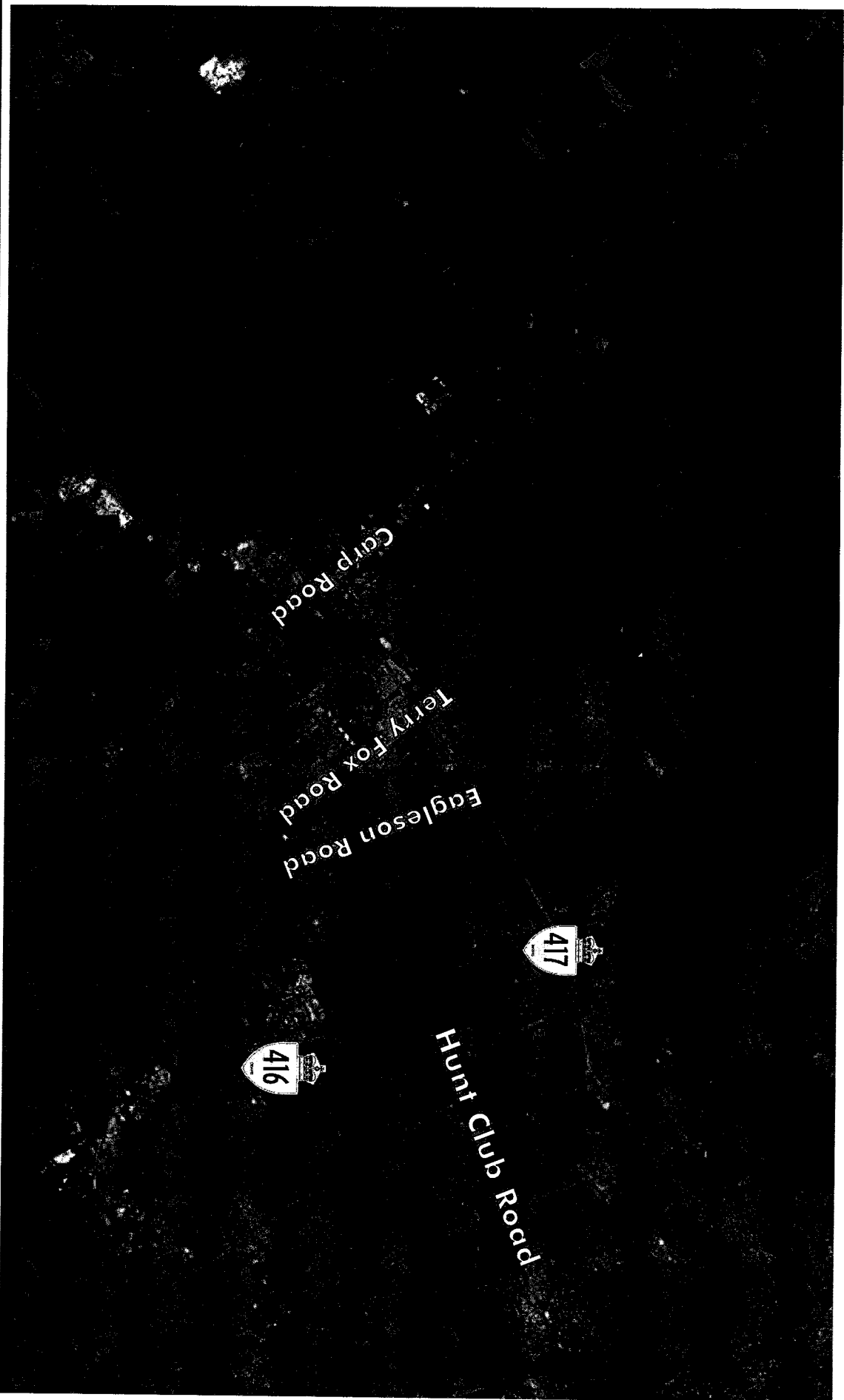


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CBRE

Details

Owner:	James Vorobej, Eleonora Vorobej
Land Size:	231 acres
Zoning	RG-Rural General Industrial & EP3- protected by province
List Price:	\$995,000
Price per Acre:	\$4,307
Proximity to Ontario Court of Justice:	25 minute drive
Status:	Available Immediately
PLN:	044461654
Listed With:	Derek Parker, Colliers

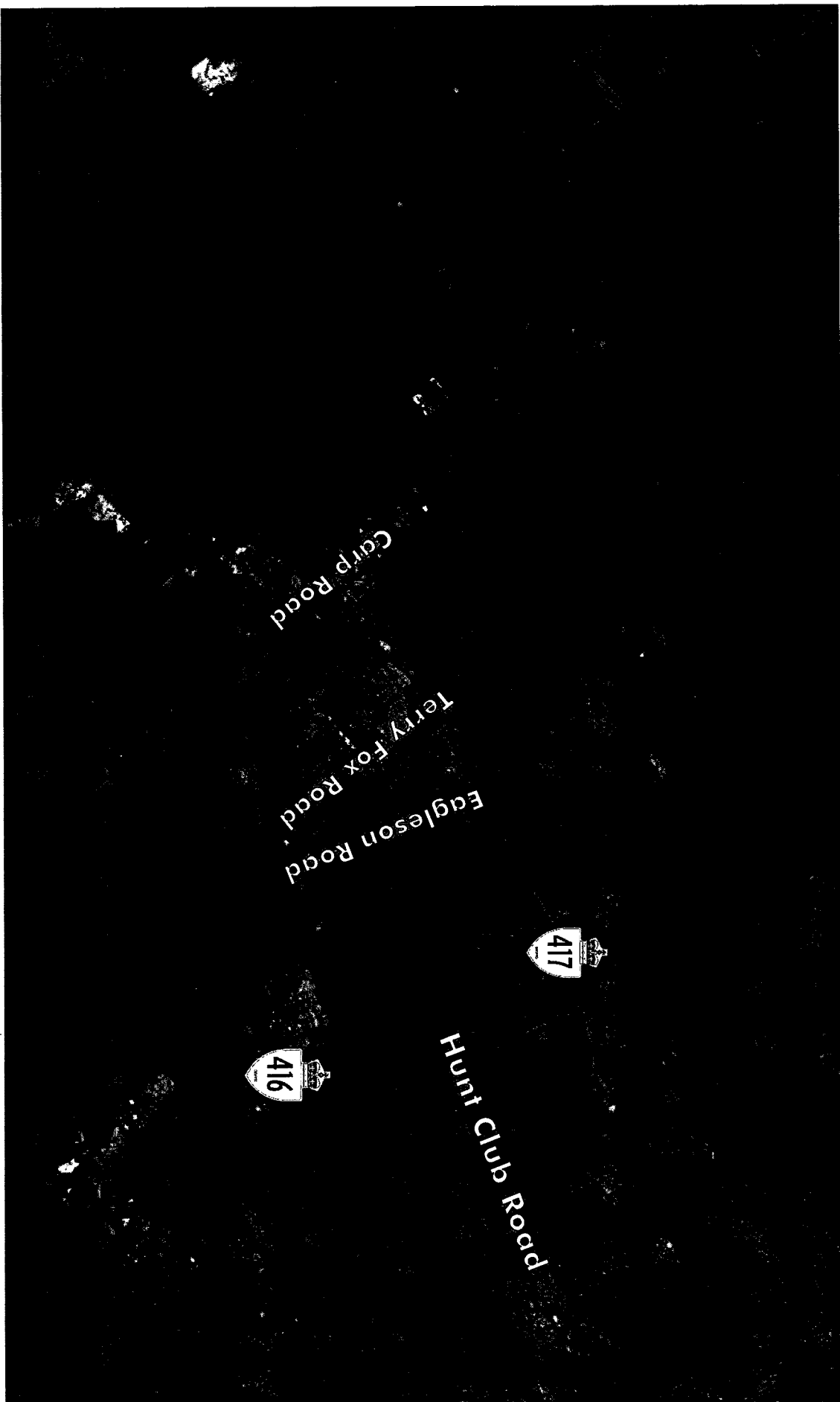
LISTING COMMENTS

- + Adjacent to Highway 7 and Hazeldean Road exit
- + 7 acres along Jinkinson Road has been rezoned to RG zoning
- + A,B & C totalling 231 acres
- + Majority of land is zoned EP3- which is protected by the province
- + This site has exposure to HWY 7
- + Rural servicing – well and septic would have to be installed
- + Hydro close by



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CBRE

FOR SALE

Details

Owner:

Najib Chaudhry &
Abdallah Naem

Land Size:

58.7 acres

Zoning

RG - Rural General
Industrial Land

List Price:

\$1,050,000

Price per Acre:

\$17,888

Proximity to Ontario Court of Justice:

31 minute drive

Status:

Available immediately

286

PIN:

044440020

Listed With:

Mitch Gauzas, Keller
Williams Integrity Realty

LISTING COMMENTS

- + Highway access between Stittsville and Carleton Place
- + 966 feet frontage along Ashton Station Road and 1999 feet depth.
1300 feet width at the Eastern point
- + Rural servicing – well and septic



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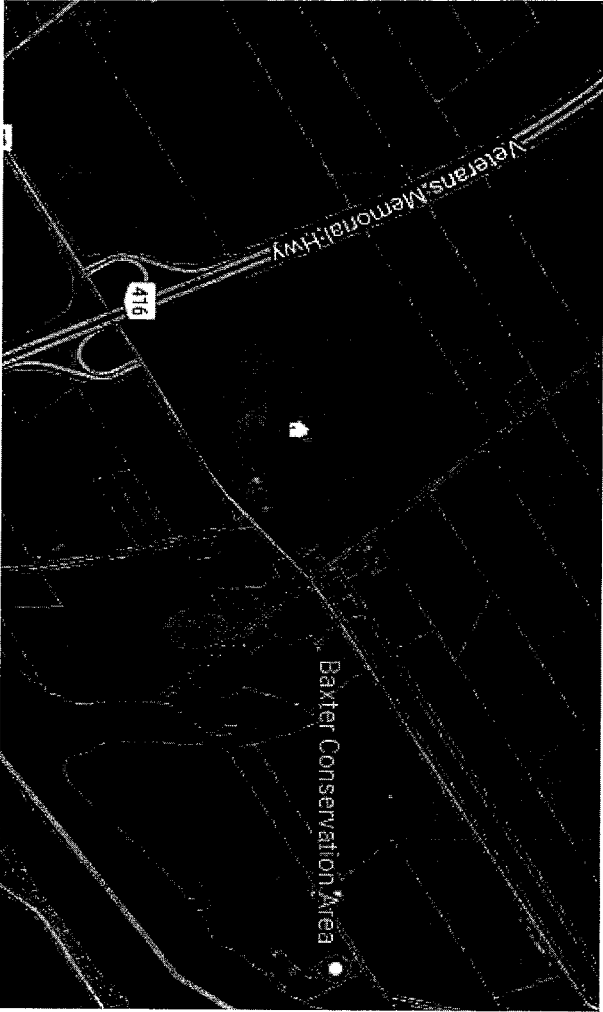
FOR SALE

Details

Owner:	Viola Cureston
Land Size:	87 acres
Zoning:	RU – Rural Countryside
List Price:	\$1,099,000
Price per Acre:	\$12,632
Proximity to Ontario Court of Justice:	40 minute drive
Status:	Conditionally sold
288 PIN:	039150052
Listed With:	Nicholas Cripps & Bruce Firestone, Century 21

LISTING COMMENTS

- + Located off the HWY 416 with great exposure
- + Property is currently used as a small engine repair shop
- + South end of rural Ottawa, close proximity to Kemptville
- + Significant flood plain designation
- + Rural servicing – well and septic



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0 0.125 0.25 0.5 0.75 1 Kilometers

Legend

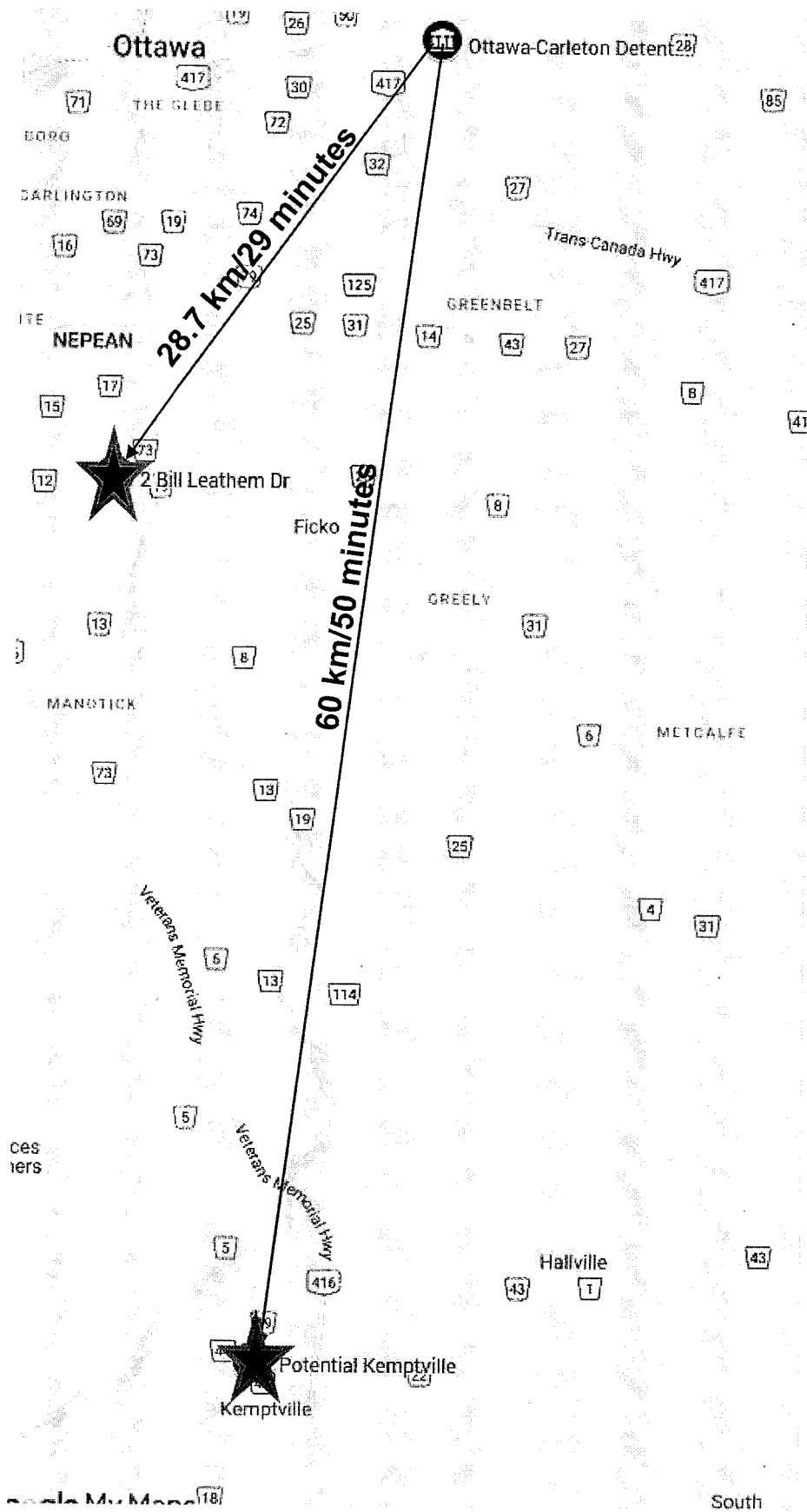
 Property Boundary



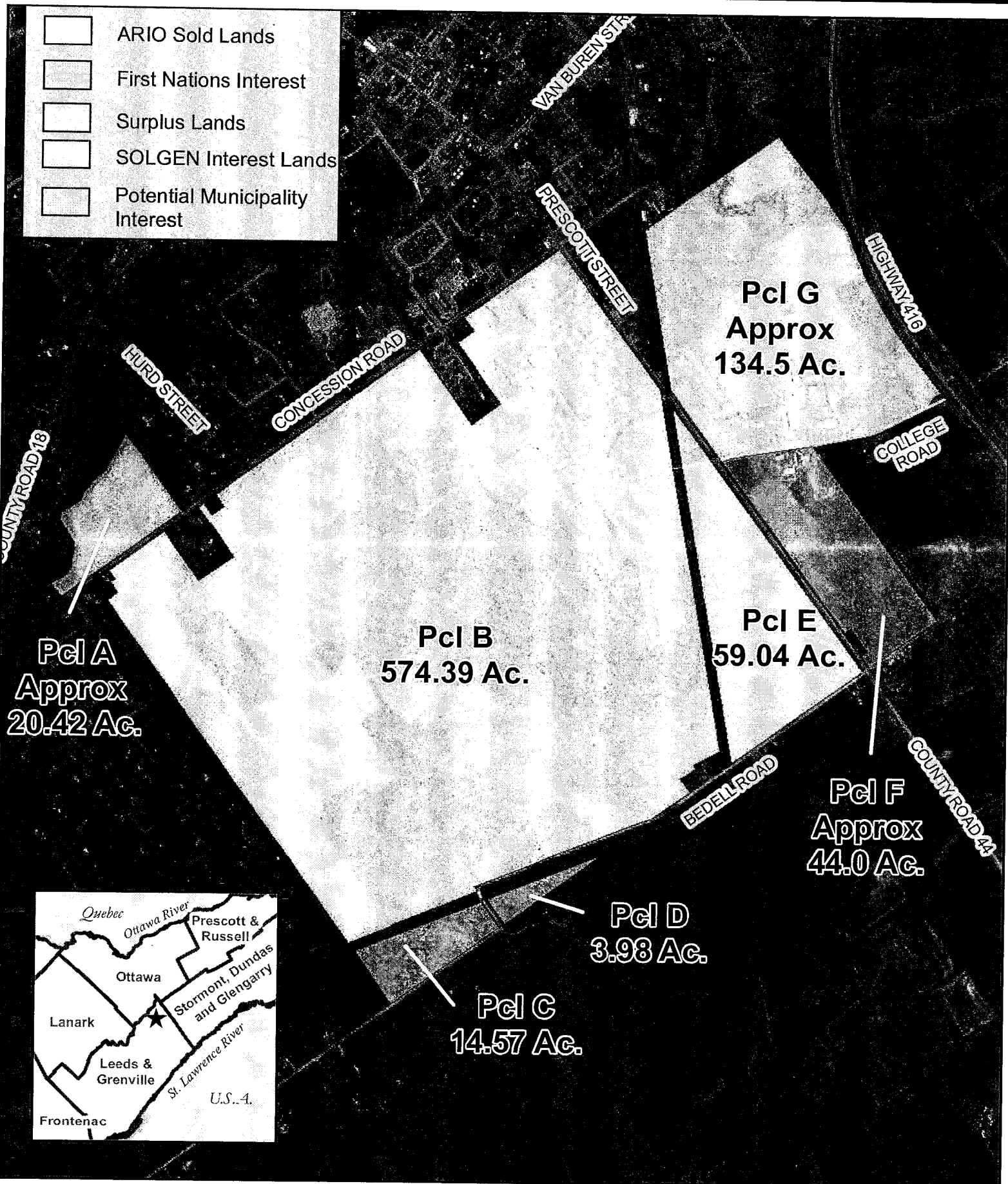
This map is illustrative only. Do not rely on it as a precise location of features.
Produced by the Environmental Management Branch
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Published October 2014.

000139

Data Source: Ontario Ministry of Agriculture
Food and Rural Affairs
Coordinate System: WGS_1984_Web_Mercator



Kemptville Agricultural College - Summary Map



Ministry of the Solicitor General

Status Update: *Ottawa and Thunder Bay Correctional Centres & Eastern Region Strategy*

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Presented to: Office of the Solicitor General

Division: Corporate Services

Date: July 29, 2019

Classification: High Sensitivity/Confidential

Ottawa: Land Acquisition Status (cont'd)

Current Ottawa Land Options					
IO & CBRE Sourced					
Criteria	Site #1 Kemptville (Site Address T80)	Site #2 2201 Rideau Road (Rural Site)	Site #3 Uplands Dr. (Urban Site)	Site #4 2 & 35 Leinster Dr. (Urban Site)	
Acquisition Cost (approx.)	~\$3.2M	\$33K per acre	Land Lease Term and Cost Unknown	\$300K per acre	
Distance from Existing Facility	60 KM 50 Minutes	23.1 KM 25 Minutes	18 KM 23 Minutes	28.7 KM 29 Minutes	
Site Meets Correctional Design Criteria*	Q	Q	Q	Q	
Proximity to Potential Natural or Manmade Disaster	Q	Q	Q	Q	
Size (30 to 75 acres)	✓	✓	✓	Q	
Severance Feasibility (for sites > 100 acres)	Q	Q	Not Applicable	Not Applicable	
Room for Expansion	Q	Q	Q	Q	
Feasibility of Zoning	Q	Q	Q	Q	
Airport Operating Influence Zone	Q	Q	Q	Q	
Ajacent Lands Impeding Operations	Q	Q	Q	Q	
Serviced	Q	X	✓	✓	
Transit	Q	Q	✓	✓	
Radius (proximity to Ottawa City Centre)	53.3 KM 54 Minutes	21.6 KM 27 Minutes	13.1 KM 20 Minutes	20.4 KM 25 Minutes	
* Correctional Design Criteria includes Two (2) access points to the property is preferred, even if only on one roadway. The property is able to accommodate 100m setback and perimeter. Access to the facility shall be such that the signage can be observed 100 m in each direction.					
**Not in proximity to flood plain, nuclear power generator major hydro transmission line/ transformer station, or oil or chemical (toxic or flammable) refinery					

Legend	
✓	Yes
X	No
Q	Requires further research/investigation

- According to IO, the targeted timeline to fully acquire a new site is 16 months (i.e., securing an access agreement, completing site due diligence activities and finalizing the purchase of sale).

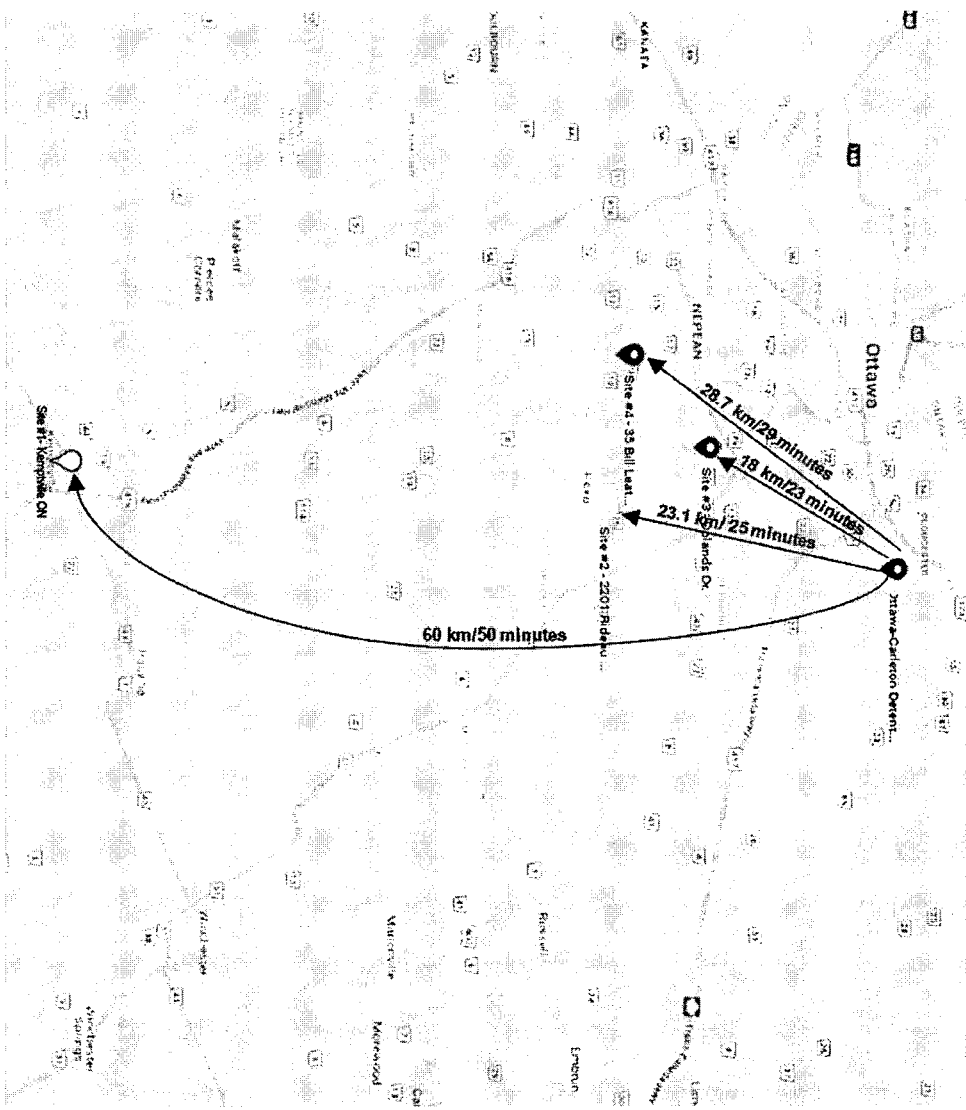
Ottawa: *Land Acquisition Status*

- CBRE, on behalf of Infrastructure Ontario (IO), released an advertisement in the Ottawa Citizen (June 2019) and Ottawa Business Journal (July 2019) inviting submissions of available land for sale or lease to be used for institutional development to accommodate the new Ottawa Correctional Complex (CC).
- Over 38 properties were assessed. Some of these properties resulted from the issued advertisements while others were new listings on MLS.
- Four (4) properties have been shortlisted for further investigation. The remaining properties were not recommended for further consideration for some of the following reasons:
 - Inadequate size;
 - Inappropriate site configuration;
 - Lack of municipal servicing;
 - No access to transit;
 - Significant natural heritage constraints.
- See the next slide for details regarding the potential sites.

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Ottawa: *Potential Sites*

- The map below highlights the geographical location of the potential sites vis-à-vis the current location of the Ottawa-Carleton Detention Centre:



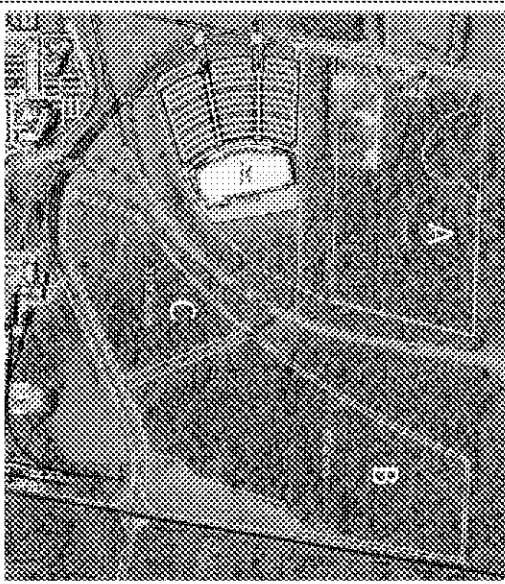
**Pages 146 to / à 148
are withheld pursuant to section
sont retenues en vertu de l'article**

13(1)

**of the Access to Information
de la Loi sur l'accès à l'information**

Uplands Dr -Parcels A & B (airport lands) END

PINs 040550319; 040550320

Overview	
Description – Vacant parcels located immediate east of the Ottawa International Airport	
Land Owner – Federal Govt, leased by Airport Authority	
Acquisition Cost – land lease (\$/ac tbd) until 2077	
	
Criteria	Meets Partially meets Does not meet
Distance to existing facility (<40 km)	Approximately 1.6 km driving distance to the existing OCDC.
Size (>50 acres)	Parcel A, 40 acres; Parcel B, 52 acres
Frontage / Site Access	Parcel A has a adequate frontage on Uplands to provide access; Parcel B potentially has frontage if developed together with Parcel C
Municipally serviced	Access to municipal sanitary and water services. Availability of stormwater facilities requires further investigation.
Access to public transit	Access to public transit (bus) on Uplands LRT extension is proposed along south perimeter of Property A
Minimal natural heritage constraints and hazards	Parcels are heavily treed. Provincially significant wetland located at northwest corner of Parcel A. Unevaluated wetlands shown on remaining lands, further investigation required
Compatible with adjacent uses	Airport uses to the west and south. The EV Centre is located immediately south of Parcel A (event and conference center). Residential uses are located to the east, open space to the north.
Permissive Official Plan / Zoning (or easily modified for use)	Designated Airport, which permits limited non-aviation employment uses. Lands are within Airport Operating Influence Zone, which generally does not permit new 'noise sensitive uses' however Airport Authority has indicated a correctional centre may be permitted subject to further review. Parcel C and south part of Parcel B within the 35 MFP Line where development is restricted. Zoned I1A – Air Transportation Facility Zone.

Overall Recommendation

Further investigation of Parcels A & B recommended to confirm constraints related to natural features, LRT alignment and airport restrictions

Uplands Drive - Considerations

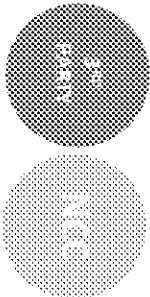
- ▶ Parcel A and north portion of Parcel B are within the Airport Operating Influence Zone, which generally does not permit noise-sensitive uses. Preliminary consultation with the Airport Authority indicates that a correctional facility may be permitted given that the residential component is temporary and noise impacts can largely be mitigated, however further discussion and review is required specific to this site.
- ▶ Parcel A has the highest development potential, however total available area is 40 acres and may be constrained by wetlands (unevaluated wetlands shown on majority of the parcel) and proposed LRT station. Further investigation is required to understand if the proposed facility could be accommodated.
 - City has significant concerns with locating a correctional centre on lands that are meant to be a 'gateway' to the city, when visitors arrive by air and LRT
 - The lands would be subleased by the Airport Authority, who has a lease with the NCC. The NCC retains the right to review the design of proposed new uses
 - High level test fit is recommended once opportunities/constraints are better understood

**Pages 151 to / à 152
are withheld pursuant to section
sont retenues en vertu de l'article**

13(1)

**of the Access to Information
de la Loi sur l'accès à l'information**

Walkley and Hawthorne Roads – Potential Assembly



PIN 043280158

Overview	
Description – potential land assembly located just west of Hwy 417, includes an 18 ac NCC parcel that is for lease	
Land Owner – NCC, CN Rail, City of Ottawa, Degréville	
Acquisition Cost – unknown	
Criteria	
Distance to existing facility (<40 km)	Meets Partially meets Does not meet Meets Approximately 6 km driving distance to the existing OCDC.
Size (>50 acres)	Meets Partially meets Does not meet Partially meets Assembly would total approximately 60 acres, irregularly shaped
Frontage / Site Access	Meets Partially meets Does not meet Does not meet NCC parcel has frontage on Walkley to north and Hawthorne to west. No current access point.
Municipally serviced	Meets Partially meets Does not meet Does not meet Access to municipal sanitary and water services. Availability of stormwater facilities requires further investigation.
Access to public transit	Meets Partially meets Does not meet Does not meet Close proximity to bus routes.
Minimal natural heritage constraints and hazards	Meets Partially meets Does not meet Does not meet Appears to be relatively unconstrained
Compatible with adjacent uses	Meets Partially meets Does not meet Does not meet Residential uses to north, commercial to west, and open space to south and east. William E. Hay Centre located southwest of the NCC parcel. Freight rail ROW a busy thoroughfare to the south (to be decommissioned), active passenger rail ROW a busy site to east.
Permissive Official Plan / Zoning (or easily modified for use)	Meets Partially meets Does not meet Does not meet Land are within the Urban Boundary. NCC parcel is designated General Urban Area and zoned General Mixed Use. Rezoning would be required however no major policy constraints. Remaining parcels are designated Urban Employment and zoned combination of Open Space and Industrial.

Overall Recommendation

RECOMMENDED for further consideration, pending test fit.

Waldley and Hawthorne - Considerations

- ▶ NCC parcel is available and publicly listed for lease; CBRE has been in discussions with surrounding land owners and believes approximately 40 acres is available
- ▶ Freight rail spur ROW that bisects the site is decommissioned and available for sale. Rail ROW along south perimeter of the site is expected to be fully decommissioned by 2020 and will also be available. A passenger train ROW abuts the site to the east and will remain active.
- ▶ Proposed assembly is irregular in shape
 - High level test fit is underway to determine if facility could be accommodated given site configuration; setback (30m) and noise mitigation requirements from the active rail line to the east
- ▶ Proposed assembly involves multiple owners who have indicated a desire to sell; the Province will have to move quickly to secure the site while still undertaking the necessary due diligence

**Pages 155 to / à 156
are withheld pursuant to section
sont retenues en vertu de l'article**

13(1)

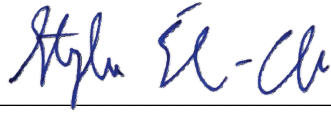
**of the Access to Information
de la Loi sur l'accès à l'information**

Exhibit "G"

Referred to in the affidavit of

Lisa Gallant

affirmed December 15, 2022

A handwritten signature in blue ink, appearing to read "Stephen El-Chi", is written above a horizontal line.

Commissioner for Taking Affidavits (or as may be)

Ministry of the Solicitor General ministère du Solliciteur général

Freedom of Information and
Protection of Privacy Services
200 First Avenue West
North Bay ON P1B 3B9

Telephone (705) 494-3080
Toll Free 1-855-273-3080
Facsimile (705) 494-3082
Email: foi.solgen@ontario.ca

Services d'accès à l'information et de la
Protection de la vie privée
200 First Avenue West
North Bay ON P1B 3B9

Téléphone (705) 494-3080
Sans Frais 1-855-273-3080
Télécopieur (705) 494-3082
courriel: foi.solgen@ontario.ca

**SUPPLEMENTAL DECISION LETTER**

October 5, 2022

Lisa Gallant
145 Raina Way
Kemptville, Ontario K0G 1J0

Dear Lisa Gallant:

**SUBJECT: REQUEST NUMBER SOLGEN-A-2020-04716
APPEAL NUMBER PA21-00346**

This letter is in response to your request submitted to the Ministry of the Solicitor General (the Ministry) under the Freedom of Information and Protection of Privacy Act (the Act) and your subsequent appeal to the Information and Privacy Commission of Ontario (IPC).

During the course of mediation, you advised that correspondence regarding the new Ontario correctional facility to be located in Kemptville was not provided. Please note that the Ministry conducted an additional search for responsive records and are now in possession of the requested correspondence. Please be advised that access to the requested records is denied.

Access to the responsive information is denied in accordance with section(s) 12(1), 13(1), 17(1) of the Act as follows:

12(1)

A ministry shall refuse to disclose a record where the disclosure would reveal the substance of deliberations of the Executive Council or its committees.

13(1)

A ministry may refuse to disclose a record where the disclosure would reveal advice or recommendations of a public servant, any other person employed in the service of an institution or a consultant retained by an institution.

Lisa Gallant
Page two

17(1)

A ministry shall refuse to disclose a record that reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly, where the disclosure could reasonably be expected to

- a) prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person,
- b) result in similar information no longer being supplied to the institution where it is in the public interest that similar information continue to be so supplied; or
- c) result in undue loss or gain to any person, group, committee or financial institution or agency;

This access decision was made by the undersigned. You are entitled to appeal this decision within 30 days to:

Information and Privacy Commissioner/Ontario (IPC)
2 Bloor Street East, Suite 1400
Toronto, ON M4W 1A8
(416) 326-3333 / Toll Free: 1-800-387-0073
Online: www.ipc.on.ca

Should you decide to file an appeal, please provide the IPC with the following information:

- 1) a copy of this decision letter;
- 2) a copy of your original request for access to information;
- 3) the mandatory appeal fee of \$25.00 in the form of a cheque or money order payable to the Minister of Finance.

If you have any questions regarding your request, please contact, Kate Franklin, Mediator, Information and Privacy Commissioner/Ontario (IPC), at 437-241-5429 or Tracy.Buttigieg@ontario.ca.

Sincerely,



Noel Kent
Senior Manager
Freedom of Information and
Protection of Privacy Services

cc: Kate Franklin, Mediator, IPC

VICTOR LACHANCE and KIRK ALBERT *and* **SOLICITOR GENERAL OF ONTARIO** **OF ONTARIO and ATTORNEY**
Applicants *Respondents*

**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

Proceeding commenced at Ottawa

AFFIDAVIT OF LISA GALLANT
(Affirmed December 15, 2022)

SICOTTE GUILBAULT LLP
1-5925 Jeanne d'Arc Blvd.
Ottawa ON K1C 6V8

Stéphane Émard-Chabot
(LSO #33909U)
semard-chabot@sicotte.ca
Tel: 613.368.4309

Lawyers for the Applicants

**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

BETWEEN:

**VICTOR LACHANCE and
KIRK ALBERT**

Applicants

– and –

**SOLICITOR GENERAL OF ONTARIO and
ATTORNEY GENERAL OF ONTARIO**

Respondents

**AFFIDAVIT OF LISETTE MAJOR
(Affirmed December 15, 2022)**

I, Lisette Major, of the Municipality of North Grenville, in the Province of Ontario, SOLEMNLY AFFIRM AS FOLLOWS:

1. I am a member of the unincorporated, grassroots community group known as the Coalition Against the Proposed Prison (CAPP) and have been since October 2020.
2. I am primarily responsible for managing CAPP's website, which I created and launched on December 1, 2020.
3. The purpose of the website has been to provide information to residents about the proposed jail so that they could make informed decisions about the province's proposed plan.
4. I have also been involved in producing content for the website, notably videos with messages about the proposed jail, since December 20, 2020. To date, I have produced 76 videos,

ranging from informational clips about the proposed jail to interviews with local residents and advocacy messages in opposition to the proposed jail project. A complete list of the videos I produced can be found at **Exhibit A** of this affidavit.

5. Under the auspices of CAPP, I created CAPP-branded YouTube and Twitter accounts in December 2020. The Instagram account was created in May 2021 and the TikTok account in September 2021. CAPP has received some submissions from guest producers, but for the most part, I create the videos and descriptions on these platforms.

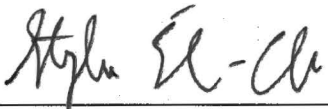
6. In addition to these activities, after the November 17, 2021, engagement session hosted by the Ministry of the Solicitor General (SolGen), where no answers were provided to our questions (the list of questions I send by email in advance of this session can be found at **Exhibit B**), I acted as the coordinator of the 14 various Freedom of Information (FOI) requests made by 10 different residents, including myself, in search of information and answers from SolGen and Infrastructure Ontario (IO) about the proposed jail. I produced and maintained a record of all the FOI requests known to me. The spreadsheet (chart) of these FOIs, with their status as of the time of this affidavit, is attached as **Exhibit C**.

7. To date, trying to get meaningful responses from the Province to the FOIs has taken substantial time, and has produced little in the way of information or answers to specific questions about the proposed jail. Responses, most often, cite “third-party interest” or “no records found”. For example, in the case of an applicant who was looking for due diligence records on archeological investigations of the proposed jail site – which were explicitly referenced in the Province’s Nov 2020 and Nov 2021 “Due Diligence” PowerPoint slides – SolGen sent a notice

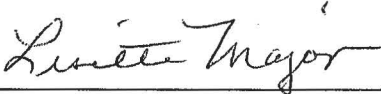
that no records were found. Infrastructure Ontario, in turn, also claimed that no records were found. The slides used on November 17, 2021, also stated that "Field investigations are complete".

8. When the same resident then applied to the Ministry of Agriculture, he was told that no records were found there and that "the Ministry of the Solicitor General is doing all investigations and assessments currently being done on the property, and they retain jurisdiction over the records produced."

AFFIRMED remotely by Lisette Major stated as)
being located in the Municipality of North)
Grenville, in the Province of Ontario, before me)
at the City of Ottawa in the Province of Ontario,)
on December 15, 2022 in accordance with O.)
Reg 431/20, Administering Oath or Declaration)
Remotely.)



Commissioner of Oaths (or as may be))



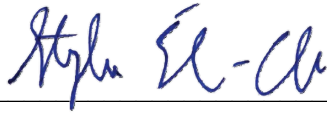
LISETTE MAJOR

Exhibit "A"

Referred to in the affidavit of

Lisette Major

affirmed December 15, 2022

A handwritten signature in blue ink, appearing to read "Stephen El-Chi", is written above a horizontal line.

Commissioner for Taking Affidavits (or as may be)

DATE	YOUTUBE VIDEO TITLE
1 Dec 20, 2020	Paul Cormier, M.A., M.Ed., RANA Development Inc., Agritech Alliance Canada, CAPP event, Dec 8, 2020
2 Dec 20, 2020	Justin Piché, PhD, Associate Professor of Criminology, University of Ottawa, CAPP event, Dec 8, 2020
3 Dec 20, 2020	Kirk Albert, Jail Opposition Group and local Kemptville resident
4 Dec 20, 2020	Marie-Thérèse Voutsinos, B.Sc. Biol., Agr., M.Sc. Agr and local resident, CAPP event, Dec 8, 2020
5 Dec 20, 2020	Vice-Chief Beaudin of the Congress of Aboriginal Peoples, CAPP event, Dec 8, 2020
6 Dec 20, 2020	Bryonie Baxter, Former Executive Director, Elizabeth Fry Society and local resident, Dec 8, 2020
7 Dec 20, 2020	Professor Aaron Doyle, Ph.D., Professor of Sociology, Carleton University, CAPP event, Dec 8, 2020
8 Feb 7, 2021	Colleen Lynas' introduction to CAPP's Feb 2nd event
9 Feb 7, 2021	Janjala Chirakijja, Ph.D, Lecturer, Monash University, CAPP event, Feb 2nd, 2021
10 Feb 7, 2021	Are there any impacts on housing prices in small town when a prison is built? CAPP Forum Feb 2, 2021
11 Feb 7, 2021	Cathy Robinson and Lydia Dobson, CAPP Information and Discussion forum, Feb 2, 2021
12 Feb 7, 2021	Is it possible there are some economic conflicts of interest? CAPP Public forum Feb 2, 2021
13 Feb 7, 2021	Where is municipal council on this issue? CAPP Public Forum Feb 2, 2021
14 Feb 7, 2021	Vanessa, CAPP Public Information and Discussion forum, Feb 2, 2021
15 Feb 7, 2021	This is not a done deal! CAPP Public Forum Feb 2, 2021
16 Feb 7, 2021	Laura Beach, Ph.D.(c), CAPP Public Information and Discussion forum, Feb 2nd, 2021
17 Feb 7, 2021	Aaron Doyle, Ph.D., Assoc. Prof., Carleton Uni., CAPP Information and Discussion forum, Feb 2, 2021
18 May 2, 2021	WHY THE FORD CLARK PRISON IS A BAD IDEA
19 Sep 11, 2021	THE VOICES OF KEMPTVILLE - RESIDENTS SPEAK OUT: STOP THE KEMPTVILLE PRISON!
20 Oct 25, 2021	CFRC radio interview with Colleen Lynas (CAPP) and Justin Piché (CPEP)
21 Oct 26, 2021	Kirk Albert, Brockville NO PRISON Rally October 15th, 2021
22 Nov 4, 2021	No prison rally, Brockville, Ontario Oct 15 2021
23 Nov 22, 2021	November 17, 2021 Engagement Session: Colleen Lynas calls out MPP Clark
24 Nov 24, 2021	Eastern Ontario Correctional Complex Public Engagement ON Solicitor General 17 November 2021
25 Nov 24, 2021	Sol Gen Nov 17 2021 Q&A
26 Nov 24, 2021	Victor Lachance lists questions not yet answered at Sol Gen's "Engagement" session on Nov 17 2021
27 Nov 24, 2021	Kirk Albert: Sol Gen's "Engagement" session Nov 17, 2021 on the proposed prison in Kemptville
28 Nov 24, 2021	CAPP's Colleen Lynas calls out MPP Steve Clark
29 Jan 7, 2022	"This is a disaster" Part 2: the current conditions in Canadian jails with the spread of COVID 19
30 Jan 8, 2022	Colleen Lynas opening remarks: Kemptville NO PRISON rally, Nov 13, 2021
31 Jan 8, 2022	Chris Wilson: Kemptville NO PRISON rally, Nov 13, 2021
32 Jan 8, 2022	Sarah Bowie: Kemptville NO PRISON rally, Nov 13, 2021
33 Jan 8, 2022	Don Sherritt: Kemptville NO PRISON rally, Nov 13, 2021
34 Jan 8, 2022	Kirk Albert: Kemptville NO PRISON rally, Nov 13, 2021
35 Jan 8, 2022	Victor Lachance: Kemptville NO PRISON rally, Nov 13, 2021
36 Jan 8, 2022	Colleen Lynas on Truth and Transparency: NO PRISON RALLY Nov 13 2021
37 Jan 13, 2022	"This is a disaster" Part 1: The terrible COVID 19 situation in Canadian prisons
38 Jan 13, 2022	Kemptville Prison Engagement Session Q&A 26 November 2020
39 Jan 13, 2022	Nov 17 2021 Public "Engagement" session with Sol Gen
40 Jan 14, 2022	Colleen Lynas opening remarks: Brockville NO PRISON rally, Oct 15, 2021
41 Feb 10, 2022	Arguments against Doug Ford's Ontario prison plan (CFRC radio interview)
42 Feb 17, 2022	Don't be gaslighted by the province - taxpayers WILL pay for policing costs for prison
43 Mar 9, 2022	NORTH GRENVILLE STRATEGIC PLAN: IGNORE PROPOSED PRISON
44 Mar 17, 2022	MISSING: MPP CLARK
45 Mar 24, 2022	TRANSPARENCY: FAIL
46 Mar 29, 2022	MYTH-BUSTING ON THE PROPOSED KEMPTVILLE PRISON
47 Mar 30, 2022	RESPECT: APPARENTLY NOT FOR THE RESIDENTS OF KEMPTVILLE
48 Apr 11, 2022	KEMPTVILLE COUNCIL TRIES TO SELL STEVE CLARK AND DOUG FORD'S PRISON VISION
49 Apr 26, 2022	DOUG FORD'S PRISON PLAN IS A PROBLEM (Reasons might shock you)
50 May 17, 2022	SIX MONTH AND STILL WAITING FOR STEVE CLARK
51 May 20, 2022	Save the Farmland rally April 12, 2022 - Introduction
52 May 22, 2022	Save the farmland says Marie-Thérèse Voutsinos
53 May 23, 2022	Freedom of information requests: what is the Ford government hiding and why?

54 May 23, 2022	Save the Farmland rally April 12, 2022: John Gagnon
55 May 24, 2022	Josh Bennett, Liberal candidate, speaks at Save the Farmland rally
56 May 24, 2022	Chris Wilson, NDP candidate, speaks at Save the Farmland rally Apr 12 2022
57 May 25, 2022	PRESERVE OUR FARMLAND AND STOP THE PROPOSED KEMPTVILLE PRISON
58 May 26, 2022	Green groups who have joined the call
59 May 26, 2022	Victor Lachance and Ralph Raina, April 12th SAVE THE FARMLAND Rally
60 May 28, 2022	Proposed Kemptville prison: Costs to be borne by local North Grenville taxpayers
61 Jun 1, 2022	TIME TRAVEL BACK TO 2014! What happened to Steve Clark?
62 Jun 22, 2022	Bill Dobson, Reeve of Montague township, farmer
63 Jun 24, 2022	A MESSAGE FOR DOUG FORD
64 Jun 27, 2022	Save the Farmland Rally: Amanda Wilson, Associate Professor at St Paul University
65 Jul 2, 2022	Kirk Albert, Save the Farmland rally, June 4, 2022
66 Aug 4, 2022	LEGACY
67 Aug 6, 2022	ONE MOTHER'S STORY
68 Aug 15, 2022	WHAT THE DOES DOES (OPEN LETTER TO DOUG FORD - Bo Burnham Parody)
69 Aug 17, 2022	Press Conference - Full version - "Proposed provincial prison in Kemptville is illegal"
70 Aug 22, 2022	CAPP AND JOG August 15th Press Conference
71 Sep 5, 2022	REALITY CHECK: Distance to Ottawa courthouse
72 Sep 7, 2022	Prisoners' Justice Day Vigil 2022: COLLEEN LYNAS
73 Sep 17, 2022	TEN MONTH AND COUNTING - STILL WAITING FOR STEVE CLARK
74 Sep 22, 2022	Bill Dobson, Reeve of Montague township: interview on Heritage Valley Radio
75 Sep 27, 2022	IMAGINE
76 Nov 17, 2022	A SHAMEFUL ANNIVERSARY (ONE YEAR AND STILL WAITING) - MPP STEVE CLARK FAIL

CAPP YOUTUBE LINK:

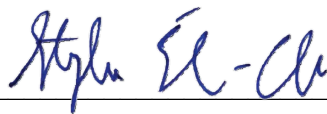
<https://www.youtube.com/@cappkemptville>

Exhibit "B"

Referred to in the affidavit of

Lisette Major

affirmed December 15, 2022

A handwritten signature in blue ink, appearing to read "Stephen El-Chi", is written above a horizontal line.

Commissioner for Taking Affidavits (or as may be)

EXHIBIT B

1. Why did the Ministry not want to consult or engage the community before going ahead with your plans for a prison?
2. The Ministry of the Solicitor General apparently looked at 100 other potential sites for the proposed prison. Can you tell us which ones these were and why each one was rejected?
3. What research are you relying on to support your claims of economic benefits to the community?
4. Do you intend to preserve the buildings that are on the proposed prison site?
5. The Ontario Government has recently proposed a weakening of the way environmental assessments will be carried out. Will the government use these watered-down environmental protections or the existing ones?
6. I've heard that the old Burritt's Rapids prison had a big impact Kemptville hospital. Won't this new prison do the same, or worse?
7. How will prisoners of all ages and their families have access to support services in Kemptville?
8. Aren't prison jobs offered to existing provincial government employees anywhere in the province before hiring any local people?
9. Will Kemptville have to increase its policing services?
10. Will the Ministry undertake an agreement with the Municipality that if this proposed prison goes ahead, it will not be expanded beyond its proposed number of beds?
11. How will the Ministry ensure that this proposed prison won't become overcrowded? What will you do if it does get overcrowded?
12. Isn't it a better use of our taxes to prevent people from going into prison in the first place?

Exhibit "C"

Referred to in the affidavit of

Lisette Major

affirmed December 15, 2022

A handwritten signature in blue ink, appearing to read "Stephen El-Chi", is written over a horizontal line.

Commissioner for Taking Affidavits (or as may be)

FOI REQUESTS													
Request #	1	2	3	4	5	6	7	8	9	10	11	12	13
Name of applicant	Lisette Major	Colin Creevy	Chris Wilson	Larry Belzac	Rodger Parnell	Stuzanne Gahagan	John Gagnon	Lisa Gallant	Victor Lachance	Victor Lachance	Victor Lachance	Larry Belzac	
Document requested:	Planning / Site Servicing / Transportation Reporting	Land Survey / Topographic Plan	Geotechnical / Environmental Drilling	Designated Substance Surveys	Archaeological Investigation	Natural Heritage Survey	Class Environmental Assessment	Any and all documentation including reports, reviews, analysis, emails, messages, briefing	Letters, emails, meeting notes between SolGen and CEPEO (Ottawa)	Letters, emails, meeting notes between SolGen and CDSBEO (Kemptville)	Letters, emails, meeting notes between SolGen and UCDSB (Brockville)	All records between gov and KDH and municipallity and KDH & internal documents	Water treatment plan
Request tracking	Sol Gen	Sol Gen	Sol Gen	Sol Gen	Sol Gen	Sol Gen	Sol Gen	SolGen	CEPEO (French public board)	CDSBEO (English Catholic board)	UCDSB (English public board)	Kemptville District Hospital	North Grenville
Date of request + \$5 application fee submission:	2022-02-12	2022-01-09	2022-01-19	2022-01-20	2022-01-06	2022-01-16	2022-01-04	2020-11-27	2022-02-15	2022-02-16	2022-02-15	2022-03-25	2022-03-11
Date that SolGen/other acknowledged receipt:	2022-02-16	2022-01-09	2022-01-21	2022-01-24	2022-01-11	2022-01-19		Dec 14 - SolGen	2022-02-28	2022-02-16	2022-02-22		2022-03-29
Request Number:	SOL GEN-A-2022-	SOL GEN-A-2022-	SOL GEN-A-2022-	SOL GEN-A-2022-00270	SOL GEN-A-2022-00077	SOL GEN-A-2022-00192		SOL GEN A 2020-04716			FOI2022-01		
Submission ID#:	ID#2022021210420867	ID#20220109134807			ID# 2022010614149999				# 22-04-A1				
Amount and date of request processing fee estimate:		\$300 2022-01-13. Have until 2022-02-14 to accept			2022-01-13 Fee estimate of \$300.00, requiring 50% deposit of \$150.00 and giving date of February 14, 2022, to reply before they consider application abandoned.	The total estimated fee for the information requested is \$300.00 Your written acceptance of this fee estimate together with a deposit of \$150.00. Deadline: February 22, 2022.	\$300 2022-01-13. Have until 2022-02-14 to accept	\$600 - Dec. 15 2020	Selon nos estimations préliminaires, le traitement de votre demande exigera des frais de 150,00\$		2022-03-02 Section 45 of the Act requires fees to be charged for processing a request. The fee estimate for processing this request is \$223.20. Send 50% now.		
Date of first payment and amount:		2022-01-28 \$150 (See below - cheque to be returned)			2022-01-28 \$150 (See below - cheque to be returned)	2022-02-10 Please be advised that we have reviewed your request and will be waiving the fee initially issued. We will	2022-01-27 \$150 (total fee \$300) but they are waiving the remainder June 2, 2022 .	\$300 - Jan 11 2021	2022-03-08 \$150		2022-03-10 \$111.60		
Date of second payment and amount:	2022-03-17 The ministry believes that your access request may affect the interests of one or more affected third parties . In accordance with section 28 of the Act, the affected third party (or parties) has been notified in writing and given an opportunity to make representations concerning disclosure of the requested information. The ministry will respond to your request and advise whether or not the information will be released by May 2, 2022 .				2022-02-11 Email from Sol Genf was advised that the ministry is not in possession of these records and I cannot answer why Infrastructure Ontario do not have any records. "Once you received your decision letter, you can appeal on the basis of search. The questions that you are asking about what is being done on location is not something that I can answer. Our responsibility is to respond to FOI requests and this is done on the information provided to our office by the program area."		I spoke with Tracy Buttrigg earlier this week 22-01-31. She said they were working on the release of the information. She is unable to provide an exact date.	April 15 - Notice that rest of fee may be waived. Release package included confirmation that fee was waived.					
Nature and date of clarification request (if available):					2022-02-11 Please be advised that our records indicate that Tracy issued a no records exist decision to you on February 8, 2022. You may wish to submit a request with Infrastructure Ontario.		2022-02-22 Please be advised that an extension of time is required in order for the Ministry to process your request. The time extension is required because the request is for a large number of records or necessitates a search through a large number of records and meeting the time limit would unreasonably interfere with the operations of the institution.						
Revised scope of request (if applicable):		13(1), 17(D)(b) and c), 18(D)(c), d) and e may be redacted											
Length and date of extension request (if applicable):													

Request tracking	Infrastructure Ontario	Infrastructure Ontario	Infrastructure Ontario	Infrastructure Ontario	Infrastructure Ontario	Infrastructure Ontario	Infrastructure Ontario	Infrastructure Ontario	Infrastructure Ontario	Infrastructure Ontario	Infrastructure Ontario	Infrastructure Ontario	Infrastructure Ontario	Infrastructure Ontario	Infrastructure Ontario	Infrastructure Ontario	Infrastructure Ontario	Infrastructure Ontario	Infrastructure Ontario	Infrastructure Ontario
Date of request + \$5 application fee submission:	2022-02-12 (email)	2022-01-10 (email and trail)	2022-01-19	2022-01-20	2022-01-10 (email and CP trail)	2022-01-16	2022-02-21													
Date that Infrastructure Ontario acknowledged receipt:	2022-03-01 (email)	2022-01-10 (email)	2022-01-25	2022-01-21	2022-01-10	2022-01-17 FREEDOM OF INFORMATION REQUEST 22-019	2022-03-04	Dec 10 2020												
Infrastructure Ontario Legal File #:	FOI-2022-12	FOI-2022-04	FOI-2022-09	FOI-2022-08	FOI-2022-03	FOI-2022-07	FOI-2022-14	MOI 20-05												
Further correspondence	2022-03-31 Upon review of the responsive record located, it is apparent that disclosure of the records may affect the interest of third parties. The third parties whose interests may be affected must be given the opportunity to make representations about the release of the records affecting their interests. As a result, notification under section 28 of FIPPA has been carried out. A copy of section 28 of FIPPA is enclosed for your reference. You should received the final decision.	2022-02-03 Upon review of the responsive record located, it is apparent that disclosure of the records may affect the interest of third parties. The third parties whose interests may be affected must be given the opportunity to make representations about the release of the records affecting their interests. As a result, notification under section 28 of FIPPA has been carried out.	2022-01-03 Upon review of the responsive record located, it is apparent that disclosure of the records may affect the interest of third parties. The third parties whose interests may be affected must be given the opportunity to make representations about the release of the records affecting their interests. As a result, notification under section 28 of FIPPA has been carried out.	2022-02-02 Upon review of the responsive record located, it is apparent that disclosure of the records may affect the interest of third parties. The third parties whose interests may be affected must be given the opportunity to make representations about the release of the records affecting their interests. As a result, notification under section 28 of FIPPA has been carried out.	2022-02-09 IO conducted a records search and we have no responsive records.	2022-02-03 Upon review of the responsive record located, it is apparent that disclosure of the records may affect the interest of third parties. The third parties whose interests may be affected must be given the opportunity to make representations about the release of the records affecting their interests. As a result, notification under section 28 of FIPPA has been carried out.		Acknowledgement and immediate transfer to SolGen. No further correspondence from IO.												
Amount and date of request processing fee estimate:						2022-02-17 IO has completed its record search and requires additional time to comply with the request.														
Nature and date of clarification request (if applicable):																				
Revised scope of request (if applicable):																				
Length and date of extension request (if applicable):		2022-02-08 IO has completed its record search and requires additional time to comply with the request, pursuant to subsections 27(1)(b) of FIPPA. As a result, an additional thirty (30) days is required to comply with your request...an access		2022-02-18 IO has completed its record search and requires additional time to comply with the request, pursuant to subsections 27(1)(b) of FIPPA. As a result, an additional thirty (30) days is required to comply with your request...an access decision is due on March 21, 2022.																

Date of record disclosure/completion:	2022-05-02 FINAL ACCESS DECISION IO is denying access to the responsive record pursuant to section 17 (Third Party Information) and section 18 (Economic interests of Ontario) of FIPPA. Enclosed, for ease of reference, please find a copy of these exemptions. Note: called on May/6th to see if they received the appeal I mailed on May 2nd, 2022. Will call back. Joshua Webster called on May 20. He said they still have not received the letter but the process has started with the email does that were sent in. He said after the receive the	2022-03-09 FINAL ACCESS DECISION After conducting a thorough and meaningful records search, IO identified four (4) record responsive to your request. IO is denying access to the responsive record pursuant to section 17 (Third Party Information) and section 18 (Economic interests of Ontario) of FIPPA.	2022-03-21 FINAL ACCESS DECISION After conducting a thorough and meaningful records search, IO identified one (1) record responsive to your request. They claim disclosure of the records will cause economic or financial harm to the province. IO is denying access to the responsive record pursuant to section 17 (Third Party Information) and section 18 (Economic interests of Ontario) of FIPPA. Enclosed, for ease of reference, please find a copy of these exemptions. They claim disclosure of the records will cause economic or financial harm to the province	2022-02-09 FINAL ACCESS DECISION IO conducted a records search and we have no responsive records.	2022-03-21 FINAL ACCESS DECISION After conducting a thorough and meaningful records search, IO identified one (1) record responsive to your request. IO is denying access to the responsive record pursuant to section 17 (Third Party Information) and section 18 (Economic interests of Ontario) of FIPPA. Enclosed, for ease of reference, please find a copy of these exemptions. In making its access decision, IO reviewed the information contained in the responsive record, the response from affected ministers, the applicable sections of FIPPA	2022-03-31 FINAL ACCESS DECISION A records search has been conducted and no responsive records were located for this request			Catholic School Board response: 3rd party refusal, from an unnamed ministry. Only sent the PPT presentation to school boards, with one redaction at page 35. Facility profile. We should compare the presentations with the one(s) used for the engagement session(s). "No correspondence of any kind released. This information is subject to exemption from disclosure in accordance with section(s) 13(1), 14(1)(c), 14(1)(d), 14(1)(e), 14(1)(f), 14(1)(g) of the Freedom of Information and Protection of Privacy Act (the Act). Access to part of the responsive information												
Justifications for withheld records (if applicable):	Third party interest.	Third party interest	Third party interest	No responsive records					Third party interest												
1st IO Appeal to Information and Privacy Commission (IPC)		2022-03-24 \$25			2022-05-04 \$25		5/2/2022 \$25	4/29/2022 \$25	2021-07-21	2022-04-01 \$25	Mar 31 2020 \$25										
Date that IPC/other acknowledged receipt:	May 27, 2022	Mar 24, 2022				May 2, 2022	Apr 21, 2022		2021-07-22	2022-04-14											
Submission ID#:	PA22-00197	PA22-00120	PA22-00153		PA22-00165		PA22-00165		PA21-00346		MA22-00218										
Amount and date of request processing fee estimate:									na												
Nature and date of clarification request (if applicable):									Mediator Assigned Nov 2 2021												
Revised scope of request (if applicable):		Dec 5, 2022 IPC email: As per our discussion, here is some information on section 18 and the public interest. I will work on the mediator's report to move your file to the next stage of the process. I should have that to you shortly. During our conversation, you confirmed that that							Allow for the redaction of proper names from correspondence												
Date of record disclosure/completion:									2022-04-25												
Justifications for withheld records (if applicable):									Sec 12(1) and 13(1)												
Date release package received									April 25, 2022												

Request tracking	Ministry of Agriculture, Food & Rural Affairs	Ministry of Agriculture, Food & Rural Affairs	Ministry of Agriculture, Food & Rural Affairs	Ministry of Agriculture, Food & Rural Affairs	Ministry of Agriculture, Food & Rural Affairs	Ministry of Agriculture, Food & Rural Affairs
Date of request + \$5 application fee submission: Date that SolGen/other acknowledged receipt:				2022-02-16		
Request Number:				Request #22-04		
Submission ID#:						
Amount and date of request processing fee estimate: Date of first payment and amount:						
Date of second payment and amount:						
Nature and date of clarification request (if applicable):						
Revised scope of request (if applicable):						
Length and date of extension request (if applicable):						
Date of record disclosure/completion:				2022-03-14 Staff in the Ministry conducted a search for records based on the wording and timeframe of your request. As a result of that search, no records were found to be responsive to your request. All investigations and assessments currently being done on the property are being done by the Ministry of the Solicitor General and no records were found to be responsive to your request.	Oct 5 Please note that the Ministry conducted an additional search for responsive records and are now in possession of the requested correspondence. Please be advised that access to the requested records is denied	
Justifications for withheld records (if applicable):						TBD
DOCUMENTS RECEIVED	Lisette	Colin	Chris	Larry	Rodger	Suzanne
	Acknowledgement SolGen	Acknowledgement SolGen	Acknowledgement SolGen	Acknowledgement SolGen	Acknowledgement Sol Gen	Acknowledgement SolGen
	Notice of 3rd party		SolGen partial trans to IO		No record located @ SolGen	No records located @ SolGen
		Feb 15 2022 No records located @ SolGen			No record located @ SolGen	No records located @ SolGen
						June 2, 2022 Release package (Nov 17 2021 slides)
						June 2, 2022 letter
	Acknowledgement IO	Acknowledgement IO	Acknowledgement IO	Acknowledgement IO	Acknowledgement IO	Acknowledgement IO
	Notice of 3rd party IO	Notice of 3rd party IO		Notice of 3rd party IO		Notice of 3rd party IO
		Extension IO		Notice of Time Extension IO		IO
	Final Access Decision IO	Final Access Decision IO	Final Access Decision IO	Final Access Decision IO	Final Access Decision IO	Final Access Decision IO
				Appeal Acknowledgement		Letter - notice of appeal
					Acknowledgement Agri Final Access Decision.	
SOL GEN 1st (IPC) Information and Privacy Commissioner APPEAL	First release package (SOL GEN)					2nd release package 93 pages (view in PDF format)

VICTOR LACHANCE and KIRK ALBERT *and* **SOLICITOR GENERAL OF ONTARIO** **OF ONTARIO and ATTORNEY**
Applicants *Respondents*

**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

Proceeding commenced at Ottawa

AFFIDAVIT OF LISETTE MAJOR
(Affirmed December 15, 2022)

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Lawyers for the Applicants

**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

BETWEEN:

**VICTOR LACHANCE and
KIRK ALBERT**

Applicants

– and –

**SOLICITOR GENERAL OF ONTARIO and
ATTORNEY GENERAL OF ONTARIO**

Respondents

**AFFIDAVIT OF JUSTIN PICHÉ
(Affirmed February 16, 2023)**

I, Justin Piché, of the City of Ottawa, in the Province of Ontario, SOLEMNLY AFFIRM AS FOLLOWS:

Backdrop

1. I am an Associate Professor in the Department of Criminology and Director of the Carceral Studies Research Collective at the University of Ottawa. Among my academic endeavours relevant to this Motion, I am a founding member of the Criminalization and Punishment Education Project (CPEP), which launched the #NOPE / No On Prison Expansion initiative tracking prison construction across Canada that later became the #NOPE / No Ottawa Prison Expansion campaign in May 2017. I have been a member of the Coalition Against the Proposed Prison (CAPP) since CPEP joined it in the fall of 2020. I am also the Co-Editor of the *Journal of Prisoners on Prisons*

(JPP) published by the University of Ottawa Press, which features peer-reviewed articles written by current and former prisoners. Lastly, I am a member of the editorial boards of *Champ pénal / Penal Field*, the *Annual Review of Interdisciplinary Justice Research*, and *Decolonization of Criminology and Justice*, as well as part of the administration committee of the scholarly journal *Criminologie*.

Involvement in the campaign to oppose the replacement of the Ottawa-Carleton Detention Centre with a larger facility

2. Because of my research on prison construction since 2006, as well as advocacy as a founding member of CPEP which has aimed to reduce the use and harms of imprisonment since 2012, I have been actively involved in following events at the Ottawa-Carleton Detention Centre (OCDC) for several years. I co-authored a peer-reviewed paper on a proposed new facility and the campaign to oppose it which can be found at **Exhibit A**.

3. In 2016, after a series of media stories on conditions at the OCDC, the Province created the OCDC Task Force that published an *Action Plan*, which did not include a recommendation for building a new facility. Indeed, then Minister of Community Safety and Correctional Services (MCSCS), Yaser Naqvi, seemed to take the same position by declaring that building a new facility would “fail taxpayers”.

4. However, in May 2017, Minister Marie-France Lalonde, who had recently been appointed to replace Minister Naqvi, announced the construction of a new, 725-bed facility to replace the existing OCDC. The “Ottawa Correctional Complex” (OCC), as it was dubbed, had an estimated cost of up to \$1 billion to design, build, finance, and maintain the facility during a 30-year public-private-partnership (P3) agreement. Information found on an architectural firm’s website revealed

that the Province had, in fact, been planning the new facility since 2016, even as Minister Naqvi was making statements to the contrary.

5. I, along with colleagues and students, immediately began the local #NOPE campaign to oppose the construction of the new facility. Attached as **Exhibit B** is a chronological list of key activities of this campaign which illustrates the network of support for the campaign among Ottawa community organizations. For the sake of brevity, Exhibit B does not include news media coverage generated by the campaign.

6. Among the key events organized under the banner of the *#NOPE / No Ottawa Prison Expansion* campaign, we find a community roundtable attended by representatives from local service providers and organizations in March 2018. We also held a demonstration in April 2018, demanding consultation on ways in which the budget of up to \$1 billion earmarked for the 30-year OCC public-private partnership could instead be spent in the community to enhance our collective well-being and safety.

7. After Premier Doug Ford's election in June 2018, we created infographics and memes as part of our *#got99solutions—a bigger jail ain't one* drive. In this drive, we encouraged Ottawa and Ontario residents to contact Premier Ford and other members of his government to say *#YESS / Yes to Education and Social Services* instead of building a larger site of human caging. Spanning the previous and current provincial governments, we have also written several op-eds demanding that the government *#BuildCommunitiesNotCages*.

8. Not long after the May 2017 announcement, I and other members of #NOPE learned that the MCSCS (which was later renamed the Ministry of the Solicitor General following the 2018 election of the Ford government) had not consulted the municipality or the residents of Ottawa

prior to announcing the construction of the new 725-bed provincial jail. From my assessment of other prison projects in Ontario, unless construction is to take place on the grounds of an existing site of confinement (an approach known as “pre-designation”) – as was the case for the Toronto South Detention Centre project that was built on the grounds of the now closed Mimico Correctional Centre – the preferred approach is one described in prison scholarship as “decide, announce, defend” or “closed siting”, an approach that was specifically critiqued by the #NOPE campaign.

9. Given the apparent speed at which the Province seemed to want to proceed with the OCC, #NOPE also called for a moratorium on the project and for public consultations to determine how to enhance community well-being and safety. Just as was the case for the 27 August 2020 Kemptville prison announcement, we learned, over time, that calls and commitments for meaningful dialogue in the context of the Ottawa facility would be ignored or abandoned.

10. For example, just ahead of 7 June 2018 provincial election, a small stakeholder session was organized by MCSCS at the OCDC on 20 April 2018, to which I was invited. MCSCS essentially tried to convince participants of the merits of the project, hoping to neutralize our opposition and silence our voices prior to the elections.

11. A larger community engagement session at a downtown hotel had been planned by Minister Lalonde and her team for 27 April 2018. It was ultimately cancelled after I sent an email with a list of dozens of community organizations the MCSCS organizers had not invited, and who wanted to voice their views on the proposed OCC. That was essentially the extent of the dialogue with the Ottawa community.

12. The day following the election of a Conservative Government of Ontario on 7 June 2018, our campaign shifted its focus to new Premier Doug Ford, spending each of the next 99 days sharing concrete ways the new administration could enhance community well-being and safety without building a new and bigger jail in Ottawa through our *#got99solutions—a bigger jail ain't one* drive.

13. It is around this time that a notice for another information session on the new Ottawa Correctional Complex disappeared from the Ministry of Community Safety and Correctional Services' website and things went quiet about any further steps towards building a bigger jail in our city.

14. A transition document prepared for the new Solicitor General, Sylvia Jones (who had just replaced Michael Tibollo who had only been in the position from 29 June 2018 to 5 November 2018), entitled "Correction Facilities: New Builds" and dated November 2018, was obtained by #NOPE through a Freedom of Information request. The release package, as we received it, is found at **Exhibit C**. Among the more relevant information contained in the Minister's briefing package (see pages 7 and 13), we find:

- a. As of November 2018, the plan to build the 725-bed Ottawa Correctional Complex was still a Ministry priority.
- b. A preferred site had been identified.
- c. Negotiations for "*acquisition/lease*" were underway, suggesting that the site was not already part of the Province's real estate holdings.

15. A public information session about the OCC never took place and there was little mention of the project for months. In fact, the provincial budget released in April 2019 made no mention of the OCC. In May 2019, the #NOPE campaign obtained an index and records through a Freedom of Information request that identified scenarios for “Site Acquisition”, including one for a site on Russell Road in Ottawa (see page 5 of **Exhibit D**). Yet, as of early 2020, there had been little movement on the new jail plans publicly, other than information from Infrastructure Ontario to the effect that the OCC was coming at some point down the road.

16. It is important to note that there was never a clear press release from the Ministry indicating that the Province was walking away from its OCC plans. Our campaign members only later understood that the shift towards the “Correctional Eastern Capital Strategy” in the “Greater Ottawa Area” noted in the Spring 2020 Market Update released on 18 June 2020 (see **Exhibit E**) signalled that the OCC plans were abandoned once the 27 August 2020 announcement of the “Eastern Region Strategy” was made by the Province, which included the proposed Kemptville facility.

17. Furthermore, provincial officials have never shared why the OCC project was shelved and the strategy rebooted. Was this the result of local opposition like #NOPE, a political desire to have a facility or several smaller facilities placed in different ridings following the election of a new government and/or other considerations? Information obtained to date through FOI requests has not revealed on what grounds or for what reasons the shift in strategy occurred.

18. What the #NOPE campaign and subsequent abandonment of the OCC in favour of the Eastern Region Strategy – that includes the proposed 235-bed Eastern Ontario Correctional Complex in Kemptville, as well as other builds in Brockville and Napanee – shows is that

community organizing can help affect prison infrastructure plans (e.g. “Various community groups and organizations have expressed their concern over the size of the new facility [i.e. the OCC]” – see pages 7 and 13 of Exhibit C). This is why JOG and CAPP members (the latter of which included CPEP members, including myself, involved in the #NOPE campaign) tried various tactics to affect change and obtain fulsome disclosure of information. Given the Province’s botched “community engagement sessions”, robust local opposition, repeated bad press for the government, the land transfer of the Kemptville Agricultural College farmland that was still in play until the end of March 2022, and the outcome of due diligence activities not yet known to the public because of FOI request stonewalling, JOG and CAPP members tried everything they reasonably could to duplicate the outcome in Ottawa before having to resort to costly legal action.

19. The significant change of plans from the Ottawa Correctional Complex (under Premier Wynne) to the Eastern Region Strategy (under Premier Ford), despite the Province having already invested years of effort (see pages 4 and 10 of Exhibit C) and incurred expenses associated with the planned OCC (see pages 2-4 of Exhibit D), had already demonstrated how the outcome of a provincial election could significantly affect prison infrastructure plans. As someone supporting the activities of JOG and involved in CAPP, it was entirely reasonable to focus on the June 2022 provincial election as an opportunity to have the Kemptville facility revisited and, therefore, not explore and pursue legal action until after the outcome of the election was determined, especially given that all opposition parties had expressed their opposition to the Kemptville project.

The Province’s claims of significant sunk costs

20. In its affidavit in support of the Motion, the Province sets out several costs in support of its claim of hardship resulting from the timing of the Application for Judicial Review. While I am not

an expert in this field, as part of my academic work, I have extensively studied the sums required to build and maintain facilities of this type – often to prepare arguments on better, alternate investments for these funds. With this knowledge, I have included the publicly available budget figures for other recent jail projects undertaken by the Government of Ontario in **Exhibit E**. These figures reflect the 30-year lifecycle costs for completed facilities where this amount was available.

21. It is important to point out that no detailed financial information has been provided by the Province regarding the Kemptville proposal.

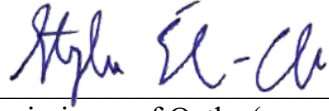
There is no urgency as the Province itself has revised the project timelines

22. Exhibit E shows that the timelines for the proposed Kemptville facility have already been revised – publicly at least – three times. The latest update, in November 2022, extended all the key deadlines. For example, the RFQ (Request for Qualifications) stage, originally scheduled to be launched in Winter 2022, has been pushed back to April-June 2024. The selection of successful Request for Proposals (RFP) bidders has also been deferred to April-June 2026.

23. This type of revision has also occurred in the context of other recent construction projects involving provincial prisons, as demonstrated in the comparative table attached as Exhibit E. The Thunder Bay facility, announced in 2017, is now looking like a 11-year project completion timeframe, with construction slated to be completed by Fall 2026 with additional work required to bring the facility online to follow.

24. Considering the most recent revisions to the Kemptville timelines, a construction completion date approximately 9 years after the August 2020 announcement seems like the most realistic objective if the project moves forward.

AFFIRMED remotely by Justin Piché stated as)
being located in the City of Ottawa, in the)
Province of Ontario, before me at the City of)
Ottawa in the Province of Ontario, on February)
16, 2023 in accordance with O. Reg 431/20,)
Administering Oath or Declaration Remotely.)



Commissioner of Oaths (or as may be)

) 

) Justin Piché (Feb 17, 2023 11:40 EST)

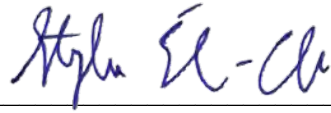
JUSTIN PICHÉ

Exhibit "A"

Referred to in the affidavit of

Justin Piché

affirmed February 16, 2023

A handwritten signature in blue ink, appearing to read "Stéphan É. Cloutier", is written over a horizontal line.

Commissioner for Taking Affidavits (or as may be)

19

THE STRUGGLE OVER THE OTTAWA-CARLETON DETENTION CENTRE

Challenging neutralization techniques,
fighting state inertia

Aaron Doyle, Justin Piché, and Kelsey Sutton

Introduction

The Ottawa-Carleton Detention Centre (OCDC) was envisioned as a progressive “rehabilitation unit” when opened in 1972 (Oliver, 1985, p. 188). Instead, the jail became notorious for its inhumane conditions and the focus of intensive media scrutiny, a series of coroner’s inquests into deaths in custody, numerous legal actions, and a government task force on crowding and poor conditions of confinement. Since 2012, the Criminalization and Punishment Education Project (CPEP) – a group of professors and university students, current and former prisoners, and their loved ones and other community members – has been actively advancing ways to lessen the use and harms of imprisonment at OCDC. Officials and politicians have attempted to deflect our critiques and co-opt alternatives we present. This chapter examines the tactics used by these proponents of incarceration to reproduce the status quo. We begin by reviewing the history of Ottawa’s three jails,¹ the problems plaguing each, and the governmental response – in each case, building a bigger and ‘better’ jail. Next, we locate our work within the abolitionist tradition. We then explore CPEP’s efforts to challenge problems at our local jail and examine the neutralization techniques (Mathiesen, 1990) used by government officials to stifle our efforts. We conclude with a brief discussion of factors that have helped CPEP continue to persist in the face of government tactics and other factors that might thwart change.

The more things change ...

Before Canada was born as a white settler-colonial country in 1867, it was necessary to build a courthouse and a jail to obtain formal county status in Ontario, which was then the province of Upper Canada (Brown, 2006). This drove

construction of Ottawa's first jail in the basement of the courthouse in 1842. For the next 20 years, the courthouse jail became synonymous with unhygienic conditions, with one observer noting that its cells were "damp, dark and unwholesome" (Meredith, 1861, as cited in Oliver, 1998, p. 350). By the late 1850s, crowding had become a fixture in Ottawa's first jail, as authorities responded to a perceived upsurge in 'crime', mostly sex work, drug use, and vagrancy. Government inspectors defined the place as "wretched and poisonous" and "the most abominable jail in the entire province" (Ottawa Citizen, 1862). The jail was subsequently deemed inadequate and a new one was constructed next to the courthouse (Ottawa Citizen, 1862).

Opening in 1862, the new Carleton County Gaol (CCG) was initially praised by local officials and the press. In their 1863 report, inspectors regarded the new jail as a significant upgrade and "probably the best in Canada" (Oliver, 1998, p. 351). However, the CCG soon became known for dehumanizing treatment of prisoners, and deprivations of basic necessities like food (Carleton County Gaol, 1880) and health care (Carleton County Gaol, 1885). Many prisoners became ill (Carleton County Gaol, n.d.) and some died (Ottawa Journal, 1896, 1908; Ottawa Citizen, 1944) in numbers well beyond those of the state executions on its grounds (Ottawa Journal, 1972). By the 1930s, there were calls to replace the jail (Ottawa Journal, 1937). One journalist remarked the jail was "built about 75 years ago to meet the needs of a much smaller population than it serves today ... It is just not adequate for the Ottawa and Carleton of these times" (Ottawa Journal, 1937).

Such calls were acted on decades later when Alan Grossman was Ontario's Minister of Reform Institutions from 1963 to 1968. The provincial government enacted sweeping reforms, including taking over county jails and replacing many with bigger institutions. The CCG – "overcrowded", lacking "plumbing, recreational facilities" and characterized as "a depressing atmosphere" (Ottawa Journal, 1969) – was among the first replaced by Grossman, who believed "new detention centres" would "allow the ministry to institute rehabilitation programs and provide inmates with something to do with their time" (Oliver, 1985, p. 188).

In 1972, the Ottawa-Carleton Detention Centre (OCDC) opened as part of this wave of new "rehabilitation units". It was seen by the provincial government as creating "broad horizons for the introduction of intelligent and humane methods of meeting the needs of those who enter its door" (Oliver, 1985, p. 188). Praise from media across Canada ensued. A *Brandon Sun* newspaper article, entitled "Inmates may want to call this jail home", stated: "Officials at the new [OCDC] are hoping their \$4-million jail with its country-club setting, colour coordinated dormitories, lounges and library will be the kind of place prisoners won't mind calling home" (Brandon Sun, 1972). Locally, news coverage projected certainty that OCDC would result in meaningful change. An *Ottawa Journal* story remarked: "Nestled among the trees ... [OCDC] resembles a high school in design ... it will afford its projected 164 inmates a remarkable degree of freedom, respect and privacy" (Makow, 1972).

Yet, in the following decades, OCDC, and other provincial jails built of the period, have fallen dramatically short of that progressive vision (see Benslimane et al., 2020). Today, the jail is very crowded, chaotic, freezing in winter and boiling in summer, and marked by pervasive filth such as blood, urine, and faeces on the walls, poor air quality, flooding in cells, inadequate laundry, lack of personal hygiene products, and the spread of terrible infections. Around two-thirds of the prisoners in the 585-bed capacity jail on any given day are on remand awaiting court dates, mostly for non-violent offences, due to a massive explosion in the remand population in Ontario in recent decades (Doyle and McKendy, 2019). A quarter to a half of prisoners are living with mental health issues like schizophrenia or bipolar disorder. Prisoners entering the jail are often poor or homeless and/or racialized. As with American prisons, which are part of a broader racialized apparatus of control (Davis, 2003), in Canada prisons are settler-colonial institutions that extend the historic spatialized control, notably of Indigenous peoples through reserves and residential schools (Martel et al., 2011), along with Black people who were historically subject to slavery, segregation and criminalization (Maynard, 2017).

OCDC prisoners often tell us they are treated like dogs. Lack of access to proper medical, mental health and dental care, programming, educational and recreational opportunities, and re-entry supports are consistently cited (Speight et al., 2019a). This situation persists despite a 2004 court ruling that OCDC's conditions did not meet United Nations minimum standards, with Judge Denis Power arguing that the jail brought the administration of justice into disrepute and awarding a prisoner three days credit for each day served there (O'Neill, 2004). Among recent high-profile OCDC atrocities: Christina Jahn – living with mental health issues and diagnosed with cancer – spent over 200 days in solitary, leading to a human rights settlement (*Jahn v. Ontario*, 2013); Julie Bilotta gave birth to her son Gionni Lee on the floor of a segregation cell in September 2012 without proper medical attention as her pleas for help were ignored – a baby that died a year later from respiratory problems that began in the first days of his life (Fiander, 2016); the brutal beating of Jean Paul Rhéaume – who had a developmental disability – as he was “handcuffed, shackled and pinned face down on the concrete floor” as “one or more guards stomped on his head until he lay in a pool of blood”, which was subsequently covered up by staff (Ontario Ombudsperson, 2013); media revelations that prisoners were being forced to sleep in shower areas due to crowding; and a series of deaths by suicide, including those of Cleve “Cas” Geddes, Justin St. Amour, and Yousef Hussein within a ten-month period in 2016 and 2017 (Seymour, 2017).

It is in this context that authorities announced, in May 2017, that they were again going to address persistent problems by replacing the existing 585-bed jail with an “innovative” new and bigger 725-bed jail. If built, the “Ottawa Correctional Complex” will cost up to \$1 billion to design, build, finance, and maintain during a 30-year public-private-partnership (Piché and Doyle, 2018). Reviewing this history can create a sense of pessimism and inevitability, but other outcomes are possible.

Theorizing change and inertia

Modern prisons are perpetually subject to reform (Foucault, 1977). They have proved intractable and attained a deep hegemony. However, although the prison may be stone, its future is not written in stone – instead, incarceration and its edifices are shaped by diverse competing forces and may be targets of struggle (Goodman et al., 2015). The idea of the prison is entrenched in our lives from birth and the notion that human caging is the right response to ‘crime’ is common sense for many (Davis, 2003). However, given its human and financial costs, and richly documented failures, the reproduction of the prison idea takes ideological work. Prison abolitionists thus face an ideological struggle, not only with imprisonment’s place in common sense, but also with those who respond to our challenges by actively defending incarceration (Piché, 2014).

Defenders of the prison exist within and outside the state. The state itself is far from monolithic (Jessop, 1990) and is instead a collection of relatively autonomous institutions and actors, with competing political parties trading power, and often-fraught relationships between politicians, civil servants, and community-based organizations. This can open-up opportunities to advance radical alternatives in rare instances or result in further consolidation of penal power in others. Even so, the prison in general remains a formidable bulwark of the state, which remains the master and arch-defender of confinement.

Thomas Mathiesen (1974) helped found and sustain the Norwegian Association of Penal Reform (known as the KROM in Norway), which has worked towards prison abolition for decades. From this experience, Mathiesen (1990) produced an account of the “neutralization techniques” used by defenders of the prison to combat challengers. For Mathiesen (1990, p. 137), these “techniques vary from the more or less open dismissal of ideas which are in conflict with prevailing system interests to techniques which more subtly and unnoticeably deleted them from the agenda”. Mathiesen (1980, p. 288) also suggested that the state may “define in” more co-operative actors that might upset the status quo, while “defining out” more threatening actors. As we will discuss, “defining in” and “defining out” presents a particular challenge to abolitionist organizations, as it may fracture alliances with more moderate organizations aimed at shared short-term goals to reduce the use and pains of imprisonment.

Examining the dynamic interplay between the neutralization techniques described by Mathiesen and responses by activist organizations to counter them, Carlton and Russell (2015, p. 5) suggest the former “are not a one-way process” as “prison authorities do not merely suppress or ‘strangle’ activist strategies”. Facing what Myra Marx Ferree (2004, p. 141) would call “soft repression” – understood as “the collective mobilization of power, albeit in nonviolent forms and often highly informal ways, to limit and exclude ideas and identities from the public forum” – Carlton and Russell (2015, p. 5) note that “activists adapt and respond to changing conditions”, which “can actually produce new forms of resistance”.

While overturning common sense beliefs that support the prison is certainly part of the work abolitionists necessarily engage in, the contemporary world is replete with the persistence of situations in the absence of persuasive ideological support for them. This means to impact change, other barriers beyond those that are simply ideological must also be considered. Some barriers to change are “built in” to the situation, ranging from massive institutional and bureaucratic inertia, to toothless accountability mechanisms that maintain a sheen of democratic responsiveness, but limit substantial policy reversals. Other neutralizing factors include constraints faced by community groups like CPEP, who lack resources available to the state and experience personal costs of volunteer activism such as burnout and turnover in campaigns sometimes lasting years. With these broad points in mind, we turn to a specific account of our organizing efforts and some of the challenges we have encountered.

Encounters with neutralization techniques and factors

With a long-term goal of abolition by attrition (Knopp et al., 1976), CPEP works to document the brutalities of incarceration, and push towards reducing imprisonment and diminishing the pains of human caging as interim goals, with a focus on OCDC. Since 2012, we have proposed diversion (e.g. bail reforms, transformative justice, etc.) and decarceration measures (e.g. temporary absences, etc.) to shrink the jail population as steps towards abolition (Doyle et al., 2016a). We have also battled to improve jail conditions through “non-reformist reforms” (Doyle et al., 2016b) compatible with the long-term goal of abolition (Mathiesen, 1974). These included an on-site kitchen to replace the privatized system whereby frozen meals prepared off-site are reheated, referred to by prisoners as “dog bowls” (CPEP, 2016). CPEP has also pushed for things like a new free phone system and alternatives to imprisonment to keep prisoners connected to, and in, their communities to the extent presently possible (Benslimane et al., 2019).

Over eight years, we have tried many approaches. We have had many public and private meetings with prisoners and their loved ones, community allies, OCDC and jail system officials, politicians, and other actors. We have put on numerous public panels and organized three large public forums, each with hundreds in attendance, along with a series of community arts events and film screenings promoting prisoner justice. We have staged numerous demonstrations and vigils, filed many Freedom of Information requests, made short videos and distributed them on social media, published many newspaper opinion pieces, and done dozens of media interviews. In December 2018, we established a hotline operating on weekday afternoons that prisoners can call to address issues at the jail and make connections to facilitate community re-entry. In our first year, the hotline took 3,402 calls (Benslimane et al., 2020).

We have also worked with many community groups, for example, Mothers Offering Mutual Support (a group of mothers of prisoners), the Canadian Somali Mothers Association, the Elizabeth Fry Society, and the Defence Counsel

Association and other lawyers. In trying to bring about social change, one learns a lot about the forces and techniques that work to reproduce the status quo. We focus on a few examples below.²

Being “defined in” and “defined out”

Our first major initiative was a lengthy public forum in autumn 2013. Over 250 people attended and former prisoners detailed the horrors of OCDC as television news cameras rolled, beginning an extensive set of negative media coverage of the jail’s conditions (e.g. *Ottawa Citizen*, 2013). Shortly afterwards the provincial government established Community Advisory Boards (CABs) for OCDC and nine other provincial jails. These were positioned as “independent bodies (that would) strengthen links between the community and provincial institutions” and “increase transparency and accountability” (MCSCS, 2014). OCDC’s CAB consists of volunteer community members appointed by the province who can enter and inspect the jail any time, meet with management monthly, and produce annual reports. While efforts to establish CABs were already underway when we began organizing, their creation served as one response by the province to public demands for action.

The CAB has produced critical annual reports consistent with our observations of problems at the jail (e.g. OCDC CAB, 2017) and has successfully lobbied to resolve individual cases of prisoner mistreatment. However, the CAB remains constrained. One problem is that CAB members have to take oaths of confidentiality, which limits their ability to make problems at the jail public. CAB members are thus “defined in”. CAB members are volunteers with limited time as nearly all have full-time paid employment elsewhere. The ministry also controls if and when the CAB’s annual reports are made public. The last annual report made public was based on observations from 2016 and was released after a delay of more than six months. None of their annual reports have been made public by the government since. The limitations of the CAB are revealed by the situation in which CPEP members have been tempted to volunteer for it, partly because it would give us the authority to go into the jail and meet with prisoners at will. However, we have declined because the oath of confidentiality would stifle our efforts to push for change.

The creation of the CABs also meant that, in early 2019, when we raised issues from callers to our hotline with government officials, a letter from the jail’s superintendent brushed us off, stating:

The OCDC maintains positive relationships with the community through its work with the Community Advisory Board (CAB) ... Members of the CAB can tour the institution and speak to inmates. Any concerns identified through these discussions are brought forward to my attention ... I trust the above information, which outlines the various processes that are available for inmates, addresses your concerns.

(Speight et al., 2019b, pp. 21–23)

The implication was that, unlike the CAB, we were not an approved official process and thus could be ignored. Essentially, we had been what Mathiesen (1980) calls “defined out”, made possible through the creation of the CAB, the provincial government’s preferred, official version of “community input”. Other efforts to “define-out” CPEP’s work following the launch of the JAIL hotline were made by several OCDC staff and members of their union who claimed on Twitter that our reports and related op-eds were based on false information provided by manipulative prisoners. Others went as far as to harass and dox some of us as a means of discrediting CPEP’s work.

The OCDC task force and defining-in

While we succeeded in raising public awareness in our first four years of organizing, the current and former prisoners we heard from reported few changes within the jail itself. The inertia had us feeling at the time that we would be very pleased if we could just move the needle even slightly, with short-term aims like just getting the jail to wash prisoners’ blankets once a month and sterilize shared nail clippers. However, after we spent years working on OCDC issues, what brought things to a public crisis finally were accounts emerging in spring 2016 that the jail was so crowded that prisoners were sleeping in a shower area. The provincial government was heavily criticized and in a rapid chain of events the jail superintendent was fired. Even then-Premier Kathleen Wynne, Ontario’s political head, was called to account by the media and stated that things had to change. Then-Minister Naqvi, touted by many as leadership material, faced a political future suddenly in peril.

The ministry adopted another behind-the-scenes tactic at this time to defuse criticisms of crowding at the jail by quickly and quietly transferring large numbers of OCDC prisoners to other jails in different parts of the province outside the media spotlight. Naqvi’s more highly public response, however, was creation of a task force on OCDC that was “to develop an action plan to address overcrowding and capacity issues ... and to identify long-term solutions to improve the health and safety of all inmates and staff” (OCDC Task Force, 2016). A representative of MOMS, with whom CPEP had been working closely for years, was asked to join the task force. We continued to consult frequently with her, warning of the perils of collaborating with the state, even lending her Mathiesen’s (1990) book. CPEP also made two written submissions to the task force (Doyle et al., 2016a, b) knowing she would actively put our recommendations on the agenda.

This task force led to some basic improvements we had pushed for, such as more regular access to yard time, more recreational opportunities and equipment, access by more community volunteers, and the introduction of more bail beds as an alternative to pre-trial detention. However, many of the more serious changes recommended by task force were defined as “long term goals” and thus not acted on. The ministry had to report a year later on progress towards the task

forces' goals, but "long term goals" had timelines beyond the reporting period, so were pushed into the indefinite future, outside the scope of accountability mechanisms – a good example of "postponement" (Mathiesen, 1990, p. 38).

Agreement and inaction

While we have navigated being "defined in" and "defined out" over the years, we also noticed other communications tactics. For instance, as if echoing our calls for the decriminalization of drug use and of people living with mental health issues, former 'corrections' minister Naqvi would make assertions very consistent with our positions. For instance, in one media interview he stated, "If someone has serious mental health or addiction challenges, is sending them to a correctional institution, is that the right place?" (Seymour, 2016). However, in practice, little action was connected with such statements. Mathiesen (1990, p. 38) referred to this as puncturing, "whereby the practical significance of the new idea is diminished, while a front of understanding, interest, and perhaps even enthusiasm for the idea is maintained" (ibid).

The announcement of a new, bigger jail and the fallout

When the 2016 task force action plan was released, we were hopeful about the prospect of change given Minister Naqvi's rhetoric, including a statement that building a new jail would "fail taxpayers" and

by building more jails, you are essentially building more capacity, and five years from now you'll be at square one. You haven't really addressed the real problem. What we need to focus on is to reduce the demand for jails ... That's where real transformation takes place.

(Seymour, 2016)

Indeed, no one on the task force recommended building a new facility. However, there was an unexpected turn in May 2017 when Marie-France Lalonde – the newly appointed 'corrections' minister – announced that the government would be replacing the 585-bed OCDC with a new and bigger 725-bed jail. In the process, the province took the idea of putting in place "alternatives" to confinement like bail beds and said they would continue with those "alternatives", while also building a bigger jail. This exercise in "net-widening" (Cohen 1985) – that is, bringing more people under state control, whether behind or beyond bars – illustrates Mathiesen's technique of "puncturing", whereby a proposed measure is supported, but subverted in practice and gutted of meaningful change. Mathiesen (1990) also described the technique of making reference "to instructions, orders, [and] demands from the outside in general" (ibid, p. 37) to justify the intensification of existing arrangements. In this case, the provincial government cited projected population growth in Eastern Ontario and anticipated the

need for more jail beds if current criminalization trends hold (e.g. Lalonde, 2018). We later learnt from material on an architectural firm's website that plans for a new jail were already underway a year earlier (Parkin, 2016), even as Naqvi was telling the public when he was 'corrections' minister that, "I think we are failing our taxpayers, if that's the solution we think is appropriate" (Seymour, 2016).

The announcement of the new and bigger jail led to considerable tensions in our close working relationship with the MOMS group, which had been "defined in" for the OCDC Task Force. They came out publicly in favour of the new jail, albeit one that they argued should not be any bigger than the existing jail. The MOMS cited the decaying physical infrastructure and bought-in to promises of new services that would allegedly be made possible by a new jail.

The provincial government also absorbed our critiques of the privatized jail food system to justify building a new and bigger jail. In a video we distributed on social media, we argued the food system was inadequate, wasteful, expensive, and represented a threat to security for prisoners and staff (CPEP, 2016). The provincial government turned around and argued we needed a new jail to add an on-site kitchen that would provide nutritious meals to prisoners, which they argued was not possible at the current jail due to space restrictions, as if diminishing OCDC's population and repurposing existing jail space was impossible.

The provincial government also used this issue to neutralize Larry Seguin, one key critic, by defining him in. Having written critical opinion pieces about the jail from inside it, recounting how the site was so crowded he had been forced to sleep in a shower area, Seguin was contacted by Minister Lalonde to setup a meeting and media photo opportunity. At that mediatized meeting, the formerly critical prisoner came out in favour of the new jail, swayed in part by the promise on an on-site kitchen (Seguin, 2017). The fact that the current jail itself had once had an onsite kitchen, which could have been restored, was not discussed.

Other critics have also been "defined in". For example, a long-time reporter who wrote the most damning stories about the jail in recent years was named a justice of the peace in 2017. As a result, he switched occupations, taking on tasks including overseeing bail hearings, and was off the jail news beat for good. Today, a variety of journalists without specialized knowledge on imprisonment cover the jail. Two other important allies who worked for community organizations and were critical of the government also later took up staff positions in the government. We have no evidence that any of these moves were deliberate government efforts to stifle criticism, but they certainly had that effect.

Inertia through ministerial shuffling

There are numerous other factors that have created inertia where OCDC is concerned. One is repeated turnover of key political players. Over the last eight years, CPEP has dealt with four provincial 'corrections' ministers under the Liberals and two more ministers under the Conservatives. Thus, controversies attached to previous ministers blow over and new ministers require time "to

get up to speed” before taking action. Ministers are often shuffled out before any meaningful or sustainable changes are put in place. Changes in the ruling party create further “postponement” (Mathiesen, 1990), partly due to changes in policy direction. More broadly and simply than this, our jail and the apparatus that surround it have a massive amount of bureaucratic and institutional inertia that places the onus constantly on a challenger group such as ourselves to force change.

Epilogue and conclusion

CPEP’s community organizing to reduce the use and harms of imprisonment in the short-term, while working towards abolition in the long-term, continues as does our fight against the new jail. The day following the election of a Conservative Government of Ontario in June 2018, our campaign shifted its focus to new Premier Doug Ford, spending each of the next 99 days sharing concrete ways the new administration could enhance community well-being and safety without building a new and bigger jail in Ottawa (CPEP, 2018). It is around this time that a notice for an information session on the new Ottawa jail disappeared from the Ministry of Community Safety and Correctional Services’ website and things went quiet about any further steps towards building a bigger jail in our city.

As deep cuts to education and social services were being rolled out in year one of the new provincial government’s mandate, we used an extended Facebook and Twitter campaign and further op-ed writing to question how upwards of \$1 billion slated for a new jail could be better spent and criticizing the idea that an alleged cost-conscious government was moving forward with a billion-dollar boondoggle (Piché, 2018). A public information session about the project never took place and there was little mention of the project for months. In fact, the provincial budget released in April 2019 made no mention of it (Ministry of Finance, 2019). As of February 2020, there has been little movement on the new jail plans other than to say it is coming at some point down the road (Infrastructure Ontario, 2019).

What are we to make of this? Our best guess is that some combination of financial austerity concerns and fear of local political fallout, partly generated by groups like us, has pushed the timeline for the project well into the future, leaving this public fight over the future of (alternatives to) imprisonment for another day. However, we remain vigilant as we wait and see. Research on social movements suggests that success is often difficult to assess, especially in the short-term (Meyer, 2003). Even if we have been temporarily successful in helping stave off a new and bigger jail, looking at the cyclical history of Ottawa jails suggests it is only a matter of time before the idea actively resurfaces. Our experience also shows us that Mathiesen’s (1990) analysis of techniques of neutralization remains very apt, and that abolitionist groups need to be alive to the problems of “defining in” and “defining out”, but also that we can work through these

problems. The ideology of imprisonment is a key source of inertia, but not the only source.

Through our long struggle, CPEP has also run-up against constraints at the organizational level. Over the eight years we have operated, we have had many dedicated members, a number of who gave a great deal individually for a year or two and then moved on, due to a combination of other developments in their lives, burnout, or, in some cases, re-incarceration. Until recently, where we secured some external and university funding to help operate the JAIL hotline (see Benslimane et al., 2020), we have mostly operated on a minimal funding model with limited expenses, receiving small donations from key organizers and limited sums for particular items we could cover as institutional expenses. One key to sustained capacity for our small organization is the involvement of university professors and a stream of young, idealistic, and energetic students. Teaching classes with experiential learning components has dovetailed with CPEP's work, as has supervision of many graduate students involved in the group. We have also been able to access some university resources, such as space for meetings. Another central component has been a core of passionately committed members with lived experience of incarceration or of having loved ones incarcerated. Some of those with lived experience are now students pursuing undergraduate or graduate degrees. Our group composition including current and former prisoners, researchers, and others with expertise on prison issues, helps facilitate regular news media access.

A university-based group like ours has some capacity advantages in the long struggle we face, but building greater and deeper relationships with people working for social justice where areas of mutual concern exist is key to deliver meaningful change (Piché, 2016). For instance, CPEP's recent work with other groups to shrink the use of imprisonment through attrition on campaigns, including "Contain COVID-19, Not People" with the Toronto Prisoners' Rights Project (HRT, 2020), have translated into diversion and decarceration proposals gaining serious traction. This is evident in OCDC's population having lowered to 400 prisoners, well below its capacity of 585 beds, only a few weeks into the public health crisis taking hold in Ontario (Helmer, 2020). Thus, when facing neutralization techniques and dead-ends, abolitionists must persevere and continue to organize so that they are positioned to capitalize on "turning points" when they emerge (Mathiesen, 2008, p. 62) and increase demands for social change when the impossible suddenly becomes possible.

Notes

- 1 We would like to acknowledge the assistance of Aislinn Gallivan with the historical research that supports this chapter.
- 2 See Maadarani (2020) for a more detailed account of neutralization techniques deployed to maintain the status quo at the Ottawa-Carleton Detention Centre that goes beyond conditions of confinement CPEP has campaigned on that we briefly address in this paper by also exploring access to justice issues, inadequate mental and physical health care, and the continued use of solitary confinement.

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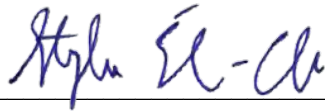
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Exhibit “B”

Referred to in the affidavit of

Justin Piché

affirmed February 16, 2023

A handwritten signature in blue ink, appearing to read "Stephen El-Chi", is written above a horizontal line.

Commissioner for Taking Affidavits (or as may be)

EXHIBIT B

**#NOPE | No Ottawa Prison Expansion
Campaign Timeline – April 2016 to July 2020**

Justin Piché, PhD
Associate Professor, Department of Criminology, University of Ottawa
Member, Coalition Against the Proposed Prison

December 2022

5 April 2016 (pre-campaign op-ed by former Ontario Ombudsman calling for new jail in Ottawa):

Ottawa-Carleton Detention Centre – Show you care, minister – *Ottawa Citizen*.

<https://ottawacitizen.com/opinion/columnists/marin-ottawa-carleton-detention-centre-show-you-care-minister>

10 April 2016 (pre-campaign op-ed responding to call for new jail):

Here's how to really address problems at the Ottawa-Carleton Detention Centre – *Ottawa Citizen*.

<https://ottawacitizen.com/opinion/columnists/piche-heres-how-to-really-address-problems-at-the-ottawa-carleton-detention-centre>

25 April 2016 (#NOPE | No On Prison Expansion initiative op-ed calling for nationwide prison construction moratorium):

Build communities, not more prisons – *The Hill Times*.

<https://www.hilltimes.com/story/2016/04/25/build-communities-not-more-prisons/258617/>

6 February 2017 (pre-campaign op-ed in response to OPSEU call for new jail):

The solution to jail violence isn't to build more and bigger jails – *Ottawa Citizen*.

<https://ottawacitizen.com/opinion/columnists/marin-ottawa-carleton-detention-centre-show-you-care-minister>

3 May 2017 (#NOPE | No On Prison Expansion initiative report and presentation to Senate Standing Committee on Human Rights):

Carceral Expansion in Canada's Provinces and Territories: An Opportunity for Prison Divestment and Justice Reinvestment

Report: <http://uottawacrm.ca/news-and-events/2017/4/6/nope-initiative-submits-report-on-carceral-expansion-to-the-senate-standing-committee-on-human-rights>

4 May 2017 (provincial government announcement of new jails in Ottawa and Thunder Bay: Wynne government announces replacement of 585-bed OCDC with new 725-bed complex – Government of Ontario

<https://news.ontario.ca/en/release/44567/ontario-taking-action-to-reform-correctional-system>

***** #NOPE | No On Prison Expansion initiative tracking prison construction across Canada launched in April 2016 becomes the No Ottawa Prison Expansion campaign in May 2017 following the announcement of the new Ottawa Correctional Complex *****

7 May 2017 (campaign op-ed):

The new Ottawa jail will become just another hellhole: Don't build it – *Ottawa Citizen*.

<https://ottawacitizen.com/opinion/columnists/piche-the-new-ottawa-jail-will-just-become-another-hellhole-dont-build-it>

25 May 2017 (campaign blog post):

Questions about 'correctional transformation' in Ontario as new bail residence for women opens today in Ottawa

<http://tpcp-canada.blogspot.com/2017/05/questions-about-correctional.html>

30 June 2017 (campaign endorsement video):

Senator Pate says #NOPE

https://www.youtube.com/watch?v=rmXtUE_Yh3A

1 July 2017 (campaign submission of petition for nationwide prison construction moratorium):

Canadian Prison Construction Moratorium

Petition: <https://www.change.org/p/justin-trudeau-canadian-prison-construction-moratorium>

Blog post: <http://tpcp-canada.blogspot.com/2017/07/more-than-500-canadians-endorse.html>

10 July 2017 (campaign op-ed):

Why a new Ottawa jail won't necessarily make things better – *Ottawa Citizen*.

<https://ottawacitizen.com/opinion/columnists/piche-the-new-ottawa-jail-will-just-become-another-hellhole-dont-build-it>

26 September 2017 (campaign uOttawa campus teach-in event):

A New Jail in Ottawa? How We Got Here, What May Come and What We Can Do to Stop the Construction of More Human Cages

<https://www.facebook.com/events/231322870727217>

28 September 2017 (campaign Carleton University campus teach-in event):

A New Jail in Ottawa? How We Got Here, What May Come and What We Can Do to Stop the Construction of More Human Cages

<https://www.facebook.com/events/345495912568095>

25 October 2017 (campaign public presentation):

Colonialism and Carceral Expansion: Reflections on the Construction of a New and Bigger Jail on Algonquin Territory

<https://www.facebook.com/CPEPgroup/photos/1516162648496690>

9 November 2017 (campaign op-ed following announcement of bail reforms):

Here's why we should stop planning for a new jail – *Ottawa Citizen*.

<https://ottawacitizen.com/opinion/columnists/piche-heres-why-we-should-stop-planning-for-a-new-jail>

27 November 2018 (campaign public awareness event):

A Bigger Jail for Ottawa or Community Alternatives

<https://www.facebook.com/events/1748054578555537>

28 November 2017 (campaign blog post):

Top Ten Reasons to Stop the New and Bigger Jail in Ottawa and Demand Community-based Alternatives

<http://tpep-canada.blogspot.com/2017/11/top-ten-reasons-to-stop-new-and-bigger.html>

29 November 2017 (campaign uOttawa campus teach-in event):

Lessons Learned from Past Campaigns Against Carceral Expansion

<https://www.facebook.com/events/133258310726982>

Pictures – #Our500Million:

<https://www.facebook.com/CPEPgroup/photos/1555027381276883>

<https://www.facebook.com/CPEPgroup/photos/1555033441276277>

<https://www.facebook.com/CPEPgroup/photos/1555035487942739>

<https://www.facebook.com/CPEPgroup/photos/1555037514609203>

<https://www.facebook.com/CPEPgroup/photos/1555039361275685>

<https://www.facebook.com/CPEPgroup/photos/1555042044608750>

<https://www.facebook.com/CPEPgroup/photos/1555044241275197>

<https://www.facebook.com/CPEPgroup/photos/1555046077941680>

5 December 2017 (campaign uOttawa campus teach-in event):

Perspectives on Carceral Expansion / Alternatives to Imprisonment

<https://www.facebook.com/events/1953517141591981>

7 December 2017 (campaign op-ed):

Ottawa jail project needs more transparency – *Ottawa Sun*.

<https://ottawasun.com/opinion/columnists/doyle-and-piche-ottawa-jail-project-needs-more-transparency>

6-15 December 2017 (campaign memes):

#NOPE

<https://www.facebook.com/CPEPgroup/photos/1563021613810793>

<https://www.facebook.com/CPEPgroup/photos/1563099623802992>

<https://www.facebook.com/CPEPgroup/photos/1563100437136244>

<https://www.facebook.com/CPEPgroup/photos/1563101273802827>

<https://www.facebook.com/CPEPgroup/photos/1563102760469345>

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<https://www.facebook.com/CPEPgroup/photos/1568135519966069>
<https://www.facebook.com/CPEPgroup/photos/1571799156266372>
<https://www.facebook.com/CPEPgroup/photos/1572864112826543>

22 December 2017 (campaign infographic):

Would you rather build cages... or build communities?

<https://www.facebook.com/CPEPgroup/photos/1579972532115701>

6 February 2018 (campaign infographic):

Invest in Our Multi-Purpose Communities in Eastern Ontario, Not a New 'Multi-Purpose' Jail That Will Only Expand Human Caging

<https://www.facebook.com/CPEPgroup/photos/1630188497094104>

13 March 2018 (campaign community roundtable to brainstorm alternatives to jail building):

Private session involving 30 community organizations in the criminal justice, education, health, mental health, and social housing sectors to discuss how they would spend \$500M to \$1B earmarked for a new and bigger jail in Ottawa to enhance community well-being and safety

10 April 2018 (campaign workshop with former prisoners):

Workshop & Discussion – Does Ottawa Need a Bigger Jail?

<https://www.facebook.com/CPEPgroup/photos/1702181803228106>

20 April 2018 (small stakeholder meeting about the Ottawa Correctional Complex including CPEP hosted by Minister Lalonde at OCDC):

No documentation

20 April 2018 (campaign notes in response to letter from Minister Lalonde to small stakeholder meeting participants):

Notes

<https://www.scribd.com/document/377592838/Minister-Lalonde-New-and-Bigger-Jail-Justifications-26-April-2018-notes-JP>

26 April 2018 (campaign blog post):

Top Ten Reasons to Stop the New and Bigger Jail in Ottawa and Demand Community-based Alternatives – revised ahead of 7 June 2018 provincial election

<http://tcp-canada.blogspot.com/2018/04/more-community-based-alternatives.html>

Meme: <https://www.facebook.com/CPEPgroup/photos/1719929011453385>

27 April 2018 (cancelled community engagement session / protest held at cancelled session site):

Build Communities Not Bigger Jails

<https://www.facebook.com/events/350807332107680>

Sample News Coverage: <https://www.cbc.ca/news/canada/ottawa/ottawa-jail-detention-centre-protest-1.4638300>

Meme: <https://www.facebook.com/CPEPgroup/photos/1720813101364976>

Event photos:

- <https://www.facebook.com/CPEPgroup/photos/1720795651366721>
- <https://www.facebook.com/CPEPgroup/photos/1720795171366769>
- <https://www.facebook.com/CPEPgroup/photos/1720795138033439>
- <https://www.facebook.com/CPEPgroup/photos/1720795034700116>
- <https://www.facebook.com/CPEPgroup/photos/1720795024700117>
- <https://www.facebook.com/CPEPgroup/photos/1720795208033432>
- <https://www.facebook.com/CPEPgroup/photos/1720794938033459>
- <https://www.facebook.com/CPEPgroup/photos/1720794718033481>

5 May 2018 (campaign op-ed):

There are many alternatives to a bigger jail in Ottawa – *Ottawa Citizen*.

<https://ottawacitizen.com/opinion/columnists/piche-and-doyle-there-are-many-alternatives-to-a-bigger-jail-in-ottawa>

* Featuring quotes from some of the 13 March 2018 private session involving 30 community organizations in the criminal justice, education, health, mental health, and social housing sectors to discuss how they would spend \$500M to \$1B earmarked for a new and bigger jail in Ottawa to enhance community well-being and safety

17 May 2018 (campaign mobilization to Ottawa-Centre all candidates meeting):

Build Communities Not a Bigger Jail

<https://www.facebook.com/events/225968814842331>

8 June to 14 September 2018 (campaign meme series):

Got 99 Solutions, Build a New and Bigger Jail Ain't One

<http://tcp-canada.blogspot.com/2018/09/we-got99solutions-to-enhance-safety-in.html>

29 June 2018 (campaign phone zap following appointment of Michael Tibollo as SolGen):

Call the Minister of Corrections Today! Take 2 minutes to tell the new Minister of Corrections we need support for communities, not a bigger jail!

<https://www.facebook.com/events/963872697113827>

18 September 2018 (campaign infographic + phone and email zap):

‘Small’ Government in Ontario Under Premier Doug Ford’s Watch – A Few Numbers

<http://tcp-canada.blogspot.com/2018/09/small-government-in-ontario-under.html>

19 September 2018 (campaign phone and email zap):

Summary of “99 solutions” shared on social media during Ford’s first 99 days in office from

<http://tcp-canada.blogspot.com/2018/09/we-got99solutions-to-enhance-safety-in.html>

19 September 2018 (campaign op-ed):

Premier's support for new jail costly, ineffective – *Ottawa Citizen*

<https://ottawacitizen.com/opinion/columnists/piche-doug-fords-support-for-a-new-ottawa-jail-will-be-costly-and-ineffective>

5 November 2018

(campaign infographic coinciding with appointment of Sylvia Jones as SolGen):

The Revolving Door of Ottawa Jail Expansion

<https://www.facebook.com/CPEPgroup/photos/1991436317635985>

5 November 2018

(campaign infographic coinciding with appointment of Sylvia Jones as SolGen):

Laying the Groundwork for New and Bigger Jails in Ottawa

<https://www.facebook.com/CPEPgroup/photos/1991441024302181>

8 November 2018 (campaign social media post in response to removal of information session for Ottawa Correctional Complex from SolGen website):

<https://www.facebook.com/CPEPgroup/photos/1995551123891171>

1 February 2019 (campaign infographics series):

Do We Really Want a Bigger Jail in Ottawa?

Part 1: <https://www.facebook.com/CPEPgroup/photos/2118892511557031>

Part 2: <https://www.facebook.com/CPEPgroup/photos/2118892398223709>

7 February 2019 (campaign infographics series):

#NOPE | No Ottawa Prison Expansion, #YESS | Yes to Education and Social Services

Alternatives: <https://www.facebook.com/CPEPgroup/photos/2127625330683749>

Health: <https://www.facebook.com/CPEPgroup/photos/2126180184161597>

Jobs: <https://www.facebook.com/CPEPgroup/photos/2124627660983516>

Housing: <https://www.facebook.com/CPEPgroup/photos/2123160191130263>

Families & Youth: <https://www.facebook.com/CPEPgroup/photos/2121879124591703>

Education: <https://www.facebook.com/CPEPgroup/photos/2120147264764889>

4 April 2019 (campaign op-ed):

Ontario's kids need more education today, not more cages tomorrow – *Rabble*.

<https://rabble.ca/education/ontarios-kids-need-more-education-today-not-more-cages-tomorrow/>

3 October 2019 (campaign march):

Demand Prison Profiteers Build Communities, Not Cages

<https://www.facebook.com/events/2330133193982929>

13 January 2020 (campaign meme):

Education, Not Incarceration

<https://www.facebook.com/CPEPgroup/photos/2770217593091183>

28 January 2020 (campaign meme):

Ottawa – A City Open for Business, For Sale to Corporations, What Could Go Wrong?

<https://www.facebook.com/CPEPgroup/photos/2801603603285915>

14 July 2020 (campaign joint press release with Toronto Prisoners' Rights Project):

Campaign Demands Ontario Invest More in Communities, Not Jails – 500 Possibilities

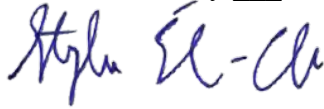
<http://tpcp-canada.blogspot.com/2020/07/campaign-demands-ontario-invest-more-in.html>

Exhibit "C"

Referred to in the affidavit of

Justin Piché

affirmed February 16, 2023

A handwritten signature in blue ink, appearing to read "Stéphan É. Chénier".

Commissioner for Taking Affidavits (or as may be)

Ministry of the Solicitor General

ministère du Solliciteur général

Freedom of Information and
Protection of Privacy Services
200 First Avenue West
North Bay ON P1B 3B9

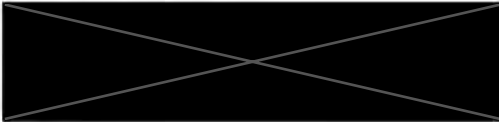
Services d'accès à l'information et de la
Protection de la vie privée
200 First Avenue West
North Bay ON P1B 3B9

Telephone (705) 494-3080
Toll Free 1-855-273-3080
Facsimile (705) 494-3081
www.ontario.ca/mes4

Téléphone (705) 494-3080
Sans Frais 1-855-273-3080
Télécopieur (705) 494-3081
www.ontario.ca/s199



AUG 09 2019

Dear :**SUBJECT: REQUEST NUMBER SOLGEN-A-2018-05235**

This letter is in response to your request submitted to the then named Ministry of Community Safety and Correctional Services, now known as the Ministry of the Solicitor General (the Ministry) under the Freedom of Information and Protection of Privacy Act (the Act).

You clarified your request on January 17, 2019 to be for access to any records contained in the transition binder prepared for Minister Michael Tibollo and Minister Sylvia Jones pertaining to the Ottawa Carleton Detention Centre and the Thunder Bay Correctional Complex for the time period covering June 1, 2018 to November 14, 2018. Please be advised that partial access is granted to the requested records.

Access to part of the responsive information is denied in accordance with section(s) 18(1)(g), 21(1), 21(2)(f) of the Act as follows:

18(1)(g)

A ministry may refuse to disclose a record that contains information, including the proposed plans, policies or projects of an institution, where the disclosure could reasonably be expected to result in premature disclosure of a pending policy decision or undue financial benefit or loss to a person.

21(1)

Disclosure of the personal information would constitute an unjustified invasion of personal privacy as set out in sections 21(2) and/or (3) of the Act.

21(2)(f)

The personal information is highly sensitive.

.../2



Page two

Attached is a copy of the information being released. This access decision was made by the undersigned. You are entitled to appeal this decision within 30 days to:

Information and Privacy Commissioner/Ontario (IPC)
2 Bloor Street East, Suite 1400
Toronto, ON M4W 1A8
(416) 326-3333

Should you decide to file an appeal, please provide the IPC with the following information:

- 1) a copy of this decision letter;
- 2) a copy of your original request for access to information;
- 3) the mandatory appeal fee of \$25.00 in the form of a cheque or money order payable to the Minister of Finance.

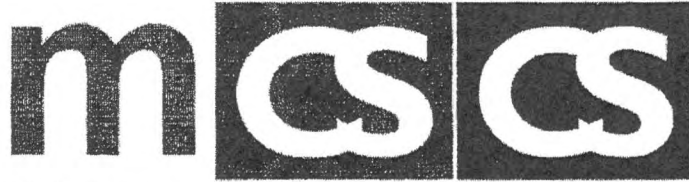
Should you have any questions regarding the foregoing, please do not hesitate to contact Tracy Buttigieg, Senior Program Analyst & Advisor, at (705) 494-3076.

Sincerely,



Enza Ragone
Coordinator
Freedom of Information and
Protection of Privacy Services

Attachment

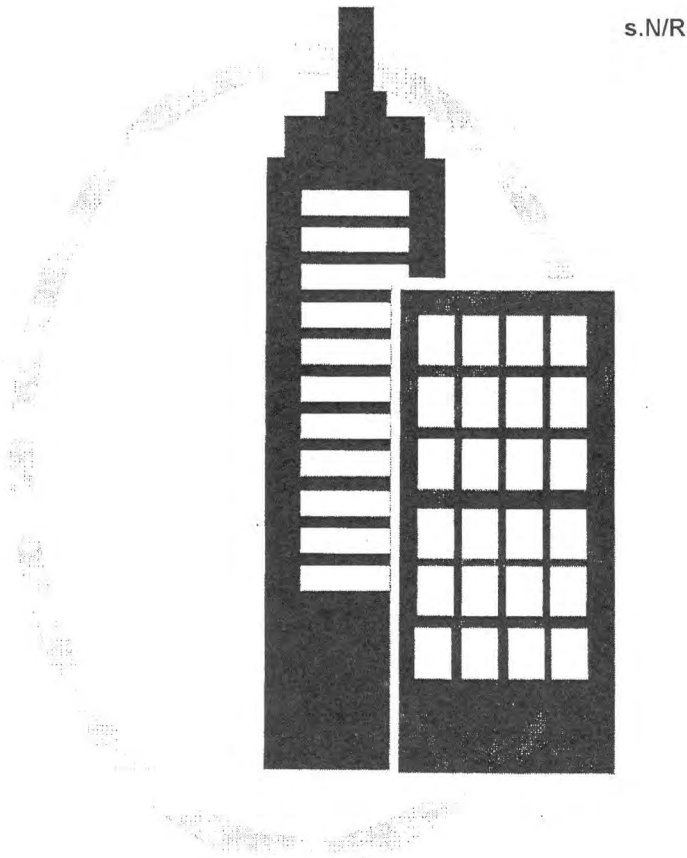


Ministry of Community Safety and Correctional Services

Correctional Facilities: New Builds

Corporate Services

Overview of New Builds Projects



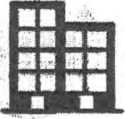
Thunder Bay

- New multi-purpose 325-bed correctional facility
- Currently in third year of seven-year project

Ottawa

- New multi-purpose 725-bed correctional facility
- Currently in third year of seven-year project

Project Overview: Thunder Bay



Context and Financials

- Thunder Bay's current facilities are beyond their useful life and functionally deficient to deliver the desired results of a 21st century correctional service
 - The Thunder Bay Jail is 92 years old, while the Thunder Bay Correctional Centre is 53 years old.
- A 325-bed multi-purpose correctional complex will replace the existing operations. This facility will be built on the current site of the Thunder Bay Correctional Centre.
- The consolidation of operations to one facility represents an economy of scale opportunity that will improve results when compared to the operation of two sites.
- The envisioned facility will embody the transformation of Ontario's correctional services by appropriately classifying inmates and their security environments based on risk, providing appropriate medical and mental health care, providing appropriate programming and a safer workplace for staff.

s.18(1)(g)



Key Considerations/Issues

- Going from two locations to one will increase the effectiveness and efficiency of resources that are currently shared (kitchen, laundry, etc.). Any efficiencies realized would be reallocated to front line staff.
- The ministry has undertaken external stakeholder and public consultations for this project, with an overall positive response experienced from key partners and community members.
- Staff transition teams have been established. Staff engagement will begin this summer and continue into the fall
- The ministry has had preliminary engagement with the Indigenous communities in Thunder Bay and will continue to do so over the course of the project.

Request Number: SOLGEN-A-2018-05235

Page 4 has been exempted pursuant to sections 12(1), 18(1)(g) of the Freedom of Information and Protection of Privacy Act.

Type of Document: Slide deck

Project Overview: Ottawa



Context and Financials

s.12(1)
s.13(1)
s.18(1)(g)

- The Ottawa-Carleton Detention Centre is 46 years old and has been renovated throughout the years to meet demands.
- Currently, the facility does not meet the functional standards required to deliver results that embody the ministry's adult correctional services transformation.
- As the primary facility serving the Ottawa region, the envisioned 725-bed multi-purpose correctional facility is a critical piece of infrastructure serving the eastern region. **Site selection is underway, with a preferred site identified, but still under negotiation for acquisition/lease.**
- The goal of this new construction is to deliver results to support corrections transformation, by appropriately classifying inmates and their security environments based on risk, providing appropriate medical and mental health care, providing appropriate programming and a safer workplace for staff.



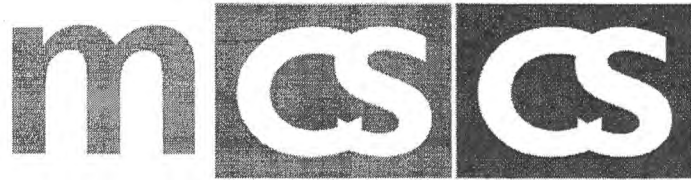
Key Considerations/Issues

- Introductory stakeholder and Indigenous communications were sent out in spring 2018, with fulsome engagement to take place summer/fall 2018.
- **Various community groups and organizations have expressed their concern over the size of the new facility.** The ministry has engaged and will continue to seek feedback from these groups through public consultations.
- Staff transition teams have been established, and staff engagement will continue through summer 2018.

Request Number: SOLGEN-A-2018-05235

Page 6 has been exempted pursuant to sections 12(1), 13(1), 18(1)(g) of the Freedom of Information and Protection of Privacy Act.

Type of Document: Slide deck



Ministry of Community Safety and Correctional Services

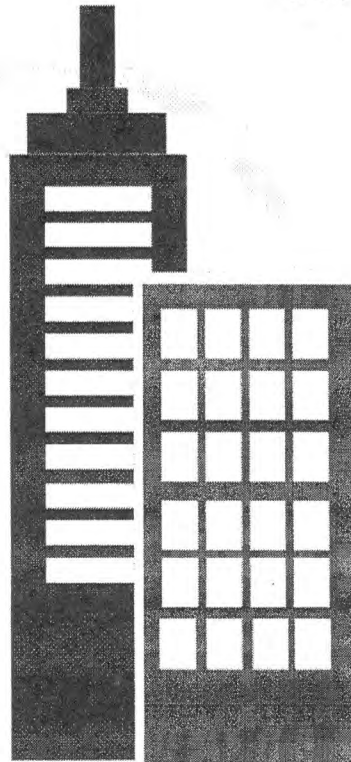
Correctional Facilities: New Builds

Prepared For: Minister, Community Safety And Correctional Services

Date: November 2018

Overview of New Builds Projects

s.N/R



2

Thunder Bay

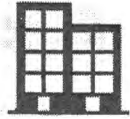
- New multi-purpose 325-bed correctional facility
- *Currently in third year of seven-year project*

3

Ottawa

- New multi-purpose 725-bed correctional facility
 - **NB:** *Under review through multi-year planning process to evaluate regional bed capacity
- *Currently in third year of seven-year project*

Project Overview: Thunder Bay



Context and Financials

s.12(1)
s.18(1)(g)
s.18(1)(g)

- Thunder Bay's current facilities are beyond their useful life and functionally deficient to deliver the desired results of a 21st century correctional service
 - The Thunder Bay Jail is 92 years old, while the Thunder Bay Correctional Centre is 53 years old.
- A 325-bed multi-purpose correctional complex will replace the existing operations. This facility will be built on the current site of the Thunder Bay Correctional Centre.
- The consolidation of operations to one facility represents an economy of scale opportunity that will improve results when compared to the operation of two sites.
- The envisioned facility will embody the transformation of Ontario's correctional services by appropriately classifying inmates and their security environments based on risk, providing appropriate medical and mental health care, providing appropriate programming and a safer workplace for staff.



Key Considerations/Issues



- Going from two locations to one will increase the effectiveness and efficiency of resources that are currently shared (kitchen, laundry, etc.). Any efficiencies realized would be reallocated to front line staff.
- The ministry has undertaken external stakeholder and public consultations for this project, with an overall positive response experienced from key partners and community members.
- Staff transition teams have been established. Staff engagement took place this summer and will continue into the fall.
- The ministry has had preliminary engagement with the Indigenous communities in Thunder Bay and will continue to do so over the course of the project.

Request Number: SOLGEN-A-2018-05235

Page 10 has been exempted pursuant to sections 18(1)(g) of the Freedom of Information and Protection of Privacy Act.

Type of Document: Slide deck

Project Overview: Ottawa



Context and Financials

s.12(1)

s.13(1)

s.18(1)(g)

- The Ottawa-Carleton Detention Centre is 46 years old and has been renovated throughout the years to meet demands.
- Currently, the facility does not meet the functional standards required to deliver results that embody the ministry's adult correctional services transformation.
- As the primary facility serving the Ottawa region, the envisioned 725-bed multi-purpose correctional facility is a critical piece of infrastructure serving the eastern region. Site selection is underway, with a preferred site identified, but still under negotiation for acquisition/lease.
- The goal of this new construction is to deliver results to support corrections transformation, by appropriately classifying inmates and their security environments based on risk, providing appropriate medical and mental health care, providing appropriate programming and a safer workplace for staff.



- Project is currently under review through multi-year planning process. Reviewing options to address challenges to evaluate regional bed capacity



Key Considerations/Issues

- Introductory stakeholder and Indigenous communications were sent out in spring 2018, with fulsome engagement to take place summer/fall 2018.
- Various community groups and organizations have expressed their concern over the size of the new facility. The ministry has engaged and will continue to seek feedback from these groups through public consultations.
- Staff transition teams have been established, and staff engagement will continue through summer 2018

Request Number: SOLGEN-A-2018-05235

Page 12 has been exempted pursuant to sections 12(1), 13(1), 18(1)(g) of the Freedom of Information and Protection of Privacy Act.

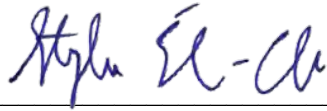
Type of Document: Slide deck

Exhibit “D”

Referred to in the affidavit of

Justin Piché

affirmed February 16, 2023

A handwritten signature in blue ink, appearing to read "Stéphan É. Cloutier", is written over a horizontal line.

Commissioner for Taking Affidavits (or as may be)

ONTARIO INFRASTRUCTURE AND LANDS CORPORATION

REQUEST 2019-06 UNDER THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT ("FIPPA")

(FOI-2019-06) INDEX OF RECORDS

No.	Record	Access Decision (i.e., Disclosed, Partially disclosed, Withheld)	Section of FIPPA under which exemption(s) being claimed
1	2018 06 01 - Ottawa Correctional Complex White Paper	Partially disclosed	Section 13 (advice to government) Section 18 (economic and other interests of Ontario)
2	Ottawa Correctional Complex Site Acquisition and Procurement Schedule	Disclosed	
3	2018 04 25 - Ottawa Correctional Complex: Infrastructure Ontario AFP Design Build Finance Maintain Model Presentation to MCSCS Ottawa Transition Team	Partially disclosed	Section 20 (danger to safety or health) Section 21 (personal privacy)
4	Ottawa Correctional Centre Project: Algonquines of Pikwakanagan Engagement Session	Disclosed	
5	2018 02 26 – MCSCS Senior Management Committee Project Visioning Affirmation – Building on Lessons Learned from the South West Detention Centre	Withheld	Section 17 (third party information)
6	2018 03 18 Thunder Bay and Ottawa Correctional Complexes – Project Methodology	Withheld	Section 17 (third party information)



DRAFT – CONFIDENTIAL AND COMMERCIAL SENSITIVE ADVICE TO GOVERNMENT

Ottawa Correctional Complex

Prepared by: Daniel Douek, Director AFP Delivery
Infrastructure Ontario – Major Projects Division

Issue to be addressed:

The Ottawa Correctional Complex project supports MCSCS's strategy of replacing aging institutions to address health, safety, and security issues including inefficiencies of design, technology and space. The Project will present improved conditions for both inmates and staff as well as respond to changes required by the *"Correctional Services and Reintegration Act, 2018"*

Background:

Ottawa Correctional Complex

The Ottawa Correctional Complex is a 725 bed facility that will house male and female clients. The facility will replace the existing Ottawa-Carleton Detention Centre and it's expected that its size will range from approximately 550,000 to 600,000 sq.ft. Infrastructure Ontario is currently undertaking a site selection process to determine where the new facility will be built

MCSCS and Infrastructure Ontario undertook the planning work and issued the facility Functional Program in March 2017. [FIPPA s.13, s.18](#)

Since its assignment to Infrastructure Ontario, the following milestones have been reached:

- Planning and Design Compliance ("PDC") contract has been awarded on January 26, 2018



DRAFT – CONFIDENTIAL AND COMMERCIAL SENSITIVE ADVICE TO GOVERNMENT

Current Status:

The Ottawa Correctional Complex is in the early stages of the Output Specifications development. Activities current underway includes:

- Site selection
- Functional Program validation / Meeting with the user groups
- MCSCS Transition team engagement

Ottawa Indigenous community engagement is a key priority for this project. It's expected that their involvement will go beyond "Duty to Consult". In order to assist in managing this process a specialized Indigenous relationships consultant (Innovation 7) has been brought on board under PDC.

Options and Decision Point(s):

Unless further direction is taken, the planning will proceed in accordance with the current schedule towards RFP Release in Fall 2019.

Any new government may want validation or question possible aspects of the work such as:

- The delivery of the project as a DBFM
- the new regulation as defined by the "**Correctional Services and Reintegration Act, 2018**"
- Scope of Work (ie. Bed count, single cell vs. double cell)

Option 1 - Do Nothing

Description of Change – No Change

Consequences of change – Proceed with the transaction phase as per current staging plan

Order of magnitude cost implication of change – No additional costs

Schedule implications of change – No change in scheduled completion date

Option 2 - Convert the DBFM approach to a different approach including DBF, BF or Stipulated Sum (SS)

Description of Change – A revision to the delivery model

Consequences of change – Project timelines would be impacted.

Contracts currently in place such as PDC and other consultants may need to be renegotiated, cancelled or re-procured.



DRAFT – CONFIDENTIAL AND COMMERCIAL SENSITIVE ADVICE TO GOVERNMENT

The RFQ may need to be reissued.

Would create uncertainty in the Ontario construction/infrastructure market as the government changes course and until a new and clear direction is established.

Order of magnitude cost implication of change – A change in approach could reduce short-term costs by possibly removing some financing costs but in doing so increase the probability of later delivery.

Schedule implications of change – There will be a material delay in the RFP release date if design needs to be 100% complete. Stakeholders may be concerned that a delay could turn into a cancellation of the project. Without interest penalties associated with late delivery there is a higher probability the construction period could take longer than expected. Delays during a volatile construction market where prices are increasing will place pressure on the budget.

Option 3 - Revise Project Scope

Description of Change – A shift in MCSCS's vision of correctional service delivery.

Consequences of change – A shift in vision of how MCSCS is required to deliver their services will mean that the **"Correctional Services and Reintegration Act, 2018"** will potentially need to be amended along with the facility Functional Program.

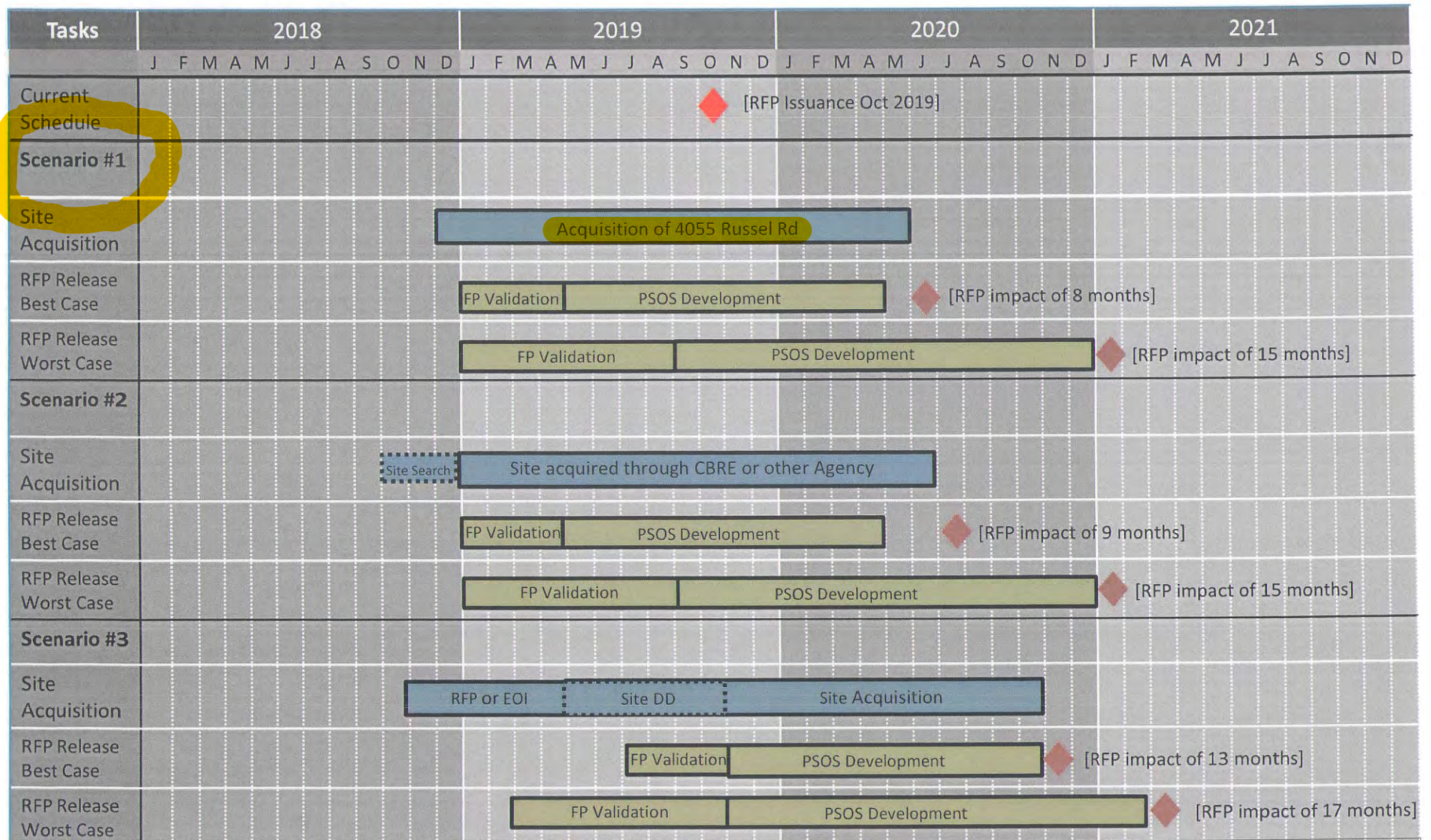
Order of magnitude cost implication of change - Cost of the works will fluctuate depending on the revised scope. In addition, redesign fees may be incurred

Schedule implications of change – Given the potential amendment to the **"Correctional Services and Reintegration Act, 2018"** it's difficult to predict the schedule overall schedule. However, the current target date to have the Facility in operations in 2023 will be in jeopardy.

Recommendation:

This may be left blank as we may need direction on how to proceed on the above options based on revised government policy

Ottawa Correctional Complex Site Acquisition and AFP Procurement Schedule Analysis



Best Case Scenario Design duration includes:

- FP validation (4 months)
- PSOS development (12 months)

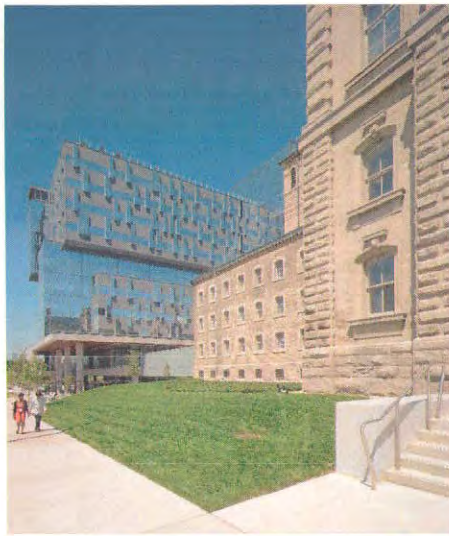
Worst Case Scenario Design duration includes:

- FP validation (8 months)
- PSOS development (16 months)



Ottawa Correctional Complex

Infrastructure Ontario | AFP Design Build Finance Maintain Model
Presentation to MCSCS Ottawa Transition Team | April 25, 2018



Agenda

1. Infrastructure Ontario
2. Alternative Financing and Procurement (AFP)
3. Design-Build-Finance-Maintain (DBFM) Delivery Model
4. AFP DBFM Process
5. Ottawa Project Status and Milestones Timeline

Infrastructure Ontario (IO)

- ▶ Agency of the Ontario government responsible for building, managing, financing, and enhancing the value of Ontario public assets
- ▶ Provides a range of services that support the Ontario government's initiatives to modernize and maximize the value of public infrastructure and realty
- ▶ Upholds Ontario's commitment to renew public services, in partnership with the private sector



IO's services

Major Projects

Acts as procurement and commercial lead for all major public infrastructure projects in the province

Real Estate

Modernizes and enhances the government real estate portfolio through asset planning, facilities contract management, and real estate advisory services

Commercial Projects

Provides advice and negotiation support to the government and public sector partners regarding commercial transactions, including major land developments

Loan Program

Supports the renewal of public sector infrastructure by delivering low-cost and low-risk loans to eligible clients

Alternative Financing and Procurement

Alternative Financing and Procurement (AFP)

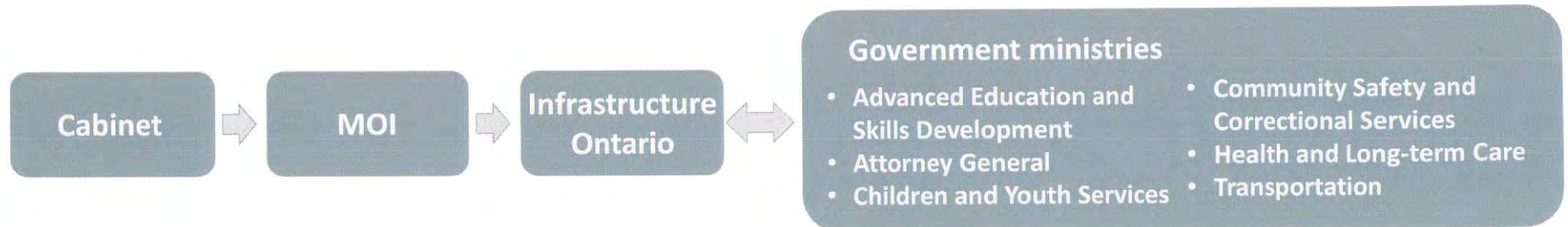
The new Ottawa Correctional Complex will be delivered using Infrastructure Ontario's AFP Design-Build-Finance-Maintain model

AFP is a modern approach for procurement and project management of large, complex public infrastructure projects

- ▶ Uses performance-based contracts to ensure the government receives full value of the asset before the contractor is compensated
- ▶ Contractors arrange their own financing which transfers risk; lender oversight can help drive performance
- ▶ AFP process is predictable, dependable, and standardized
 - Standardized processes reinforce a fair, open, transparent and competitive environment in all aspects of procurement
 - Remains consistent from project to project despite IO's diverse clients

AFP project assignment

- ▶ The Ministry of Infrastructure (MOI), in consultation with other government ministries, determines the infrastructure renewal budget.
- ▶ The ministry identifies which projects will be assigned to IO or to a provincial ministry.
 - After projects are approved by Cabinet, IO receives a Letter of Direction from the Minister to confirm the projects, including the substantial completion date and total project budget.
 - IO works in partnership with its client ministries to manage the projects.



AFP project status



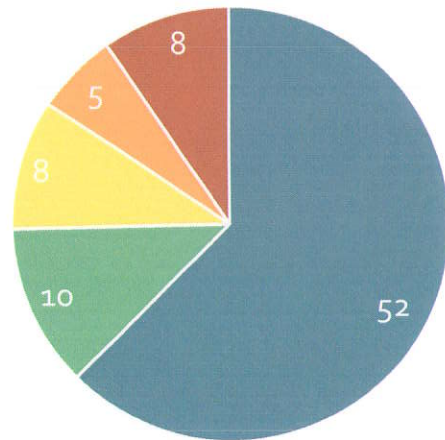
- ▶ Since 2005, Infrastructure Ontario has been assigned 116 AFP projects worth more than \$53 billion

AFP projects	Number	Capital cost
Completed	62	\$19.84 billion
Under construction	21	\$15.81 billion
In procurement	19	\$ 9.96 billion
Planning or pre-tender	14	\$ 7.78 billion
Total	116	\$53.39 billion

(as of December 31, 2017)

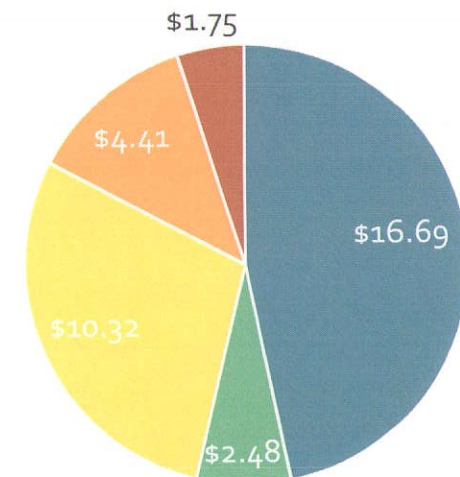
AFP project statistics

Number of AFP Projects
Completed or in Construction



■ Health Care ■ Justice
■ Transit ■ Transportation
■ Other (Education, Sport, IT Delivery)

AFP Projects
Capital Cost (\$ Billions)



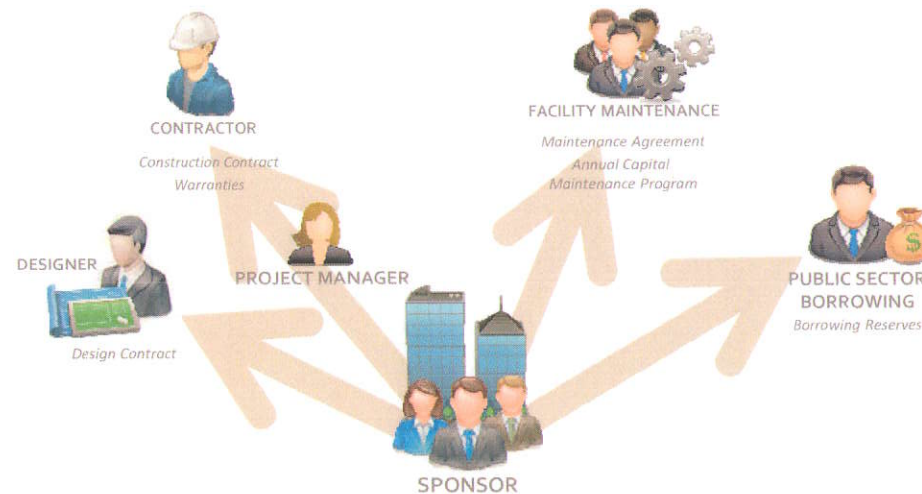
■ Health Care ■ Justice
■ Transit ■ Transportation
■ Other (Education, Sport, IT Delivery)

(as of December 31, 2017)

Design-Build-Finance-Maintain Delivery Model

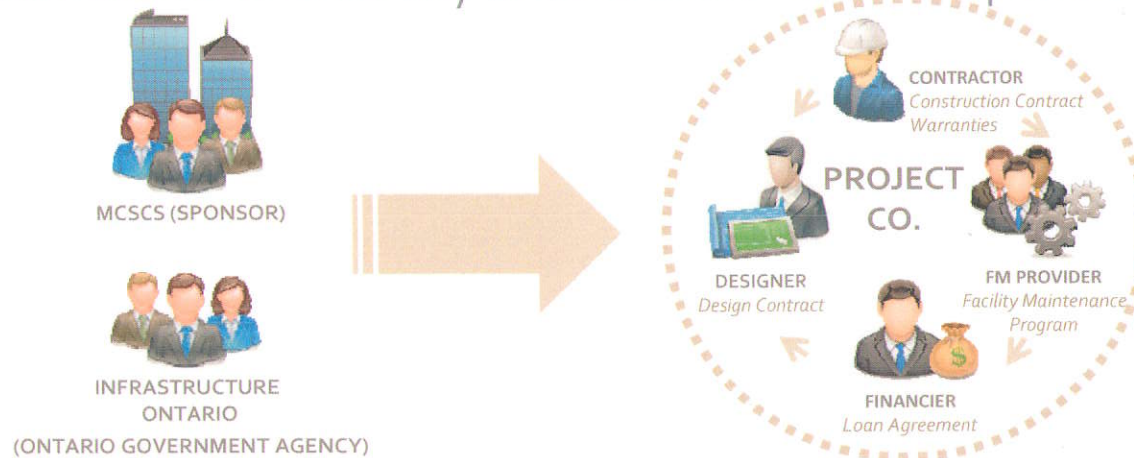
Traditional approach to capital projects

- ▶ What is DBFM all about? First, let's review what Traditional project delivery is:
- ▶ Under a Traditional project delivery approach, a project sponsor (owner) enters into individual contracts at each stage of implementation (potentially up to five) and retains much of the risk for the project and each contract.

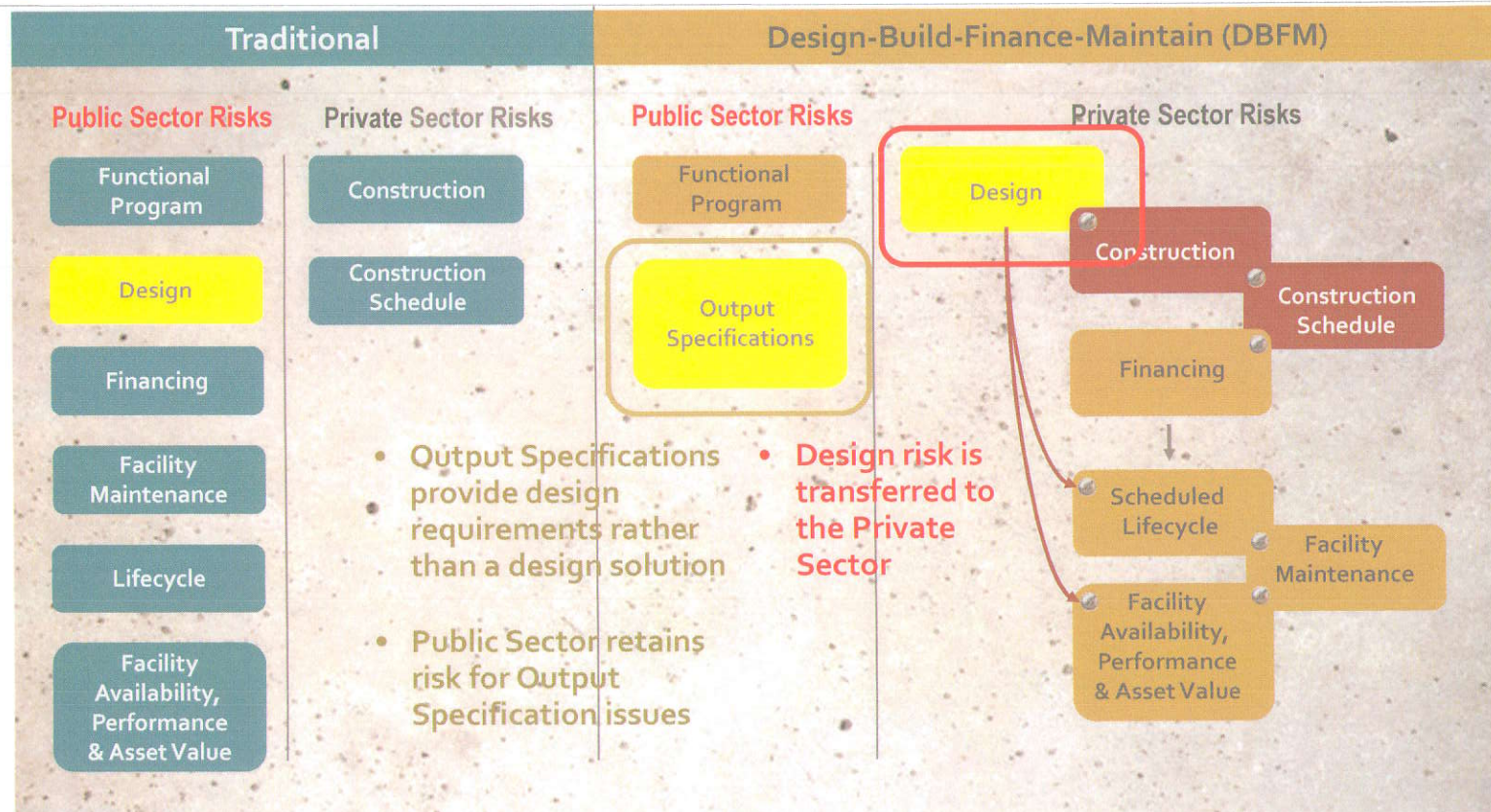


Design-Build-Finance-Maintain Model

- Under the DBFM model, the project's design, construction, financing and long-term maintenance components are **integrated under one contract** to ensure a well balanced high "value" solution.
- Government enters into one contract with a Project Company (Project Co).
- Project Co leads a consortium composed of the required disciplines to design, build, finance and maintain the new facility in accordance with the sponsor's specifications



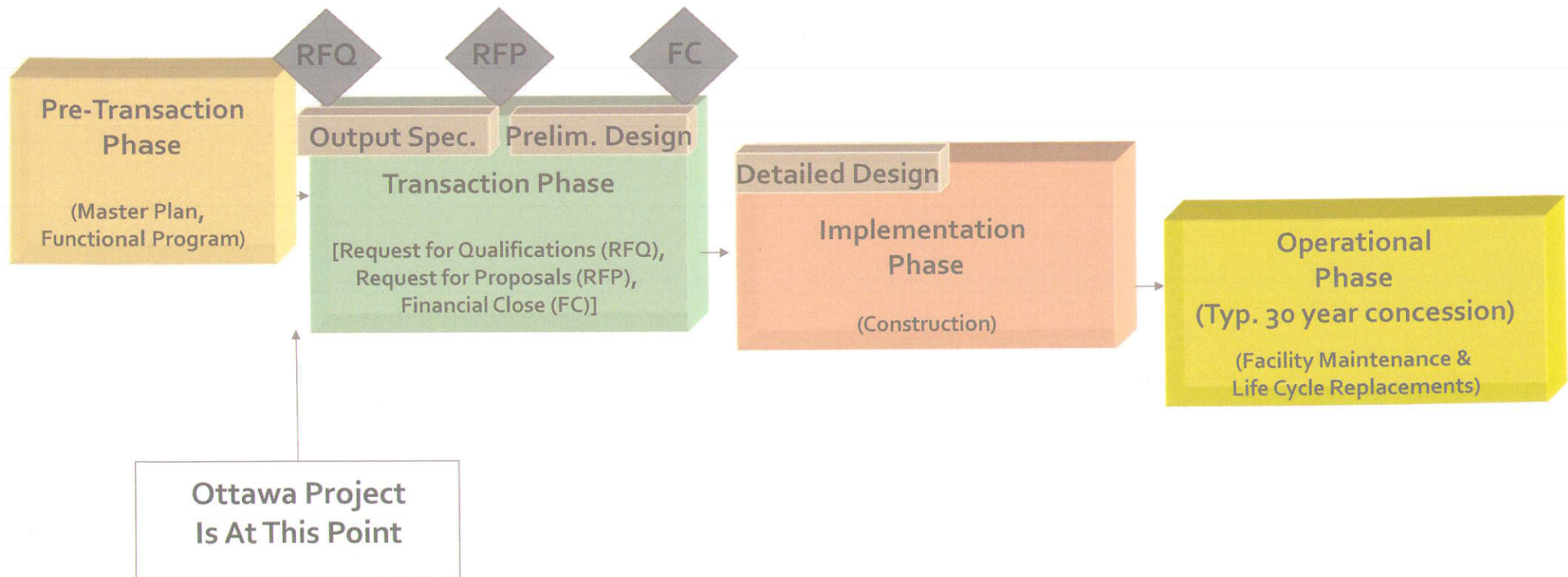
Design-Build-Finance-Maintain Model



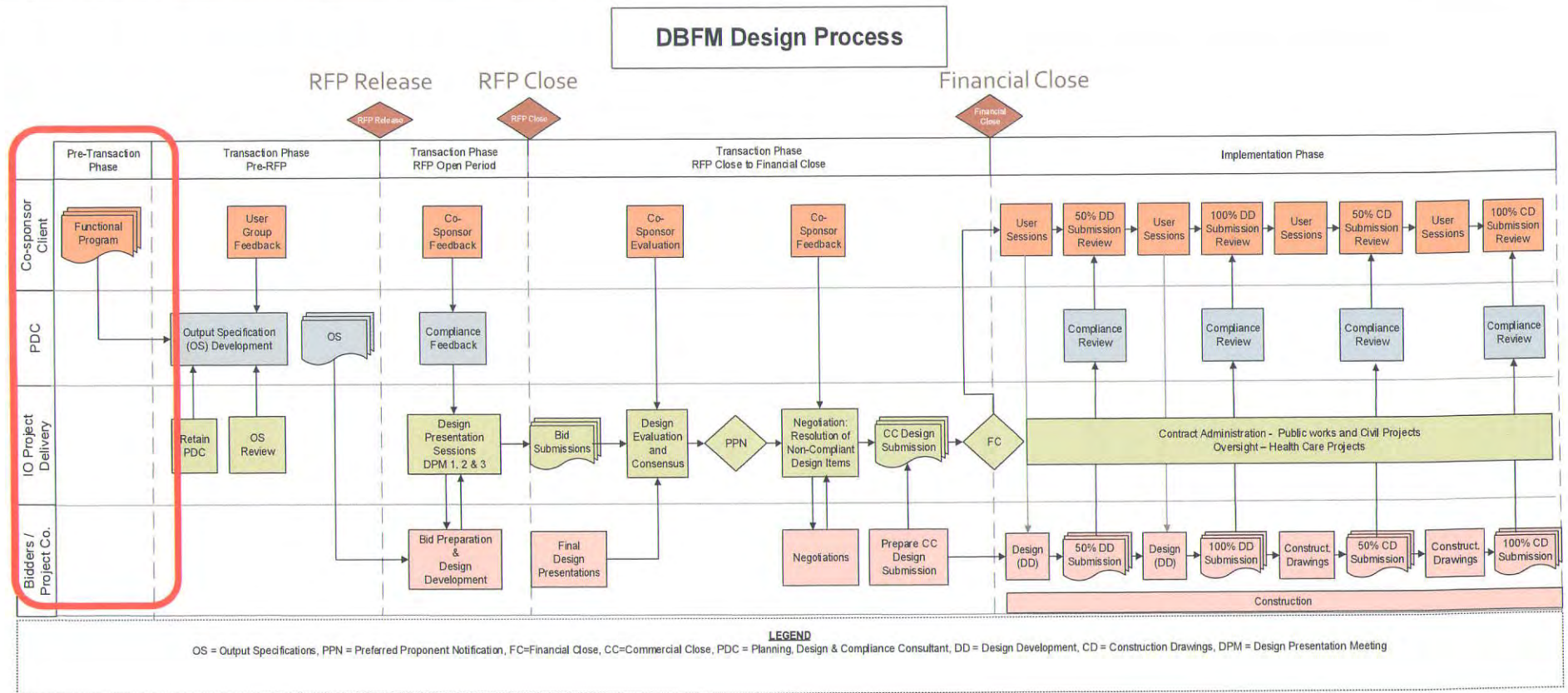
AFP DBFM Process

(With A Focus On The Design Process)

Phases of a Design-Build-Finance-Maintain Project



Pre Transaction Phase



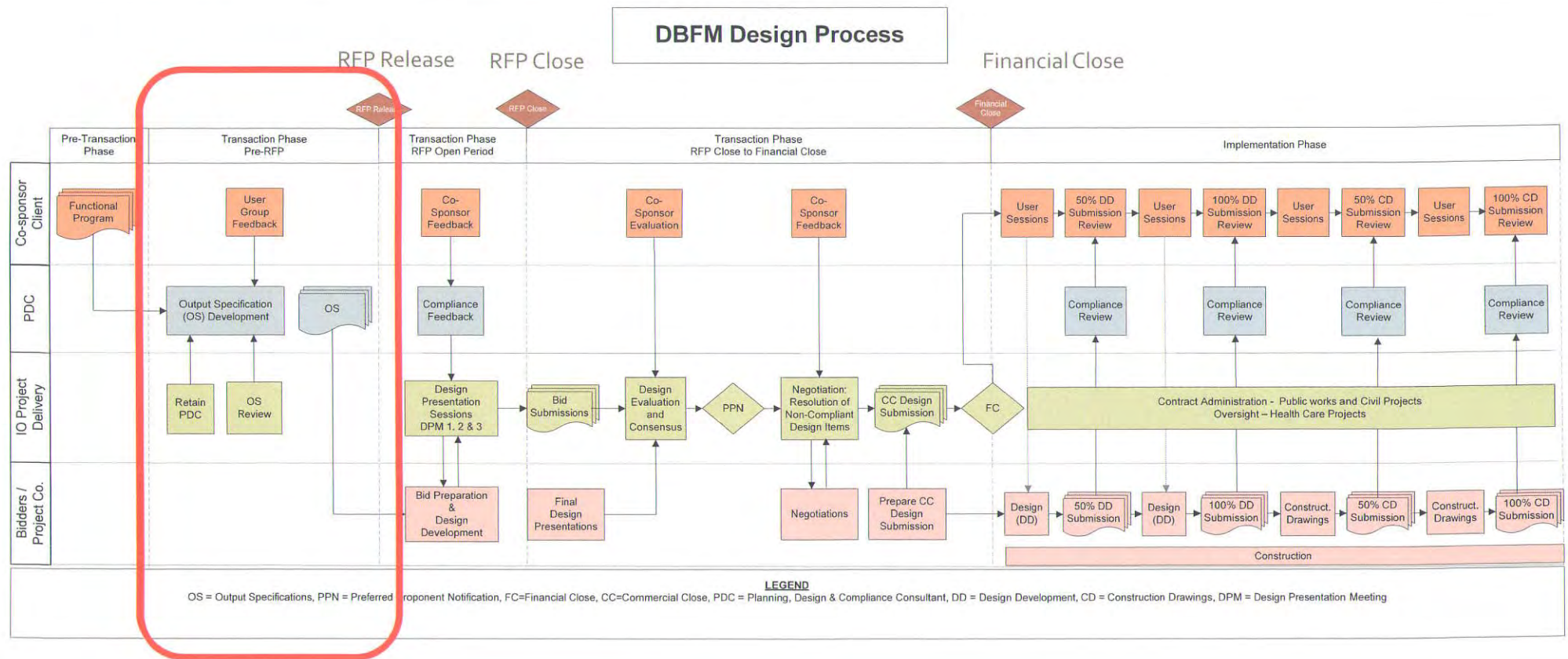
Pre-Transaction Phase

- ▶ Preparation of the Functional Program is typically the first stage of establishing a facilities design requirements

- ▶ A Functional Program:
 - Links program planning (services, staffing) with facility design (physical space needed, required adjacencies).

 - For the Ottawa Correctional Complex Project, the Functional Program was prepared in Spring 2017, and will undergo review and refinement involving the PDC team and MCSCS.

Transaction Phase – Pre RFP



Transaction Phase – Pre RFP

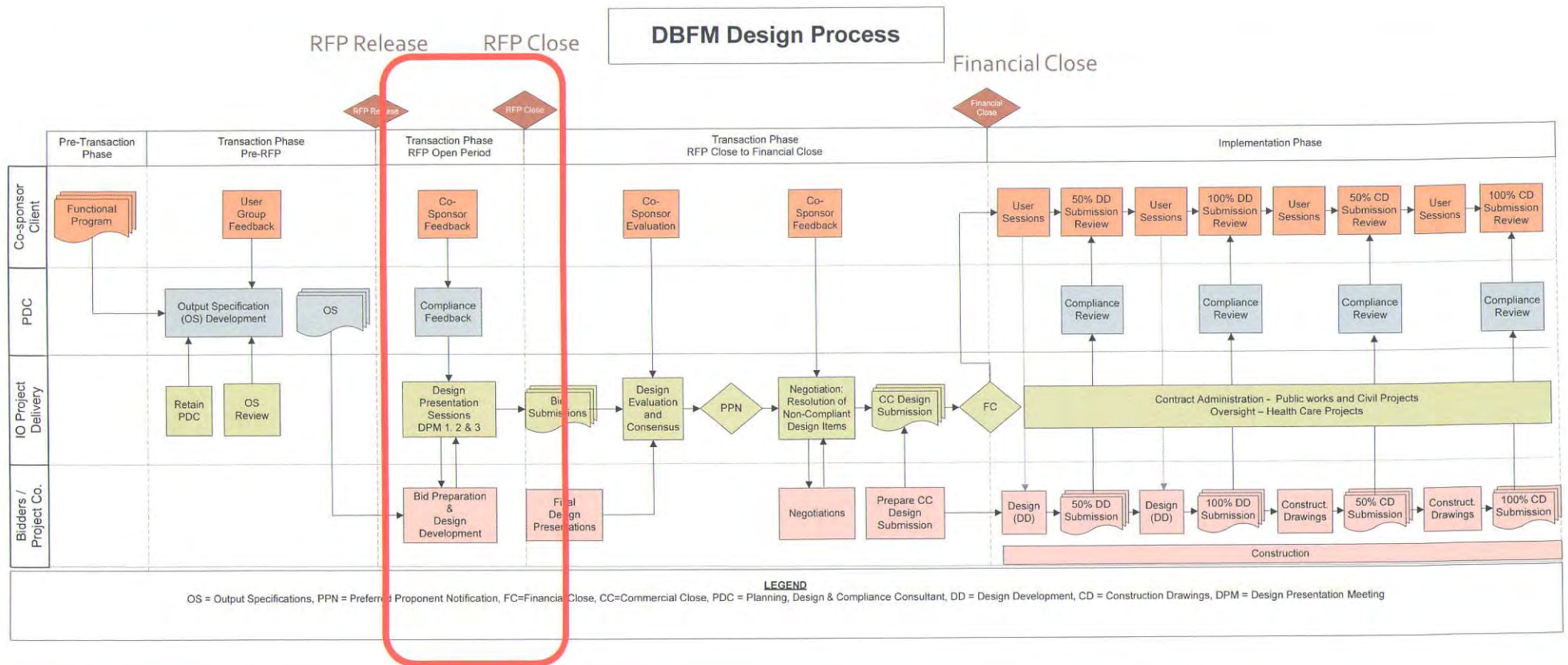
- ▶ During the Pre-RFP Phase the following occurs:
 - Preparation of design concepts, block schematic plans the **Output Specification (OS)**
 - RFQ Process to select a shortlist of up to 3 qualified DBFM teams to be invited to submit detailed bids
- ▶ The PSOS is a key transaction document that provide Bidders with all the facility design, technical quality and facility management requirements they require to assemble their bid
- ▶ The PDC team creates the **OS** by:
 - confirming the Sponsor's project vision, objectives and requirements
 - facilitating User Group feedback sessions to extract detailed facility design, technical and quality requirements. Can be an extensive and time consuming process.
 - Translating the Sponsor's requirements User Group feedback into a performance specification

Example **Output Specification**
for a large DBFM project



9 Binders (6000 pages)

Transaction Phase – RFP Open Period



Transaction Phase – RFP Open Period

- ▶ The RFP is released to 3 pre-qualified bidders

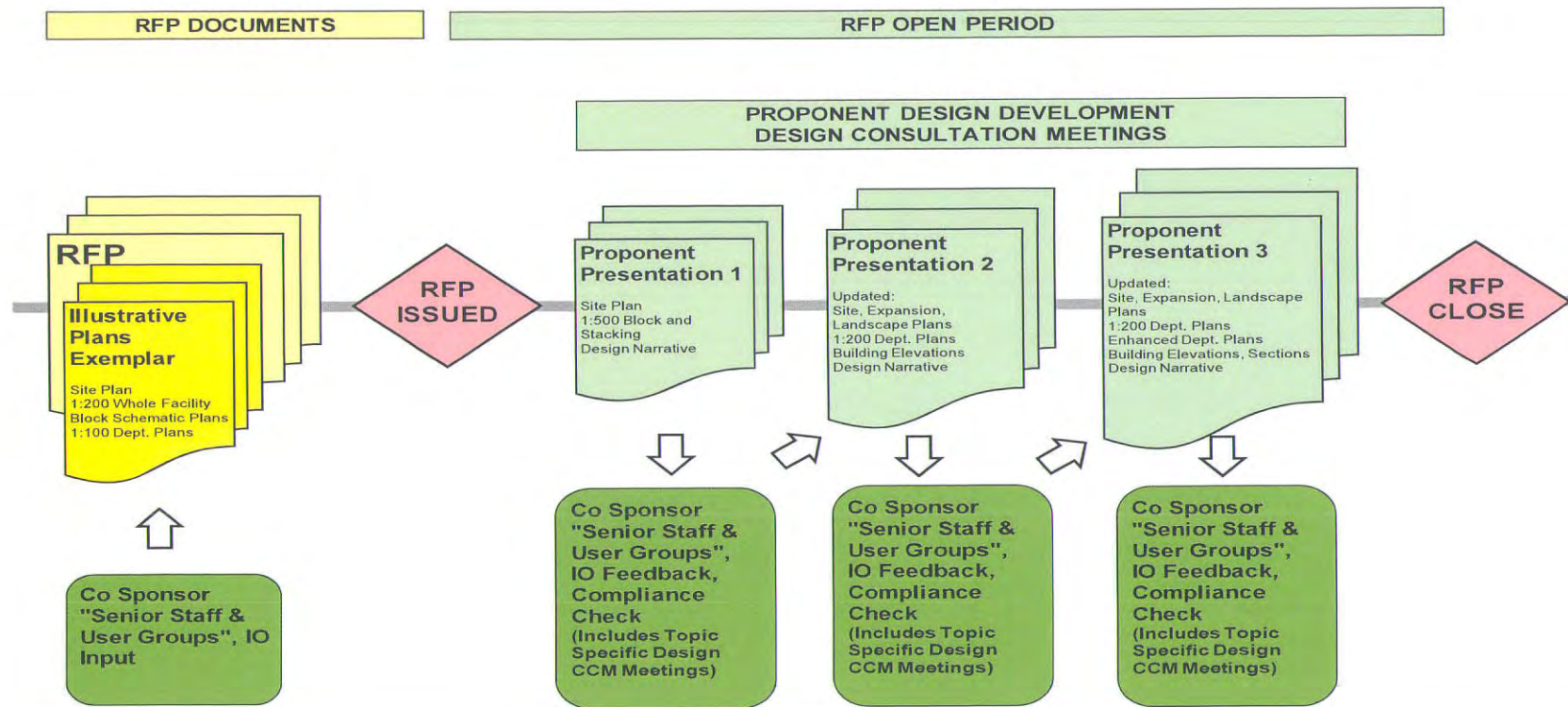
"The race is on!"



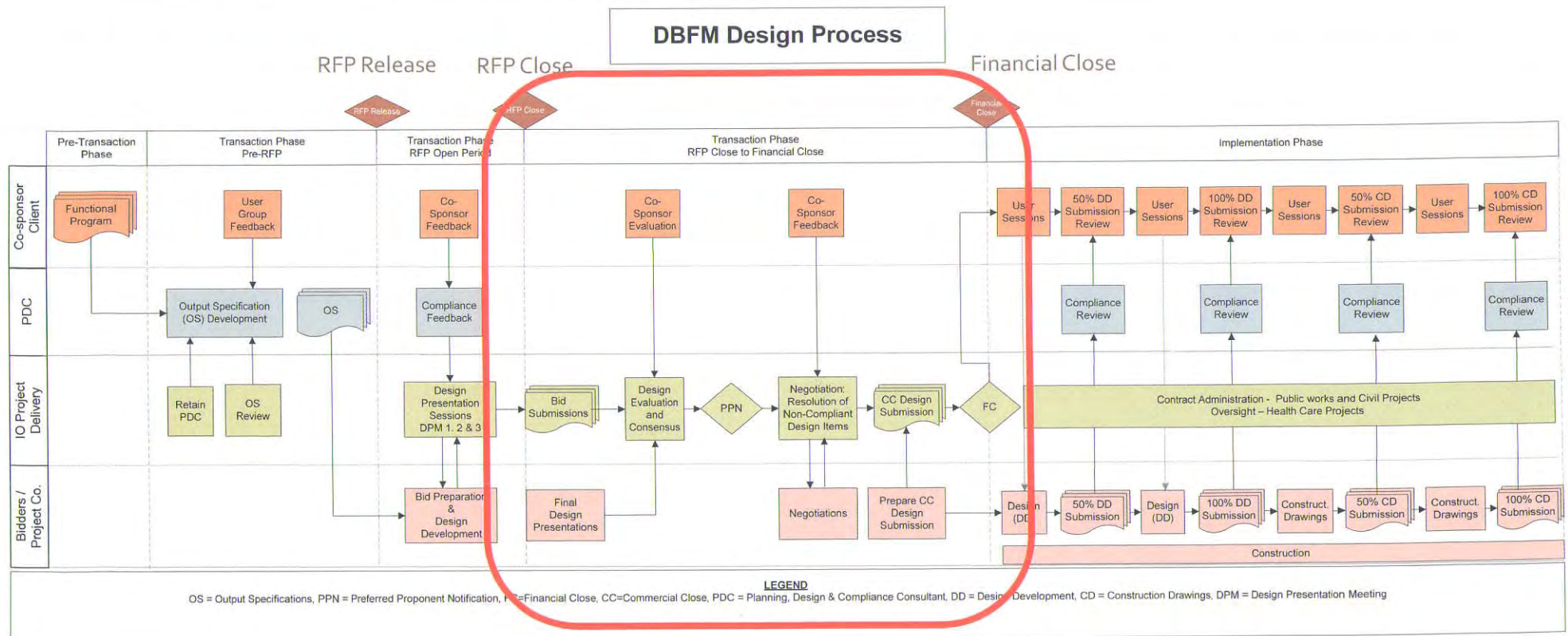
- ▶ The "Open Period" is when Bidders are preparing their design proposals and typically lasts 6 months

Design Consultation Process

- There are typically 3 or 4 rounds of Design Presentations and Feedback Sessions:



RFP Close to Financial Close Phase



RFP Close to Financial Close Phase

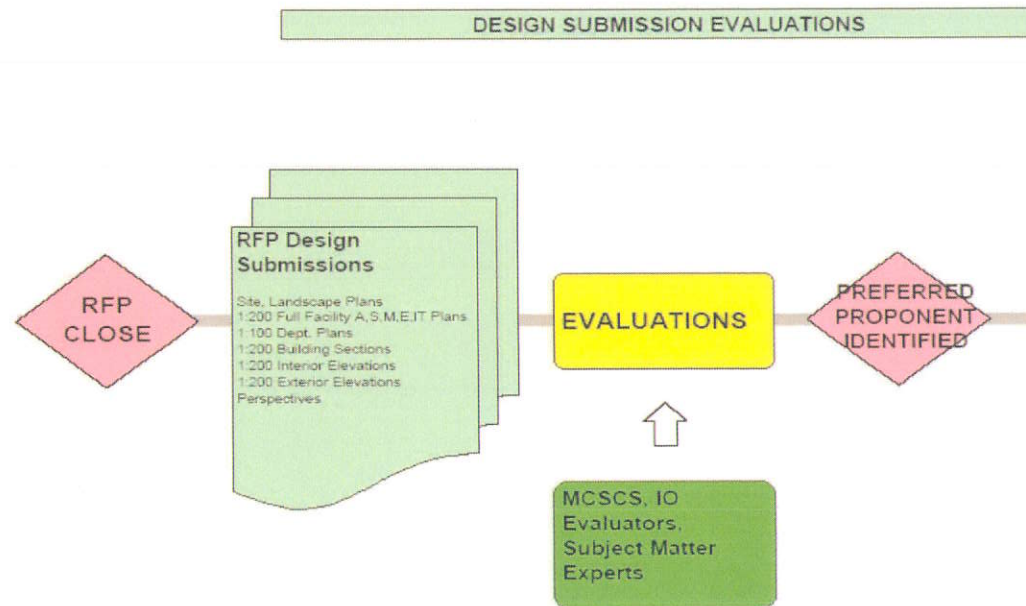
The Bids Submissions arrive!

During this phase the bids undergo an extensive evaluation of technical, design and financial aspects.



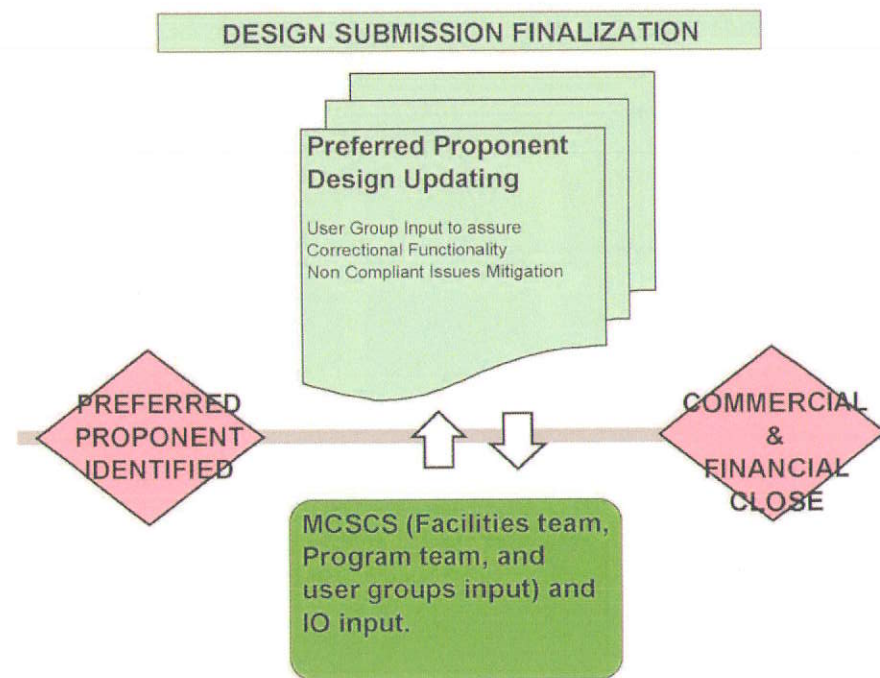
Based on this evaluation, the bids are scored and negotiations take place with the highest ranked bidder. Once all contract terms have been agreed upon, the **Project Agreement** (DBFM contract) is signed.

RFP Close – Evaluation

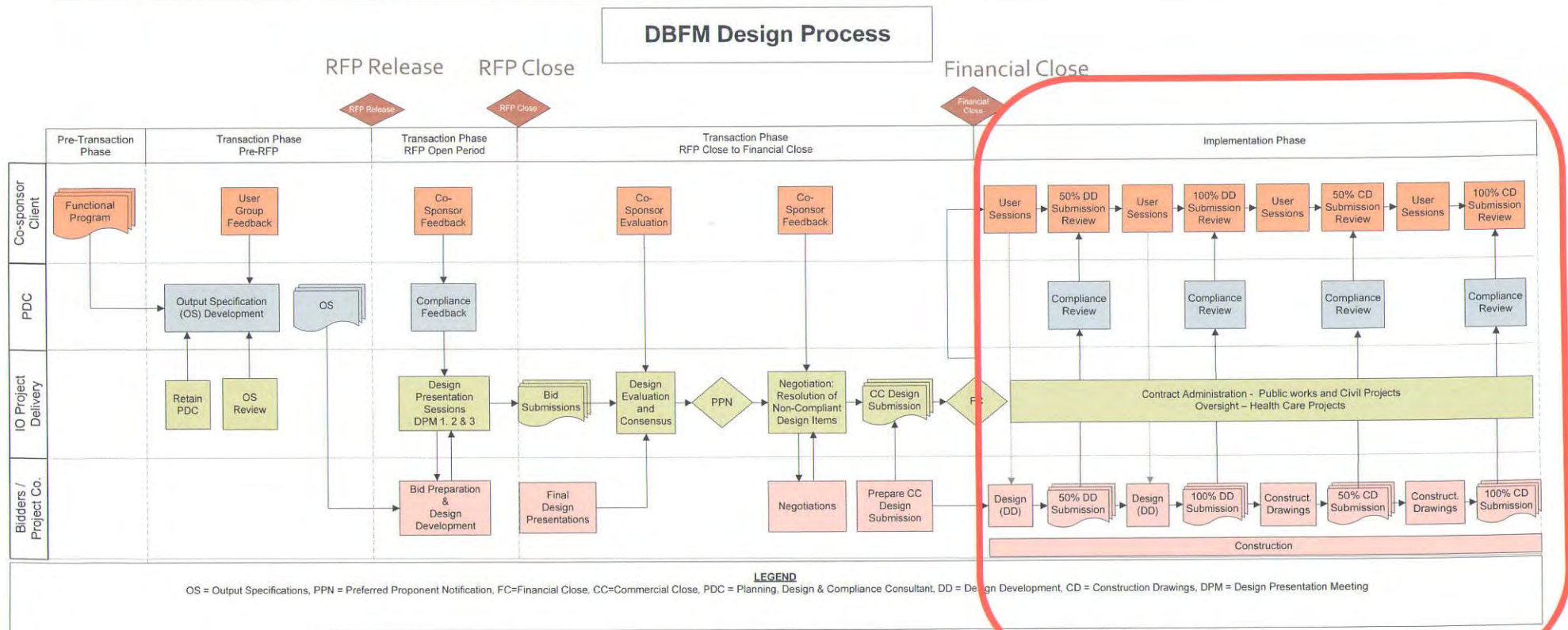


RFP Close – Design Confirmation

- Between Preferred Proponent (PP) notification and Commercial Close, the PP begins meeting with MCSCS User Groups to confirm their design and ensure correctional functionality.



Implementation Phase (Construction)



Implementation Phase (Construction)

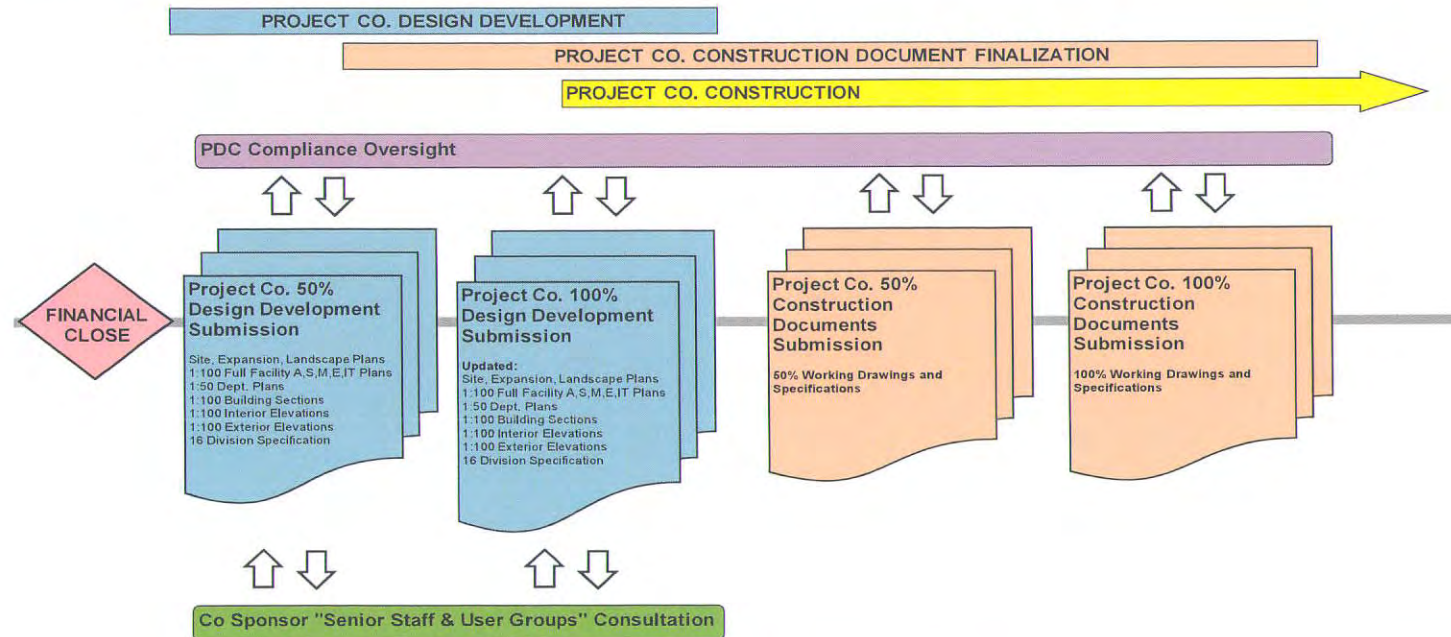
- ▶ The Co Sponsor reassembles User Groups and the design process begins with Project Co's Architect

FIPPA s.21

FIPPA s.20

Implementation Phase (Construction)

- Design Development
 - The Project Agreement requires submissions at 50% & 100% Design Development and 50% & 100% Construction Documents



Implementation Phase

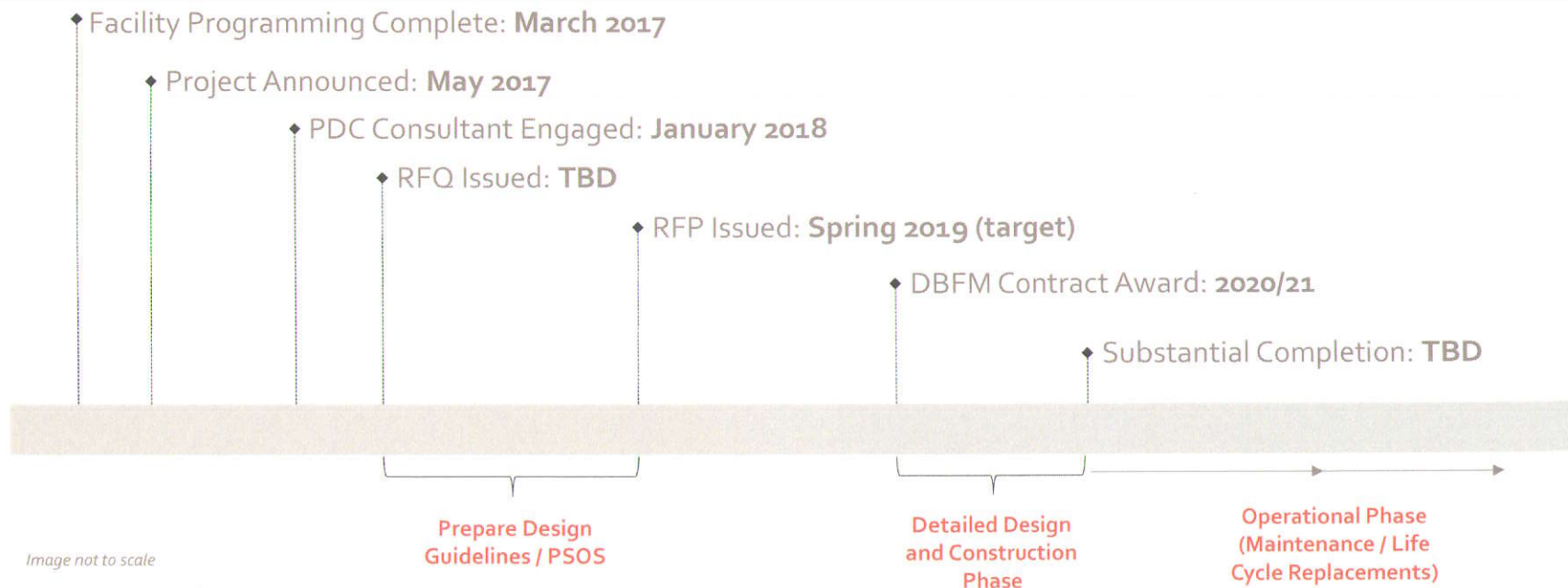
► Conformance Review

- The Co Sponsor and PDC review the design submissions for conformance with the DBFM Contract
- As the level of detail becomes greater the conformance review becomes more extensive



Ottawa Project Milestone Timeline

Ottawa Project – Milestone Timeline





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Algonquins of Pikwakanagan Engagement Session



Ottawa Correctional Centre Project



Agenda

1. Welcome & introductions
2. Engagement and meeting objectives
3. Project description & project team
4. First Nation community background, history, interests, priorities
5. Design discussion
6. Project implementation & other project activities
7. Confirmation of key findings & next steps



Engagement

Objectives:

1. Develop meaningful relationship with open, meaningful dialogue to ensure a shared understanding of Indigenous rights, interests, concerns and culture.
2. Understand and respect existing and asserted treaty rights, and traditional territories.
3. Discuss and seek guidance for design features and project activities.
4. Contribute to the response to the Calls to Action and the revitalization of the relationship between Indigenous peoples and Canadian society.

Constraints:

1. Budget and Scope – First Nation input will be incorporated within existing scope and budget constraints.



Project Description

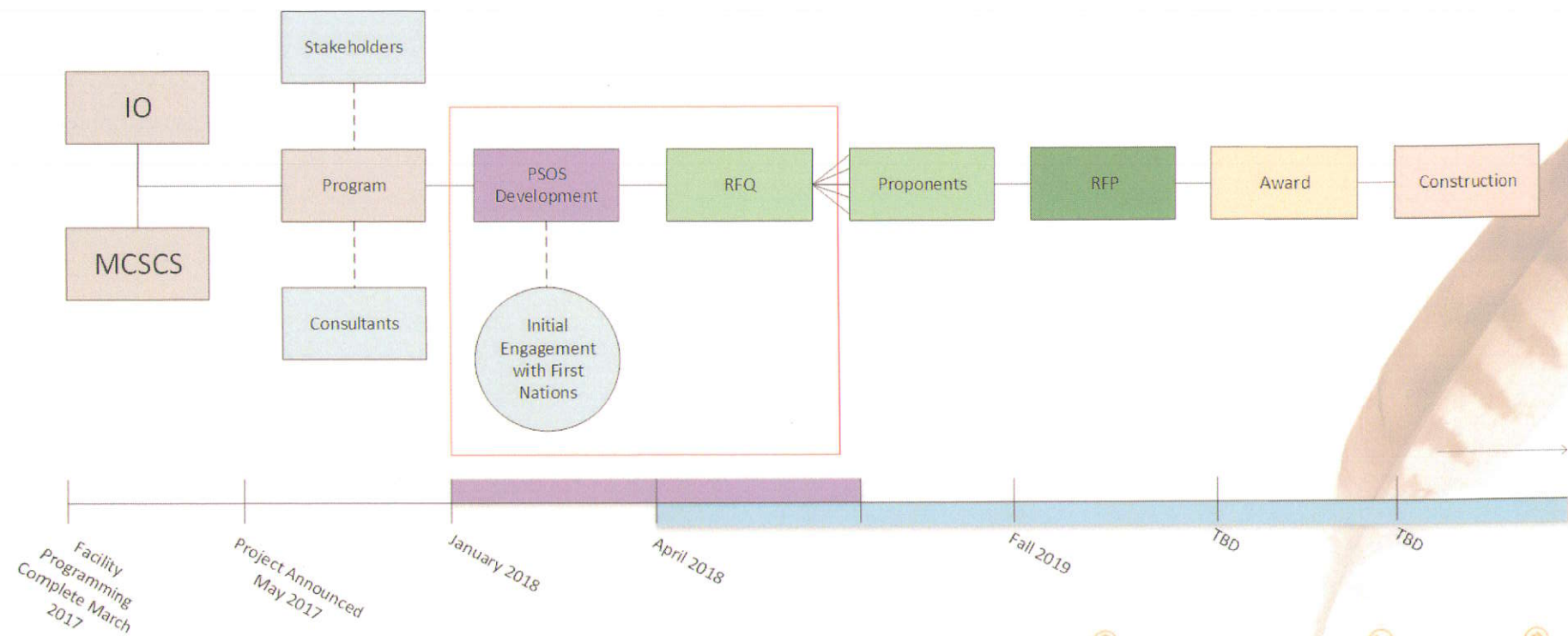
- Correctional Transformation Vision:

“A modernized correctional system that enhances safety and protects the human rights and dignity for all. Through collaboration, Ontario will become a leader in correctional services aligned with international standards of care”

- New 725-bed multi-purpose correctional centre to replace the existing Ottawa-Carleton Detention Centre.
- Increase capacity and reduce overcrowding at provincial institutions.
- Project will be delivered using the Alternative Financing and Procurement (AFP) model
- A site for the facility has not yet been selected.



Project Timeline





Project Team

- Project Sponsor: Ministry of Community Safety and Correctional Services
- Project Delivery: Infrastructure Ontario
- Planning, Design and Compliance:
 - NORR Architects in association with Kleinfeldt Mychajlowycz Architects
 - Innovation Seven
 - Subcontracted by NORR / KMA to identify, contact and engage with First Nations for the HRCC project.



Considerations for Design

1. Consideration of different groups:
 - a. Visitors
 - b. Prisoners
 - c. Staff / Support Workers
2. What programs or services does your community offer (Band court representative (child welfare), parole officers, community policing, Legal Aid, etc.)?
3. Are there facility improvements or design elements that could enhance any of the services provided by your community?
4. Are there any special or unique functional/space requirements that would be beneficial at the correctional complex?
5. What aspects within the current correctional complex (location, public access, etc.) work well or could be enhanced/improved?
6. Do you have priorities or interests regarding the correctional facility and the areas in which support services are offered to visitors, prisoners, staff/support workers?



Considerations for Design

1. Culture, traditions and use of language
2. Sustainability and environmental stewardship
3. Materials used
4. Traditional teachings and symbols (e.g. teachings of the 7 grandfathers, medicine wheel)
5. Acknowledgement traditional territory
6. Reference to Truth and Reconciliation
7. Space for ceremonies, rituals and healing practices (e.g. smudging)
8. Space for Indigenous corrections programs
9. Accommodation for Elders
10. Enabling healing process
11. Four sacred plants, acknowledgment of Mother Earth
12. Natural light



Implementation and Other Project Activities

Potential Considerations:

1. Archaeological discoveries
2. Technical studies
3. Environmental considerations
4. Ground breaking and opening ceremonies
5. Ongoing engagement

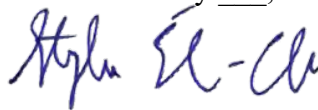


Exhibit "E"

Referred to in the affidavit of

Justin Piché

affirmed February 16, 2023

A handwritten signature in blue ink, appearing to read "Stephen El-Cha".

Commissioner for Taking Affidavits (or as may be)

Ontario Ministry of the Solicitor General (formerly Ministry of Community Safety and Correctional Services)
Recently Completed and On-going New Builds (additions to existing facilities excluded)

Justin Piché, PhD
Associate Professor, Department of Criminology, University of Ottawa
Member, Coalition Against the Proposed Prison

December 2022

Project P3 Contract Type and Value Beds (cost per bed)	Functional Planning and Facility Planning Study Initiated	Cabinet and Treasury Board Approval	Site Selection ----- Approach	Project Announcement	Planning and Design Compliance / Consultant Procurement and Selection	Request for Qualifications	Short-list Bidders Selected	Request for Proposals	Winning Bidder Selected / Financial Close	Construction Begins	Construction Ends	Official Opening	Project Length
South West Detention Centre (Windsor) ---- 30-year DBFM at \$336M ---- 315 beds (\$1.07M/bed)	Unknown	Unknown	Unknown date ----- Closed siting	26 September 2008 * Also see “ Milestones ”	Unknown	6 August 2009	18 December 2009	4 March 2010	11 April 2011	11 April 2011	30 August 2013	14 July 2014	5 years 9 months 18 days (post- announcement)
Toronto South Detention Centre (Toronto) ----- 30-year DBFM at \$1.1B ----- 1,650 beds (\$667k/bed)	Unknown	Unknown	Unknown date ----- Pre- designation	9 May 2008 * Also see “ Milestones ”	Unknown	3 June 2008	9 September 2008	16 October 2008	28 October 2009	28 October 2009	28 September 2012	29 January 2014	5 years 8 months 20 days (post- announcement)
Thunder Bay Correctional Complex (Thunder Bay)	1 March 2016	Unknown	Unknown date ----	4 May 2017	Unknown	Original timeline as of November 2017 Market		Original timeline as of November 2017 Market					6 years 9 months 0 days (as of 1 December

----- 30-year DBFM at \$200M-\$499M (original term noted in November 2017 Market Update) 30-year DBFM at \$500M-\$1B (revised term as of September 2020 Market Update) 30-year DBFM at \$1.2B (revised term as of 3 November 2022 contract announcement) ----- 345 beds (\$3.48M/bed)			Pre-designation			Update: Winter 2018 Actual timeline: 26 March 2018	Actual timeline: 31 March 2021	Update: Summer 2019 Revised timeline as of June 2020 Market Update: Winter 2021 Actual timeline 31 March 2021	Actual timeline: 22 April 2022	Actual timeline: 3 November 2022	Projected timeline: Fall 2026		2022 with 1 March 2016 start date)
Ottawa Correctional Complex (Ottawa) ----- 30-year DBFM at \$500M-\$1B ----- 725 beds (possible range was \$690k to \$1.38M/bed)	1 March 2016		“Acquisition of 4055 Russel Rd” was noted as “Scenario #1” for “Site Acquisition”, alongside two other scenarios in the “Ottawa Correctional Complex Site Acquisition and AFP Procurement Schedule Analysis” This site was considered at an early stage for the smaller EOCC (see Lisa Gallant FOI site selection	4 May 2017	26 January 2018	Timeline as of November 2017 Market Update = Winter 2018 Revised timeline as of September 2019 Market Update = TBD * Note: The transition binder for Solicitor General Michael Tibollo who was appointed to the role in June 2018 (see <i>Exhibit C</i>, page 4) refers to the Ottawa project as a “New multi-purpose 725-bed correctional facility in <u>third</u> year of seven year		Timeline as of November 2017 Market Update = Summer 2019 Revised timeline as of September 2019 Market Update = TBD					3 years 5 months 8 days (with 1 March 2016 start date and 9 August 2019 considered to be the end date where SolGen had to issue decision on placing a hold on the Kemtpville site for the smaller EOCC)

			package, slide 13) * Note: Location listed as “Ottawa-Carleton” in November 2017 Market Update and “Ottawa” in September 2019 + January 2020 market updates. Plan to build 725-bed complex to replace OCDC abandoned in favour of “Correctional Eastern Capital Strategy” located in the “Greater Ottawa Area” with “TBD” milestones by the June 2020 Market Update ----- Closed siting			project” (original emphasis), whereas the transition binder for Solicitor General Jones who was appointed to the role in November 2018 (see <i>Exhibit C</i>, page 10) notes these facts as well, but also states “NB: *Under review through multi-year planning process to evaluate regional bed capacity” (original emphasis). The November 2018 transition binder also states that the Ministry is “Reviewing options to address challenges to evaluate regional bed capacity” (see <i>Exhibit C</i>, page 13). This review exercise ultimately led to the “Correctional Eastern Capital Strategy” (see two columns over), also known as the “Eastern Region Strategy”, which included the proposed facility in Kemptville (see below).							
Eastern Ontario Correctional Complex (Kemptville) ---- 30-year DBFM at \$200M-\$499M (as of November			16 July 2019 “Ottawa Land Acquisition Update” notes “over 38 properties assessed this month” with 6 having “some potential and are under	27 August 2020	26 January 2018 Exhibit D – p. 374 of Motion Record	Original timeline as of September 2020 Market Update = Winter 2022 Revised timeline 1 as of December 2020 Market Update = Summer 2022		Original timeline as of September 2020 Market Update = Summer 2023	Original timeline as of September 2020 Market Update = TBD Revised timeline 1 as of December 2020 Market Update = 2024				

2022 Market Update) ----- 235 beds (possible range is \$851k to \$1.7M/bed)			further investigation by IO (rezoning and municipal servicing)”, as well as an “ADM briefing on Kemptville” to take place on 17 July 2019, followed by “SolGen to make decision on Kemptville site” on 9 August 2019 (see FOI site selection package, slides 22-23 also see slides 19, 23-25, 27, 80-92) ----- Closed sitting			Revised timeline 2 as of January 2022 Market Update = July-September 2022 Revised timeline 3 as of November 2022 Market Update = April-June 2024		Revised timeline 3 as of November 2022 Market Update = January-March 2025 Revised timeline 2 as of January 2022 Market Update = July-September 2023 Revised timeline 3 as of November 2022 Market Update = April-June 2026				
Brockville Correctional Complex (Brockville) ---- 30-year DBF at \$200M-\$499M (original term as of September 2020 Market Update) 30-year DBF at less than \$200M (revised term as of November 2022 Market Update) -----			Unknown date ----- Pre-designation	27 August 2020	Original timeline as of April 2021 Market Update = Spring 2021 Revised timeline as of June 2021 Market Update = Summer 2021 Revised timeline as of October 2021 Market Update = Fall 2021	Original timeline as of September 2020 Market Update = Summer 2022	Original timeline as of September 2020 Market Update = Winter 2022 [mistake – should read 2023] Revised timeline 1 as of December 2020 Market Update = Spring 2023	Original timeline as of September 2020 Market Update = TBD Revised timeline 1 as of December 2020 Market Update = 2024				

66-bed jail + 26-bed addition to treatment centre (possible range is less than \$2.17M/bed)					Revised timeline as of January 2022 Market Update = RFP Closed	Revised timeline 1 as of January 2022 Market Update = October- December 2022 Revised timeline 2 as of November 2022 Market Update = July-September 2024		Revised timeline 2 as of January 2022 Market Update = October- December 2023 Revised timeline 3 as of November 2022 Market Update = April-June 2025	Revised timeline 2 as of January 2022 Market Update = 2025 Revised timeline 3 as of November 2022 Market Update = July-September 2026				
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Court File No: DC 22-2731

VICTOR LACHANCE and KIRK ALBERT *and* **SOLICITOR GENERAL OF ONTARIO and ATTORNEY GENERAL OF ONTARIO**
Applicants

Respondents

**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

Proceeding commenced at Ottawa

**AFFIDAVIT OF JUSTIN
PICHÉ (Affirmed February 16,
2023)**

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Lawyers for the Applicants

VICTOR LACHANCE and KIRK ALBERT	<i>and</i>	SOLICITOR GENERAL OF ONTARIO and ATTORNEY GENERAL OF ONTARIO
<i>Applicants</i>		<i>Respondents</i>

**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

Proceeding commenced at Ottawa

**AMENDED RESPONDING
MOTION RECORD**

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