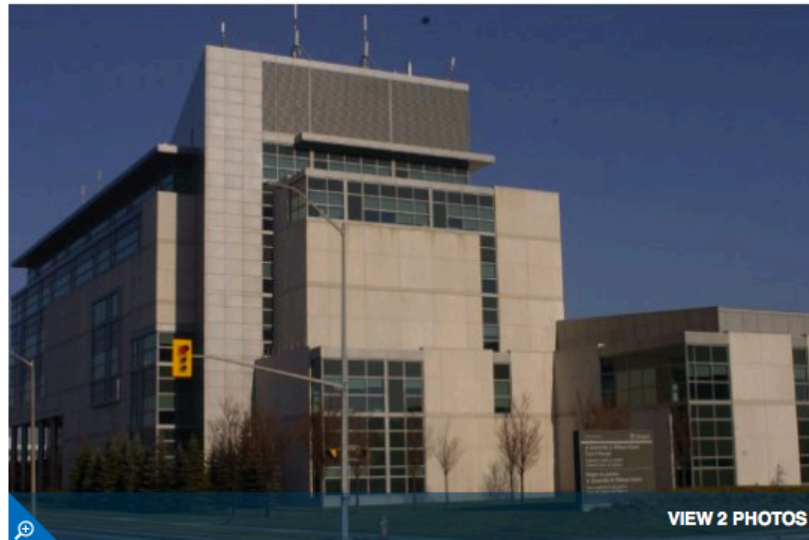
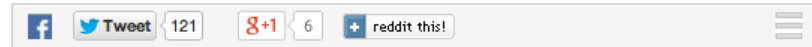


News / Crime

Brampton judge blasts Ontario government over courtroom shortage

Regional senior justice writes to lawyers that having to shift cases to distant sites “inconveniences counsel, the accused, witnesses, the police, court staff, judges and members of the public.”



VIEW 2 PHOTOS

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The province has announced plans to build an addition to the Brampton courthouse, but judges and lawyers say they need extra space now, not in three years.

By: [Wendy Gillis](#) News reporter, Published on Wed Mar 25 2015

An Ontario Superior Court judge has blasted the provincial government for its latest plan to address the chronic shortage of courtrooms in Brampton — an “immense” problem so dire trials are being shipped to courts as far away as Kitchener.

In a letter distributed to Criminal Lawyers’ Association members late last week and obtained by the Star, Justice Francine Van Melle accuses the Ministry of the Attorney General of failing to provide sufficient criminal jury courtrooms “on time, as promised.”

Van Melle’s letter, sent to the CLA president earlier this year, came just days after [the province announced a “state-of-the art,” six-floor addition](#) to Brampton’s A. Grenville and William Davis courthouse, one of the busiest in the province due to a staggering 40,000 new cases each year.

But Van Melle said the ambitious project, which won’t be ready until December 2017 at the earliest, does nothing to address the current shortage of courtrooms, which she and other judges have been asking the province to “immediately address” for more than three years. Facing a scarcity of places to hold jury trials, a Brampton cases are being sent to Orangeville, Kitchener and elsewhere.

Van Melle and other judges “urged” the ministry to proceed with a plan developed in 2012 to add three modular courtrooms, a modest solution that would have brought relief far sooner. But the ministry went ahead with the six-storey addition “despite our pleas,” Van Melle wrote.

“You can imagine our frustration when we learned ... that it will take another three years before there is any real relief in Brampton,” wrote Van Melle, who was then Regional Senior Justice for Ontario’s Central West court region, a role that includes determining where cases are heard.

“The ministry’s decision inconveniences counsel, the accused, witnesses, the police, court staff, judges and members of the public.”

Brendan Crawley, spokesperson for the Ministry of the Attorney General, said in an email that the ministry “has always responded to issues of courtroom demand and condition promptly and effectively.”

The Brampton courthouse addition “will satisfy projected demand for both the Superior Court of Justice and the Ontario Court of Justice for an estimated twenty-five years,” he said.

Van Melle wrote that she “took the liberty” of sending her letter to assistant deputy attorney general Lynne Wagner. “I trust the ministry will respond as it sees fit,” she wrote.

Asked if Wagner responded, Crawley said the letter was sent to the CLA and “as such, the ministry did not respond.”

In a January communiqué sent to Brampton courthouse staff to announce the permanent courthouse expansion, Wagner did say the long-term plan was “the best use of our capital dollars and offers the best value for taxpayers.”

Justice P.A. Daley replaced Van Melle as Regional Senior Justice in February, but Van Melle remains a judge in Brampton. She could not be reached for comment.

Daley declined to comment on the concerns Van Melle raised in the letter, the impetus for which came from CLA president Anthony Moustacalis, who expressed in a December letter to her the association’s “grave concerns” about the situation in Brampton.

Highlighting complaints about childcare responsibility, transportation difficulties and lack of funding to reimburse travel costs, Moustacalis asked Van Melle to suspend the practice of moving cases to other courthouses until they could arrange a meeting to discuss it.

“Shipping Brampton trials out of jurisdiction, particularly as far as Kitchener ... is terribly unfair to many of our members, as well as to the accused persons,” he wrote.

But Van Melle could only sympathize, detailing the efforts she and other judges had made to convince the Ministry of the Attorney General to “immediately” address the courtroom shortfall, including numerous meetings with senior ministry officials.

“The responsibility to provide appropriate and sufficient facilities rests squarely on the provincial government, not the judiciary,” Van Melle wrote.

In a statement to the Star, CLA Toronto region director Daniel Brown said the association is troubled by the lack of government resources directed towards the criminal justice system throughout Ontario.

“A scarcity of court space impacts everyone in the system and particularly an individual’s right to a fair trial. Most concerning is that there appears to be no short-term solutions. Without significant government funding for additional judges and court space, we expect these problems will continue.”

Brampton is among several GTA municipalities struggling to accommodate the high demand growing populations place on court resources. Earlier this year, an Ontario Court judge called Halton Region “[one of the lost children of the Ontario judicial system](#),” due to a lack of court resources.

Last week, another Halton judge threw out a drunk driving case after it had been delayed nearly a year, ruling the defendant’s right to a trial within a reasonable time was infringed. Justice Stephen Brown blamed the delay in part on the lack of court resources and the region’s failing court infrastructure.

In his ruling, he accused the province of failing to respond to the “persistent and ever-increasing” strain placed on Halton’s justice system by the region’s growing population.

“It seems to be recognized by local governments but not the government that has the Constitutional obligation to allocate sufficient resources to remedy the problem,” Brown wrote. “The government has failed to allocate sufficient resources in Halton for a lengthy period of time. This cannot be an oversight, but only a conscious decision.”

Crawley said the ministry is aware that numerous courthouses across Ontario, including in Halton, are facing facilities challenges.

“The ministry’s courthouse capital investment decisions are guided by long-term planning and the need to ensure that facilities with the greatest needs are given priority. The challenges in the Halton region were an important part of the ministry’s annual infrastructure priority and planning exercise, which is ongoing,” he wrote.

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