



**EMOND  
HARDEN**  
LABOUR & EMPLOYMENT LAW  
DROIT DU TRAVAIL ET DE L'EMPLOI

**JENNIFER BIRRELL**

✉ jbirrell@ehlaw.ca ☎ 613 940-2740

**PRIVATE AND CONFIDENTIAL**

**VIA EMAIL**

[james@ismklaw.ca](mailto:james@ismklaw.ca)

January 9, 2023

James S.M. Kitchen  
Barrister & Solicitor  
203-304 Main St S, Suite 224  
Airdrie, AB T4B 3C3  
Phone: 986-213-6321

Dear J. Kitchen:

**Re: Josh Alexander**

We have been retained by the Renfrew County Catholic District School Board (the "Board") in connection with the above-noted matter. Please direct all further communications in this matter to my attention.

**Withdrawal from Parental Control**

We understand that you are taking the position that Josh has withdrawn from parental control for the purposes of his suspension appeal. As previously noted by Principal Lennox, the Board does not have information from either Josh or his parents that supports this position. While we will address this issue more fully in separate correspondence, at this time, [REDACTED] will be copied on our communications, as they continue to have a right to information and decision-making concerning educational matters until such time as a withdrawal of parental control can be established. If there has been withdrawal from parental control, they will not be legally entitled to receive information concerning Josh's education or participate in any decision-making concerning Josh's education.

**Breach of Exclusion Notice**

As you are aware, on January 8, 2023, Derek Lennox, the Principal of St. Joseph's Catholic High School (the "School" or "St. Joseph's") issued Josh a notice of exclusion under section 265(1)(m) of the *Education Act* and Regulation 474/00. While the exclusion was subject to appeal to the Board, pending any appeal or a withdrawal of the exclusion notice, Josh was not permitted to access School premises. As you are aware, pursuant to section 305 of the *Education Act*, it is an offence for an unauthorized person to enter or remain on School premises.

While Josh did not attend his morning classes today, we understand that in breach of the exclusion notice, Josh attended St. Joseph's for his afternoon classes. Further, when he was directed to leave, he refused. He also declined the Principal's directive to meet with him, even after there was a commitment to include you in the meeting by phone.

707 rue Bank St  
Ottawa, ON K1S 3V1  
☎ 613 563-7660

439 av. University Ave  
Toronto, ON M5G 2N8  
☎ 416 922-3773

☎ 1 888 563-7660  
☎ 613 563-8001  
EHLAW.CA |  | 



As you know, the temporary exclusion notice was issued only after Josh continued to challenge the expectations set for Josh on his return and only after you issued the following threat: "Absent some sort of arrangement...there will likely be an unfortunate and unnecessary conflict tomorrow, as Mr. Alexander's position as communicated in my letter to you of January 6 also remains unchanged". The *Education Act* provides that it is the duty of a principal to maintain proper order and discipline in the School and "to refuse to admit to the school or classroom a person whose presence in the school or classroom would in the principal's judgment be detrimental to the physical or mental well-being of the pupils". The Principal determined that Josh's presence in the School met this standard. It is not acceptable for Josh to flaunt the Principal's directions.

In the circumstances, and in face of Josh's continued defiance of the Principal's authority in the School, the Board will be issuing a Trespass Notice.

In addition, based on Josh's conduct at St. Joseph's today, the Principal will be issuing a further disciplinary suspension on the grounds of Josh's "persistent opposition to authority". These grounds will be detailed in the notice of suspension.

We will be communicating with you and Josh's parents shortly on next steps. In the interim, we would ask that Josh cooperate with the Principal's direction not to attend school while we are working through these issues.

Finally, we understand that Board correspondence to Josh has been published on the Liberty Coalition Canada website, along with other statements regarding the current situation. Please be advised that you do not have permission to publish this communication. Further, this letter is subject to copyright protections.

We note that the statements posted regarding the current situation are false, misleading and potentially defamatory. Contrary to what is suggested, Board staff have acted in good faith, performed their duties diligently and conducted themselves with the highest degree of competence. More specifically, School administrators have acted within the scope of the *Education Act*, as well as relevant Board policies.

Yours truly,  
**EMOND HARNDEN LLP**  
Per:

Jennifer Birrell  
JEB/sjb

Patrick Twagirayezu

cc.

[Redacted]  
Renfrew County Catholic District School Board