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Federal Court Finds Environment for Inmates at Edmonton Institution for Women not Safe and Healthful Due to Extreme Indoor Temperatures

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Case Commented On: *Canadian Association of Elizabeth Fry Societies v Canada (Attorney General)*, [2026 FC 958 \(CanLII\)](#)

On July 16, 2026, the Federal Court of Canada ruled that the Correctional Service of Canada (CSC) must keep records of temperatures in inmate-occupied areas at the Secure (Maximum) Unit of the Edmonton Institution for Women (EIFW) and must seek authorization to install air conditioning in those same areas. The decision was released in the middle of a hot and smoky summer, during which CSC has [come under fire](#) for extremely hot living conditions for federal prison inmates. While excessive hot and cold temperatures are [certainly not a new issue](#) for CSC facilities, the Federal Court's specific order that EIFW must track temperatures in inmate living spaces in the EIFW Secure Unit represents an important development for prison justice advocates, who may now have access to information corroborating their clients' longstanding claims about unliveable temperatures in federal prisons. Further, CSC can no longer rely on a blanket prohibition against installing air conditioning in inmate living areas, a small step toward more livable conditions for inmates.

Facts

The Applicant in this matter, Canadian Association of Elizabeth Fry Societies (CAEFS), has been [the leading national organization](#) advocating for criminalized women since 1978. It supports a network of 22 Elizabeth Fry Societies across Canada.

In 2024, CAEFS filed a judicial review of the continuing conduct of CSC with respect to its operation of EIFW. EIFW is a federal prison designated for women with maximum, medium, and minimum units. CAEFS alleged that “extreme indoor temperatures” in the Secure Unit at EIFW “have been an ongoing problem for about twenty years” (at para 1). Specifically, CAEFS asserted that CSC knew of these conditions and failed to take reasonable steps to manage them, thus breaching s 70 of the *Corrections and Conditional Release Act*, [SC 1992, c 20](#) (CCRA), which requires CSC to ensure that inmates' living conditions are “safe and healthful”. They also argued that these actions breached ss 7, 12, and 15 of the *Charter*. CAEFS sought both a declaration and a writ of *mandamus* as a remedy.

CAEFS filed four affidavits from inmates in support of its application. Those affidavits identified April to October as the “Hot Months” at EIFW. Inmates called one particular corner cell the “microwave” or the “oven” (at para 20) because it was so hot inside. One inmate testified that

when she was housed in this corner cell in August 2018, a maintenance worker tested the temperature as over 40°C (at para 21). The affiants described experiencing and witnessing panic attacks due to heat, as well as other symptoms such as excessive sweating, discomfort, difficulty sleeping, exhaustion, exacerbated depression or anxiety and emotions of fear, hopelessness, frustration and anger (at para 26).

The Federal Court granted CAEFS' application and ordered a writ of *mandamus* against CSC requiring it to "[r]ecord and retain a log of all temperature readings from its regular monitoring (which occurs at least 5 days a week), in the inmate-occupied areas of the Secure Unit in the Edmonton Institution for Women" and to "[s]eek authorization to install A/C in the inmate-occupied areas in the Secure Unit, including the cells, of the Edmonton Institution for Women".

Judicial Review

This application for judicial review was brought in Federal Court because CSC is an arm of the federal government. Judicial review is often used to challenge a specific administrative decision, but it is also available to address "continuing conduct", which can involve challenging a policy. The "continuing conduct" does not have to flow from any specific decision (see paras 78-79). Indeed, the Court confirmed, "allegations that a public officer has failed to discharge a duty imposed upon them by law is a matter that is amenable to judicial review" (at para 80). Further, the "continuing conduct" need not persist into the moment that the application is heard. The Court found that while CSC took temporary measures to alleviate the conditions at EIFW in the summer of 2024, those temporary measures did not "insulate its conduct from judicial review" (at para 83). The Court noted specifically that it did not take these temporary measures until *after* CAEFS filed its application for judicial review (at para 83).

Public Interest Standing

Because CAEFS is an advocacy organization rather than a representative of a specific person affected by extreme heat at EIFW, it required public interest standing to bring an application like this one. The Respondent Attorney General of Canada argued that CAEFS did not have public interest standing.

The Court found that CAEFS met the test for public interest standing as set out in *Canada (Attorney General) v Downtown Eastside Sex Workers United Against Violence Society*, [2012 SCC 45](#) at para [37](#). The Court found that the issue of extreme temperatures in the inmate living areas of the maximum unit at EIFW was "serious and justiciable" (at paras 74-83). It further found that CAEFS has established its genuine interest or real stake in the issue by virtue of its prior litigation on behalf of incarcerated people (at para 85) and its multiple attempts to raise the issue of extreme temperatures with the Warden at EIFW from 2012 to 2018 (at para 86).

CAEFS' application was also, according to the Court, "a reasonable and effective way to bring the issue before the courts" (at paras 88-98), largely because inmates are significantly disadvantaged when it comes to undertaking similar advocacy on their own behalf. Inmates also generally stay in the Secure Unit at EIFW for a relatively short period of time, meaning that challenges to the

extreme temperatures on behalf of individual inmates would quickly become moot as those inmates depart the Secure Unit (see para 95).

A Note Regarding the Grievance Process

The Attorney General of Canada argued that inmates affected by extreme temperatures on the Secure Unit of EIFW are required to exhaust the grievance process established under the *CCRA* before it would be appropriate to bring an application such as this one.

CAEFS successfully opposed this position on the grounds that the grievance process is not designed to address concerns about a building's existing structure, infrastructure, and equipment, but rather the action or inaction of a specific staff member (at para 129). The Court noted, "[t]he best that can be expected from the grievance process is an individual accommodation of the griever, leaving the remainder of the inmates and staff in Secure to suffer through the heat" (at para 130). The Court also recognized that inmates had complained and grieved the issues with heat in the Secure Unit since at least 2011, efforts which appeared to have had no impact (at para 130).

While the decision did not discuss the drawbacks of the grievance process at length, it is worth noting that the Supreme Court of Canada has found the grievance process in the *CCRA* to be significantly limited in its utility due to "structural weaknesses" inherent in the "review of decisions made by prison authorities by other prison authorities" (*May v Ferndale Institution*, [2005 SCC 82 \(CanLII\)](#) at paras 63-64). Further, "there are no remedies set out in the *CCRA* and its regulations and no articulated grounds upon which grievances may be reviewed", and "the decisions with respect to grievances are not legally enforceable" (*May v Ferndale* at para 63).

The argument that the grievance process must be fully exhausted before any of the issues raised may be dealt with by a court or other administrative body is both familiar and unpersuasive. In *Spidel v Canada (Attorney General)*, [2012 FC 958 \(CanLII\)](#), the Federal Court underscored "the systemic problems and delays within the CSC grievance process" (at para 13). The Court noted that "[t]he evidence ... paints a troubling picture of serious and long-standing problems with the CSC prisoner grievance process" and raised "real concerns as to the extent to which the CSC has complied with its statutory obligation to provide inmates with an effective grievance procedure" (at para 47).

In this case and many others, the Attorney General continues to rely on the grievance process in its arguments that applications such as this one are improper. Those arguments were unsuccessful here and there is significant Federal Court jurisprudence calling the efficacy of the process into question. The Court in this decision chose not to discuss the drawbacks of the process itself, but those drawbacks have plagued prison justice advocates for many years.

Substantive Issues

The Court identified the central substantive question on this application as, "whether CSC has unreasonably failed or refused to take all reasonable steps to ensure safe and healthy temperatures in Secure at the EIFW as required by s. 70 of the *CCRA*" (at para 144).

The Court accepted that temperatures in the Secure Unit are excessively high at certain times of the year, that this is a long-standing issue, and that CSC has been aware of it since at least 2012. CAEFS provided a robust evidentiary record on this point, including statements and internal emails from CSC staff obtained via the federal Access to Information and Privacy regime, as well as responses to inmate complaints. These were bolstered by affidavits from inmates, copies of inmate complaints and grievances, and CAEFS' own record of substantial written correspondence with EIFW on this issue.

The Attorney General denied that the heat is an issue, but the Court found on this point, "CSC's history of implementing heat mitigation measures effectively concedes the existence of the very temperature problem the Respondent now denies" (para 153).

The Attorney General further argued that the problem has been resolved via the measures taken in 2024 following the filing of CAEFS' application for judicial review. On this point, the Court specifically called the Attorney General's position into question given the absence of recorded temperature readings for the affected areas. It stated, "If the problem were resolved, it would have been a simple matter for CSC to provide evidence of its temperature readings in 2024. No such evidence was filed" (at para 160). The Court further criticized the lack of a long-term commitment to resolving the issue, which it accepted was persistent and longstanding (at para 165).

"All reasonable steps"

Having accepted that excessive heat remains a live issue for inmates in the Secure Unit at EIFW, the Court turned to considering what it might mean for CSC to take "all reasonable steps" to alleviate those conditions. The Court rejected the Attorney General's argument that some reasonable steps were sufficient to meet this standard (at para 172). It found that if *any* reasonable steps existed that CSC had not taken, then it had fallen short of its responsibility as defined by s 70 of the *CCRA*.

The Court found: "[t]he evidence before the Court is that, despite knowing as early as 2012 there are design problems with the temperature regulation systems in Secure, and the result is that Secure becomes 'very,' 'extremely,' or 'unbearably hot,' CSC has not: (1) maintained a written temperature log, nor (2) taken steps to enquire about installing A/C in the cells in Secure" (at para 176).

With respect to the written temperature log, the Court commented, "[t]he evidence is that the Maintenance Department regularly monitored the temperatures and took readings one or two times a day at least 5 days a week. Remarkably, however, no one directed the Maintenance Department to record this temperature data. This was a significant oversight and unreasonable given the circumstances, including the nature of the interests at stake, namely the health and safety of human beings" (at para 178).

With respect to installing A/C, the Court found that the lack of A/C in the Secure Unit was the result of an unreasonable interpretation of a particular CSC policy called the "Technical Criteria for Correctional Institutions". To date, CSC has treated this policy as "entirely prohibitive of installing Air Conditioning [A/C] in the inmate-occupied areas of the penitentiary" (at para 7).

Notably, the staff areas have A/C (at para 17). The wording of the policy is as follows: “[e]xcept as provided in 4.3, air conditioning shall not be provided in inmate-occupied areas unless special approval has been obtained from NHQ – Technical Services” (at para 179).

The Court found that the absolute bar on A/C was unreasonable for three reasons. First, it was not apparent that the Technical Criteria applied to EIFW at all, as it appeared to be directed at new buildings rather than existing structures like EIFW. Second, the policy contains a carveout for situations where special approval has been obtained from National Headquarters, so it is clearly not absolute. Third, and most importantly, CSC must implement policy within the legal constraints contained in the *CCRA*. It cannot rely on a policy as the justification for its failure to implement a legal requirement such as the requirement to provide a “safe and healthful” environment for inmates.

There was no evidence before the Court that a request for special approval for A/C in the Secure Unit at EIFW had been made. Therefore, the Court found, a request for special approval for A/C constituted another reasonable step that CSC had not taken to ensure that the environment was safe and healthful.

Conclusion and Comments

This decision requires CSC to take two specific and concrete steps to improve living conditions on the Secure Unit of EIFW, a small section of one CSC institution. However, the decision has ramifications for inmates at other institutions as well.

In particular, the Court strongly denounced CSC’s failure to record temperatures in the Secure Unit, calling it a significant oversight where the health and safety of human beings is concerned. This is significant for prison justice advocates because it suggests that in situations where inmates can demonstrate a sustained record of continuing concerns about the temperature in a specific inmate living area, CSC may have a duty to record those temperatures to comply with its obligations under s 70 of the *CCRA*. Accordingly, this decision may provide a basis for further advocacy at other institutions where temperatures are unreasonably high or low. There is now concrete case law establishing that CSC has not fulfilled its duty to inmates if there is a sustained record of continuing concerns about temperature and temperatures are not consistently recorded.

Another significant aspect of this decision which may impact other advocacy efforts is the Court’s finding that a blanket prohibition on the installation of air conditioning in inmate living areas is unreasonable. As with many developments in case law, this represents a small but significant step toward improving inmate living conditions. According to the Federal Court, CSC can no longer rely on a blanket prohibition to avoid installing air conditioning. In all likelihood, air conditioning will continue to be the exception rather than the rule in correctional institutions. However, one barrier to its use has been removed. Prison justice advocates should take notice.

Successes such as this one are rare in the area of prison justice legal advocacy. This decision comes as a welcome outlier to that trend. In particular, the Court’s comments about the deficiencies in the Attorney General’s submissions were a breath of fresh air to read. Toward the end of the decision, the Court stated, “The Respondent’s reluctance to acknowledge that excessively high temperatures

in Secure are indeed a problem undermines the Court's confidence in CSC's commitment to find a durable solution in the absence of *mandamus*" (at para 213).

CSC has a long record of refusing to acknowledge problems in delivering correctional services. Indeed, in November 2025, the Correctional Investigator Dr. Ivan Zinger [tendered his early resignation](#) from his post. He publicly stated that the reasons for his resignation are that CSC is not responsive to his oversight, the Minister of Public Safety will not press CSC to act on his recommendations, and the reforms presented by his office are too often discarded or dismissed. He stated, holding up the final report he produced prior to his resignation, that it will "result in legal actions that end up compelling the federal government to meet its legal mandate to federal inmates".

The Federal Court decision represents precisely one such legal action. If CSC will not act of its own volition to improve living conditions for inmates, courts may force it to do so. For many years, CSC has enjoyed few consequences for its resistance to take simple steps to alleviate inmate suffering in correctional institutions. The public should not continue to allow this status quo to persist. To quote a modern political maxim, "whatever you allow your government to do to others, they will eventually do to you."

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