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October 15, 2025

Township of Springwater
2231 Nursery Road
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Attention: Jennifer Marshall, Clerk

Dear Mayor Coughlin and Members of Council:

RE: Legal Opinion Regarding Strong Mayor Powers pursuant to Part IV.1 of the *Municipal Act, 2001,* S.O. 2001, c. 25
Barrie Annexation Proposal
Our File No. 33222-0002

ISSUE:

You have asked us to provide an opinion regarding the authority of the Mayor to use the provisions of Part VI.1 ("**Strong Mayor Powers**") of the *Municipal Act, 2001,* S.O. 2001, c. 25 (the "**Act**") to facilitate the City of Barrie's ("**Barrie**") Annexation Proposal (the "**Barrie Annexation Proposal**").

In addition, the Township of Springwater ("**Township**" or "**Springwater**") is in receipt of correspondence dated October 6, 2025 from Davies Howe LLP on behalf of their client, the Midhurst Landowner's Group ("**MLG"**), providing an opinion regarding limitations of the Strong Mayor Powers. You have asked us to review this correspondence and to provide our independent opinion as to whether in our opinion, the conclusions reached therein are legally sound.

OVERVIEW OF OPINION:

The *Municipal Act, 2001* establishes the framework for municipal governance in Ontario, including the scope of powers assigned to municipalities and the geographic limits within which those powers may be exercised.

In 2022, the Province enacted Part VI.1 of the Act, introducing Strong Mayor Powers for certain prescribed municipalities, including the Township, as confirmed by O. Reg. 530/22. These powers, which include the ability to veto by-laws, propose and compel Council to consider certain by-laws, and direct municipal staff, are expressly limited to matters that, in the Mayor's opinion, may advance a prescribed provincial priority, as defined in O. Reg. 580/22. The legislation also provides for a reduced voting threshold for the passage of such by-laws and grants immunity from judicial review for decisions made legally and in good faith under this framework.

Importantly, there is no statutory authority to exercise Strong Mayor Powers in relation to matters that fall outside the scope of the prescribed provincial priorities. The Strong Mayor Powers do not confer general executive authority on the head of council and must be interpreted within the clear legislative limits established under the Act.

Further, while municipal powers are to be interpreted broadly, section 19(1) of the Act expressly limits the municipal exercise of power to within its own geographic boundaries.

Accordingly, it is our opinion that the Mayor of the Township of Springwater cannot rely on the Strong Mayor Powers pursuant to Part VI.1 of the Act to facilitate the Barrie Annexation Proposal, as such exercise of authority would fall outside the scope of the prescribed provincial priorities set out in O. Reg. 580/22 and would therefore exceed the jurisdiction conferred by the legislation. Moreover, section 19(1) of the Act expressly limits a municipality to exercising its powers only within its own geographic boundaries, further precluding the proposed action in relation to the Barrie Annexation Proposal.

Lastly, we concur with the opinion provided on behalf of MLG that as the Barrie Annexation Proposal considers matters not related to the prescribed provincial priorities, outside of the timeframe established by O. Reg. 580/22, and seeks to permit development in Barrie and not in Springwater, the Mayor was without authority to direct Staff to facilitate discussions on the Barrie Annexation Proposal (Mayoral Direction MDIR-2025-001), and without authority to rely on the consideration powers under section 284.11.1 of the Act to bring forward and require a council vote on By-law 2925-042 (being a By-law to authorize the Mayor to engage in discussion with the City of Barrie and the Province regarding the Barrie Boundary Proposal) and By-law 2025-068 (being a By-law to authorize the Mayor to include cross-border servicing for the Bayfield Street corridor in discussions with the City of Barrie and the Province regarding the Barrie Boundary Proposal), and is further restricted from relying on and using the Strong Mayor Powers to facilitate the Barrie Annexation Proposal.

LEGISLATIVE SCHEME:

The governing legislation for the powers of a municipality is the *Municipal Act, 2001.* The Act recognizes that each municipality is given powers and duties under the Act for the purpose of providing good government with respect to matters within their jurisdiction.

Section 2 of the Act provides:

> Municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction and each municipality is given powers and duties under this Act and many other Acts for the purposes of providing good government with respect to those matters.

In 2022, the provincial government enacted Part VI.1 of the Act, which deals with the so-called Strong Mayor Powers. O. Reg. 530/22, Schedule 1 specifies that the Township is explicitly captured by section 284.2 of the Act, which grants Strong Mayor Powers to specifically prescribed municipalities.

Any assessment of the Strong Mayor Powers conferred under Part IV.1 of the *Municipal Act, 2001,* must be conducted through the lens of section 2 as identified above, and through sections 8(1) and 19(1) of the Act which outline the scope of powers of a municipality, and the geographic application of their powers.

Specifically, section 8(1) of the Municipal Act provides:

> The powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues.

This provision establishes that municipal powers are to be interpreted broadly, with an emphasis on local autonomy and the ability of municipalities to address issues within their jurisdiction. However, section 8(1) does not confer unlimited authority, nor does it override the express limits or structure of the *Municipal Act*.

Section 19(1) of the Act states:

> By-laws and resolutions of a municipality apply only within its boundaries, except as provided in subsection (2) or in any other provisions of this or any other Act.

None of the exceptions set out in subsection (2) are applicable in this case. Accordingly, any by-law or resolution enacted by a municipality may only apply within its own geographic boundaries, unless a specific statutory exception provides otherwise, which as noted, does not apply in this instance.

As aforementioned, Part IV.1 of the Act sets out the framework for Strong Mayor Powers. Within this framework, there are three specific interrelated powers that are particularly pertinent to the matter under consideration.

Pursuant to section 284.10(1) of the Act, the Mayor may require Council to consider a particular matter at a meeting, notwithstanding any procedure by-law enacted under subsection 238(2). This authority may only be exercised where the Mayor is of the opinion that consideration of the matter could potentially advance a prescribed provincial priority.

Section 1 of O. Reg. 580/22 made under the Act, provides the following in respect of provincial priorities:

> The following are provincial priorities prescribed for the purposes of sections 284.10, 284.11 and 284.11.1 of the Act:
>
> 1. Building 1.5 million new residential units by December 31, 2031.
> 2. Constructing and maintaining infrastructure to support housing, including,
>   i. transit,
>   ii. roads,
>   iii. utilities, and
>   iv. servicing.

Section 284.11 of the Act allows a Mayor to veto a by-law where the Mayor is of the opinion that all or part of a by-law could potentially interfere with a prescribed provincial priority, provided reasons are given in writing, within two days of a by-law's enactment, and provided the veto is not subsequently overridden by a two-thirds majority of council.

Further, section 284.11.1 of the Act empowers the Mayor to propose a by-law and require Council to consider and vote on it, again despite any applicable procedure by-law. This authority applies to by-laws made under:

a. the *Municipal Act, 2001* and its regulations (with certain exceptions);
b. the *Planning Act* and its regulations (with certain exceptions); and
c. any other prescribed Acts or regulations.

As with section 284.10(1) of the Act, this power is conditional on the Mayor forming the opinion that the proposed by-law could potentially advance a prescribed provincial priority, as set out above.

Where the Mayor invokes the power to propose a by-law under section 284.11.1, subsection (4) provides that the by-law may be passed by Council if more than one-third of the members vote in favour, a threshold that deviates from the standard majority requirement. The Mayor is explicitly permitted to vote on such matters.

Collectively, these provisions confirm that the Mayor may compel Council to consider specific matters or proposed by-laws that, in the Mayor's opinion, may advance a prescribed provincial priority. The legislation establishes a lower voting threshold required to pass such by-laws and insulates legal, good faith decisions made under Part IV.1 of the Act from judicial review on the basis of unreasonableness[1].

However, the scope of these authorities is expressly limited to matters that relate to a prescribed provincial priority. There is no statutory authority to exercise Strong Mayor Powers in connection with any other matters falling outside the scope of those priorities. The Strong

[1] *Municipal Act, 2001*, S.O. 2001, c. 25, s. 284.14

Mayor Powers are specific in nature and they do not entitle the head of council to act unilaterally outside the scope defined by the legislation.

ANALYSIS AND OPINION:

In our view, the relevant legislation confirms that the Strong Mayor Powers do not grant authority to the Mayor to direct municipal staff to facilitate discussions on Barrie's Annexation Proposal, nor do they provide the power to compel Council to consider and vote on a matter in relation to the Barrie Annexation Proposal.

In this case, and as further outlined below, the actions already undertaken by the Mayor (authorized by By-law 2025-042 and By-law 2025-068), and Mayoral Direction MDIR-2025-001 do not fall within the scope of lawful authority conferred by Part IV.1 of the Act, even when interpreted broadly in light of section 8(1) of the Act, and therefore are subject to legal challenge.

As noted above, Part IV.1 of the Act assigns special powers and duties to the head of council. The general principles of municipal governance enunciated in sections 2, 8(1) and 19(1) of the Act suggest that these powers are intended to enhance the ability of municipalities to address local issues effectively.

Central to this framework is section 2 of the Act, which confirms that municipalities are responsible and accountable governments with powers confined to matters within their jurisdiction.

Pursuant to section 8(1) of the Act, municipal powers must be interpreted broadly to enable effective local governance. However, this broad authority is expressly limited by section 19(1) of the Act, which provides that municipal by-laws and resolutions apply only within the municipality's geographic boundaries, except where specific statutory exceptions apply.

In the present matter, no such exception is available, thereby reinforcing the geographical limitation on the exercise of municipal powers in this context. This geographical restriction ensures that municipal authority does not extend beyond its geographical boundaries unless explicitly authorized by law.

Furthermore, a review of case law citing s. 19(1) of the Act confirms that a municipality is restricted from passing by-laws in relation to lands outside of their jurisdiction, where no statutory exception applies[2].

The Strong Mayor Powers introduced in Part IV.1 of the Act, including those codified in sections 284.10, 284.11, and 284.11.1, are explicitly conditional on advancing prescribed provincial priorities set out in O. Reg. 580/22, Section 1. These priorities narrowly focus on building new residential units and constructing or maintaining housing-related infrastructure.

[2] *Chippewas of Saugeen First Nation v. Town of South Bruce Peninsula et. al.* 2023 ONSC 3928, 2023 CarswellOnt 10535; *Middlesex (County) v. London (City),* 2003 CarswellOnt 3576

The Mayor's powers to compel Council consideration and propose by-laws, and veto by-laws, under this Part are therefore strictly limited to matters that could potentially advance these prescribed provincial priorities.

The legislative scheme clearly does not empower the Mayor to act unilaterally or to extend municipal authority beyond its lawful limits. While Part IV.1 of the Act protects legal, good faith decisions within the prescribed scope from judicial review on grounds of unreasonableness, this protection does not extend to actions taken outside the defined provincial priorities or beyond the municipality's geographical jurisdiction, in our view. Therefore, the Mayor's actions, and any subsequent decisions premised on those actions, are vulnerable to challenge for being without legal authority.

By-law 2025-042 passed on May 7, 2025, authorizes the Mayor to engage in discussions with the City of Barrie and the Province regarding the Barrie Annexation Proposal, and notably relies on a report prepared by Hemson Consulting (the "**Hemson Report**") which supports the annexation of lands from the Township to the City of Barrie for both residential and employment land. By-law 2025-068 passed on September 3, 2025 adds authority for the Mayor to include cross-border servicing for the Bayfield Street corridor in discussions with the City of Barrie and the Province regarding the Barrie Annexation Proposal.

The Barrie Annexation Proposal contains lands unrelated to the development of new residential units (i.e. contemplates approximately 300 hectares of employment land being transferred to the City of Barrie), and critically, is not connected to the approval and development of residential units in the Township.

The Land Needs Analysis prepared in support of the Barrie Annexation Proposal appears to project residential land needs to the planning horizon year of 2051, while the employment land needs are evaluated based on a 2061 horizon. As noted above, the prescribed provincial priorities are specifically directed toward the provision of new residential units by December 31, 2031. In our opinion, there is no demonstrable connection between the timelines set out in the Land Needs Analysis and those established in the provincial priorities; an essential requirement for the invocation of the Strong Mayor Powers.

As discussed above, By-law 2025-042 and By-law 2025-068 purport to authorize the Mayor to engage in discussions regarding the Barrie Annexation Proposal, which considers matters not related to the prescribed provincial priorities, outside of the timeframe established by O. Reg. 580/22, and seeks to permit development outside of the Township's boundaries. Consequently, the Mayor's past conduct as it relates to the Barrie Annexation Proposal is *ultra vires* and unauthorized. Reliance on the Strong Mayor Powers to facilitate agreement on the part of the Township in respect of the Barrie Annexation Proposal would similarly lack statutory authority, breaching the specific confines of Part IV.1 of the Act.

Furthermore, we understand that an expansion of the Midhurst Secondary Plan Area would facilitate servicing by the Township, thereby actually carrying out the provincial objective of building 1.5 million new homes by 2031 within the Township's geographical boundaries. Expanding the Midhurst Secondary Plan Area to provide housing would assist the Township

in fulfilling the provincial objective. Therefore, it is our opinion that the Barrie Annexation Proposal cannot be said to be advancing the provincial objective within the Township.

ARGUMENTS TO THE CONTRARY:

Finally, we have considered the following arguments in support of the steps taken by the Mayor (and contrary to the opinions expressed herein), and on balance we do not believe that they would withstand legal scrutiny or challenge. We set out below each of them, followed by our reasons for dismissing them:

1. **The Mayor's actions do support the provincial priority of building 1.5 million new residential units by December 31, 2031.**

    a. While on its face, this statement is correct, the Mayor's actions support the provincial priority occurring in Barrie, not in Springwater. In our opinion, this contravenes the spirit and the letter of the law expressed in section 19(1) of the Act. These actions help the City of Barrie achieve the provincial priority, not the Township of Springwater. To that end, the powers are not properly exercised, in our view.
    b. Ignoring (a), the Hemson Report makes it clear that the annexation is required to address issues projected over a much longer time horizon (2051 and 2061), well beyond the timeframe outlined in the prescribed provincial priorities (2031). Therefore, the argument fails for temporal reasons as well. Of course (a) cannot be ignored in any event.

2. **Only the City of Barrie can service these lands. The Township of Springwater cannot service them.**

    This statement is incorrect. While it still remains to be seen which servicing option can service the lands more economically, there is little question that there are no physical or technical barriers to the lands being serviced in Springwater, by Springwater; it is quite conceivable that the lands can be serviced in Springwater, by Springwater, by December 31, 2031.

3. **The threshold for advancing a by-law regarding a provincial priority is low.**

    Although the threshold is low (as it is based on the Mayor's subjective opinion that a by-law could potentially advance a prescribed provincial priority), in our opinion, the threshold cannot be met in this case for all the reasons outlined above.

4. **The cross-border services part of the proposal achieves the provincial priority in the Township of Springwater, not in the City of Barrie.**

While partially correct, this solution to the Sadlon/Remington parcels requires Barrie to provide services to lands in Springwater. In our view, this requires an extraterritorial servicing solution, when clearly an intra-territorial solution exists; servicing by the Midhurst Secondary Plan servicing scheme. In addition, the cross-border servicing proposal was an add-on to the original direction respecting the Barrie Annexation Proposal, and therefore to the extent that it also supports annexation of land by Barrie, must also fail.

CONCLUSION:

In conclusion, the Mayor's prior actions in relation to the Barrie Annexation Proposal are not supported by the statutory framework governing municipal powers in Ontario. The Strong Mayor Powers under Part IV.1 of the *Municipal Act, 2001* are narrowly tailored to advance specific provincial priorities, primarily the development of residential housing and related infrastructure. The inclusion of employment lands and the absence of a direct connection to residential development in the Township render the proposal outside the scope of these priorities. Moreover, the geographic limitations imposed by section 19(1) of the Act unequivocally prohibit the extension of municipal authority beyond established boundaries without express statutory authorization.

In our opinion, Mayoral Direction MDIR-2025-001, which directs Staff to facilitate discussions on the Barrie Annexation Proposal, and By-laws 2025-042 and 2025-068 are *ultra vires*, and it is our recommendation that they be repealed forthwith.

As such, it is our opinion that any further steps taken on the basis of the Mayor's prior conduct would also be *ultra vires* and legally indefensible. A lawful path forward would require alignment with both the prescribed provincial objectives and the municipality's jurisdictional limits, such as through the expansion of the Midhurst Secondary Plan Area to support housing development within the Township.

Therefore, it is our opinion that the Mayor cannot rely on the Strong Mayor Powers pursuant to Part IV.1 of the *Municipal Act*, to approve the Barrie Annexation Proposal. In our opinion, to do so would be a perversion of the application of the policy objectives of the Strong Mayor Powers.

Please do not hesitate to contact the undersigned should you require anything further.

Yours truly,

LOOPSTRA NIXON LLP

[redacted]