Katja Awender

From: Quinto M. Annibale <QAnnibale@loonix.com>
Sent: August 20, 2025 2:57 PM
To: Renee Ainsworth; Roberta Green
Subject: FW: COB Proposed Boundary Adjustment Matter - Questions from Council
Attachments: Aug-05-2025 - Short Summary Ltr to Springwater.docx

EXTERNAL EMAIL. Please check sender.

Hi Renee

Apologies for the format, but I have copied and pasted the email below and have inserted my answers in yellow. If you prefer another format I could do it as a letter. Please let me know.

Also please review the summary of my opinion and let me know if you think anything should be deleted. Obviously I did not mention the hybrid option.

From: Renee Ainsworth <Renee.Ainsworth@springwater.ca>
Date: Saturday, August 16, 2025 at 11:08 AM
To: Quinto M. Annibale <QAnnibale@loonix.com>
Cc: Renee Ainsworth <Renee.Ainsworth@springwater.ca>, Greg Bedard <greg.bedard@springwater.ca>, Jennifer Marshall <jennifer.marshall@springwater.ca>
Subject: COB Proposed Boundary Adjustment Matter - Questions from Council

Good morning Mr. Annibale,

Council has submitted a number of questions relating to the COB matter, stemming from the closed session with the provincial facilitator. Through this process there has been a request for Bruce Engell to comment regarding the liability surrounding servicing of the Bayfield corridor/potential expansion lands as Mr. Engell/WeirFoulds have been representing the Township on the Midhurst Secondary Plan file since the beginning and is very familiar with the various agreements/OLT decisions. As such, I am also sending a copy of these questions to Bruce for response, where appropriate. Please feel free to connect with Bruce should you feel it necessary.

There are quite a few questions, some more complex than others, however if we could continue to accommodate the timeline of responses by Wednesday it would be greatly appreciated. I have copy and pasted the questions exactly as they were received. Commentary starting with *Context, was added by myself where I felt additional explanation/documentation would be helpful.

Please let me know if you require any additional information or documentation as you make your way thru the questions. If you could provide your responses directly to myself, it would be appreciated. Also acknowledging the las minute work on this before you head off on vacation. It is greatly appreciated.

Thank you,

Renee

Questions:

1. Does the latest Barrie offer (August 12, 2025) combined with the knowledge that the provincial land facilitator is not considered MLG as a servicing option for Sadlon and Remington groups combined with the findings of the phase 3 Hemson report alter your advice to our council?

LN Answer: No, very little has changed other than the facilitator applying pressure to Springwater to achieve a result. I would point out that the Facilitator is not a decision-maker or arbiter in the process, but rather an intermediary trying to bring the parties to resolution on several issues around boundaries. In the end, the Facilitator will make recommendations to the Minister and the Minister will decide whether to implement them, not the Facilitator. Therefore just because the Facilitator has said he will not consider MLG as a servicing solution, does not necessarily mean that the Minister will come to the same conclusion. If that were true, that would constitute an impoper delegation of the Ministers power and would be legally impermissible. Having said that, I add the following caveat. In my experience, the Facilitator takes his direction from the Minister and so if the Facilitator says that certain matters are off the table, that direction **may** have come from the Minister and if so, would carry far more weight than the same statement coming from the Facilitator alone. However, even then, up until the decision is made, the Minister may change views and so no conclusions should be drawn at this point.

2. During our meeting with the Provincial Facilitators we were informed, in no uncertain terms, that despite our legal opinion on the value of the land exchange proposed by Barrie, that the current deal provided would be the best deal the facilitators would consider. When I spoke to the differences in land exchange between St Thomas/Elgin and our situation, as per your opinion, we were told that all future annexation deals would be based off of that model. I am hoping you can provide some advice on options to counter this and allow us to continue fair negotiations where Springwater will be appropriately compensated.

   Each option presents distinct advantages, and when all relevant factors are considered, either could yield positive outcomes for the Township. ***However, on balance, we are of the view that the total compensation under the Barrie Proposal does not align with the potential value of the Proposed Lands to the Township***, and that development of the Proposed Lands could likely proceed more efficiently and at a lower cost if they remain in the Township of Springwater.

   LN Answer: I agree with the commentary in the last sentence above that the total compensation under the Barrie proposal does not align with the potential value of the proposed lands to the Township. I said as much in my opinion. Nothing has changed from that time. I don't believe the offer complies with the St. Thomas/Central Elgin solution and so it is a non sequitur to say they are following it here. In any event, there is no statutory or administrative or regulatory barrier to following or not following the Central Elgin deal. Each deal is unique but as far as I can see, the Barrie offer does not rise to the level of the St. Thomas/Central Elgin deal. It falls short. In addition and as I said in my opinion, the St. Thomas/Central Elgin deal had the significant and unusual delivery of 3000 jobs as its reason for being, which is a benefit that is absent in the Barrie

offer. This factor alone makes it entirely distinguishable from the Barrie approach. Also, see my comments in my answer to question #1 about the Facilitator's role.

3. I wouldn't mind knowing about Sadlon/Remington legal re: MLG servicing option only, since Sadlon's sent their latest letter via legal firm. *Context – Sadlon and Remington have sent letters advising of their position on servicing thru MLG. Letters attached.

LN Answer: Although he information is incomplete, all of the information that I have seen has suggested that the Sadlon/Remington proposals could be serviced through the MLG servicing solution. The Stage 3 Hemson report states (unsubstantiated) that there is an inability for the MLG to service all of the expansion lands required, but is silent on the issue of whether there is sufficient capacity to service Sadlon/Remington. Ainely and Associates have asked some important questions about it, but based on what we have seen to date, I believe it is still a viable option. Neither Sadlon nor Remington have the legal right to force service through Barrie (or Spring water) for that matter. How they get serviced is a matter for the municipality within which the lands are located (whether that be Barrie or Springwater). Neither Sadlon nor Remington have any legal recourse if a servicing option is imposed on them which they do not like/do not agree with.

4. I'd also like to know if MLG is legally bound to service Forbes lands (400 corridor outside Midhurst 2nd plan). And would like to know if the province, while not feeling MLG is capable to service Bayfield St Corridor and Sadlon/Remington, but capable of servicing the Forbes lands, is able to force them to.

LN Answer: In my opinion, MLG is not legally bound to service the Forbes lands (400 corridor outside Midhurst 2nd plan). In my opinion, the province is not legally able to force the MLG to service the Forbes lands. Implicit in the question is whether the province's suggestion that the MLG can service one and not the other is a reasonable conclusion and I do not think that it is. There appears to be an inherent contradiction in the position, especially since there is still an absence of adequate technical and financial information available with respect to the Barrie servicing option.

5. Would you please ensure Mr. Annabel has the most recent city of Barrie proposal (deal offer) to review and provide comment on. Additionally would Mr. Annabel then provide an idea of what a counter proposal from Springwater to COB could look like from a financial perspective regarding price for developable acre, tax sharing in perpetuity, and any other covenants he might suggest be included that address benefit to Springwater.

LN Answer: Of course my opinion recommended supporting a made in Midhurst Option as the first position, then a hybrid option as the second position and then, if neither of these is achievable, a third hybrid option which would see some land given to Barrie and most (including the Bayfield Corridor) remaining in Midhurst. However, if Council determines to pursue the second or third option then I would suggest that the following principles be applied to the amount of land annexed:

- There should be a payment stream to Springwater equal to its lost tax revenue from the annexed lands. This should not be based on the current assessed value of the annexed lands as suggested by the Barrie CAO in his August 12, 2025 offer, but rather on the increased tax revenue (expressed as a percentage of that revenue) that will be received by Barrie (and which would have accrued to Springwater). My suggestion would be to require Barrie to share half of the increased

value in tax revenue, in perpetuity, as was the case in the Ingersol-Southwest Oxford boundary adjustment agreement. Based on the Keleher Economic Analysis, this would be $26.25 Million per year in perpetuity versus a one time payment of $21,300,000.00 as offered by the Barrie CAO in his August 12, 2025 letter;

- $189 Million Dollars in lost Township DC revenue (half of the $378 million Township loss estimated by Keleher);
- An amount representing lost opportunities for Construciton related Benefits, permanent jobs and retail spending should also be included, which would need to be calculated by an economist.

I have reviewed the July 2, 2025 and the August 12, 2025 offer and do not find it to be much better than the previous offer and certainly a long way away from the principles outlined above.

6. Another question involves the specific blocks of land as identified in the latest proposal, and if Springwater has right to refine or remove blocks of land from proposal.

LN Answer: Yes - Springwater has the right to refine or remove blocks of land from the proposal as part of the negotiation process.

7. In Mr. Annabel's expert opinion, does he believe the province would annex the Bayfield Corridor lands to the COB - as stated in latest proposal - even as there now exists a clearly viable made in Springwater/MLG servicing path forward that can easily meet timelines?
8.

LN Answer: I can't say one way or the other what the Minister **will** do, but I can offer my present view of what the Minister **should** do which I outline in my answer to question 5. My overall opinion has not changed from my July 11, 2025 written opinion to Council. I do not believe it is necessary for the Minister to order the annexation if it can be demonstrated that the annexed lands can be serviced by a made in Springwater solution. There is no need in my view. If they cannot be serviced by Springwater (as in the case of the Little Lake lands and the hospital lands), then there is a good rationale for annexation;

8. Lastly, do landowners, Remington & Sadlon - and now other landowners who have bellied up to the trough - have right to decide who/where their servicing comes from when that request ultimately presents annexation concerns.

LN Answer: Landowners (including Remington and Sadlon) do not have the right to decide who/where their servicing comes from, whether or not that request ultimately presents annexation implications. They do have the right to express an opinion, which they have done in various correspondence;

9. Please note Mayor Coughlin has requested Council reconsider the MZO endorsement "condition for servicing" be reconsidered based on the notion that she will be unable to negotiate cross border servicing at the upcoming plenary session Sept 16/25 - would appreciate your thoughts. This Council has still not seen a final map for consideration as deemed necessary by Hemson - also up for negotiation. *Context – July 2nd motion re MZO is attached.

LN Answer: There is an option to allow for negotiation conversations to occur without reconsideration of the motion up front. Council could instruct the Springwater negotiators (or could pass a resolution)

stating that it approves the repeal of the July 2, 2025 motion if and only if Barrie agrees, in writing, to cross border servicing of the Bayfield Corridor lands in Springwater. This is preferable to actually withdrawing the motion in advance of negotiating for cross border services, which I believe will give away the strategic advantage that Springwater currently holds with respect to this issue. This would have the added advantage of allowing you to pursue the made in Springwater solution of servicing Sadlon/Remington through the MLG services, which in my view, is the preferable to cross border servicing.

10. I was under the impression at our last meeting that there would be a summary created by your office that would highlight the legal opinion you provided without compromising our client/solicitor privilege - do you have an estimated timeline of when this will be made available.

LN Answer: see attached

11. I understand you have been provided updated information regarding the positive feedback from Ainley (Mr Mullan) and the MLG/Township team regarding servicing of Bayfield St., which I believe to be a change in position for Mr Mullan - servicing/capacity is available/timing is 2028 and most importantly costs are not as initially presented - are you able to confirm and include in your summary please. *Context – Info from MLG and comments by Staff/Ainley attached to this email.

LN Answer: I have reviewed the MLG slide presentation respecting costs and the Ainley follow up questions and the MLG response. While it would have been preferable to have the complete set of numbers provided by the MLG, I do understand the reasons for not doing that. If the cost share agreement is a typical one, it has a protocol for release of financial information and for confidentiality of that information absent the consent of the owners. They typically do not release that information unless a joining owner pays what is required (which is almost always, what existing members are required to pay, plus some historical costs plus interest). Having said that, it appears from the exchange of correspondence between the Township and the MLG and Township staff and Council and the consultants, that the servicing figures which were provided seemed reasonable to the Township staff and Ainley. With respect to the cost of water and wastewater treatment capacity, I would say this. It is difficult to compare these costs when accurate figures are not available for Barrie either. From experience, I don't think CAO Ainsworth's observation that it will cost tens of millions of dollars for the water and wastewater services is at all unreasonable. However, I don't think a similar observation about the cost for Barrie to treat would be unreasonable either. At a 30,000 foot level, if you look at Barrie's DC (around $122,000.00 per lot) and multiply it by the 2700 units proposed in the annexed lands, you will get a total cost (which admittedly includes roads, but should include roads) of $330,000,000.00. Barrie is in the process of updating its Water and Wastewater Masterplan and if it were to include the annexed lands, one would expect that amount per lot to increase even more. These costs are in my view at least in the same ballpark (if not higher) that the tens of millions referred to in the CAO's email. At the end of the day, the Bayfiled street owners would be required to join the cost share agreement and the cost of all services would be pro rated among all owners and all owners would be required to pay their proportionate share of the shared costs as well as any applicable development charges for services. The fact that the MLG has around 9 or ten owners signed up to it might suggest that the servicing costs of the MLG servicing scheme are manageable from a financial point of view. I have seen no evidence to suggest that the addition of the Bayfield Corridor lands would take it into the unreasonable category. I would suggest asking the MLG for their total water and wastewater capacity number (which should not be confidentail) and then compare it to Barries to better inform this discussion.

12. The newest proposal from the COB appears to be supported by the facilitators as presented - without taking into consideration future taxation for the Township - what are your thoughts?

LN Answer: See my answer to #1 and #5 above

13. The "Next Steps" of the Hemson report are sched to be provided by Sept 12 with a plenary session scheduled for Sept 16/25 without this Council or staff being given the opportunity to review and discuss accordingly. The Mayor has advised that she will be signing a "framework" of some sort on the same day. We have requested an extension until Council can consider the results as well as reviewing the WSP final report sched to be released in late fall which appears to have been refuted - your thoughts please. * Context – WSP final report noted is the Growth Management Study

LN Answer ; I strongly believe it is in everyone's best interests to have some of the issues addressed in these responses answered before wrapping up the facilitation. I also strongly believe that the results of the WSP work would nicely inform the process and so the facilitation should wait for the conclusion of that report. Im not sure what the significance of the September date might be.

14. The "Next Steps" of the Hemson report includes not just RV Anderson findings re: servicing but the very important answers from the NVCA and the Lake Simcoe Region Conversation Authority which will address watershed issues. I have always understood that the watershed "line" at the top of the Bayfield St Barrie/Springwater border is the line in the sand where the watersheds could not be combined. Servicing for the Sadlon/Remington lands could therefore not be serviced by the COB because of this - are you aware of any documentation either through the County of Simcoe/History of the last annexation or elsewhere to state the same (This may be a Mr Engell question)

I am not aware and defer to Mr. Engell

15. The facilitators have advised that d/t the landowners requesting to be serviced in Barrie, this helps to form the basis for the recommendation that these lands (Sadlon/Remington) being given the option to choose their servicing provider and also the recommendation NOT to allow the MLG to service appears to be their preference- your thoughts please

LN Answer: In my view the opinions of these owners are wholly irrelevant to the decision of how these lands are serviced. In my view they do not control that decision, it is the decision of Springwater Council today. I would think (and hope that the facilitators would think) that from the point of view of what is in public interest and what factors should drive this decision, the following would be paramount: cost, technical feasibility, timing, fairness and what is in the public (not private) interest of all municipalities affected by the decision.

16. I think it would be beneficial to have Bruce weigh in on the legal ramifications from MLG.

LN Answer : By all means

The email ends here: I am adding the follow up questions which came later in the day here:

Additional questions have been posed to Mr. Engell, which I have included below for your information:

17. Please note Mayor Coughlin has requested Council reconsider the MZO endorsement "condition for servicing" be reconsidered based on the notion that she will be unable to negotiate cross border servicing at the upcoming plenary session Sept 16/25 - would appreciate your thoughts and if there is an option to allow for negotiation conversations without a reconsideration of the motion.

LN Answer: See my answer to question 9 above.

18. The EA 2020 according to the MLG has always considered the Bayfield St corridor as well as the expansion lands as "future development" and is documented as such in the EA as approved by the Province. Given the history of the working relationship of the MLG and encouragement in investment/infrastructure is there any risk or liability to the Township for not adhering to any part of this agreement if in fact found to be factual. I am concerned that this opens up the possibility of litigation. If the EA required a slight amendment to allow for pipes from Carson Rd to to top of Bayfield St. what does this process look like for timeline and difficulty as well as would this be viewed as just a "tweeking" of the original EA

LN Answer: I don't believe that there is any significant legal liability for Springwater if it chooses to not service the Bayfiled corridor in the manner contemplated by the original EA. Servicing solutions are within the purview of the local municipality as long as the proper processes for approval are followed. An EA may be amended, it is simply a matter of time and money. The process to amend an EA can take anywhere between 6 months and a year, barring any complications and barring any legal challenges. This would also be true for a "slight amendment to allow for pipes from Carson Road to the top of Bayfield St." I believe this could be characterized as a "tweaking" .

19. The Feb 5/2025 resolution as passed unanimously be Council endorsed the consideration of expanding the Midhurst Secondary Plan out to include the 400 lands/Forbes Rd. The MLG then undertook a considerable amount of research and expense, including consultants/engineers/economists etc., to confirm that the expansion and the Bayfield St corridor can be serviced by the MLG - now verified - is the Township liable for these expenses or can the MLG look for reimbursement? From what I understand the expenses run between 500,000.00 and 1 milllion so far. This information has been used by all parties including Hemson in identifying the importance and value of these lands remaining in Springwater Township.

LN Answer: I don't believe there is a high likelihood of Springwater being liable for these costs at all. Any liability would be based on detrimental reliance and negligent misstatement (ie that the municipality negligently caused the MLG to do the work by mistating its intention to service in this way. However, I do not believe that any such action would succeed. Like any other public sector proposal, deciding how to service land is subject to analysis, study and very often, change

20 Are there any additional "red flags" that jump out at you related to possible future litigation risks being pursued by the MLG.

LN Answer: None

The mail ends here. There was one additional follow up question following the foregoing.

21. Is Springwater entitled to a peer review of COBs data, which none is currently provided, similar to Joe's initial peer review of the MLG initial data, when COB provides such data and costing but prior to any framework proposal. The facilitator has set a deadline of Sept 30th, and both County & Springwater's request for extension has fallen on deaf ears. What I want is the legal position should Springwater be denied this opportunity.

LN Answer: In my view, Springwater is not only entitled to a peer review, it should undertake one in any event. The Stage 3 findings of Hemson represent some pretty stark conclusions based on servicing, but there appears to be no analysis provided to underpin the work. At the very least, the servicing analysis should be provided and an opportunity to test it should be given by the facilitator. No decisions should be made unless and until that information is provided and reviewed.

Unfortunately if Springwater is denied that opportunity, the only recourse would be to withdraw from the negotiations in protest, stating that the process has been unfair, or accept whatever recommendation the Facilitator makes and the Minister implements. Legal actions challenging boundary adjustments made by the province have not been very successful historically.

Renée Ainsworth, Dipl. M.A., AOMC
Deputy Chief Administrative Officer/Director
of Corporate Services
Township of Springwater
2231 Nursery Road
Minesing, ON L9X 1A8
P. 705-728-4784 Ext. 2026
F. 705-728-
6957

Respecting Your Right to Disconnect: My working hours may not reflect yours. Please do not feel obligated to answer outside your normal work hours.

The information contained in this message is directed in confidence solely to the person(s) named above and may not be otherwise distributed, copied, or disclosed. The message may contain information that is privileged, confidential and exempt from disclosure under the *Municipal Freedom of Information and Protection of Privacy Act*. If you have received this message in error, please notify

the sender of the error so that we can update our distribution list and then delete the message without making a copy.

From: Renee Ainsworth <Renee.Ainsworth@springwater.ca>
Date: Saturday, August 16, 2025 at 8:02 PM
To: Quinto M. Annibale <QAnnibale@loonix.com>
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Subject: RE: COB Proposed Boundary Adjustment Matter - Questions from Council

Good afternoon,

Additional questions have been posed to Mr. Engell, which I have included below for your information:

Please note Mayor Coughlin has requested Council reconsider the MZO endorsement "condition for servicing" be reconsidered based on the notion that she will be unable to negotiate cross border servicing at the upcoming plenary session Sept 16/25 - would appreciate your thoughts and if there is an option to allow for negotiation conversations without a reconsideration of the motion

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Apologies, one additional question:

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Please let me know if you require any additional information or documentation as you make your way thru the questions. If you could provide your responses directly to myself, it would be appreciated. Also acknowledging the las minute work on this before you head off on vacation. It is greatly appreciated.

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deal provided would be the best deal the facilitators would consider. When I spoke to the differences in land exchange between St Thomas/Elgin and our situation, as per your opinion, we were told that all future annexation deals would be based off of that model. I am hoping you can provide some advice on options to counter this and allow us to continue fair negotiations where Springwater will be appropriately compensated.

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11. I understand you have been provided updated information regarding the positive feedback from Ainley (Mr Mullan) and the MLG/Township team regarding servicing of Bayfield St., which I believe to be a change in position for Mr Mullan - servicing/capacity is available/timing is 2028 and most importantly costs are not as initially presented - are you able to confirm and include in your summary please. *Context – Info from MLG and comments by Staff/Ainley attached to this email.

12. The newest proposal from the COB appears to be supported by the facilitators as presented - without taking into consideration future taxation for the Township - what are your thoughts?

13. The "Next Steps" of the Hemson report are sched to be provided by Sept 12 with a plenary session scheduled for Sept 16/25 without this Council or staff being given the opportunity to review and discuss accordingly. The Mayor has advised that she will be signing a "framework" of some sort on the same day. We have requested an extension until Council can consider the results as well as reviewing the WSP final report sched to be released in late fall which appears to have been refuted - your thoughts please. * Context – WSP final report noted is the Growth Management Study

14. The "Next Steps" of the Hemson report includes not just RV Anderson findings re: servicing but the very important answers from the NVCA and the Lake Simcoe Region Conversation Authority which will address watershed issues. I have always understood that the watershed "line" at the top of the Bayfield St Barrie/Springwater border is the line in the sand where the watersheds could not be combined. Servicing for the Sadlon/Remington lands could therefore not be serviced by the COB because of this - are you aware of any documentation either through the County of Simcoe/History of the last annexation or elsewhere to state the same (This may be a Mr Engell question)

15. The facilitators have advised that d/t the landowners requesting to be serviced in Barrie, this helps to form the basis for the recommendation that these lands (Sadlon/Remington) being given the option to choose their servicing provider and also the recommendation NOT to allow the MLG to service appears to be their preference- your thoughts please

16. I think it would be beneficial to have Bruce weigh in on the legal ramifications from MLG.

Renée Ainsworth, Dipl. M.A., AOMC
Deputy Chief Administrative Officer/Director
of Corporate Services
Township of Springwater
2231 Nursery Road
Minesing, ON L9X 1A8
P. 705-728-4784 Ext. 2026
F. 705-728-6957

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