Township of Springwater

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December 11, 2025

Hon. Rob Flack
Minister of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto ON M7A 2J3

Dear Minister Flack,

On December 3, 2025, my office received a Statement of Account from Loopstra Nixon LLP (Loopstra Nixon) for services related to the "Barrie Annexation Discussion," covering work up to and including November 26, 2025.

Upon review, I noted several entries that raise concern. Specifically, the account includes charges for what appears to be conversations between individual Members of Council and representatives of Loopstra Nixon. These entries appear inconsistent with our engagement protocol and were not directed or approved by our Chief Administrative Officer.

The following sets out the chronology of events giving rise to the concern on which I now seek your guidance.

November 5, 2025 - Closed session was held with topic: "Legal Advice regarding the Legislative Authority of the Minister to Implement the Barrie Annexation Proposal" as directed at the previous meeting. Loopstra Nixon presented the opinion to Council and Council directed that the opinion be made public.

November 5, 2025 Regular meeting of Council, a report was presented regarding the City of Barrie Proposed Boundary Adjustment, as deferred from the October 15th meeting. The motion listed on the agenda for consideration was as follows:

> C440-2025
> That the report from Township Senior Staff regarding the City of Barrie Final Boundary Adjustment Proposal, dated October 15, 2025, be received; and,
>
> Option 1
> That Council for the Township of Springwater accepts the City of Barrie's Boundary Adjustment proposal as presented and inform the Minister of Municipal Affairs and Housing of its decision; and,
>
> That a by-law be presented at the November 5, 2025 regular meeting of Council for consideration.

Or

Option 2
That Council for the Township of Springwater rejects the City of Barrie's Boundary Adjustment Proposal as presented and inform the Minister of Municipal Affairs and Housing of its decision.

Councillor Moore advised she had a motion without notice that she wished to introduce. As a motion was already on the table, a deferral of the above noted motion was required in order to introduce a new motion. Council supported this request and granted the deferral. Procedurally, a motion to suspend procedures was required and was supported by Council. Councillor Moore's motion was tabled and ultimately supported by Council. The motion is listed below:

C443-2025
That the Minister be requested to review and consider the Map on Schedule A to the Boundary Adjustment Agreement with the City of Barrie, delineating the lands to be annexed from Springwater is modified to reflect those parcels (S1,S2,S3) shown on the map from the County of Simcoe CO 2025-297 Schedule 3 (shown at the Special Meeting of County Council on November 4, 2025); and,

That the MZO Lands in the Bayfield corridor are serviced by Springwater and the Framework Agreement be modified to remove the reference to cross border servicing found in section 1.3 and 6.4; and,

That the Minister of Municipal Housing and Affairs be informed of its decision.

The deferred motion was then put back on the table. Due to the outcome of C443-2025, staff advised that option 1 of the deferred motion (to approve the boundary adjustment agreement) was no longer appropriate as it was in direct conflict to C443-2025 (which approved alternative mapping and no cross-border servicing). Council voted in favour of option 2, to reject the framework agreement, as outlined below:

C444-2025
That the report from Township Senior Staff regarding the City of Barrie Final Boundary Adjustment Proposal, dated October 15, 2025, be received; and,

That Council for the Township of Springwater rejects the City of Barrie's Boundary Adjustment Proposal as presented and inform the Minister of Municipal Affairs and Housing of its decision.

At this time, I introduced a by-law, under the authority of Strong Mayors Powers, to approve the framework agreement and authorize its execution. A copy of the by-law was sent to the Clerk and members of Council, as required. Upon confirming that the by-law was delivered, I read the title of the by-law, my reasons for bringing it forward and advised that it would be amended to include a clause "notwithstanding any previous decisions of Council".

C445-2025
That the mayor's by-law to authorize the Mayor and Clerk to execute the boundary adjustment/restructuring proposal between the Township of Springwater and the City of Barrie, as presented be signed and sealed by the Mayor and Clerk, as amended to add the following clause "Notwithstanding any previous resolutions regarding the Barrie Boundary Discussions, this by-law shall take precedence".

The matter was debated, and the by-law was passed. Clause 4 of by-law 2025-093 states "Notwithstanding any previous resolutions regarding the Barrie Boundary Discussions, this by-law shall take precedence". Due to this clause, C443-2025 and C444-2025 were deemed superseded, rendering the decision of authorizing the execution of the boundary adjustment/restructuring proposal as the standing direction on the matter.

Councillor Fisher advised he had a motion without notice that he wished to introduce. As Council had previously waived procedure, he was able to introduce his motion regarding commencing of various legal proceedings. After debate, this motion was supported by Council. The motion is outlined below:

C446-2025
That Council direct Loopstra Nixon LLP to challenge the validity of the impugned by-law and provide a broad range of authority to the solicitor to take any and all courses of legal action that, in the opinion of the solicitor, are required to have the matter resolved, including for example an application to the courts to quash the impugned by-law on the basis of illegality or an application for judicial review; and,

That Council direct Loopstra Nixon LLP to seek an injunction to restrain the municipality (and any other party) from acting upon the impugned by-law unless and until the matter is determined by the courts and/or to take any and all courses of legal action that, in the opinion of the solicitor, are required to prevent any further action taken upon the by-law unless and until the matter above is determined by the courts.

On November 7, 2025, I issued a Mayoral Decision MD-2025-005 to Veto the above.

November 7, 2025 the Deputy CAO advised Loopstra Nixon of the above noted veto.

November 8, 2025, I issued Mayoral Direction MDIR-2025-005 to direct Township staff to engage legal Council and provide notice to Loopstra Nixon.

On November 8, 2025, the Deputy CAO advised Loopstra Nixon of the above noted Mayoral Direction providing notice to Loopstra Nixon confirming cessation of its engagement effective 12:15 p.m. on November 7, 2025, directing the firm to cease all work immediately, and clarifying that the Township of Springwater will not be responsible for any costs incurred on or after that time.

Within the Statement of Account, the Township was billed for:
- November 8, 2025 - resolution strategy
- November 9, 2025 – to drafting and preparing resolution of Council

- November 9, 2025 – telephone conversation with "Township people" to review press reports
- November 9, 2025 – revisions to resolution and drafting resolution
- November 10, 2025 – telephone conference with Councillor to review resolution

On November 10, 2025 at 11:21 a.m. I received notification of a petition of a majority of members of Council calling for a Special Meeting of Council to be held on November 10, 2025, at 6:30 p.m. The agenda topic requested was: Discussion re Use of Strong Mayor Powers relating to the Barrie Boundary Adjustment matter including Dismissal of Loopstra Nixon and Superseding of Council Direction.

Council discussed the noted matter. Through discussion, Councillor Fisher tabled a motion to retain legal and to commence legal proceedings relating to the use of Strong Mayor Powers regarding the City of Barrie Boundary Adjustment matter. I called the motion out of order. Subsequently, Council tabled a motion to temporarily suspend procedures in order to retable the motion in question, which was supported by Council. Councillor Fisher's motion was tabled and ultimately supported by Council. The motion is listed below:

> C452-2025
> WHEREAS on May 7, 2025, the Mayor of the Township of Springwater exercised the Strong Mayor Powers and By-law 2025-042 was passed authorizing the Mayor to engage in discussions with the City of Barrie and the Province of Ontario with respect to the City of Barrie's Boundary Proposal;
>
> AND WHEREAS on September 3, 2025, the Mayor of the Township of Springwater exercised the Strong Mayor Powers and By-law 2025-068 was passed authorizing the Mayor to include cross-border servicing for the Bayfield Street corridor in the discussions with the City of Barrie and the Province of Ontario regarding the City of Barrie's Boundary Proposal;
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> AND WHEREAS the Township of Springwater Council authorized the retainer of Loopstra Nixon LLP at the Regular Meeting of Council on May 21, 2025 by Resolution C245-2025 in respect of the City of Barrie Boundary Proposal;
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> AND WHEREAS the Township of Springwater Council authorized Loopstra Nixon LLP to challenge the validity of By-law 2025-093, a By-law to authorize the Mayor and Clerk to execute the boundary adjustment/restructuring proposal between the Township of Springwater and the City of Barrie (the "Impugned By-law"), by Resolution dated November 5, 2025, and provided a broad range of authority to the solicitor to take any and all courses of legal action that, in the opinion of the solicitor, are required to have the matter resolved, including for example an application to the courts to quash the Impugned By-law on the basis of illegality or an application for judicial review;
>
> AND WHEREAS the Township of Springwater Council further authorized Loopstra Nixon LLP to seek an injunction to restrain the municipality, and any other party, from

acting upon the Impugned By-law unless and until the matter is determined by the Courts and/or to take any and all courses of legal action that, in the opinion of the solicitor, are required to prevent any further action taken upon the Impugned By-law unless and until the matter is determined by the Courts;

AND WHEREAS the Mayor of the Township of Springwater purported to veto Confirmatory By-law 2025-091, in an attempt to veto Resolution dated November 5, 2025;

AND WHEREAS the veto is of no force or effect because the direction of Council was by Resolution dated November 5, 2025, and the Mayor can only veto by-laws in accordance with section 284.11 of the Municipal Act, 2001, S.O. 2001 c. 25;

AND WHEREAS the Mayor issued Mayoral Direction MDIR-2025-005 on November 8, 2025, purporting to direct Staff to issue written notice to Loopstra Nixon LLP confirming cessation of its engagement effective 12:15p.m. on November 7, 2025, directing the firm to cease all work immediately, and clarifying that the Township of Springwater will not be responsible for any costs incurred by Loopstra Nixon LLP on or after that time;

AND WHEREAS Mayor Direction MDIR-2025-005 is of no force or effect because Loopstra Nixon LLP was retained by Council, and not the Mayor;

AND WHEREAS the Mayor is acting to completely stop Council from taking any actions, including getting legal advice or having matters in dispute determined by the Court;

AND WHEREAS there is a dispute about the legality and validity of the Mayor's acts and whose acts are valid, the Mayor's or Council's;

AND WHEREAS the underlying acts the Mayor and Council are in dispute about are material and fundamental and go to the essence of the Township, the very composition of the Township and what lands are in the Township;

AND WHEREAS the Mayor is taking all steps possible to not have any of these issues determined by the Court, or any independent body;

AND WHEREAS the determination of who can validly and legally act on behalf of the Township, in issues fundamental to the Township, where there is a dispute about who can act, is a matter connected to the good government of the municipality;

NOW THEREFORE BE IT RESOLVED THAT:

1. Council of the Township of Springwater hereby confirms that Loopstra Nixon LLP was retained on May 21, 2025, and remains retained to represent the Township of Springwater in all matters relating to the City of Barrie Boundary Proposal and associated proceedings, including the judicial inquiry provided for in paragraph 6. Council further confirms and, to the extent necessary, reappoints Loopstra Nixon LLP

to continue carrying out the directions set out in all Council resolutions, notwithstanding any purported Mayoral Directions to the contrary;

2. The Mayor's Strong Mayor By-laws are of no effect because they do not carry out the provincial priorities and because the inclusion of employment lands and the absence of a direct connection to residential development in the Township renders the proposal outside the scope of these priorities.

3. The veto of Confirmatory By-law 2025-091 and Mayoral Direction MDIR-2025-005 are of no force and effect, because:

a. Resolution dated November 5 2025, which authorized the engagement of Loopstra Nixon LLP and the scope of legal action to be undertaken, was passed by Council and does not constitute a by-law subject to veto under section 284.11 of the Municipal Act, 2001.

b. The Mayor's authority to veto is limited to by-laws that, in the Mayor's opinion, interfere with prescribed provincial priorities, and does not extend to resolutions or decisions regarding the retention of external legal counsel.

c. The issuance of Mayoral Direction MDIR-2025-005 purporting to terminate the engagement of Loopstra Nixon LLP is ultra vires the Mayor's authority under Part VI.1 of the Municipal Act, 2001, S.O. 2001, c. 25, as the power to retain and direct external legal counsel resides with Council and not the Mayor.

4. Council's previous directions to Loopstra Nixon LLP with respect to challenging the validity of the Impugned By-law and providing a broad range of authority to the lawyer to take any and all courses of legal action that, in the opinion of the lawyer, are required to have the matter resolved, including for example an application to the courts to quash the Impugned By-law on the basis of illegality or an application for judicial review, and to seek an injunction to restrain the municipality, and any other party, from acting upon the Impugned By-law unless and until the matter is determined by the Courts and/or to take any and all courses of legal action that, in the opinion of the lawyer, are required to prevent any further action taken upon the Impugned By-law unless and until the matter above is determined by the Courts, stands, and for further clarification, the direction includes that the Township do the following, unless the lawyer determines that only one or none shall occur:

a. Bringing an application to quash the Impugned By-law forthwith pursuant to section 273(1) of the Municipal Act, 2001, S.O. 2001, c. 25;

b. Seeking a statutory injunction pursuant to section 273(4) of the Municipal Act, 2001, S.O. 2001, c. 25 to prevent anything being done under the Impugned By-law until the application is disposed of.

5. That a judge of the Superior Court of Justice is hereby requested to conduct an inquiry pursuant to section 274(1) of the Municipal Act, 2001, S.O. 2001, c. 25, into a matter connected with the good government of the municipality, and in particular the following questions related to the proper exercise of powers by the head of Council under Part VI.1 of the Municipal Act, 2001, S.O. 2001, c. 25:

a. What practices and procedures should the Township adopt to resolve disputes between a majority of Council and the Mayor about the appropriate use of the Mayor's powers under Part VI.1 of the Municipal Act, 2001, S.O. 2001, c. 25?

b. What process should the Township follow to resolve the following specific questions related to the good government of the municipality:

i. Was the Mayor's exercise of her powers under Part VI.1 of the Municipal Act, 2001, S.O. 2001, c. 25 to facilitate the passage of By-laws 2025-042, 2025-068, and 2025-093 valid?

ii. Was the Mayor's exercise of her powers under Part VI.1 of the Municipal Act, 2001, S.O. 2001, c. 25 to attempt to veto Resolution dated November 5, 2025 valid? Does the Mayor's veto of Confirmatory By-law 2025-091 have any legal effect on Resolution dated November 5, 2025?

iii. Was Mayoral direction MDIR-2025-005 issued pursuant to section 284.3 of Part VI.1 of the Municipal Act, 2001, S.O. 2001, c. 25 to attempt to end the retainer of the Township's external legal counsel, Loopstra Nixon LLP, and prevent it from carrying out Council's direction given through Resolution dated November 5, 2025 valid?

c. If the Justice is of the opinion that the following questions are properly within the scope of the inquiry:

i. Was the Mayor's exercise of her powers under Part VI.1 of the Municipal Act, 2001, S.O. 2001, c. 25 to facilitate the passage of By-laws 2025-042, 2025-068, and 2025-093 valid?

ii. Was the Mayor's exercise of her powers under Part VI.1 of the Municipal Act, 2001, S.O. 2001, c. 25 to attempt to veto Resolution dated November 5, 2025 valid? Does the Mayor's veto of Confirmatory By-law 2025-091 have any legal effect on Resolution dated November 5, 2025?

iii. Was Mayoral direction MDIR-2025-005 issued pursuant to section 284.3 of Part VI.1 of the Municipal Act, 2001, S.O. 2001, c. 25 to attempt to end the retainer of the Township's external legal counsel, Loopstra Nixon LLP, and prevent it from carrying out Council's direction given through Resolution dated November 5, 2025 valid?

iv. Was it appropriate for the Mayor to attempt to shield use of her powers under Part VI.1 of the Municipal Act, 2001, S.O. 2001, c. 25 from judicial review and oversight by a majority of Council?

v. If the Justice determines that these questions are not properly within the scope of the inquiry, how can they be judicially determined, including the procedural route for doing so both at the Township and in the courts?

d. How should municipalities act in the future when similar issues arise in connection with the use or alleged misuse of powers under Part VI.1 of the Municipal Act, 2001, S.O. 2001, c. 25

On November 10, 2025 at 9:02 pm (13 minutes after the meeting was adjourned) the CAO and Deputy CAO were included in an email from Loopstra Nixon, addressed to the The Honourable Chief Justice Geoffrey B. Morawetz, with a request to appoint a Judicial Inquiry and included Councillor Fisher's above motion.

Within the Statement of Account, the Township was billed for:

- November 11, 2025 – telephone conference with Councillor

November 12, 2025, I issued Mayoral Decision MD-2025-006. A decision to Veto a by-law passed by Council – By-law 2025-095, in part as it applies to Resolution C453-2025.
November 12, 2025, Council convened a Special Meeting to discuss the 2026/27 Mayor's Proposed Budget. Once budget deliberations were complete, and prior to the tabling of the confirmatory by-law, Councillor Alexander tabled a motion to temporarily waive the procedure by-law to introduce a motion without notice, which was supported by Council. Councillor Alexander then tabled the following motion, which was supported by Council.

> C458-2025
> Whereas on 2 occasions, the Mayor has purported to veto council decisions on November 05/25 and November 10/2025; and,
>
> Whereas the Mayors veto – veto's the confirming by-law of the two meetings where Council passed resolutions C446-2025 and C452-2025 which are not by-laws; and,
>
> Whereas the Mayors veto did not have the effect of vetoing the resolutions (C446 & C452) the resolutions stand; and,
>
> Now Therefore Be It Resolved That the official position of Springwater Council remains and continues to be:
>
> A) Springwater Council opposes the Barrie framework proposal but supports the Moore motion of Nov 05/2025
>
> B) Springwater will proceed with the court actions to quash the Mayors Strong Mayors Bylaws and proceed with the judicial inquiry
>
> C) Loopstra Nixon continues to be Council for the Township of Springwater despite MD2025-005 and MD2025-006
>
> D) And that the provincial facilitator and Ministry of Municipal Affairs and Housing be advised of the foregoing

At the same meeting of November 12, 2025, Councillor Garwood tabled the following motion, which was supported by Council:

C459-2025
That Council hereby directs that a chronology of events/decisions, along with all legal correspondence/opinions received, that have taken place since November 5, 2025, along with any decisions/uses of strong mayors powers used since May 1, 2025, regarding the Barrie Boundary Adjustment matter be sent to the Minister of Municipal Affairs and Housing advising the Township has exhausted procedural advice and legal resources on the matter, seeking guidance and advice from the Province.

November 13, 2025 – a copy this chronology was sent to your office.

November 13, 2025, I issued Mayoral Decision MD-2025-007 to Veto a by-law passed by Council – By-law 2025-04, in part as it applies to Resolution C458-2025

Within the Statement of Account, the Township was billed for:
- November 18, 2025 – telephone conference with a member of Council
- November 19, 2025 – to review draft correspondence and update to Council

November 19, 2025, Staff and Council received an email from Loopstra Nixon at 4:32 p.m., which included a letter addressed to Council, a letter to the Chief Justice and a letter from Affleck, Greene, McMurtry LLP.

November 21, 2025, Loopstra Nixon corresponded with Township staff at 6:32 p.m. to provide a letter from the Superior Court of Justice advising of their decision re the Judicial Inquiry request advising that Chief Justice Morawetz would not consider the request.

Within the Statement of Account, the Township was billed for:
- November 25, 2025 – telephone conference with Councillor

Thank you for your time in reviewing the outline of concern.

Your guidance on the appropriate avenues for next steps would be greatly appreciated.

Respectfully,

[redacted]

Mayor Jennifer Coughlin
Township of Springwater

Cc: Hon. Doug Downey, Attorney General, MPP Barrie-Springwater-Oro-Medonte
Dan Mathieson, Chair, Provincial Land & Development Facilitator
Paul Dubé – Ombudsman – Office of the Ontario Ombudsman