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DELIVERED VIA PERSONAL SERVICE

March 2, 2026

The Office The Mayor of The Corporation of
The Township of Springwater
2231 Nursery Road
Minesing, ON L9X 1A8

Dear Sir/Madam,

RE: Loopstra Nixon LLP v. The Office of the Mayor of the Corporation of the Township of Springwater Application for Judicial Review – Divisional Court (Oshawa, Central East Region)

We are counsel for Loopstra Nixon LLP, the Applicant in the above noted matter.

Enclosed is a copy of the Notice of Application for Judicial Review, which is served upon you pursuant to the *Rules of Civil Procedure* (*"Rules"*).

Under Part E of the Consolidated Practice Direction for Divisional Court Proceedings, within two weeks after an application is commenced, the parties are required to send a joint email to the Divisional Court setting out the following information:

a) any preliminary issues;
b) a draft proposed or agreed schedule for the exchange of court documents; and
c) proposed hearing length required, including whether the matter is to be heard by a panel and the estimated duration.

To that end, we request a telephone call with your counsel to discuss the information set out above, including the timing of the delivery of the tribunal record as required under Rule 68.04(1)(a).

We are available for a telephone call on the following dates:

- Tuesday, March 3 - 10:00 a.m.-3:30 p.m.
- Wednesday, March 4 - 1:00 p.m.-4:00 p.m.
- Wednesday, March 11 – before noon or after 1:00 p.m.

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Suite 600, Toronto, Ontario
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Kindly respond via email with your counsel's identify and availability with the best number to reach them.

Yours truly,

LOOPSTRA NIXON LLP
Per:

[redacted]

Christopher Lee

CRL/

Court File No.

ONTARIO
SUPERIOR COURT OF JUSTICE
(Divisional Court)

B E T W E E N:

LOOPSTRA NIXON LLP

Applicant

and

THE MAYOR OF THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER

Respondent

APPLICATION UNDER section 2 of the *Judicial Review Procedure Act*, R.S.O. 1990, c. J.1 and Rule 68 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194.

NOTICE OF APPLICATION FOR JUDICIAL REVIEW

TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the Applicant. The Claim made by the Applicant appears on the following page.

THIS APPLICATION will come on for a hearing before the Court on a date to be fixed by the Registrar by the method of hearing requested by the Applicant*, unless the Court orders otherwise. The* Applicant *requests that this Application be heard*

☒ In person
☐ By telephone conference
☐ By video conference

at the following location: 150 Bond Street East Oshawa, Ontario L1G 0A2, on a date and at a time to be fixed by the Court.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the Application or to be served with any documents in the Application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the *Rules of Civil Procedure*, serve it on the Applicant's lawyer or, where the Applicant does not have a lawyer,

serve it on the Applicant, and file it, with proof of service, in the office of the Superior Court of Justice, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in additional to serving your notice of appearance, serve a copy of the evidence on the Applicant's lawyer or, where the Applicant does not have a lawyer, serve it on the Applicant, and file it, with proof of service, in the office of the Court within thirty days after service on you of the Applicant's application record, or at least four days before the hearing, whichever is earlier.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN TO IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

TAKE NOTICE: THIS APPLICATION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for hearing or terminated by any means within five years after the notice of application was filed with the Court, unless otherwise ordered by the Court.

Date _____ Issued by _____
Local Registrar

Address of court office: 150 Bond Street East
Oshawa, Ontario L1G 0A2

TO: **THE MAYOR OF THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER**
2231 Nursery Road,
Minesing, ON, L9X 1A8
Email: Jennifer.coughlin@springwater.ca

AND TO: **ATTORNEY GENERAL OF ONTARIO** *(as required by subsection 9 (4) of the Judicial Review Procedure Act)*
Crown Law Office – Civil
720 Bay Street, 8th Floor
Toronto, Ontario M7A 2S9

APPLICATION

1. **THE APPLICANT MAKES APPLICATION FOR:**

(a) an Order extending the time to bring this Application for judicial review, if required;

(b) an Order, in the nature of *certiorari,* quashing and setting aside mayoral decision MD-2026-01, dated February 6, 2026, ("Decision") of the Respondent, Mayor Jennifer Coughlin ("Township Mayor"), purporting to veto By-Law 2026-002 (defined below), in part, as it applies to Resolution C016A-2026 and Resolution C019-2026, directing payment of an invoice from LN for legal services rendered ("Vetoed By-Law");

(c) a declaration that the Vetoed By-Law does not relate to and could not potentially interfere with Provincial Priorities (defined below) as required pursuant to Section 1 of O. Reg. 580/22 ("Regulation"), made under the *Municipal Act,* S.O. 2001, c.25 ("*Act*");

(d) a declaration that the Township Mayor was not and could not have been of the opinion that the Vetoed By-Law could potentially interfere with any Provincial Priorities;

(e) a declaration that the Decision is ultra vires the powers conferred on the Township Mayor pursuant to section 284.11 of the *Act*, and therefore the Decision is invalid, unlawful and void;

(f) a declaration that the Vetoed By-Law is and remains in full force and effect;

(g) costs of this Application; and,

(h) such further and other relief as the Applicant may advise and this Honourable Court may permit.

2. **THE GROUNDS FOR THIS APPLICATION ARE:**

The Parties

(a) The Applicant, Loopstra Nixon LLP ("LN"), is a law firm operating in Ontario.

(b) LN was retained by the Corporation of the Township of Springwater ("Township") to provide legal services in respect of the Township.

(c) The Township Mayor is a resident of Springwater, Ontario, and is the current Mayor.

Overview

(d) The Township Mayor alleges that the Strong Mayor Powers (defined below) granted her the power and authority to make the Decision. This is incorrect.

(e) The use of the Strong Mayor Powers is expressly limited to advance specific Provincial Priorities, specifically, the development of housing and related infrastructure by 2031.

(f) On February 4, 2026, the Township's council passed Resolutions C016A-2026 and Resolution C019-2026 to direct staff to pay an invoice from LN for legal services rendered.

(g) At the end of the Council meeting of February 4, 2026, the Township Council passed By-law 2026-002 being a by-law to confirm and adopt the proceedings of the council during the closed session which occurred that day (the "Confirming By-law").

(h) On February 6, 2026, the Township Mayor made the Decision which purports to veto the Confirming By-law, in part, as it applies to resolutions C016A-2026 and C019-2026 to direct staff to pay an invoice from LN for legal services rendered.

(i) The Decision purported to veto part of the Confirming By-law (as described above), but it did not purport to veto Resolutions C016A-2026 and C019-2026.

(j) In addition, the Vetoed By-Law does not relate to any Provincial Priorities. The purported use of the Strong Mayor Powers was ultra vires and the Decision is therefore invalid, unlawful, and/or void, contrary to the *Act* and must be set aside.

The Strong Mayor Powers

(k) Part VI.1 of the *Act* prescribes special powers and authorities to the head of council, being the mayor, which includes the power to pass or veto all or part of a by-law that, in the mayor's opinion, may advance one or more of the Provincial Priorities or could potentially interfere with one or more of the Provincial Priorities as defined in the Regulation ("Strong Mayor Powers").

(l) The Strong Mayor Powers do not give the Mayor the power to veto resolutions, only by-laws. The Mayor could not veto Resolutions C016A-2026 and C019-2026.

(m) A confirming by-law merely confirms the proceedings of council. A veto of a confirming by-law does not, even if it is valid (which it was not), vitiate any of the council resolutions passed during the meeting. Not confirming a resolution is not the same as repealing it, vitiating it, or rendering it ineffective. Therefore, Resolutions C016A-2026 and C019-2026 remain despite the partial veto of the Confirming By-law.

(n) The Regulation specifically provides that the only provincial priorities prescribed for the purposes of sections 284.10, 284.11 and 284.11.1 under Part VI.1 of the *Act* are:

(i) building 1.5 million new residential units by December 31, 2031; and,

(ii) constructing and maintaining infrastructure to support housing, including, transit; roads; utilities, and servicing.

("Provincial Priorities")

(o) In particular, section 284.11.(5) of the *Act* empowers the Mayor to veto all or part of a by-law passed by council, if the Mayor is of the opinion that all or part of the by-law could potentially interfere with one or more Provincial Priorities.

(p) A by-law that does not relate to any Provincial Priorities cannot "potentially interfere" with such priorities within the meaning of s. 284.11(5) of the *Act.*

(q) The Vetoed By-Law concerns the decision to direct the Township's staff to pay an invoice from LN for legal services rendered by LN for the Township. The direction for payment of this invoice:

(i) does not regulate land use or development;

(ii) does not approve, delay, or restrict housing construction or infrastructure; and

(iii) does not relate to any Provincial Priorities.

(r) The Township Mayor could not have been and was not of the opinion that the Vetoed By-Law could potentially interfere with the Provincial Priorities. The Decision is therefore ultra vires the scope of the Strong Mayor Powers and is invalid, unlawful and/or void and must be set aside.

(s) The Township Mayor acted without jurisdiction.

(t) The Township Mayor failed to observe principles of natural justice or procedural fairness.

(u) The Township Mayor based the decision on a perverse or capricious finding of fact.

(v) LN relies on the following legislation, among others,

(i) the *Act*, including sections 284.10, 284.11 and 284.11.1;

(ii) the Regulation, including section 1;

(iii) the Township's By-law 2021-025 (Code of Conduct for members of Council, Local Boards and Committees of Council);

(iv) the *Rules of Civil Procedure,* including, Rules 14.05(2), 14.05(3) (g) and (h);

(v) *Statutory Powers Procedure Act,* R.S.O. 1990, c. S.22; and

(vi) such further and other grounds as LN may advise and this Honourable Court deems just.

3. **THE FOLLOWING DOCUMENTARY EVIDENCE WILL BE USED AT THE HEARING OF THE APPLICATION:**

(a) A copy of the record of the proceedings before the tribunal whose decision is to be reviewed, being the Respondent;

(b) affidavits, to be sworn, tendered on behalf of LN; and

(c) such further and other evidence as LN may advise and this Honourable Court may permit.

4. LN requests that this matter be heard in Oshawa, Ontario.

February 26, 2026

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Lawyers for the Applicant

LOOPSTRA NIXON LLP	v.	**THE MAYOR OF THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER**
Applicant		Respondent

Court File No.:

ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)

PROCEEDING COMMENCED AT
OSHAWA

NOTICE OF APPLICATION

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Lawyers for the Applicant

RCP-E 4C (September 1, 2020)