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October 14, 2025

Via Email

Township of Springwater
Administration Centre
2231 Nursery Road
Minesing, ON L9X 1A8

Attention: Jennifer Marshall, Clerk

Dear Mayor Coughlin and Members of Council:

Re: Barrie Boundary Adjustment Proposal & *Municipal Act* "Strong Mayor" Powers

On behalf of 2252841 Ontario Inc. (Paul Sadlon), we have been asked to comment on the interpretation of the "strong mayor" powers set out in Ontario's *Municipal Act*, SO 2001, c 25, as amended by the *Strong Mayors, Building Homes Act, 2022*, SO 2022, c 18 and the *Better Municipal Governance Act, 2022*, SO 2022, c 24 (the "***Municipal Act***"), and their potential use in connection with the "City of Barrie Final Boundary Adjustment Proposal" (the "**Proposal**") currently being considered by the Council of the Township of Springwater.

Background

In brief, the Proposal contemplates an adjustment to the municipal boundary between the City of Barrie and the Township of Springwater whereby approximately 1,216 hectares currently within the boundaries of Springwater would be transferred to Barrie to assist Barrie in meeting its long-term growth needs. The transferred land would include both Community Lands, available for residential development, and Employment Lands. In exchange for the transfer of the lands, Barrie will pay to Springwater financial compensation and enter into an agreement to provide cross-border servicing that will facilitate development, including residential development, on lands that remain within Springwater's municipal boundaries.

It is understood that the Mayor of Springwater supports the adoption and implementation of the Proposal, but that the Proposal may not have the support of a majority of the Members of Springwater's Council. The question to be addressed is whether the Mayor is entitled to exercise the "strong mayor" powers in the *Municipal Act* (described below) to introduce a by-law to implement the Proposal if she "is of the opinion that a by-law could potentially advance a prescribed provincial priority".

For the reasons that follow, it is our view that the strong mayor powers are available to the Mayor in these circumstances.

The "Strong Mayor" Powers

The provisions of the *Municipal Act* of principal relevance are the following:

> **284.11** (1) This section applies with respect to by-laws under,
>
> (a) this Act and the regulations, other than under any prescribed section;
>
> (b) the *Planning Act* and its regulations, other than any prescribed section; and
>
> (c) any other prescribed Act or regulation or prescribed section of an Act or regulation.
>
> …
>
> (5) Subject to subsection (6), if the head of council is of the opinion that all or part of the by-law could potentially interfere with a prescribed provincial priority, the head of council may veto the by-law by providing to the clerk, on the day of the veto, a written veto document that includes the veto and the reasons for the veto.
>
> …
>
> (9) Within 21 days, or such other prescribed time period, after the day the clerk provides the written veto document to the members of council under clause (7) (a), council may override the head of council's veto if two-thirds of the members of council vote to override the veto.
>
> …
>
> **284.11.1** (1) This section applies with respect to by-laws under,
>
> (a) this Act and the regulations, other than under any prescribed section;
>
> (b) the *Planning Act* and its regulations, other than under any prescribed section; and
>
> (c) any other prescribed Act or regulation or prescribed section of an Act or regulation.
>
> (2) Despite any procedure by-law passed by the municipality under subsection 238 (2) and subject to any prescribed requirements, if the head of council is of the opinion that a by-law could potentially advance a prescribed provincial priority, the head of council may propose the by-law to the council and require the council to consider and vote on the proposed by-law at a meeting.
>
> …
>
> (4) Despite any procedure by-law passed by the municipality under subsection 238 (2) and despite section 245, a by-law described in subsection (2) is passed if more than one third of the members of council vote in favour of the by-law.

To paraphrase the import of these provisions, notwithstanding the presumptive rule that a by-law may be passed with a simple majority of the votes of the members of Council (as codified in s. 14.1 of Springwater's *Consolidated Procedural By-Law* 2017-007), sections 284.11 and 284.11.1 prescribe different thresholds depending upon the position taken by the head of council (i.e., the Mayor). Specifically, under section 284.11, the Mayor may veto a by-law, in which case the by-law can only be passed if it receives the votes of two-thirds of the members of Council. Conversely,

under section 284.11.1, the Mayor may propose a by-law, and where she does so the by-law may be validly enacted with the support of only one-third of the members of Council.

The precondition for the exercise of these powers is the Mayor's "opinion that all or part of the by-law could" either "potentially interfere with a prescribed provincial priority", or "potentially advance a prescribed provincial priority". Currently, the following "provincial priorities" are prescribed in O. Reg. 580/22, "Provincial Priorities":

> **1**. 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**. [Emphasis added.]

It is our understanding that the Mayor is of the opinion that a by-law adopting and implementing the Proposal "could potentially advance" these provincial priorities because it would facilitate residential development both on the lands transferred to Barrie, and on lands retained by Springwater by virtue of the cross-border servicing that Barrie has agreed to provide. Accordingly, it would appear that the requirements for the exercise of the *Municipal Act*'s strong mayor powers—and specifically, the power in section 284.11.1 to propose and enact a by-law with one-third Council support—are satisfied.

It has, however, been suggested that the strong mayor powers are not available in these circumstances, by reason of certain aspects of the Proposal. This suggestion is made in correspondence sent to you, dated October 6, 2025, from Davies Howe as counsel to the Midhurst Landowner's Group. In our view, these arguments are without merit. Taking each in turn:

- *The Proposal Includes Non-Residential Matters*: As noted above, the lands to be transferred include not only Community Lands that are to be developed for residential use, but also Employment Lands. There is no requirement in the strong mayor provisions that the sole impact or effect of a by-law be to either "interfere with" or "advance" the development of new residential units. In our view, such an interpretation is unreasonable and does not accord with the modern approach to statutory interpretation that must be applied.[1] The modern approach to statutory interpretation requires that the words of a statute be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the legislation, the object of the legislation and the intention of the legislator. As the title denotes, the *Strong Mayors, Building Homes Act* authorizes the Mayor to use the strong mayor powers to support the construction of new residential homes, as contemplated by the Proposal. Moreover, section 284.11 expressly applies where

[1] Ayr Farmers Mutual Insurance Company v Wright, 2016 ONCA 789 at para 26; Rizzo & Rizzo Shoes Ltd (Re), [1998] 1 SCR 27 at para 21.

any "part of" a by-law could potentially interfere with a prescribed provincial priority. Similarly, as a matter of common sense, a by-law under section 284.11.1 that advances the prescribed provincial priority of facilitating residential development does not cease to do so merely because it also, concurrently, advances other municipal interests.

- *The Residential Development is Not in Springwater*: There are two problems with this argument. First, the Proposal *does* advance residential development in Springwater by virtue of the cross-border servicing that Barrie will provide for lands retained by Springwater. Secondly, there is no requirement in the strong mayor provisions that the residential development facilitated by a by-law fall within the municipality's geographic boundaries. Subsection 284.11.1(2) is not limited to "a by-law [that] could potentially advance a prescribed provincial priority *within the municipality*". Had this been the Legislature's intention, it could have included such limiting language. Such geographically restrictive wording is found in numerous sections of the *Municipal Act*; significantly, language of this sort was not included in sections 284.11 or 284.11.1.

- *The Residential Development Will Not Occur Before December 31, 2031*: The Proposal was developed, in part, in response to the following problem identified by the consultant studying development in the area: "Barrie does not have enough Community Area land to meet its 2051 population forecast based on expected densities." However, it does not follow that, merely because the Proposal was informed by longer-term needs and longer-term planning, no residential development will be undertaken in the short term. It is reasonable to assume that such development will begin shortly after the Proposal is adopted, and continue over the following 25-year period. Once again, there is nothing in the strong mayor provisions that requires that the *entirety* of the pro-residential development impacts of a by-law be fully manifested prior to December 31, 2031. In principle, if the by-law leads to even a single new home being built before that date, the by-law advances the provincial priority of seeing 1.5 million new residential units being built in the province. However, the Proposal is intended to facilitate significant residential development.

In addition to the foregoing, these arguments against the availability of the strong mayor powers fail to give due weight to the liberal and discretionary language conferring those powers. Significantly, the power to propose a by-law and enact it with a one-third vote of Council may be exercised whenever the Mayor "is of the *opinion* that a by-law *could potentially* advance" a provincial priority (emphasis added). In other words, it is not necessary that the Mayor be certain that the anticipated residential development will, in fact, occur as a consequence of the by-law. A mere possibility of such development, and a reasonable belief in that possibility, are sufficient.

We note as well that section 284.14 of the *Municipal Act* provides that any exercise of the strong mayor powers are immune from review on the grounds of "unreasonableness or supposed unreasonableness". In our view, however, it should not be necessary to rely on this immunity provision; for the reasons set out above, the exercise of strong mayor powers in connection with the Proposal would be reasonable.

We trust that these comments will be helpful to Council's deliberations as they apply to the use of Strong Mayor Powers generally and to Barrie's Annexation Proposal in particular.

Yours truly,

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