LOOPSTRA NIXON LLP
BARRISTERS AND SOLICITORS

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**SENT BY EMAIL (michele.livingston@ontario.ca)**

November 14, 2025

The Honourable Chief Justice Geoffrey B. Morawetz
Chief Justice of the Superior Court of Justice
130 Queen Street West
Toronto, ON
M5H 2N5

Dear Chief Justice Morawetz,

**RE: Corporation of the Township of Springwater – Request to Appoint a Judicial Inquiry**

We are writing to you further to our letter dated November 10, 2025, and with respect to the letter written to you by Affleck Greene McMurtry LLP ("AGM"), dated November 12, 2025 ("AGM Letter").

Our office just became aware of the existence of the AGM Letter as of today's date, as we were not copied on, nor did AGM separately provide us with a copy of the AGM Letter, despite Rule 1.09 to the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194 providing that no party's lawyer shall communicate about pending proceedings with a judge out-of-court, unless: (1) all the parties consent to the out-of-court communication; or (2) the court directs otherwise. While, in circumstances like this, communications by letter are unavoidable, the other parties should at least be copied.

Nonetheless, we strongly disagree with the conclusions of AGM contained in the AGM Letter. The fact is that Resolution C452-2025 was validly passed by majority vote of the Township of Springwater's Council members. To be clear, Section 284.11 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Act*") grants Mayor Coughlin the authority to veto By-laws, or parts thereof, if she is of the opinion that such By-law could potentially interfere with a prescribed provincial priority, however, it does not extend such authority to vetoing freestanding Resolutions.

Thus, while Mayor Coughlin purported to exercise her veto power to veto confirmatory By-law 2025-095 ("Confirming By-law"), this does not affect the validity of Resolution C452-2025, which is freestanding, does not rely on the Confirming By-law for its validity and which separately and correctly requests that a judge of the Superior Court of Justice conduct a judicial inquiry.

Further, any purported veto by Mayor Coughlin is not valid because in the circumstances, it does not advance any prescribed provincial priority, as required by the *Act*. Resolution C452-2025 concerns the good government of the Township of Springwater, and not the building of 1.5 million new residential units by December 31, 2031 or infrastructure to support housing.

Even if Mayor Coughlin's veto of Resolution C452-2025 is valid, which is strongly contested, these very actions form the basis of and demonstrate the need for a judicial inquiry for the purposes articulated in Section 274(1)(b) of the *Act*, (i.e., a matter connected with the good government of the municipality).

In fact, at a Council meeting on November 12, 2025, another Resolution was passed confirming Council's position that, among other things: (1) it rejects Mayor Coughlin's use of her Strong Mayor Powers to veto Resolution C452-2025; (2) it requests that a judge of the Superior Court of Justice conduct a judicial inquiry; and, (3) that Loopstra Nixon LLP continues to be counsel for the Township of Springwater ("November 12 Resolution").

In our view, the Resolutions passed by the Township, that a judge shall conduct an inquiry, are valid. However, if that needs to be determined, it is clear that question must be answered. Mayor Coughlin has taken every act possible to prevent this Court from considering the questions contained in Resolution C452-2025 answered, however, the facts demonstrate that they must be answered for the good government of the municipality, and that not answering them goes against it.

We look forward to hearing from you.

Yours very truly,

**LOOPSTRA NIXON LLP**
Per:

[redacted]

Christopher Lee

Encl./ls

c. Stacey Forfar, *Chief Administrative Officer for the Township of Springwater*
Renee Ainsworth, *Deputy Chief Administrative Officer for the Township of Springwater*
Quinto Annibale, *Loopstra Nixon LLP*
Michael I. Binetti, *Affleck Greene McMurtry LLP Barristers*

# SCHEDULE 1 – Statutes and Regulations:

## *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194

### Communications out of Court

**1.09** When a proceeding is pending before the court, no party to the proceeding and no party's lawyer shall communicate about the proceeding with a judge or associate judge out of court, directly or indirectly, unless,

(a) all the parties consent, in advance, to the out-of-court communication; or

(b) the court directs otherwise.

## *Municipal Act, 2001*, S.O. 2001, c. 25

### Investigation by judge

**274** (1) If a municipality so requests by resolution, a judge of the Superior Court of Justice shall,

(a) investigate any supposed breach of trust or other misconduct of a member of council, an employee of the municipality or a person having a contract with the municipality in relation to the duties or obligations of that person to the municipality;

(b) inquire into any matter connected with the good government of the municipality; or

(c) inquire into the conduct of any part of the public business of the municipality, including business conducted by a commission appointed by the council or elected by the electors. 2001, c. 25, s. 274 (1).

### Veto powers

#### Application

**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. 2022, c. 18, Sched. 2, s. 1.

**By-law for consideration**

(2) Despite any procedure by-law passed by the municipality under subsection 238 (2) and subject to subsection (3) of this section, if the head of council is of the opinion that all or part of a by-law that is subject to this section could potentially interfere with a prescribed provincial priority, the head of council may provide written notice to the council of the intent to consider vetoing the by-law.

## O. Reg. 580/22: PROVINCIAL PRIORITIES

### 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.

**RESOLUTION OF**
**THE COUNCIL OF THE TOWNSHIP OF SPRINGWATER**

**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;

**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;

**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-2024-005 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-2024-005 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?

Whereas on 2 occasions, the Mayor has purported to veto council decisions on
November 05/25 and November 10/2025
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 ByLaws
Whereas the Mayors veto did not have the effect of vetoing the resolutions (C446 &
C452) the resolutions stand
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