Engaging in the Politics of Contemporary City Planning: The Case of 629 Eastern Avenue, Toronto

by

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A thesis submitted in conformity with the requirements for the degree of Master of Arts
Department of Geography and Program in Planning
University of Toronto

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2010

Abstract

This research examines a contemporary planning case in Toronto where tensions between policy visions and planning practices contribute to our understanding of neoliberal urbanism. Media, policy and interview discourses contribute to developing the nexus between neoliberal urbanism, creative class theory and gentrification in the case of 629 Eastern Avenue. The amalgamation of Toronto’s municipalities in 1998 resulting from the “Common Sense Revolution”, and the ‘creative turn’ in the 2000s are identified as two key evolutionary stages in Toronto’s neoliberal urbanism. The City’s contradictory positions as “grassroots” organizers, market actors and market regulators reveals their interventionist role in this case. The analytical imperative presented by this case study to expose the contradictory and contingent nature of ‘actually existing neoliberalism’ (Brenner & Theodore, 2002) leads to challenging our very understanding of neoliberalism in the context of contemporary urban planning practices.
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1 Introduction

In March 2009 the Ontario Municipal Board (OMB) denied an appeal by SmartCentres Inc., Canada’s largest development corporation, to rezone lands at 629, 633 and 675 Eastern Avenue. These properties are located in Toronto’s east end neighbourhood of South Riverdale. Resting within a designated Employment District, 629 Eastern is situated within a much larger inner-city industrial area. The site, now vacated, is the former home to Toronto Film Studios (TFS) and continues to remind passersby of what used to be a thriving film industry and point of pride for both the neighbourhood and city.

The topic for this study grew out of a personal interest in the Toronto film industry as it relates to neighbourhood change and gentrification. The neighbourhood of Leslieville, home to Toronto’s Studio District, was the obvious launching point for this type of investigation because of its strong neighbourhood ties to the City’s film industry. The recent construction of Toronto’s mega-studio in the port lands, just south of Leslieville and the Studio District, further solidified my decision to carry out research in this part of the city.

Early in this investigation media publicity regarding neighbourhood tensions, caused by a controversial redevelopment proposal for the former Toronto Film Studios (TFS) property, came to my attention. During class discussion, a peer who also happened to be a resident of Leslieville, mentioned that “No Yuppies” signs had been plastered around the neighbourhood in connection to a “Big Box” proposal for the TFS lands. The fact that these signs advocated violence against certain residents of the neighbourhood caused me to take particular notice, so I took a trip to the east end and began to gather newspaper reports on the case.

I was surprised to find that the media coverage was extensive. As I became better informed about the issues in this case, I realized that its connections to the neighbourhood, the film industry and gentrification, lent themselves to the type of research I was pursuing. Moreover, the connection between the community, media, and city planning policy provided a

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1 ‘629 Eastern’ is an abbreviated label for the property which includes 629, 633 and 675 Eastern Avenue. ‘SmartCentres’ is an abbreviated label of the official company title ‘SmartCentres Inc,’
unique opportunity to analyze the convergence of these issues as they relate to land use planning in the City of Toronto.

Upon closer examination of the discourses surrounding this case, themes including creative class theory and gentrification directed my attention more broadly to neoliberal urbanism, the environment in which each of these contemporary urban processes thrive. The interlinking dynamics of this case study presented a unique opportunity to examine how community, media and policy discourses merge at this crucial juncture in city planning. Some evidence revealed expected congruence to theories of neoliberal urbanism, however much of the forthcoming analysis lies reveals contextual variance. As such, the thesis considers an emerging body of literature pointing to the significance of local contingencies in the emergence and contestation of neoliberalism.

1.1 Research Questions

In order to address the central themes of gentrification, the creative class, and neoliberal urbanism, three interrelated questions are posed to structure the methodology of this project.

1) What visions of planning and development does the city endorse in policy and in practice?

2) Who are the key actors in this case? What are their motivations? And, how do their dynamic relationships contribute to understanding how city planning processes transpire?

3) In what ways does this case demonstrate convergences with prevailing understandings of neoliberal urbanism and in what ways does it diverge from these notions revealing contradictions, or an entirely different logic?

These questions build upon one another to direct the focus of this research towards the central research question which asks:

What do the tensions between policy visions and planning practice, exhibited in this case, contribute to our understanding of neoliberal urbanism?

1.2 Methodology

This research examines community, media and policy discourses to develop a chronological narrative emphasizing the relationships among neoliberal urbanism, creative class ideology and gentrification. The research process commenced with a newspaper discourse analysis to identify,
track, and better understand the positions of various stakeholders involved in the case. Newspaper articles concerning gentrification in South Riverdale and the 629 Eastern case appeared as early as July 31, 2005 and carried through to October 30, 2009. Over one hundred articles were selected based on the criteria that they made reference to the 629 Eastern, port lands and waterfront redevelopment or gentrification within South Riverdale. Local and national publications examined in the study include sources such as *The Beach Mirror*, *The Town Crier*, *Now Magazine*, *Eye Weekly*, *The National Post*, *The Toronto Sun*, *The Globe and Mail*, and *The Toronto Star*. The evidence offered in these reports accounted for gaps in the policy and interview discourses, and eased the chronological ordering of events across all three discourses. The diversity of publications covering the case allowed for a wide range of opinions to be expressed and interpreted according to the broad themes of neoliberal urbanism, creative class theory and gentrification. Articles were coded for the implicit and explicit mention of these identified themes. Emergent themes were also acknowledged and used specifically to map temporal shifts in the media coverage of the case.

During the second phase of research, a planning policy analysis of municipal and provincial documents addresses the same broad themes with special consideration for creative class rhetoric because of its theoretical connection to neoliberal urbanism. Documents from the City of Toronto, Government of Ontario, and the OMB were selected based on the criteria that they were considered during the proceedings at the OMB; or that they make some other contribution to explaining the 629 Eastern Avenue case with regard to the narrative and the central themes being addressed in the analysis. Thirty policy documents were examined and included: all ten OMB publications, City Staff Reports, Community Council Reports, City of Toronto By-laws, the former 1994 Toronto Official Plan, the current 2002 Toronto Official Plan, Toronto’s Agenda for Prosperity, Ontario in the Creative Age, the City of Toronto’s Culture Plan for the Creative City 2003, and the Long-term Employment Land Strategy for the City of Toronto: Phase 2 Report. This policy based analysis provides the research foundation for a critical examination of the neoliberal governmental structures in the City of Toronto. In this case, they manifest themselves within creative class policies that have become a naturalized discourse in municipal and provincial planning practice.

The final phase of the research process involved interviewing representatives of the South Riverdale community. The interview method was employed as a means of engaging with lived
experiences of the 629 Eastern case and various community responses to its events. Participants were selected based on the criteria that they either represented the community via locally established organizations, or that they were key figures propagating the media discourse surrounding the 629 Eastern case. To this end, fifteen semi-structured, open ended interviews were conducted between May and August of 2009, several months after the ruling at the OMB was announced. The timing of these interviews meant that beyond this extensive data collection, events of this case continued to transpire after interviews were completed.

Early in the research process, potential participants were identified through several key informants, and through organizations and agencies affiliated with the East End Network (EEN). Newspaper reports provided information on some of the important figures in the case, while snowball sampling expanded the list of potential participants. Interviews of twenty minutes to an hour in duration were conducted primarily in person, and some via telephone. The interviews were recorded, when permitted, and accompanied by corresponding field notes. All interviews were then transcribed in preparation for coding and analysis with regard to the identified themes of urban neoliberalism, the creative class and gentrification, as well as emergent themes. Interview data was also used to supplement the narrative outlined by the newspaper and policy discourses. Interviews proved to be a valuable research method providing an opportunity to verify, explain and expand upon events of this case with everyday lived experiences. This data shed light on aspects of the case that were often overlooked or skewed by certain actors who had a role in disseminating the media and policy discourses related to the case.

Participants all expressed strong views on the matter; several were unwilling to be identified in this research. Potential legal implications and the importance of representing a neutral position at their place of work were two of the reasons given for remaining anonymous. Also, participants were well aware, and cautious, of social tensions within the community surrounding the redevelopment proposal.

The analysis of each discourse was carried out in similar fashion. Documents were sorted chronologically and coded for content, in order to frame the narrative. Selected documents were

2 This research was sanctioned by the University of Toronto Social Sciences, Humanities & Education Ethics Board.
then coded for the identified themes of gentrification and the creative class which directed the analysis towards a deeper understanding of the complexities of neoliberal urbanism. Emergent themes were also exposed in this analysis, particularly in the coding of media and interview sources. The data derived from both content and discourse analyses were triangulated, by verifying facts and interpretations between the various community, media and policy discourses. This method of analysis also lent itself to filling gaps left in and between discourses and, more importantly, to uncovering the contradictions between sources. By combining the methods of content and discourse analysis, the chronological structure of this paper emerged organically as the most intuitive method for communicating the results of this study.

The intended outcome of this research is to present a detailed account of the events surrounding 629 Eastern, an exemplary planning case that makes important contributions to better understanding local articulations of neoliberal urbanism and the variances between planning policy and practice. Municipal and provincial policy documents confirm each of these governments’ allegiance to Richard Florida’s (2002) creative class theory, viewed as the economic savior of Toronto and Southern Ontario. This apparently neoliberal policy commitment creates the expectation that both City and provincial actors are devoted to a neoliberal future. In fact, their planning practices ultimately expose divergences in this case from prevailing understandings of neoliberal urbanism. As the discrepancies between policy visions and planning practice crystallize, empirical and theoretical contradictions come together to draw compelling conclusions about the ideological vulnerability of neoliberal urbanism.

1.3 Outline

This study is divided into a number of sections. A review of existing academic literature in the fields of creative class and gentrification as each relates to the predominate theme of neoliberal urbanism, positions the thesis within a framework of critical urban geography. A brief history of gentrification in South Riverdale and a neighbourhood profile foregrounds the normative contradictions brought to light in the thesis towards issues of social justice and the right to the city. The 629 Eastern case is presented chronologically beginning with a discussion of the events leading up to the OMB proceedings, the OMB pre-hearings, the community response, the final ruling of the OMB, the events following the ruling and possible outlooks for matters considered in this case. The conclusions argue that an analytical emphasis on the contradictions and
convergences offers the most promising approach to understanding how neoliberal urbanism gets enacted in particular places as well as where the most primary opportunities for resistance and subversion lie. This argument begins to question the very category of neoliberal urbanism.

2 Literature Review

The goal of this research is to explore the phenomenon of neoliberal urbanism and emphasize the local contingencies that arise when planning practice diverges from policy. Creative class theory offers a point of departure for this research as it inspires the articulation of urban policy in Toronto today. The gentrification literature illustrates the political stake and the social roots of neoliberal urbanism, as well as opening up possibilities for subversion and resistance. The research is inspired by and contributes to a growing body of literature that acknowledges the structural dynamics of neoliberalization processes, while also exploring the diverse practices and subjectivities that make up ‘actually existing neoliberalism’ (Brenner & Theodore, 2002).

2.1 Distinguishing Neoliberal Urbanism in Toronto

Neoliberalism is an ideological formation that consolidated in the mid 1970s around a logic of that economic growth is maximized when the production, circulation and consumption of goods and services is unimpeded by the state. As a market-led approach to development, it represents a displacement of an ideological regime that prevailed in the post-Depression era and that was based in Keynesian economic principles foregrounding a role for an inclusive welfare state in securing economic growth through stabilizing consumer demand. Within neoliberalism the doctrines of economic efficiency and global competitiveness prevail, and government welfare services are privatized and deregulated (Larner, 2000).

2.1.1 The “Common Sense Revolution”: Toronto’s Amalgamation

In Toronto, two key events are crucial to understanding the construction of neoliberal ideology. First, the provincially elected Progressive Conservative government of 1995 to 2003 created a political environment that promoted downsizing of government and the free reign of market forces, both foundations of neoliberal urbanism. Keil (2002) explains the effect this newly elected provincial government had on municipal autonomy, claiming that ‘[t]he province provides the framework that makes the rules within which local actors readjust to the neoliberal regime’ (594). The second event that is important to the construction of neoliberal ideology in
Toronto is the amalgamation of Metropolitan Toronto’s six boroughs in 1998 to become a ‘megacity’ (Broudreau, 1999). Amalgamation was a result of the aggressive “Common Sense Revolution” (CSR) campaign by the Progressive Conservative party for the 1995 provincial election (Isin, 1998, 179). The goal of this ‘decisively right-wing program’ for municipal restructuring was to eliminate competition between existing municipalities and thus free the way for economic growth’ (Broudreau, 1999, 771-772). Keil’s (2002) discussion of “common-sense” neoliberalism in Toronto stems from the CSR initiative.

2.1.2 “Common-Sense” Neoliberalism

Based on the events surrounding the provincially imposed restructuring at the municipal level, Keil (2002) points out several important features of neoliberal urbanism in Toronto. First, ‘the changing politics of space’ refers primarily to Toronto’s amalgamation (590) (emphasis in original). Next, Keil (2002) considers ‘new social disparities’ with regard to the way labour markets have created an increasingly unequal distribution of income as “good”, well paid, professional and managerial jobs overtake the “bad” low-paid, nonunionized, part-time and temporary jobs in the urban centre (emphasis in original). Keil (2002) attributes this change to neoliberal policies which he claims ‘heightened influence of aggressive corporate interests on public policy, and the role of finance and speculative business interests in accelerating economic restructuring prolonging economic stagnation and pushing corporate interests into neoliberal directions’ (593). In these ways “common-sense” neoliberalism was established as a force that continues to be reflected in the everyday functioning of the City of Toronto.

2.1.3 The ‘Creative Turn’ in Toronto’s Neoliberal Urbanism

A second evolutionary transformation of neoliberalism in Toronto is reflected in the emergence of creative city discourse and practice in the early 2000s. Since the release of The Rise of the Creative Class in 2002, Richard’s Florida’s seminal work has had a presence in many global cities, but has been magnified in Toronto since his relocation here in 2007, to work out of the newly established Martin Prosperity Institute at the University of Toronto. The city has now become a primary testing ground for his creative class theory. Both provincial and city policy makers have grabbed hold of Florida’s mantra that drawing young professionals to the urban core can restore the rapidly deteriorating manufacturing sector while, at the same time, yield opportunities to boost Toronto’s economic prosperity and international reputation as a global
city. It is in this sense that the creative city can be characterized as ‘entrepreneurial’ ‘directing all its energies to achieving economic success in competition with other cities for their investments, innovations, and “creative class”’ (Leitner, et al., 2007, 4).

Florida’s (2002) central argument in *Rise of the Creative Class* is that regional economic growth is dependent on the spatial clustering of creative class people, rather than the previous pattern of large corporations strategically locating in close proximity to one another. This same message is mirrored in his follow-up pieces *Flight of the Creative Class* (2006) and *Who's your city?* (2008), as well as in his numerous publications in popular magazines and newspapers, that cities and regions who successfully attract the creative class by providing the desired amenities and lifestyle opportunities will prosper in the new economy.

According to Florida (2002), this new creative class can be subdivided into the “Super Creative Core” which ‘includes scientists and engineers, university professors, poets and novelists, artists, entertainers, actors, designers and architects, as well as [...] nonfiction writers, editors, cultural figures, think-tank researchers, analysts and other opinion-makers’ and the second tier, “creative professionals” who work in a wide range of knowledge intensive industries such as high-tech sectors, financial services, the legal and health care professions, and business management” (69). Together these individuals are said to determine the future economic prosperity of city-regions.

In order to attract these individuals and stimulate economic growth Florida outlines the 3T’s of economic development: Technology, Talent, and Tolerance. Collectively, these three factors are the basis for promoting interurban competition, primarily because places that are able to attract the creative class, are more likely to be “economic winners”, according to Florida (2002, 235). Regions are ranked using the Creativity Index, but are also evaluated by their positions on the High-Tech Index, to measure the innovativeness of technological advancement, the Gay Index, to measure diversity, and the Bohemian Index, to measure artistic creativity.

The unfortunate by-product of a growing creative class is an increasing demand for service workers. This “Service Class”, ‘contains low-end, typically low-wage and low-autonomy occupations in the so-called “service sector”’ and has been “created out of economic necessity” (Florida, 2002, 71). In Florida’s view, this can be remedied by improving the breadth of opportunities for social mobility. Here he is specifically referring to increasing opportunities for
educational attainment so that those with the creative potential may work their way into the “Super Creative Core”. In addition to the potential for upward mobility, he also advocates creating opportunities for service class workers to express their creativity in their day-to-day lives because ultimately, increasing creativity in any type of occupation, creative or not, equates to increasing economic potential.

After discussing what it takes to be competitive in the creative age, Toronto is presented as a prime example of “a thriving multidimensional Creative Centre” which Florida praises for its impressive level of social mixing. To achieve this sort of ‘social cohesion’ in other creative centres, Florida (2002) insists on the need to develop ‘new mechanisms’, at the community level, because we now live “in an era defined by diversity, high rates of mobility, weak ties and contingent commitments” (323). Florida’s (2002) edict comes down to a challenge for policy makers, city builders and the creative class alike, to ensure long-term economic growth by investing in creativity, to overcome the divisions between classes which threaten economic prosperity, and to manufacture innovative methods for a new kind of social cohesion that allows “the benefits of the Creative Age are extended to everyone” (318).

Peck (2005), a prominent opponent of the creative class rhetoric points out how the ‘discourse is both saturated in, and superficially oblivious to, the prevailing market ideology, such that the mere suggestion that creative advantage presupposes creative disadvantage, that there must be losers in the Creative Age, borders on the ‘heretical’ (767). Peck and Tickell (2002) refer to the notion propagated by Florida that “every city can win” as an ‘economic fallacy’ (393). Whether it is intended or not, in establishing creative winners, we determine who are creative losers. This is important for considering how class conflicts are amplified by intraurban competition.

In order to compete in the “Creative Age”, city leaders feel compelled to comply with Florida’s policy prescriptions. By adopting a competitive economic approach to urban planning, city officials can literally not afford to turn down the offer of measurable progress accompanied by quantitative evidence. However, this policy program does not come without some social cost. Florida’s work not only presupposes inequality, it thrives on it. Ironically, the theory that demands a tolerant society to nurture creative activity creates a social stratification that often becomes intolerant. The emphasis on quantifiable aspects of urban life means other equally
important development considerations are being devalued and ignored in favour of large scale economics.

So why then, in academic literature, has the creative class theory become synonymous with gentrification, displacement and eviction? How are the two intertwined within a framework of urban neoliberalism? The South Riverdale case provides a useful example for considering how creative class theory and neighbourhood and commercial gentrification are each manifestations of neoliberal urbanism. In order to highlight exclusionary and gentrification related injustices of these particular embodiments of neoliberal urbanism, it is necessary to consider some critiques of Florida’s creative class theory.

2.1.4 Critiques of Neoliberal Urbanism and the Creative City

The “emerging coherence” of the creative class is increasingly being matched by an equally coherent critique of the creative class theory and its policy implementation (Florida, 2002, 68). This argument is centred on two key critiques of the creative city. One, that the city positions itself as entrepreneurial in order to pursue a market-led approach to planning. Two, that this market-led approach to planning gives rise to exclusion, which is often manifested as gentrification.

An obvious place to begin examining these contentions is with a very basic observation made by Marcuse (2003) who notes that Florida fails to provide a definition for the term “creative”, and instead, ‘simply takes it as an attribute of occupations comprising some 30 percent of the working population’ (40). Hubbard’s (2006) attempt to define the term broadly, claiming that ‘creativity involves looking at old problems in new ways’, illuminates the trouble with providing an ambiguous definition for a term that has become a symbolic pillar of contemporary urban policy and the new economy (240). Miller (2004) also attempts to outline the domain of creativity in a more precise fashion, proposing that ‘[p]erhaps the simplest definition is a nominalist one that simply includes items that are generally accepted as intellectual property” (59). The problem then, is that this definition does not begin to take into account the range of human capital Florida umbrellas under this term. Consequently, it is clear from the outset that using the term “creative” to describe a vast array of people and their occupations, without providing a definition, is as problematic as not defining creativity.
Another issue widely discussed in literature critiquing the creative class theory notes the problem of Florida’s fundamental presupposition that creativity is a *cause* of economic growth rather than accepting the possibility that it may be a *consequence* (Scott 2006; Clifton 2008; Atkinson 2009; Hoyman 2009). Marcuse (2003) articulates the problem claiming that ‘Florida rates cities on a scale that represents the factors that attract creatives, but instead those factors turn out to be the presence of creatives, so the statistics end up caught in a circular logic’ (41). The circularity of this logic is characterized by Peck (2005) who describes Florida’s reasoning:

> Growth derives from creativity and therefore it is creatives that make growth; growth can only occur if the creatives come, and the creatives will only come if they get what they want; what the creatives want is tolerance and openness, and if they find it, they will come; and if they come, growth will follow (757).

Florida’s reasoning may be flawed in the most basic sense in that he has not been able to distinguish whether creativity in fact causes growth or whether the two factors are correlated, and creativeness is therefore a side-effect of a growing economy. Christophers (2008) sums up this problem stating that ‘*even if* a correlation between creativity and growth could be demonstrated satisfactorily, correlation does not imply causality’ (2319) (emphasis in original).

The circular logic of creative class theory in Florida’s thesis harkens back to the existence of prior works promoting the notion of the creative city. Before *The Rise of the Creative Class* (Florida, 2002), Charles Landry, based in the United Kingdom, had ‘another intellectual justification and trajectory’ for publishing on the concept of the creative city (Pratt, 2008, 107). Though it is not uncommon to see Landry receive passing mention as scholars dive into the more recently popularized ideas promoted by Florida, this important connection has not been made between *The creative city* (Landry & Bianchini 1995) and *The creative city a toolkit for urban innovators* (Landry, 2000), and the circularity of Florida’s logic. The presence of these works, while not having received the widespread media promotion of Florida’s work, sets in motion the circular assumption that with urban growth comes creativity, and with creativity comes urban growth (Scott, 2006). Earlier creativity policies began to normalize this idea in policy, media, and everyday discourse, so that Florida’s compilation of these ideas was an obvious next step.

The creative class theory is often framed in the ways it ‘builds on earlier entrepreneurial models of urban governance’ (Catungal, et al., 2009, 1098). Harvey (1989) first recognized the recurrent shift from urban managerialism to some form of entrepreneurialism beginning in the
early 1970s, and ‘[o]ver the course of the 1990s critiques of the ‘entrepreneurial city’ gradually segued into critiques of the ‘neoliberal city’’ (Chirstophers, 2008, 2324). Similarly, Peck writes, ‘[b]oth the script and the nascent practices of urban creativity are peculiarly well suited to entrepreneurialised and neoliberalised urban landscapes’ (764). Yet we should perhaps be cautious about conflating these two phenomena. Certainly it is possible to think about instances in which cities might operate in an entrepreneurial way that do not involve deregulation and withdrawal of the state from acting in the market. This distinction between the entrepreneurial city and the neoliberal city is important to the 629 case where the city sometimes acts in an entrepreneurial manner yet reflects values we would be hard pressed to characterize as neoliberal.

The relationship between neoliberal urbanism, the creative class theory and gentrification comes full circle when Smith (2002) claims ‘[g]entrification as global urban strategy is a consummate expression of neoliberal urbanism’ (466). Here gentrification, which is well documented as a potentially negative result of implementing the creative class theory, is characterized as a process that represents the successful execution of neoliberal planning practices. Hackworth (2007) further expands on this relationship, claiming ‘[i]t could be said that gentrification is the knife-edge neighbourhood-based manifestation of neoliberalism’ (149). Based on this understanding of the connection between neighbourhood gentrification and urban neoliberalism, this analysis agrees with Davidson’s (2007) statement that the ‘[c]ontemporary study of gentrification [cannot] detach itself from concerns regarding the neoliberalization of urban space and consequent displacement […] To lose sight of these central dimensions of gentrification would be to overlook the political nature of urbanism itself’ (504). This imperative to necessarily link neoliberalism to the exclusionary processes of gentrification and displacement is reflected in the discussion of 629 Eastern.

The connection established between neighbourhood gentrification and neoliberalism can be extended to commercial gentrification which is often characterized by ‘mega-projects’. Hackworth (2007) supports this broader conception of gentrification as an indicator of neoliberal urbanism with his claim that ‘gentrification is not the only form of inner-city real estate investment, much less the only one intimately connected to neoliberal urbanization […] commercial mega-projects have also become a material manifestation of neoliberalism at the local scale’ (149). As issues related to neighbourhood change and commercial redevelopment in
South Riverdale merge under Toronto’s waterfront and port lands mega-projects (Lehrer & Laidley, 2008), the discussion of the 629 Eastern case benefits from Hackworth’s suggestion that gentrification can be broadly conceived in its connections to neoliberal urbanism.

2.1.5 Actually Existing Neoliberalism

The thesis engages the case of 629 Eastern to explore this nexus of creative city ideology, neoliberal urbanism and gentrification, and it does so with specific recourse to the concept of ‘actually existing neoliberalism’ developed by Brenner and Theodore (2002). The emphasis here is on the process and practice of neoliberalization, as it unfolds in particular times and places ‘on the contextual embeddedness of neoliberal restructuring projects’ (Brenner and Theordore, 2002, 4). They claim that inherited institutional frameworks, political struggles, regulatory practices and policy regimes must be explored in contextually specific situations, in order to fully comprehend all the various manifestations of actually existing neoliberalism. To undertake a comprehensive inquiry of actually existing neoliberalism, researchers must examine not only how neoliberal political agendas have been reproduced and imposed upon cities, but also how such agendas are contested and combined with other political agendas (Brenner & Theodore, 2002).

Because neoliberal urbanism is recognized for having ‘generated pervasive market failures, new forms of social polarization, and a dramatic intensification of uneven development at all spatial scales’, identifying spaces of resistance is a necessary component of contextually specific neoliberal research (Brenner & Theodore, 2002, 5). Imagined alternatives to neoliberal urbanism are often characterized as more democratic, socially just, participatory projects which operate outside of private profit imperatives. Living-wage campaigns, community labour-organizing and the fight for the right to decent affordable housing are all examples of imagined alternatives to the neoliberal city (Brenner & Theodore, 2002, xi). This research adopts Addie’s (2008) approach to studying neoliberal urbanism ‘by paying attention to the ways that neoliberalism is spatially grounded, reproduced, and contested in particular spatial contexts, neoliberal capitalism’s contradictions may be utilised to challenge material articulations of urban neoliberalization and produce a more socially just urbanism’ (2689). Further, it recognizes that ‘in acknowledging the complexity of neo-liberalism we stand a better chance of identifying possibilities to advance social justice aims in a new context’ (Larner, 2000, 21). This research
takes on the task of identifying the contradictions between neoliberal ideology, represented by visions described in planning documents, and actually existing neoliberalism, represented by planning realities of the 629 Eastern case study, in order to identify spaces for subversion and resistance.

2.2 Similar Studies

There are several cases which have contexts and themes comparable to this research. Some earlier studies inform this work theoretically and methodologically, and help to set a precedent for this research. Outlined below are some of recently published sources which have been taken into consideration. Each example was selected based on its strong thematic similarities, and overall resemblance to the 629 Eastern case in terms of the location(s) accessed, and research questions broached.

2.2.1 South Parkdale

One need look no further than South Riverdale’s western counterpart, South Parkdale, to better understand the present and future development trajectory of the research area. Both neighbourhoods are approximately the same distance from Toronto’s CBD. At this point in time, research regarding gentrification in South Parkdale is more extensive. Unlike South Riverdale, which is still undergoing gentrification, South Parkdale is in the latter stages of the process. It is interesting to note that while both began to gentrify at roughly the same time, starting in the mid-1970s, gentrification in South Riverdale ‘stalled’ from 1981 to 2001 (Walks & August, 2008). Meanwhile, gentrification in South Parkdale served to divert researchers’ attention from the growing neighbourhood of South Riverdale. The extensive literature archiving gentrification in South Parkdale offers clues to researchers now looking towards the east end of the city.

Slater (2004b) provides insight into South Riverdale and contends that ‘the City of Toronto is now using laws on building safety and licensing to fulfill a broader objective, which is to rebalance the population of South Parkdale in what might be considered ‘municipally managed gentrification’” (318). More recently, he notes the provincial government has an indirect role in the ‘middle-class resettlement of South Parkdale’ (318). Lehrer and Winkler (2006) lend support to this position when they explain why the City of Toronto has limited funds. They contend that ‘[i]n Canada, municipalities are “creatures of the state,”’ with the
provinces in a very powerful situation since they decide how much money will be available for social service provision’ (146). This unbalanced power relationship was heightened by policies of the “Common Sense Revolution”.

Through such measures as the Tenant Protection Act, implemented in 1998 at the height of the neoliberal conservative tenure, the increasing amount of power held by the province has had a significant impact on all municipalities, but most significantly, within inner-city neighbourhoods. This new legislation eliminated rent control on vacant units, creating an incentive for landlords to actively seek out new, higher income tenants to their properties, often by way of maintenance improvement schemes. Subsequently, their willingness to negotiate arrears payment decreased (Slater, 2004b, 319). The implications of the Tenant Protection Act have been experienced province wide, and thus, can be expected to have had a similar effect on South Riverdale. Here, just five years after Slater’s (2004b) study, gentrification has resumed after a twenty year ‘stall’, leaving a large low-income population at risk of eviction. Important to note from Slater’s (2004b) research is that the state has intervened at municipal and provincial levels to compound the impacts of gentrification on vulnerable neighbourhoods, and populations within those neighbourhoods.

Thematically and contextually, Slater (2004b) provides a similar case to that of 629 Eastern, considering both neoliberal urbanism and gentrification in a Toronto neighbourhood that is comparable to South Riverdale. For these reasons, methodological cues have also been derived from this study. Noting the frustration of revisiting the emancipatory versus revanchist, or production versus consumption debates in gentrification, Slater (2004b) convincingly illustrates how empirical research has suffered at the hands of overdrawn theoretical discussions in the field (304). In order to continue to address this downside in the literature, much like Slater’s work, this research places a heavy emphasis on qualitative aspects of inquiry. As in South Parkdale, the recent surge of gentrification in South Riverdale is not easily discerned by statistics due to a high level of spatial aggregation and the subtlety of transformations taking place. It is nearly impossible to predict imminent changes in a gentrifying neighbourhood with quantitative data as a tool for neighbourhood analysis.

Just two years following Slater’s (2004b) research, Lehrer and Winkler (2006) conclude that a “place” like Parkdale epitomizes the kind of urban setting that attracts the “creative class”
and anticipate that it will succumb to real estate pressures despite its current balance of social mix (152). In a later study Lehrer (2008) presents the development case of the West Queen West Triangle (WQWT), also located in Parkdale. This instance was notably mentioned in the media discourse surrounding 629 Eastern to draw connections between the two cases. It too involved a dispute between the City and developers that was heard at the OMB. The presence of a vocal community reaction group similarly dominated the development discussion to the detriment of some area residents who were overshadowed by the prevailing voice of opposition. The problem of limited community representation leads Lehrer and Winkler to question ‘[w]ho is that public? Further, who has the right, the means, and the power to articulate himself or herself in the public realm?’ (2006, 152). This becomes an important consideration as the exclusionary principles of neoliberal urbanism decide which voices are heard, and which are left out, in a variety of discourses.

2.3 Gentrification in South Riverdale, Toronto: A Brief History

The 629 Eastern case involves the resurgence of gentrification in South Riverdale during the past ten years. The evolution of this process is ongoing, so in order to accurately assess the current situation it is important to consider South Riverdale’s recent history of gentrification. Researchers began to recognize the phenomenon in this area by the mid 1970s (Dantas, 1986; Filion 1991). Broadly speaking, the first acknowledgement of gentrification in the area was during the second wave of gentrification when ‘the process becomes implanted in hitherto disinvested central city neighbourhoods’ (Hackworth & Smith, 2000, 467) (emphasis added).

This section reflects on earlier patterns of gentrification and gentrifiers in South Riverdale, in order to consider implications on the Eastern 629 case. The most extensive study was completed by Dantas (1986) who attributed the onset of gentrification in Riverdale to “overspill” from the neighbouring community of Cabbagetown, an area which had previously undergone this transformation. It was Dantas (1986) who first noted the ‘increasing middle-class presence within the traditionally working-class Riverdale neighbourhood’ and the general assumption ‘…that real estate activity simply spread from Cabbagetown to the Riverdale community’ (74). Filion (1991) too, witnessed the onset of high income level increases, followed by evidence of severe income polarization. Formerly “Cabbagetown II”, Riverdale became a fully gentrified neighbourhood in its own right due to a number of factors, some obvious, and some not so readily apparent. For this reason, they must be considered further.
Riverdale boasted many unique amenities which spurred gentrification in the neighbourhood. Leading the way into this urban class transformation was inexpensive housing, calculated as less than half the cost of neighbouring Cabbagetown. In addition to price, South Riverdale dwellings were larger in square footage and equipped with generous amounts of open space. In terms of transportation and accessibility to the area, Riverdale offered street car and bus service as well as a short walk from the Bloor subway line. The neighbourhood landscape has changed very little since Dantas’ (1986) research. The feature most vulnerable to change at present, is the low-rise character of this inner-city neighbourhood (Dantas 1986, 86). This is due primarily to the neighbourhood’s proximity to the waterfront, which has grown exponentially in terms of its economic value.

Notably, South Riverdale was considered to be peripherally located in Dantas’ study of the neighbourhood in the 1980s (Dantas, 1986). Although location was previously characterized as a deterrent to relocating to South Riverdale, at present, the closeness of this neighbourhood to the nearby “Studio District”, downtown core and Toronto waterfront is stimulating the process of gentrification. This shift in the situational perception of the neighbourhood was apparent by 1994 when Caulfield published an entirely different interpretation of gentrification in this neighbourhood, and more generally in Toronto.

Caulfield (1994) reported a draw to the area for the new, more affluent, population was its high degree of social diversity, a characteristic which less than ten years prior, Dantas classified as a deterrent. In this sense, Caulfield (1994) referred to Riverdale’s high level of social diversity in a positive light, labeling it ‘a community of inclusion’ based on evidence of community social networks (203-204). But, where Dantas’ (1986) explanation for gentrification falls short, Filion’s (1991) picks up, highlighting the importance of local activism in Riverdale to attracting incoming gentrifiers. This argument leads rather seamlessly into Caulfield’s (1994) widely critiqued thesis ‘that middle-class resettlement of older inner-city neighbourhoods in Canadian cities in part constitutes a form of critical social practice’ (Caulfield, 1994, 182). While Riverdale endured two decades of gentrification, a massive transformation of the physical and socioeconomic landscape took place. Although Caulfield’s (1994) argument ignores the connection between critical middle class practices of gentrifiers and working class, who were edged out by rent gap (Lustiger-Thaler, 1996, 153), it is clear that his research considers extensively the unique motives of gentrifiers in Toronto. This fact makes Caulfield’s (1994)
study invaluable to the examination of a contemporary Toronto neighbourhood such as South Riverdale, where recognizing the history of gentrification in the area informs our understanding of its current manifestation and the key players who engage in its process.

Another significant factor which further reveals the evolution of gentrifiers in South Riverdale is the change in preference from suburban to urban dwelling locales. Dantas (1986) found that ‘the family-type households purchasing in the Riverdale neighbourhood would traditionally have been expected to locate in suburban neighbourhoods’ (85). However, at the time, Riverdale offered lower purchase prices on average, and a high level of accessibility to downtown, providing a more practical and economically viable option to its otherwise comparable suburban counterparts (Dantas, 1986, 85). In 1991, Filion recognized that ‘gentrifiers hold different values from main stream middle-class members, most of who still opt for suburban residences’ (554). By 1994, Dantas’ pragmatic explanation for why gentrifiers choose to migrate to Riverdale, had morphed into something entirely different and wholly ideological. Caulfield (1994) argued that by choosing to locate in urban settings, gentrifiers rejected suburban lifestyles and thus, were engaging in a form of critical social practice.

Ley (1996) provides concrete evidence of this urban lifestyle preference. During interviews with middle-class members of Riverdale in the late 1980s, Ley’s research determined that only six per cent had moved to the neighbourhood from suburban dwellings, while eighty-seven percent relocated from elsewhere in the city (33-38). These results reveal a substantial divide between urban and suburban migrants to the area. In 2009, the notion that Toronto’s urban gentrifiers reject suburban lifestyles resurfaces in this contemporary case. The 629 Eastern study represents the evolution of gentrification as a manifestation of neoliberalism in the City of Toronto.

2.4 Community Profile: South Riverdale

South Riverdale is an east end Toronto neighbourhood housing 24,430 of the City’s total 2,503,281 population (Statistics Canada, 2006). Located just east of the downtown core, South Riverdale makes up half of the electoral district known as Ward 30. It is bounded by the Don Valley Parkway and Cabbagetown to the West, Gerrard Street, also known as the Gerrard India Bazaar, and the Canadian National Railway to the North, the Beaches neighbourhood to the East, and Lake Ontario to the South (see Figure 1).
Within the South Riverdale neighbourhood, two Business Improvement Associations (BIAs) have formed: the Gerrard India Bazaar and the Riverside District. Ward 30 Councillor Paula Fletcher, a key figure in the 629 Eastern case, is a Board Member for both of these BIAs. Other commercial districts exist in the neighbourhood in addition to these formally recognized local business associations. Significant to this research is the Leslieville commercial district, which has no formally established BIA.

![Study area context map: Toronto, South Riverdale](image)

Source: Statistics Canada 2006

**Figure 1: Study area context map: Toronto, South Riverdale**

Another important feature of the South Riverdale neighbourhood is the port lands industrial area which has become a major redevelopment project for the Toronto Economic Development Corporation (TEDCO) and WATERFRONToronto, both arm’s-length corporations to the City. This 400 hectare site is plagued by its recent industrial past with widespread soil contamination, but has been presented to the public by as an ‘unprecedented opportunity for waterfront revitalization’ that has been historically ‘hampered by fragmented land control, the cost of soil remediation and infrastructure and business relocation challenges’

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3 WATERFRONToronto - formerly Toronto Waterfront Revitalization Corporation.
An important feature of the port lands revitalization project is the newly constructed Filmport, Toronto’s largest film and television studio complex. The facility opened in August 2008 and since then, has struggled to reach its anticipated revenues from major Hollywood blockbusters (Leong 2009).

There are several demographic features of the South Riverdale neighbourhood that are worth noting in the context of the 629 Eastern case. From 2001 to 2006, the neighbourhood experienced a 9.1% decline in population, despite the city’s 0.9% population growth. In terms of language and ethnicity, during the 2001 to 2006 period, the South Riverdale population experienced an increase in the proportion of people with Canadian citizenship, 88%, a notably higher percentage than the Toronto average. The number of people of Aboriginal origin, and recent immigrants, is lower than the overall percentage for Toronto (Statistics Canada 2001, 2006). The predominant ethnic groups in the neighbourhood are Chinese with 7,930 people, followed by English at 4,340, Irish at 3,750 and Canadian at 3,620 (Statistics Canada 2001, 2006).

Housing in South Riverdale is characterized by a vast majority of dwelling units built before 1946, consisting mostly of semi-detached houses and apartment buildings less than five stories. Of the total number of private dwelling units, 40% are rented at a gross monthly average of $731, and 60% are owned, with dwelling units costing an average of $340,031 in 2006. Compared to Toronto wide averages, South Riverdale has fewer renters, but more multi-family dwellings. Incidences of low income have increased from 2001 to 2006 in South Riverdale (Statistics Canada 2001, 2006). This contextual information about the South Riverdale neighbourhood informs the analysis of this locally embedded Toronto case study.

3 ‘Employment Areas’ as Frontiers of the Creative Class

3.1 Employment Areas

Lots 629, 633, and 675 Eastern Avenue make up a parcel of land nestled beneath the ‘streetcar suburb’ of South Riverdale (see Figure 2). This Toronto neighbourhood has recently received an increasing amount of attention as an “up-and-coming” community and real estate opportunity for middle and upper-class in-movers. Located in the east end of the city just minutes from the Downtown core, South Riverdale has become an important neighbourhood where much of the
future economic prosperity of the City of Toronto lies. South Riverdale’s industrial past, which began in the early 1900s, has meant that this neighbourhood housed a predominately working class population until it began to gentrify in the mid-1970s (Walks & August, 2008). In 2002 a swath of land to the south of the neighbourhood was zoned ‘Employment Area’ as a part of the provincial and City policy plan for future growth. The Employment Areas designation is central to this case and is defined in the 2005 Provincial Policy Statement, Section 1.3.1, as spaces where:

Planning authorities shall promote economic development and competitiveness by:

1. providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;
2. providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
3. planning for, protecting and preserving *employment areas* for current and future uses; and
4. ensuring the necessary *infrastructure* is provided to support current and projected needs. (emphasis in original)

All other employment land policies are founded on these premises. This zoning designation also warrants mention in Ontario’s 2006 *Growth Plan for the Greater Golden Horseshoe*. At the municipal level, Employment Areas zoning designations have garnered an increasing amount of policy attention which has transformed its initially open-ended development possibilities, as outlined by the provincial government, towards increasingly limited options that serve specific political agendas.

The City of Toronto’s 2002 Official Plan has placed a strong emphasis on Employment Areas to formulate long-term growth objectives. As the so-called “hothouses where we grow out enterprises and jobs” (Section 4.6, 4-11), Employment Areas are first and foremost, ‘places of business and economic activity’ (Section 4.6, 4-12). Although ‘[u]ses that detract from the economic function of these lands are not permitted’ the range of land uses identified as supporting this function are far reaching (Section 4.6, 4-12). The exception to this open-ended vision for Employment Areas is the port lands and waterfront areas which have many restrictions that limit the development potential for these lands. Citywide, ‘industrial areas’ and ‘suburban office parks’ are both included within the ‘Employment Area’ designation. While this grouping of urban and suburban land uses for designated employment areas may seem innocuous, it becomes an important distinction in this case. The 629 Eastern lands hold a prime inner-city, near-waterfront location which makes all the difference in determining the intended uses for the site.

The 629 Eastern case concerns a small parcel of land within the much larger context of the South of Eastern Employment District (see Figure 3). This area is bounded by Eastern Avenue to the north and Lakeshore Boulevard to the south, with a long and narrow shape, at a depth of one property, from its Coxwell Avenue border in the east, to its Don River border in the west. This employment district was officially designated in the 2002 Official Plan for the City of Toronto (City Clerk, July 25, 26, 27, 2006). It is ‘comprised exclusively of lands where the *Employment Areas* land use designation applies’ (Section 2.2.4, 2-18) (emphasis in original). The
city’s goals for this zoning designation are narrowed down to growing the tax base and creating a stable climate for major business investments.

In response to the concern that the employment target outlined in the City of Toronto’s Official Plan aligned with the Province’s vision for economic growth in Ontario, a private consulting firm was commissioned to write a report on the *Long-term Employment Land Strategy for the City of Toronto: Phase 2* (Hemson Ltd., 2007). This document highlights some key recommendations for each party; first, that the land use designation remain stable; second, that financial incentives be offered to current and potential users of these lands; and third, that there be supplementary economic development support (ii–iv). By implementing Community Improvement Plans (CIPs), which provide a venue through which the City may supplement development costs for incoming occupants of Employment Areas, expanding financial incentives and assisting with the branding and marketing outreach, the overall recommendation derived from this report is to enhance the “business climate” (iii) of these designated Employment Areas (Hemson Ltd., 2007). Together, the City’s actions point to the interventionist role they have taken in market initiatives related to employment lands, port lands and waterfront redevelopment.

The notion that improving the “business climate” in Employment Areas is the best solution for encouraging the growth and development of these lands is reflective of a neoliberal ideology. However, the extent of state intervention involved in designated Employment Areas where businesses should locate their operations seems rather contradictory to basic free market principles.

![Figure 3: South of Eastern Employment District](source: City of Toronto, Jan 29 2008)
The fact that the province and City are attempting to establish a “business climate” while at the same time constructing a regulatory landscape of economic activity with designated Employment Districts suggests that a simple characterization of urban policy as neoliberalism in this instance may in fact be quite misleading. On the contrary, the joint efforts of the City and province in this instance begin to look more like a state-regulated entrepreneurial endeavor. In this way, Employment Areas manifest oppositional efforts, by the joint forces of the City of Toronto and Province of Ontario, to develop and regulate a spatially and operationally controlled free market. This paradoxical situation of a government regulated, intentionally neoliberal, environment presents one of many contradictions regarding neoliberal urbanism that surfaces during the 629 Eastern case.

3.2 The Lands at 629, 633, 675 Eastern Avenue

3.2.1 Site Description

The site in this study is located at 629, 633 and 675 Eastern Avenue in the heart of Toronto’s Studio District. Measuring 18.6 acres in size, this small area lies in the centre of the much larger South of Eastern Employment District. As former home to the Toronto Iron Works foundry and A. R. Clarke Tannery, the post-industrial shift at this site was cemented in 1989 when it was converted to Toronto Film Studios (City of Toronto Staff Report Oct 21, 2004; Preville, 2008). Located at the southern end of South Riverdale, this site is often associated with the smaller, mainly commercial corridor of Leslieville. Although its boundaries are contested, Leslieville is centered on the intersection at Queen Street East and Leslie Street. As one participant suggested, ‘those lines are soft’ (Carmichael, 2009). Interestingly, in policy, a different label again is used to situate the area as a part of the Toronto waterfront. This view is typically limited to the discourse of policy documents and governmental promotion, both which could be accused of attempting to enhance the image of this rather rundown area into a place that is worthy of substantial public and private investment.

3.3 Hollywood North and the Studio District

One standout imperative of the City of Toronto influencing their actions throughout this case is the City’s effort to promote the continued success of the film industry. Across Canada, Hollywood North has become an important industry and marketing device not only in Toronto,
but in Vancouver and Montreal as well. In Toronto, the film industry depends upon attracting foreign investment to the city, while at the same time striving to maintain its local foundation. With the decline of other types of industry, specifically in the manufacturing sector, the film industry has been pressured to draw increasing revenues. Much of the South of Eastern Employment District falls into what the city branded the “Studio District” in 1991, centred around the intersection at Leslie Street and Eastern Avenue (June 21, 2005, Staff Report) (see Figure 4). As one of two areas in Toronto where the film industry is concentrated, the Studio District in the east, and Liberty Village in the west, these two sites are the last remaining Employment Districts located in the inner-city, both intended for film related use.

At 629 Eastern Avenue, Toronto Film Studios (TFS) operated successfully since 1989 under the ownership of Sam Reisman, Chief Executive Officer for Rose Corporation, parent company to TFS (Wong, Oct 20, 2006) (see Figure 5). The City and owners of this property were
satisfied with the economic functioning of this operation. Once Toronto’s Economic Development Corporation (TEDCO) requested proposals to select a suitable candidate to build and operate a new film studio in the port lands to the south, TFS’s operations at 629 Eastern came under closer scrutiny. Although president of TFS Ken Ferguson, contended that “[m]arket forces will determine the longevity of the Eastern Ave. studios”, this was not really the case (Wong, 2006). Since the inception of the port lands mega studio project, the plan by the City and TEDCO for TFS had always been to relocate their operations at 629 Eastern to the new facility in the port lands upon the completion of the first phase of construction. Regardless of the possibility that 629 Eastern and the port lands mega studio could operate concurrently, each serving their respective mid-range and blockbuster clientele, this option was not publicly deliberated. TFS closed its doors for good on December 31, 2008 (Haines & Kuitenbrouwer, Mar 4, 2009).

Figure 5: Toronto Film Studios, 629 Eastern Avenue
3.4 Applications to Rezone the Lands at 629 Eastern

As quickly as TFS shifted its attention away from 629 Eastern and refocused on the port lands redevelopment, new proposals were submitted to redevelop the property at 629 Eastern. The first was submitted by owners TFS on June 24, 2004 (OMB, Nov 7, 2007). This proposal included Official Plan and zoning amendments so that the original I2 D5 zoning, a category that ‘permits a range of retail and service uses, workshops, auto related uses, warehousing and storage, and transportation related activities’ be amended to (H) Holding provision, ‘to permit a range of office, service, retail hotel and residential uses’ (Staff Report, Oct. 21, 2004).

The future use for the TFS property was uncertain when a fifty per cent share was sold to SmartCentres, Canada’s largest development corporation, for $14 million on September 29, 2006. Notably, this transaction took place the same day the first OMB pre-hearing regarding TFS’s rezoning application for the property commenced. At this point, SmartCentres officially joined TFS in an application to the City to rezone the lands at 629 Eastern, thus involving them in the OMB proceedings in which they had an interest (Vincent, Mar. 5, 2009). This first OMB pre-hearing, originally scheduled for September 20, 2006, was rescheduled after TFS made a request to move it to a later date.

Shortly after the prehearing was rescheduled, the City claimed in a policy report, to have discovered through a *Toronto Star* article dated October 20, 2006, that SmartCentres had purchased a fifty per cent stake. However, the City knew of SmartCentres’ plan to act as the development agent, representing the applicant TFS, during the OMB hearing (Staff Report, June 11, 2007). The City also had an interest in delaying the first OMB pre-hearing because they were pushing Official Plan Amendment No. 5 through Council in order to remove “power centres” as a permitted land use within the South of Eastern Employment District. “Power centres” is a term that is synonymous with large scale, free standing, retail outlets, and extensive parking capacity. This is the type of development for which SmartCentres is best known. The City, like TFS and SmartCentres, had interest in postponing the first OMB pre-hearing. Official Plan Amendment No. 5 was adopted by council on September 26, 2006, just days before the SmartCentres’ deal with TFS went through (OMB, Apr 2, 2008). These maneuvers were tactical attempts by each party to strengthen their case before the OMB proceedings began.
To explain this new business partnership between SmartCentres and TFS, Sam Reisman, owner of TFS cited the high cost of community consultation and economic studies as deterrents to pursuing his own vision for redeveloping the property. In order to offset costs of over $500,000, Reisman decided to take on a partner in his endeavor. His chosen associate was none other than Mitchell Goldhar, owner of SmartCentres. Goldhar is ‘known as the man who brought retail giant Wal-Mart to Canada’ (Wong, 2006). In 2006, Goldhar owned 170 shopping centres across the country 118 of them were anchored by Wal-Mart (Wong, 2006). In 2007, he was Canada’s 57th most wealthy person, with a net worth of $1.13 billion (Preville, 2008). Based on these facts, he was expected, by the South Riverdale community, the City of Toronto and much of the media, to reach into his deep pockets to sway the battle to build Toronto’s first downtown retail power centre at 629 Eastern, in his favour.

Detailed plans for redevelopment at 629 were not revealed immediately. According to Goldhar, ‘‘[t]he future of the site would depend on the possible relocation of Toronto Film Studios’’ (Wong, 2006). However, Goldhar knew before purchasing a stake in the lands that the relocation of TFS’s operations was almost certain. Given that Goldhar’s business partner Sam Reisman, was the primary financial backer for the upcoming mega studio project, it is unlikely that SmartCentres would have become involved in the case without the possibility that they might develop the lands. The new mega studio in the port lands was intended to become the new home for TFS, clearing the way for SmartCentres to take over at 629 Eastern.

3.5 The Filmport

The plan to move Toronto Film Studios’ (TFS) operations had been in the works long before the OMB approved the construction of the port lands mega studio in December 2005 (Leong, 2005). ‘‘This giant film studio to be located in the port lands just south of the South of Eastern Employment District, dubbed the Filmport, will be second in size only to those in Los Angeles upon completion’’ (Boyle, 2007) (emphasis added). The facility was planned to house three million square feet of production space for use by film, music and digital media. The project involves a number of phases of construction, spanning a total of ten years, at a cost of approximately $700 million (Shufelt, 2007). With expected revenues of $600 million, this budget appeared to be on par with the scale and projected economic potential of the project (Leong, 2005). A large portion of the anticipated income for the Filmport was expected to come from the
untapped Hollywood blockbuster market, which up until this point, was limited by the available facilities.

The initial $80 million investment required to begin phase one of the Filmport project was collected from a number of financial backers. Sam Reisman, owner of TFS, invested $32 million, Paul Bronfman, owner of Comweb and the film equipment leasing company William F. White, invested $8 million, TEDCO, the City’s arm’s-length development corporation and the landowners of the Filmport site, paid $8 million for soil remediation, and $24 million was borrowed by the investors from GE Capital (Roberts, 2008). TFS was expected to remain open at 629 Eastern until the construction of the 45,000 square foot mega-stage and $50 million office building was finished (Shufelt, 2007). By August 20, 2008 this first phase of the project was complete (Roberts, 2008). By December 2008, TFS had moved to the port lands (Open 629, 2009).

3.6 The Hollywood Blockbuster “Gap”

The conception of Filmport was based on the premise that there was a “gap” in the Toronto film industry that, if filled by creating more studio space to serve the needs of high paying Hollywood blockbuster clientele at a single location, could be highly lucrative for the City and province (Shufelt, 2007) (see Figure 6). Newspaper coverage of the Filmport shows these types of statements came from a few major players in the business. Ken Ferguson, former TFS president turned Filmport president, along with Toronto Mayor David Miller, founder of the Toronto Film Board, each on multiple occasions referred to the imagined

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4 The remaining investment amounts for phase one of the Filmport are not available to the public.
“gap” in the Toronto film industry. Jeff Steiner, president of the Toronto Economic Development Corporation (TEDCO) said ‘blockbusters the calibre of Titanic, Terminator 3, Spiderman and Superman would love to come to Toronto to do those films but there haven’t been enough purpose-built, large sound stages before’ (Boyle, 2007). The City of Toronto also claimed that ‘increasing studio capacity in Toronto is critical.’ ‘Not only does Toronto currently lack the high-end studio space required to attract big-budget films, but the loss of employment areas threatens the protection of low-cost studio and warehouse space’ (City Clerk, July 25, 26, 27, 2006). This standpoint was further corroborated by the Ontario Media Development Corporation in an independent analysis completed in 2006. By filling this “gap”, it was expected that Toronto would become better recognized as an international film hub and begin serving a new higher paying clientele.

There was also an expectation by the City and major players in the film industry that the new mega studio would improve Toronto’s competitive edge in the film business worldwide. This belief was reflected in the City’s (2008) Agenda for Prosperity. This visibly neoliberal policy document specifically mentions the Filmport project in a section entitled ‘A Vision for Toronto’s Place in the World: Why Toronto? Why Now?’ To answer these questions, the document claims ‘Corus Entertainment and Filmport have committed to bring creative jobs to the waterfront’ (Agenda for Prosperity, 2008, 13) (emphasis added). This statement was accompanied by the mention that Richard Florida had recently relocated to Toronto, directly tying the Filmport to the creative class theory. The four pillars of the Agenda for Prosperity document included Proactive Toronto: Business Climate, Global Toronto: Internationalization, Creative Toronto: Productivity and Growth and One Toronto: Economic Opportunity and Inclusion, and further cement the City’s policy commitment to the creative class theory and to neoliberal economic principles.

The mega studio project was presented with relative economic certainty in a booming market; the new facility provided yet another venue for generating income. The initial economic projections for the Filmport expected “slightly improved revenues over what [was] made previously” according to Reisman (Roberts, 2008). However, as soon as the deal was secured, the value of the Canadian dollar rose, deterring international clients from choosing Toronto, and specifically Filmport, for their productions. Also, during 2008, the overall demand for film production facilities fell sharply due to labour disruptions and a general drop in production by
the main American television networks (Staff Report, April 3, 2009). These adverse business conditions resulted in a disappointing debut for the Filmport.

### 3.6.1 Soil Remediation: Remnants of the Industrial Past

Both 629 Eastern and the Filmport site have been plagued by their industrial past. In order for new construction to take place in these formerly industrial areas, the issue of soil contamination must be addressed with costly remediation. The previous owner of the Filmport property, Imperial Oil, operated a tank farm at this site, so when it came time to sell the property, the buyer TEDCO paid only one dollar to purchase the land and were compensated for soil remediation (Shufelt, 2007; Roberts, 2008). This environmental issue has become a concern for the City as the plans for waterfront and port lands redevelopment take shape. To address this issue and overcome a deterrent to new development in the South of Eastern Employment District, the City presented a package of financial incentives to supplement the cost of soil remediation for incoming firms in 2008.

The 2005 provincial *Planning Act*, section 28(4), authorizes the City to offer financial incentives to businesses in a designated Community Improvement Plan (CIP) area. The central aim of implementing a CIP, according to section 5.2.2 of the 2002 Official Plan, is to ‘promote the maintenance, rehabilitation, revitalization and/or conservation of selected lands, building and other communities facing challenges of transition, deficiency or deterioration or for any other environmental, social or community economic development reason.’ (City of Toronto By-law 517-2008). By-law No. 517-2006 makes clear that realizing the vision for these lands is crucial to meeting employment objectives at municipal and provincial levels. The employment forecasts set out for this area aim for achieving long-term employment goals, while promoting economic competitiveness (City of Toronto, By-law No. 517-2006). This is a tall order given that the short-term demands of competition are likely to compete directly with the long-term goal of employment stability.

In the South of Eastern Employment District, a CIP was implemented in order ‘to support its retention and attractiveness as an employment area’ (City Clerk, July 25, 26, 27, 2006). Of the four proposed areas in the Waterfront Revitalization Initiative which included East Bayfront, West Don Lands, the Port Lands and South of Eastern, only South of Eastern is located outside of the Central Waterfront area, and is therefore not under the jurisdiction of
WATERFRONTOntario (City Clerk, July 25, 26, 27, 2006). The inclusion of South of Eastern in this Waterfront Revitalization Initiative is important to positioning the district and the 629 site specifically, as a part of the waterfront and port lands redevelopment plans. This association signifies the importance of the South of Eastern Employment District to the larger economic growth objectives of the City.

The CIP for South of Eastern was created with a time-limited offer of financial incentives to promote the development of these lands (City of Toronto, By-law No. 517-2006). By 2012 the CIP will be up for review, before it expires in 2013. The goal of this short-term offer of financial incentives is to stimulate immediate growth rather than wait for interest to cultivate. This tool has yet to prove effective in its aim to attract investment. What it has done is to create another venue through which the City might pursue public-private partnerships.

The City makes their intentions for the South of Eastern Employment District clear when they discuss their desire ‘to attract office building tenants that see an advantage in being located in new and innovative areas rather than traditional office locations. These types of tenants are more likely to be young businesses that may be less able to afford the rents required to support new space’ (By-law No. 517-2006) (emphasis added). Without describing how exactly this district will establish itself as an ‘innovative area’, this statement is qualified by emphasizing the necessity to attract ‘young businesses’ as tenants. This implied understanding of the City’s compliance with the creative class theory illustrates how engrained it has become in the minds of policy makers. In Toronto, the creative class theory has become the planning default and “common-sense” neoliberal answer for policy makers facing difficult economic situations.

The idea that the creative class theory has become the “common-sense” neoliberal approach to urban economic planning in the City of Toronto becomes more apparent with the Agenda for Prosperity (2008). One of its strategic directions is to strengthen and expand key industry and geographic clusters, including screen-based and cultural industries, within the Business Improvement Areas (BIAs), downtown and the waterfront (24). This document highlights the City’s very real policy commitment to the creative class theory. While it might initially seem far-fetched to link brownfield remediation tax assistance to the creative class, this is undoubtedly the case. The Agenda for Prosperity is an important document to connecting Toronto’s economic growth trajectory to the creative class doctrine.
3.6.2 Private Deals, Public Interest

Following the costly soil remediation and sale of Imperial Oil lands to the Toronto Economic Development Corporation (TEDCO), the property was leased to Toronto Film Studios Inc., Canada’s largest film studio operator, for ninety-nine years (Leong, 2005). Although this private deal was the subject of public criticism, given that TEDCO is the City of Toronto’s arm’s-length economic development corporation, the details of the lease were never made public. Sam Reisman, owner of Toronto Film Studios Inc., the company selected by the City to spearhead the Filmport project, objected to the suggestion that the deal should be made public claiming that ‘‗[w]hen people do business they do business in a private document’’ (Roberts, 2008). As the key financial backer for the Filmport project, his wishes were granted.

One key detail that did leak was the ‘no compete’ clause granted to the Filmport investors. Its sole purpose is to shut out other film studios from operating on any land owned by TEDCO (Wong, 2006). The fact that TEDCO owns 400 acres in the port lands area makes this a significant part of the agreement. In effect, the clause eliminates competition to the Filmport in the last remaining pocket of developable inner-city land (TEDCO, 2009). The fact that the City owns the majority of the port lands through its arm’s-length agency means that they have positioned themselves as competitors to the film business they would like to see grow. With this clause, the City has acted in direct opposition to the neoliberal principles they profess in the Agenda for Prosperity (2008). In agreeing to this clause, the City compromised the growth and success of the entire film industry. This action could be characterized as anti-neoliberal because the government has become involved in the interests of a single private businesses rather than allowing the “free market” to decide the economic winners and losers. Through TEDCO, the City has contradicted the philosophical centre of neoliberal doctrine. Rather than create a “free market” they have partnered with one company and restricted a large amount of intraurban competition for the film industry. In their bold attempts to enhance this sector they have instead potentially hindered its growth.

Many of the City’s back-room dealings around the 629 Eastern case are rooted in preceding arrangements for the Filmport development. The City of Toronto’s arm’s-length economic development corporation TEDCO, who have limited accountability to the public, have often been criticized for not releasing details of their business transactions. This was the case
with the Filmport deal. While most media praised the Filmport for its potential to draw much needed income to the struggling economy, one newspaper article begins to capture injustice of this scheme. As Corcoran (2007) relayed:

In the days before last week’s Black Friday budget cutbacks, which Mayor David Miller said would damage Toronto’s “quality of life,” news folk were bombarded with a “Media Alert—Photo Opportunity.” The Mayor, said the urgent message, would be visiting the Port Lands area to unveil the latest Filmport real estate development on city property [...] Nobody mentioned the life-diminishing cutbacks the Mayor would make two days later, nor the subsidies the city is giving to Filmport, nor the mysterious contract the city signed to get Hollywood to build the largest sound-stage in North America on prime downtown real estate (A1)

In the process of creating an environment conducive to business and fostering creativity, some interests have come to the forefront of the city and provincial growth agenda. Corcoran (2007) begins to expose the often single-mindedness of these private dealings concluding that ‘nothing, it seems, is going to diminish the quality of life for Toronto’s film industry’ (A1).

Since Filmport emerged as the cornerstone in the plan to revive the Toronto film industry, the lexicon of the creative class has been ever present and has worked its way into the everyday discourse of contemporary planning in the city. Some of the dominant voices pushing this “creative” initiative adopted the creative class rhetoric to describe the need to grow Toronto’s film industry. Ken Ferguson, Filmport president claimed “[it’s] giving us the infrastructure to be able to support the fine talent that we’ve got here” (Leong, 2005) (emphasis added). A letter by the Toronto Film Board (2008) stated “[t]he economy of the 21st century is based on creativity and the screen-based industries are at the heart of a creative economy” (emphasis added). These statements come from key figures in this case and demonstrate how creative class jargon has been used to sell the Filmport project.

3.7 The Foundry District Proposal

Once relocation of TFS operations to the Filmport facility were confirmed, Sam Reisman shifted his focus away from 629 Eastern toward his most recent investment in the port lands. This allowed Mitchell Goldhar’s SmartCentres to take over the redevelopment reins for 629 Eastern. On May 17, 2007, just eight months after purchasing a stake in the TFS lands, SmartCentres submitted a proposal to redevelop the property (Terefenko, May 24-30, 2007). The “big box” hysteria that immediately followed the proposal likely stemmed from earlier media reports that
expressed distaste for suburban, corporate, retail enterprises. Newspapers in particular, had been spreading the word about the impending suburban doom expected to invade the inner-city with multinational Wal-Mart, the classic anchor tenant for SmartCentres’ retail complexes. In response to the proposal, headlines such as “Thanks to Wal-Mart for its Latest Assault” littered Toronto papers in a media frenzy (Barber, June 27, 2002). The negative response to the proposal snowballed with an increasing number of comments reflecting this sentiment: “May 17 confirmed the worst fears of residents: big box hell is just around the corner” (Terefenko, May 24-30, 2007). Each of these doomsday commentaries had the overall effect of sending the message that there was no place for a “big box” in Leslieville, nor was this type of development welcome in Toronto’s Downtown core.

In response to the SmartCentres’ proposal local Councillor Paula Fletcher put forward a motion demanding a detailed site plan. The Toronto and East York Community Council adopted this motion on June 26, 2007 and it was subsequently passed by City Council a month later (Vincent, June 27, 2007). SmartCentres responded with a proposal that fashionably dubbed their proposed development “The Foundry District”. According to The Foundry District website, SmartCentres planned a complete overhaul of 629 Eastern property describing their vision as:

100 new stores restaurants and offices specifically designed to complement the distinct character of this historic neighbourhood. With a commitment to local employment and a green environment, this new urban format is not a suburban or big box mall, but a lifestyle centre with pedestrian friendly open spaces (The Foundry District, 2008).

To counter their critics, SmartCentres declared, “The only big boxes are the ones you will take home” (The Foundry District, 2008). Some of the key features of this multi-level, low-rise, mixed use development included a total floor area of 738,000 sq.ft., 44,000 sq.ft. of which was residential, while the rest was to be divided between retail, service, entertainment and commercial office space. The amount of leasing space totaled 643,000 sq.ft., with the largest retail space measuring approximately 134,000 sq.ft. This was assumed by the media to be reserved for Wal-Mart. One major reason for trepidation in media and community discourse was the 1800 parking spaces which were strategically located behind the storefronts so that passersby could not see cars from either Eastern Ave. or Lake Shore Blvd (Staff Report, June 11, 2007).

For SmartCentres, an important distinction was made between this proposal and their typical “big box” development well known in suburban locations, across the country. The plan
for 629 Eastern was presented as something different. The familiar appearance was replaced by “heritage-style brick and rich facades that respect the attractive urban setting of Leslieville” and were said to “compliment the neighbourhood character”. Surrounded by green spaces, the plan boasted access to the pre-existing Martin Goodman Trail (The Foundry District, 2008). This was one of several environmental directions SmartCentres committed themselves to in the construction of this complex. Also featured in their plan was their intent to comply with Toronto’s Green Standards, and to adhere to the Certificate of Property Use from the Ministry of Environment, as well as choosing environmentally sustainable building components (The Foundry District, 2008). All of these features highlighted in SmartCentres’ attempt to set this proposal apart from their typical “big box” development.

On top of differentiating the proposed complex from a “big box”, SmartCentres spoke to other reservations that were mentioned in media coverage of the case. Among these concerns was that the new tenants would hire outside the local employment pool. With 1800 short-term construction jobs and 2000 positions to fill upon reaching full operating capacity, there was no guarantee that these jobs would benefit the local community in any way. In response, SmartCentres made a commitment to organize a job fair for their incoming tenants and to encourage local residents to apply for the positions available. In an appeal to the entire city, SmartCentres reminded residents of their $200 million investment, the $3.8 million they would contribute to annual tax revenues and the $5 million they would pay the city in permit fees (The Foundry District, 2008).

Each SmartCentres’ response aimed to address dissenting voices in the community and media indicates that they were proposing to gentrify this formerly industrial site. The urban aesthetic, environmentally sustainable and hire local approaches to this development all signal their intention to gentrify the area of Leslieville. Although proponents of SmartCentres had very little presence in the media discourse of the case, they did exist. In the Foundry District proposal SmartCentres cited two community groups who had an interest in this development: The Greening of Eastern Avenue and Support the Eastern Avenue Revitalization (STEAR). Both groups played an important role in the presentation of The Foundry District as having the support of the community. This is noteworthy because media and interview discourses frequently cited individual supporters of the proposed development. While SmartCentres directed attention towards community group proponents who discussed the benefits of their corporate
environmental initiatives, media and interviews typically cited lower income residents who were optimistic about having a Wal-Mart nearby. This overall attempt to distance The Foundry District proposal from characteristic SmartCentres developments and customers, signals their recognition that community groups, mainly the ETCC, dominated their opposition. This was one of a number of responses to the Foundry District Proposal for 629 Eastern.

3.7.1 The Response

3.7.1.1 The Media

From the beginning, the media coverage of the 629 Eastern case appeared to be quite subjective. Many comments on the proceedings were constrained by legal concerns and were either cautiously vague or repetitive prepared statements that revealed very little insight. This simplified representation of a remarkably complex case meant that opinions were formed on the basis of pre-existing media judgments, well placed rumours and suppositions. This coverage skewed a fair representation of the case and eventually lent support to some stakeholders over others. The media represented the opposition to SmartCentres’ proposal as a unified consensus in the South Riverdale community, when in fact many residents supported the proposal and opinions were split.

3.7.1.2 The City of Toronto

The City of Toronto played a pivotal role in this case. The Mayor has represented a strong voice in support of the film industry and the creative city as a basis for building the new economy. City staff worked to implement the employment lands designation as well as the CIP for South of Eastern. Business Improvement Area (BIA) representatives from the City also expressed interest in the case as it pertained to the businesses in nearby BIAs. Local Councillor for Ward 30, Paula Fletcher, who was elected onto City Council in 2003, was present in all matters of this case from the outset. According to her Executive Assistant, Pablo Vivanco (2009), ‘the Councillor, during the elections, positioned herself against that sort of proposal on the basis that she wanted to retain it as employment, particularly as film use.’

3.7.1.3 The East Toronto Community Coalition

The line dividing the efforts of the City and the East Toronto Community Coalition (ETCC) becomes blurred to the point that they represent a unified force opposing the SmartCentres’
proposal. The merging interests and actions of these two parties involved in the 629 Eastern uncovers how the ETCC is an ostensibly grassroots community organization that functions according to the City’s agenda. With this in mind, the ETCC emerged in the media coverage of the case in October 2007, just as the OMB pre-hearings commenced (Nickle, 2007). As Kelly Carmichael (2009), co-chair of the ETCC, recalls, ‘I got involved in this in 2006. Before that I was involved in a smaller group and we created a deputation stating that we didn’t want Big Box down here [in Leslieville], we wanted an employment campus instead’. Kelly Carmichael (2009) and Councillor Fletcher worked closely towards the collective goal of defeating the SmartCentres’ proposal at the OMB.

According to Councillor Fletcher’s Executive Assistant Pablo Vivanco (2009), despite being outside the media’s gaze, ‘we started hosting community meetings in the spring of 2007[...] probably 200 people showed up and we saw that the community sentiment was against it’. Following these introductory meetings, the ETCC held community fundraisers to ‘start collecting names and e-mail addresses and [start] to build this network of people who were opposed to [the SmartCentres’ proposal]’ (Vivanco, 2009). They held a rally in April of 2008 that drew a crowd of more than three hundred, and media attention to the cause (Weese, Mar 5, 2009). Once fully assembled, the ETCC was made up of approximately 1400 people including residents, business owners and film workers (Carmichael, 2009).

Also under the umbrella of the ETCC was Good Jobs for All, a self-proclaimed community-labour coalition based in Toronto who represented about a dozen unions with an interest in this case (Carmichael, 2009). According to Kelly Carmichael, Good Jobs for All, ‘sort of spilt the lawyer bill and they helped us find expert witnesses for the OMB.’ Interestingly, Ms. Carmichael (2009) pointed out an important contradiction based on their involvement in the case claiming:

It has been a little bit tricky for them to be involved because of what’s happening at Filmport and all of those people relying on Filmport for jobs, right. They couldn’t directly come out and get involved because the people who were opening up Filmport also own that land at 629 where they want to put the big box in and they were partnered

5 Good Jobs for All - formerly known as the Good Jobs Alliance.
in the big box. So the film workers didn’t want to tick off the owners of Filmport because they’d compromise their own work.

Ms. Carmichael is referring here to film unions who were against the redevelopment of the 629 property for a non-film use, but at the same time did not want to have a visible presence in the case because Sam Reisman, co-owner of 629 Eastern, was also a majority shareholder in the Filmport, a major film industry employer.

The involvement of Good Jobs for All in the ETCC’s efforts to oppose SmartCentres, and campaign for continued film use at 629 Eastern, reveals another important contradiction of this case. The pro-union stance taken by the ETCC to oppose SmartCentres’ proposal was directly connected to Wal-Mart’s often publicized anti-union position. This assumption that the film industry offers better quality labour conditions proves to be problematic. Despite the fact that the film industry is unionized, the work is irregular. The industry is in constant flux as a result of the changing value of the Canadian dollar, labour disruptions and a volatile market. The overall effect of these unpredictable circumstances is precarious employment. The presumption that unionized work is inherently stable is false. Here the creative class theory comes into play in its praise of precarious work. While it may seem at first that film work is able to overcome these negative aspects of “creative” work with the involvement of labour unions, the overall volatility of the industry counteracts these efforts. In this way the ETCC’s association with Good Jobs for All, and Good Jobs for All’s support of the film industry are both contradictory situations. The former because unionized jobs can be precarious, and the latter because the Good Jobs Alliance is a ‘community-labour coalition’ claiming to fight for workers rights, but at the same time compromising these rights with their support of the film industry.

The efforts of the ETCC and the City to oppose SmartCentres were catalyzed by a strong media presence. According to Kelly Carmichael (2009),

[the ETCC] really had a very aggressive media campaign. We were always sending out press releases, trying to stay in the news and trying to stay in peoples’ minds. That put a lot of pressure on the provincial government and the OMB that they couldn’t just sweep us under the carpet, because people were really watching what was going on down there.

Although there is no argument that the media campaign played a fundamental role in determining the outcome of the case, there is some disagreement about who was responsible for this strategy. Pablo Vivanco (2009), Executive Assistant to Councillor Fletcher claimed ‘we
worked very closely with the East Toronto Community Coalition after it formed. We lent our campaign expertise.’ However, Kelly Carmichael (2009) contends ‘no, that was our strategy, although we worked very closely with the Councillor.’ In either case, this difference of opinion is evidence that the City and ETCC had a united purpose. The difference between the two is that the City’s interests stretched beyond the neighbourhood scale, while the ETCC’s interest remained local and focused on providing better employment opportunities for residents within the film industry.

4 Ontario Municipal Board Prehearings

Prior to the OMB pre-hearings which began in the fall of 2006, the City responded to the news that SmartCentres was involved in the TFS redevelopment proposal with Official Plan Amendment (OPA) No. 5. This OPA eliminated “power centres”, otherwise known as “big-boxes”, as a permitted land use in the South of Eastern Employment District (City Clerk, September 25, 26, 27, 2006). The purpose of this amendment was to fill the policy gap that existed in the 2002 Official Plan. Policy 4.6.3 states that “[l]arge scale, stand-alone retail stores and “power centres” are only permitted in Employment Areas fronting onto major streets, and are to be excluded from any Employment Areas located in the Central Waterfront’ (City Clerk, September 25, 26, 27, 2006). However, Policy 4.6.4 granted additional consideration of “power centres” in areas outside the Central Waterfront, which left the South of Eastern Employment District vulnerable to this type of development. As the City’s first policy response to SmartCentres’ interest in 629 Eastern, OPA No.5 also outlined the next policy actions for the City:

- to further amend the Official Plan to tighten the framework for consideration of any large scale store, amend the Zoning By-law to expand the range of employment uses permitted, and introduce development standards and various guidelines to set the framework for new development’ (City Clerk, September 25, 26, 27, 2006).

This statement illustrates the City’s intent to pursue a stricter policy regime for governing redevelopment of the South of Eastern Employment District.

The entrance of SmartCentres into the case by way of their purchase of a fifty per cent stake in the subject property meant that they would no longer be acting as the development agents for the proposal during the OMB hearing, but rather as registered owners. The City
responded to this news by openly accusing SmartCentres and TFS of making a “tactical move”, suggesting that the applicant had submitted an entirely “new application” based on the ‘total change in consultant team, new solicitor, new ownership interests, and a new proposal which has not been reviewed by the City or community’ (Staff Report, June 11, 2007). The truth of the matter was that both parties made “tactical” moves before the OMB pre-hearings commenced. These actions set the adversarial tone for the OMB proceedings.

4.1 The First Prehearing: September 29, 2006

The case was first brought to the OMB by Toronto Film Studios (TFS) who submitted an appeal, under subsection 22(7) and 34(11) of the Planning Act, R.S.O. 1990 c. P.13. as amended, in response to City Council’s refusal or neglect to enact the proposed amendments to 2002 the Official Plan and Zoning By-law 438-86. The first amendment proposed by SmartCentres and TFS was directed towards the Official Plan and called for the lands at 629 Eastern Avenue to be re-designated from Restricted Industrial Area, to permit the construction of a mixed use development. The second proposed amendment, directed towards Zoning By-law 438-86, called for the rezoning of this same area from I2 D5 to Employment Regeneration Area, for the purpose of permitting the construction of a mixed use development (OMB, Oct 3, 2006).

4.2 The Second Prehearing: February 20, 2007

The second OMB prehearing added some additional Parties to the roster including Canada Post Corporation, Loblaw Properties Ltd., 2006199 Ontario Inc and 109744 Ontario Inc Ltd. and SmartCentres who took over for TFS in the OMB proceedings. At this point there was some “confusion” from the City about who owned the land at this time. The appellants were directed to provide written confirmation about the property’s ownership (OMB, Feb 23, 2007).

During these proceedings the appellant SmartCentres notified the Board, as well as the City, that the residential component part of the June 2004 proposal was being dropped. SmartCentres justified this change citing the City’s unwillingness to permit residential use on these lands, and by expressing their wish ‘to work cooperatively with the City and all Parties in this regard’ (OMB, Feb 23, 2007). This is one explanation. Alternately, this move could be interpreted as SmartCentres arrival into the OMB proceedings of the case. The redevelopment was originally envisioned by TFS who submitted the first rezoning application to the City,
independent of SmartCentres. Having recently purchased a fifty per cent share in the subject property, SmartCentres had their own ideas for this property which corresponded with their commercially centred business model.

The Board responded to the modified proposal by requesting that SmartCentres provide more precise information about how they planned to develop the subject lands including the submission of a full set of drawings and other documents by May 1, 2007. The City responded by notifying the Board of their intent to have City staff review the modified proposal to determine whether or not the alterations constituted an entirely new application. Should this be the case, the City made clear their intention to make a motion to dismiss at the next prehearing conference. The TFS and SmartCentres’ solicitor argued that there was not material difference between the two applications, thus asserting their plan to proceed with both the Official Plan and Zoning By-law amendments (OMB, Feb 23, 2007).

4.3 The Third Prehearing: April 17, 2007

There were no reports for the third prehearing.

4.4 The Fourth Prehearing May 22, 2007

Based on the evidence received by the City regarding the revised proposal, they did not make a motion to dismiss the appeal. During the third prehearing conference the Board directed applicants SmartCentres to submit remaining in-progress reports to all Parties before August 31, 2007. Other Parties who had outstanding reports were given the same instructions (OMB May 23, 2007).

The other significant aspect of this prehearing conference was that the Board recognized in their written report of the proceedings, that ‘a large number of area residents [were] in attendance’. The Board responded by directing the SmartCentres and TFS’s solicitor to provide a brief presentation of the proposed development with the aid of visual representations for the benefit of these residents (OMB May 23, 2007). This marked the emergence of the community resistance to the SmartCentres proposal.

The first community meeting in South Riverdale regarding the SmartCentres proposal is reported to have been convened by Councillor Fletcher on May 17, 2007 (Terefenko, May 24-30,
2007). This report also denotes the introduction of the community resistance in media representations of the case. By October 4, 2007 the East Toronto Community Coalition (ETCC) was formally thrust into the media spotlight in an article published in a local publication, Inside Toronto, entitled ‘OMB hearing on SmartCentre plan set to start in May: Residents pack pre-hearing meeting over controversial development’. Their big break into the national news scene came one day later on October 5, 2007 when the Toronto Star published an article entitled ‘Group fights mall plan in film district: Developers warned they’ll face opposition in OMB hearing in May’. The ETCC emerged just in time for the OMB hearing, and played an influential role in the proceedings and eventual ruling on the case.

4.5 The Fifth Prehearing: October 4, 2007

During the fifth prehearing conference a number of new Parties were granted official status in the case including Talisker (Sunlight) G.P. inc, IATSE Local 873 Motion Picture Technicians, Beach Business Improvement Area (BIA) and Toronto Association of Business Improvement Areas (TABIA), Friends of the Studio District and the ETCC. The focal point of this prehearing was to address the Procedural Order for the upcoming hearing, as well as to decide on a consolidated issues list that was representative of all Parties. SmartCentres entered this conference with a draft for each issue; the City did not agree with either. As a result, the Board directed all Parties to meet privately before the sixth prehearing to cooperatively consolidate a list of issues to be addressed at the hearing. Both issues were to be finalized at the sixth prehearing (OMB, Oct 10, 2007).

4.6 The Sixth Prehearing: October 30, 2007

During the sixth prehearing the Party roster changed once again when Friends of the Studio District and IATSE Local 873 Motion Picture Technicians requested a status change from Party to participant. This conference dealt with a number of issues which the City presented to the Board. Their first request was to delay the hearing for three months until they had completed the Part II study, also known as the ‘Secondary Plan’, on the South of Eastern Employment District. The City also moved to consolidate the appeals for 629 and 633 Eastern Ave., the City of Toronto Official Plan Amendment (OPA) No. 5, and those appeals anticipated to arise from the Secondary Plan which was pending at the time. Their final request was that the appellants’
motion for costs be deferred to a later date following the decision of the Board (OMB, November 7, 2007).

The City contended that the appellant ignored the requirements of Policy 9.18 of the 1994 Official Plan which refers to ‘Discouraging the Loss of City Industry’. This policy outlines the need for an area study before considering the re-designation of industrially zoned land. They further argued that this meant the Board had no jurisdiction to proceed to the hearing without fulfilling the requirements of Policy 9.18. In response to the City’s submissions, the SmartCentres solicitor, Mr. Wood, successfully revealed the underlying issue being addressed during this prehearing conference. Mr. Wood accused the City of delaying the hearing for reasons that were justified as being “in the public interest” (OMB, November 7, 2007).

Mr. Wood provided ample evidence that the City had extended the study required by Policy 9.18, far beyond the intended scope. He cited a June 27, 2006 staff report that considered the report to be complete. By extending the deadline to achieve a “more complete” study, the City would be allowed to request additional information and refinements to no end, delaying the OMB proceedings indefinitely. He contended that while the study commenced under the old Official Plan, it had morphed into a Secondary Plan under the new 2002 Official Plan, with increased boundaries of the study area from the subject property to the entire South of Eastern Employment District. He pointed out that the policies applying to an employment district for which the Secondary Plan was being created, did not apply to the subject lands because they did not exist when the appellant made their application (OMB, November 7, 2007). To further his argument against the City’s request to extend the amount of time allowed for the City to complete the area study, Mr. Wood cited the City’s ability to make a decision to deny the appellants’ request on two prior occasions without the assistance of a study (OMB, November 7, 2007).

Mr. Wood’s arguments were accepted by the Board. His “best evidence”, they determined, was a document entitled ‘Chronology: TFS Application, South of Eastern Planning Study, OMB Process’ which traced the paths of the original TFS application, submitted on June 24, 2004, and the City’s area study. The Board found this document to reveal that large scale retail uses were considered in the City’s study much earlier than December 2005, as their solicitor claimed (OMB, November 7, 2007).
The culmination of the evidence provided in this prehearing led the Board to conclude that the South of Eastern Planning Study was complete in accordance with Policy 9.18 of the former 1994 City of Toronto Official Plan. The fact that the City had already reviewed the completed study, before broadening the study area, led the Board to decide that the appellant was not bound to the City’s broadened scope of interest. Their last finding stated that there was no public interest being served by delaying the hearing from May 2008 to September 2008, especially since the study required to carry out this hearing was completed over a year prior. The City was finally expected to contribute to the consolidated issues list in order to move forward towards the scheduled hearing (OMB, November 7, 2007).

4.7 The Seventh Prehearing: November 19, 2007

To begin this prehearing, Canada Post Corporation was removed as a Party in these proceedings. Kelly Carmichael of the ETCC, over the course of three prehearings, took over as the representative for this group. Mentioned in the report of this prehearing is a request by the Board to be notified by Ms. Carmichael when the ETCC becomes an incorporated entity. As the central purpose of this prehearing was to establish a Procedural Order and consolidated issues list for the hearing, the Toronto Association of Business Improvement Areas (TABIA) and the ETCC incorporated their submissions with those of the City. The only undetermined issue mentioned in the report of this prehearing was SmartCentres’ request to have a financial provisions index attached to the issues list. The City required further information regarding this request before it could be approved. In a final declaration, SmartCentres made clear their intention to make an application for costs which would not be considered until the hearing was complete (OMB, November 29, 2007).

4.8 The Eighth Prehearing: January 21, 2008

Two motions were considered during this prehearing. First, the City made a motion to strike ‘Issue 15’ from the consolidated issues list. This issue was submitted by 2006199 Ontario Inc. and 109744 Ontario Ltd. who requested that if approved by the Board, the OPA for the subject property be extended to the adjacent property at 721 Eastern ‘in order to address comprehensive planning and block-related considerations’ (OMB, Feb 19, 2008). The City argued that by including this site in the OMB’s ruling, the owners of 721 Eastern would be allowed to bypass the public consultation required to rezone this additional site. The Board denied the City’s
motion and accepted the arguments of 2006199 Ontario Inc. and 109744 Ontario Ltd. who claimed that there was time to engage in the public consultation process and that the Board does have jurisdiction to consider this issue according to subsections 17(50) and 22(11) of the Planning Act (OMB, Feb 19, 2008).

The second motion was brought by SmartCentres, who hoped to revise the Procedural Order for the coming hearing to request the disclosure of financial information. Together the City, the ETCC and the Toronto Association of Business Improvement Areas (TABIA) argued against this motion, each for different reasons. The City’s arguments were disregarded as the Board determined that they had “misread” the motion. The ETCC and TABIA both argued that granting this motion would be onerous to the time and financial resources of small business owners. The Board determined that generating the requested information was not as difficult as these Parties suggested. The Board accepted evidence offered by a SmartCentres’ witness which indicated that there was a potential to create significant delays during the hearing if financial information was not required ahead of time. Since the City had already caused delays in the case, SmartCentres’ argument was accepted and financial information was expected to be provided before the hearing. The Board agreed to confidentiality provisions that limited the availability of this financial information to Party solicitors. The Board granted SmartCentres’ motion and ordered that the Procedural Order for the upcoming hearing be revised to include these changes (OMB, Feb 19, 2008).

4.9 The Ninth Prehearing: March 25, 2008

By the ninth pre-hearing the ETCC had hired Eric Gillespie to represent their interests. Mr. Gillespie, a veteran, of such cases including Guelph, Ontario, where a similar Smartcentres development was contested for over a decade. The focus of this pre-hearing was on the City’s motion to consolidate four appeals that were to be heard at the forthcoming hearing. These appeals included OPA No. 5 of the 2002 City of Toronto Official Plan which removed “power centres” from the accepted land uses in the South of Eastern Employment District, OPA No. 23 of the 2002 City of Toronto Official Plan which encompassed the entire Secondary Plan, OPA No. 379 of the former 1994 City of Toronto Official Plan which applied the same policy guidelines set out by the Secondary Plan to the 629 Eastern site, and Zoning By-law No. 130-
In the pre-hearing report, the Board made an important reference to how the current 2002 Official Plan for the amalgamated City of Toronto and the former 1994, pre-amalgamation City of Toronto Official Plan, applied to the case. The Board explained how on July 6, 2006 the new Official Plan was approved, which at the same time, repealed the former Official Plan. The only exceptions to this policy change were site-specific appeals, which had been submitted, but not yet dealt with by the Board. In this case, the former Official Plan still applied because TFS submitted their application on June 25, 2004 before the July 6, 2006 cut off. Under the former Official Plan, the South of Eastern Employment District is zoned ‘Restricted Industrial Area’. This designation means that Policy 9.18 applies to the application to rezone. It stipulates that City Council must undertake a study of the broader area in which the proposed site rests, before considering re-designation (OMB, April 2, 2008).

In addition to the arrival of a new Official Plan, the Board noted the extensive change in the Provincial ‘planning landscape’ since the TFS application was filed in 2004. The Provincial Policy Statement was modified in 2005, replacing the 1997 version, and the Planning Act was amended via Bill 51, which came into effect January 1, 2007. This meant that the OMB hearing would be subject to two different planning regimes. The site-specific appeals were subject to the 1997 Provincial Policy Statement and pre-Bill 51 Planning Act, while the appeals that applied to the entire South of Eastern Employment District were subject to the post-Bill 51 Planning Act and to the 2005 Provincial Policy Statement (OMB, April 2, 2008).

SmartCentres claimed that OPA No. 5 which removed “power centres” from the permitted land uses in the Employment District represented ‘a clear attempt to “strike at the heart of the [Site-specific Appeals]”, and further, that the only ‘vision’ in Amendment No. 379 [the Secondary Plan] is to stop [Mr. Wood’s] clients’ (OMB, Apr 2, 2008, 15). While the evidence suggests that the SmartCentres’ solicitor is partially correct in both accounts, the Board disagreed and attributed these Amendments of the Official Plan, made by the City, to “the mechanics of implementation” (OMB, Apr 2, 2008, 17). This fact raised two questions for the Board: ‘What is the appropriate role or function of the Subject Property in the larger planning area? And, what is the appropriate land use for the Subject Property given that role or function?’ With these
questions, and the evidence presented during the pre-hearing in mind, the Board granted the City’s motion to consolidate all four appeals regarding the South of Eastern Employment Area and the 629 Eastern site under Rule 57 of the Board’s Rules of Practice and Procedure. The Board determined that a nexus existed between the appeals, which were linked by Policy 9.18, that they claimed ‘represent[ed] the roots of all matters consolidated’ (OMB, Apr 2, 2008, 18). For this reason they decided that all matters before the Board would be heard concurrently instead of consecutively (OMB, April 2, 2008).

4.10 The Tenth Prehearing: May 2, 2008

The decision made at the ninth pre-hearing to consolidate the appeals led the Board to believe it was necessary to revisit the Procedural Order and Issues List that might have been affected by this decision (OMB Apr 2, 2008). The tenth and final pre-hearing dealt with the six resulting issues. The issues to be addressed included revisions to the Procedural Order, revisions to the Consolidated Issues List a Supplementary Consolidated Issues List, the Order of Proceedings for the main hearing scheduled to begin May 21, 2008, the preparation of a Detailed Work Plan for the main hearing and the provision of documents and data referred to in Witness Statements (OMB May 8, 2008).

Based on the arguments made by the SmartCentres and City’s solicitors, the Board ordered that the Procedural Order be revised in three ways. First, the Board invited all Counsel to provide opening statements. For the City and SmartCentres, the Board ordered that a professional planner provide an overview of the matters before the Board. The Board modified the Order of Proceedings so that only the Party Talisker would proceed before SmartCentres. Then the Board ordered that SmartCentres be allowed a reply to the site-specific appeals, following the City. With regard to the Supplementary Consolidated Issues List, the Board ordered that it be inserted into the Revised Procedural Order as Attachment 2, following the Consolidated Issues List (OMB May 8, 2008).

4.11 The South of Eastern Planning Study Reports

The centrepiece of the City’s initiative for the entire South of Eastern Employment District is the Secondary Plan, also known as the Part II plan. It was produced as an extension of the Official Plan and was intended to direct the development of this designated area. The
Secondary Plan was first made available on December 18, 2007 in a City staff report entitled ‘South of Eastern Planning Study – Bounded by Eastern Avenue, Don Valley, Lake Shore Boulevard East and the east side of Woodfield Road – Official Plan and Zoning By-law Amendments – Final Report’.

The Planning Study that informed the Secondary Plan arose out of Policy 9.18 which requires that a study be conducted before the re-designation of lands zoned for Industrial use. In June 2005 City Council approved the expansion of the Planning Study required by Policy 9.18 to include the entire Employment District (OMB, Apr 2, 2008). Although the Secondary Plan excludes the 629 Eastern site due to the site-specific appeals that restrict its consideration under the 2002 Official Plan, it can still be considered as representative of the City’s vision for the district at large. This policy setback caused the City to propose three amendments that would bring the vision of the Secondary Plan for the South of Eastern Employment District to fruition. Each proposed amendment is described below.


The first, and by far the most extensive amendment to the Official Plan, is the Secondary Plan. This plan was devised to map out a detailed account of the City’s “hoped for vision” for the South of Eastern Employment District. An October 21, 2004 City Staff Report contains the earliest reference of this need to develop a comprehensive “vision” for the employment district. The report states that ‘[a]n overall vision will be devised and reported to Council at the time of the Final Report on this application’ (Staff Report, October 21, 2004, 5). The application referred to here is the June 2004 submission by TFS concerning Official Plan and Zoning By-law amendments intended to facilitate mixed use redevelopment at 629 Eastern. The ‘Final Report’ referred to in this statement describes the recommendations resulting from the planning study initiated by Policy 9.18 of the former Official Plan for the City of Toronto (Staff Report, Jan 29, 2008). Two months after the first mention of a “vision” for the District, in December 2004, City Council authorized the Secondary Plan.

The Secondary Plan for the South of Eastern Employment District, also known as Official Plan Amendment (OPA) No. 23, was to be implemented through the enforcement of a new Zoning By-law (see Figure 7). As a result, the previous OPA No. 5, also known as By-law
No. 879-2006, which also addressed the SmartCentres’ proposal, became obsolete as the new Secondary Plan far exceeded the scope of this previous 2002 Official Plan Amendment. The preceding OPA No. 5 was initially adopted by City Council in order to remove the possibility that “power centres” might be considered for the South of Eastern Employment District (City Clerk, September 25, 26, 27 2006).

This amendment represents an incomplete but timely response to the SmartCentres’ proposal. OPA No. 23 addressed the shortcomings of the former OPA No. 5 which had a limited scope that specifically addressed the SmartCentres’ proposal by disallowing “power centres” in the employment district. As the case progressed and the OMB hearing date drew near, it became more urgent to express the city’s vision for the district in an official policy forum.

According to the “Vision for the South of Eastern Employment District” described in the Secondary Plan document, the plan is important for ensuring that the City meets their economic objectives, while at the same time maintaining their growth management strategy. Employment
areas are protected by municipal and provincial policies to ensure that the provision of ‘good employment opportunities for the City’s residents’ is maintained (Staff Report, Jan 29, 2008, 15). The plan refers to creative class theory when it highlights the importance of the district’s proximity to the waterfront and downtown core as crucial to the success of many employment sectors including ‘knowledge and creative based industries, media and communications operations, film video and recording production’ (Staff Report, Jan 29, 2008, 15). This explicit connection drawn between ‘creative and knowledge based industries’ and the waterfront and downtown areas, is key to understanding the City’s vision for the future role of the South of Eastern Employment District. This is especially true given the City’s claim that ‘[c]onsideration of this geographic context must underlie all city building objects for the District’ (Staff Report, Jan 29, 2008, 17).

Film related industries specifically are singled out when the City states the importance of the “Studio District” brand which has ‘a pivotal role for this District. Film and media is a key economic sector in the City. This Secondary Plan puts into place policies that establish the framework to allow this sector to grow and flourish’ (Staff Report, Jan 29, 2008, 16). A key reason offered to explain the City’s emphasis on attracting film as well as other creative and knowledge based industries to the area, is the association these sectors have to supporting ‘the creation of well paid, stable, and fulfilling employment opportunities’ (Staff Report, Jan 29, 2008, 16). These employment sectors are distinct from retail, which in the plan ‘is restricted within the District to a scale and function that supports the primary...economic function of the district.’ It is clear in the Secondary Plan that the City knows both what sort of land uses they want in the area, and what land uses they reject (Staff Report, Jan 29, 2008, 16).

The hefty public investment that went into dismantling the Gardiner Expressway, a raised highway cutting through this district until it was torn down in 2003 at a cost of $34 million, is cited in the Secondary Plan and in news sources as a reason to preserve the employment area designation (Power, Sept 28, 2006). This demolition of the Gardiner, according to the City, ‘created the opportunity to connect the neighbourhood to the north to the emerging waterfront’ (Staff Report, Jan 29, 2008, 18). It is also interesting how this prior outlay is used to justify ‘the City’s intent to build upon this public investment to create a revitalized Employment District that will become a desirable and highly functional location for innovative and creative enterprises’ (Staff Report, Jan 29, 2008, 16-17). The City begins here to build the connection between
growing a thriving creative class and the need for public investment to build a creative economy. This exposes a dubious assumption by the City; that with the right amount of public investment, the area can be made desirable to the creative class and to creative industries. No one was anticipating the rise in Canadian currency, a financial recession and the decline of Hollywood North.

The explanation for the policies put forward in the Secondary Plan links a number of the City’s more prominent development ideas, which together work to create a seamless presentation of their vision for the South of Eastern Employment District. In this document the issues of waterfront proximity and the massive public investment made in order to demolish the Gardiner Expressway are used to justify investing in creative and knowledge based industries, which they assume will provide “good” jobs and economic prosperity. The connections that are made in this document allow the City to present a cohesive vision for the employment district, reinforcing the idea that the best possible future for this property is to serve a creative based function.

4.13 The Secondary Plan and the Creative Class Theory

A number of statements made in the Secondary Plan lend themselves directly to the creative class theory. This foundation for the OPA begins with reference in the plan to the City’s “vision”. In *Rise of the Creative Class*, Florida (2002) comments that for the creative class to be effective:

> What is required is a shared vision that can motivate the specific actions we choose to take. This vision must reflect the principles of the Creative Age: that creativity is the fundamental source of economic growth, and that it is an essential part of everyone’s humanity that needs to be cultivated (317).

Certainly the City has acknowledged a portion of the theory which claims that creativity is fundamental to economic growth and the Secondary Plan describes a vision which is intended to motivate creative industry growth.

Another link between the Secondary Plan and the creative class theory comes from the idea that there are “good” jobs and “bad” jobs. “Good” jobs according to Richard Florida, and now the City, are creative jobs. Florida (2002) explains this in simple terms stating that ‘[t]he low-end jobs pay poorly because they are not creative jobs’ (322). By encouraging the growth of creative industries in the District, the City is assuming this means these sorts of industries will
bring with them ‘well-paid, stable, and fulfilling employment opportunities’ (Staff Report, Jan 29, 2008, 17). Most of this description of so-called “creative” work matches Florida’s description. However, the city overlooks Florida’s theory when they include “stable” as a feature of creative jobs. Contrary to this promise made by the City, Florida insists that what creatives thrive on is “weak ties” and non-unionized work. Here the City’s rhetoric appeals to residents and voters but departs from its theoretical base.

The valuing of “creative” employment and devaluing of “retail” employment, puts into perspective the City’s plan which benefits creative workers, but implies that non-creative workers are only required to serve the creatives who hold a higher economical value. The notion recurs in the discussion of “good”, creative, jobs which are preferred over retail jobs. The reason for this is simple; in the “Creative Age” there is employment for the creative class and for those who serve the creative class. The proposal of a retail facility that might serve lower income residents is oppositional to the creative dictum. Without a creative class entrenched in the area, there is no need for a service facility. While SmartCentres would be content to attract customers from outside the community, the plan does not fit the mix of Florida’s formula.

The City’s claim that public investment in creative industries is required in order to attract these sorts of employers to the District makes yet another link between Florida’s rhetoric and the Secondary Plan. They contend the previous investment in demolishing a portion of the Gardiner Expressway, which ran through the District, should not be squandered on retail redevelopment, but rather the land should be preserved to serve its primary economic function. This stance complies with Florida’s (2002) viewpoint when he asserts that ‘we need to shift public and private funds away from investments in physical capital, toward investment in creative capital’ (319). In the Secondary Plan, the City commits to making a public investment in supporting this plan that will ‘build upon’ the public investment made to take down a segment of the Gardiner. The plan assumes that with the right level of public support, private firms will be attracted to the area and invest in the vision the City has mapped out.

4.14 The Site-Specific Plan for 629, 633 and 675 Eastern Avenue: OPA No. 379

The second OPA, No. 379 addressed in this report is site-specific to the 629, 633 and 675 Eastern properties, and concerned the former City of Toronto Official Plan from 1994. City Staff
sought to amend the former Official Plan because this was the plan under which the TFS and SmartCentres’ application was being heard at the OMB. This proposed OPA is essentially a summarized version of the policies found in the Secondary Plan. Without offering the explanation provided in the Secondary Plan, this OPA covers all the same bases including the acceptable land uses within the district, the importance of building linkages to the Waterfront area, an emphasis on the public realm and streetscaping aspects of the development and environmental considerations. Tellingly though, this brief write-up begins with a list of acceptable land uses for the area, followed by guidelines emphasizing the importance of the Waterfront connection specifically with regard to ‘building linkages with film and media businesses’ (Staff Report, Jan 29, 2008, 27). While the city definitely made an unexpected move by proposing to amend an out-of-date Official Plan, they clearly did so in order to include 629 Eastern under the same development guidelines as the rest of the employment district, as specified by the Secondary Plan.

4.14.1 Some Themes from the OMB Prehearings

Some general themes that can be extracted from the proceedings of the OMB pre-hearings include the recognition by all Parties involved that the case was to be heard under a complicated policy regime which incorporated both the former City of Toronto Official Plan (pre-amalgamation) and the current (post-amalgamation) Official Plan. Added complexity came from the additional changes to the Planning Act and Provincial Policy Statement, which were also to be considered in their former and current states. Another trend that emerged during the course of these proceedings was general skepticism toward the City, in that they would make every effort to further delay the proceedings. The evidence presented suggested that these suspicions were well justified by concerned Parties, and the Board themselves.

The City’s responses to the events of this case are captured in four proposed amendments to both the former and current Official Plans, OPA No. 5, OPA No. 23, OPA No. 379 and Zoning By-law 130-2008. It is doubtful that the City would have created an elaborate Secondary Plan for the South of Eastern Employment District, had they not been prompted by the prospect of an undesirable “power centre” redevelopment proposal and the subsequent OMB hearing. The timing of their policy actions indicates that they used their unique position as a contestant who can change the rules as it suits their needs.
4.15 Request for Declaration of Provincial Interest

In February 2008, Toronto City Council requested Mayor Miller to send a letter to the Ontario Municipal Affairs Minister Jim Watson asking that he declare an interest in the upcoming OMB hearing for the South of Eastern Employment District (The Bulletin, Feb 29, 2008). This declaration of interest by the provincial government would, in effect, allow them to overrule the decision of the OMB. Kelly Carmichael, co-chair of the ETCC admitted that provincial declaration is “a very rare thing”, and that it had only occurred in six prior instances: opponents to the development persisted (Moloney, Feb 29, 2008).

The city’s letter of request cited the provincial Places to Grow Plan (2006) which they claimed:

- gives municipalities greater control over the density of their employment lands. Policy 2.2.6 of the Places to Grow Plan specifically states that major retail uses are considered non-employment uses. It is in the best interest for the community and city that the employment be varied and not limited to essentially one skill set level, as the current appeal before the OMB dictates (Malczewski, Apr 4, 2008).

The first point made in this letter may be inferred, but nowhere in Policy 2.2.6 of Places to Grow (2006) does it explicitly state that retail is considered a “non-employment” use. What is stated is that retail is an ‘ancillary’ use to the primary function of the employment lands which are intended for industrial, commercial and institutional purposes (Policy 2.2.6 of Places to Grow, 2006). The letter also neglects to note SmartCentres’ proposed plan to include offices spaces on the upper stories that would also provide employment (Rusk, Apr 7, 2008).

The East Toronto Community Coalition circulated a petition to be sent along to the Minister. Pablo Vivanco (2009), Executive Assistant to Councillor Fletcher, commented on the community’s involvement in this request for provincial declaration of interest in the case, noting ‘we had over 4000 people send in e-mails over a two week period to not only city hall but to Premier McGuinty’s office’. While this ground swell of community activity supported a provincial declaration to override a foreseeable defeat at the OMB hearing, it was not acknowledged in the proceedings.

The official request for the province to declare an interest in this OMB hearing came during the April 9, 2008 Legislative Assembly of Ontario when Peter Tabuns, NDP MPP for the
Toronto-Danforth riding, addressed Premier Dalton McGuinty, stating that ‘SmartCentres is proposing a large-scale retail development on Eastern Avenue in my riding of Toronto Danforth. Both the city of Toronto and east Toronto residents are concerned because significant film employment lands will be lost to retail development’ (Legislative Assembly of Ontario, April, 9, 2008). The Minister of Housing and Municipal Affairs responded:

the matter is before the Ontario Municipal Board [...] an independent, quasi-juridical body. It would be entirely inappropriate for me as the minister to comment on a matter that is before the OMB. It is quite clear that the honourable member should be aware of the fact that ministers should not and do not interfere with the OMB matters, and I won’t (Legislative Assembly of Ontario, April, 9, 2008).

This statement indicates the province did not plan to declare an interest, although they had up until April 18, 2008, thirty days before the scheduled hearing, to decide. During this time, the media coverage on this case increased dramatically.

Important political figures came forward in opposition to the proposed development and made a significant impact on media representations of the case. Former Mayor of Toronto, David Crombie, still a prominent figure in the city, publicly expressed his support for Council’s request (Rusk, Mar 29, 2008). A rally was organized on April 13, 2008, by the East Toronto Community Coalition at a local park where Jack Layton, Federal NDP leader, was reported to have stood alongside comedian Luba Goy of the popular television show, Royal Canadian Air Farce, under a banner that read “Give us Places to Grow, not Places to Park” (Alcoba, Apr 14, 2008). “Places to Grow” refers to the 2006 provincial policy report which highlights preserving employment lands, and considers retail an ancillary use; “Places to Park” refers to the estimated 1900 parking spaces slated for the proposed Foundry District development (Hertz, Mar 27, 2008). Jack Layton addressed the crowd saying ‘‘I say to Premier (Dalton) McGuinty: do the right thing. Step in and stop the Wal-Mart here in the east end’’ (Anonymous, Apr 15, 2008). While this oversimplified the SmartCentres’ proposal, the anti-Wal-Mart sentiment became a popular mantra for opponents to the development in the South Riverdale community.

Mr. Layton was one of many who compared this “grassroots fight” to the “two-decade battle” to tear down a portion of the Gardiner Expressway (Hertz, Mar 27, 2008). He commented that “If you had suggested that Wal-Mart would be located where we took down the Gardner Expressway, we all would have said ‘leave it up’” (Daily Commercial News, Apr 15, 2008).
Former Mayor Crombie shared this sentiment, saying “we didn’t go through the pain and expense of taking down the east end of the Gardiner Expressway just to make room for a Wal-Mart and its ilk” (Hume, Apr 4, 2008). In a similar vein, Councillor Fletcher commented that “[w]e took the Gardiner down, and it wasn’t to build just a retail strip mall from one end to the other” (Yuen, Apr 13, 2008). The attempt by each of these politicians to imply that the demolition of the east end portion of the Gardiner was somehow a public investment was somewhat of a distortion. The expressway required repairs estimated to cost $48 million, whereas the cost of demolition was estimated at $34 million. The city chose the latter, and the segment was removed in 2001 (Power, Sept 28, 2006). While cited as one of the many achievements of Leslieville/South Riverdale community activism, the demolition of the Gardiner Expressway, similar to the “preservation of the employment lands” was an economically driven outcome.

The media response to the request for declaration of provincial interest resulted in some interesting print. These are examples of news reports that demonstrate the influence the City and ETCC had on the media.

‘Leslieville wants the province to think outside the big box’ (Yuen, Apr 13, 2008) (emphasis added).

‘4,000 people have e-mailed the provincial government asking for its interest because they’re concerned about what their waterfront looks like’ (Yuen, Apr 13, 2008) (emphasis added).

‘A grassroots movement to block a big-box retail development in the east end held a boisterous rally yesterday to urge the provincial government to step in and protect the land’ (Alcoba, Apr 14, 2008) (emphasis added).

The notions that the ETCC was a grassroots organization and that the SmartCentres’ proposal was somehow connected to the waterfront were both fallacies.

Ultimately, the efforts by the City and ETCC failed to rouse the province from their original position, announced during the April 9, 2008 legislative assembly (NRU, Apr 25, 2008). A spokesperson from the mayor’s office commented that “[c]ouncil knew this request might not find success but the principle of protecting employment lands is important” (NRU, Apr 25, 2008). Although opponents to the SmartCentres’ development did not convince the province to declare an interest in the case, during this time, they managed to create considerable media hype.
and gather support both within the neighbourhood and well outside the local realm. When the ETCC reached out to some of the City’s key public figures, they attracted more media attention and created an interest in the case beyond the neighbourhood level. Unfavourable references to the OMB and to developers were made, as the public recalled lost battles in other communities. The increase in media coverage was an important step for the ETCC and City as the OMB hearing drew near, because it established a much broader audience and interest in the outcome of the proceedings.

5 Community Resistance: The Rise of the East Toronto Community Coalition

The East Toronto Community Coalition (ETCC) made their presence known in South Riverdale and throughout City of Toronto by the use of two key methods: a sign campaign, and a continuous flow of press releases. The sign campaign, seen on front lawns and in store windows across the neighbourhood, was highly effective and garnered community wide recognition. Signs read “No Big Box in Leslieville”, “No Big Box on Our Waterfront”, and “Places to Work not Places to Park” (see Figures 8 and 9). The signs captured the attention of the community and the media. This meant that the ETCC, along with Councillor Fletcher, shaped the popular image of

![Figure 8: East Toronto Community Coalition Campaign Signs](Source: www.nobigbox.ca)
this issue citywide. This powerful presence in the neighbourhood and media worked to promote their cause, and significantly diminished the resonance of opposing voices to the ETCC’s dominant discourse. This one-sided presentation later caused a serious backlash.

Councillor Fletcher pointed out the clash between the proposed retail development, and the desired film use, commenting that “[i]t would be a suburban feature in a very urban area” (Hume, Nov 12, 2007). The term “big box” is itself, a negative reference to suburban lifestyle (see Figure 10). Kelly Carmichael of the ETCC referred to the SmartCentres’ proposal as a “big box in a party dress” (Kuitenbrouwer, May 12, 2008). SmartCentres responded to this negative connotation by referring to the development as a “pedestrian mall” (Anonymous, Apr 15, 2008). Their representatives described the proposal as a “two-to-three storey red-brick, mixed-use development”, focusing on features that distinguished it from its suburban counterparts (Rusk, Apr 7, 2008). SmartCentres’ lawyer Mr. Wood claimed that “[i]t’s urban retail. It’s not big box”, and attempted to adopt the language of the creative class, calling the proposed development “an innovative mixed-use retail project with some office uses” (Kuitenbrouwer, Apr 9, 2008) (emphasis added). Both the City and SmartCentres’ representations of the proposal exaggerated certain aspects to support their position. Yes, pedestrians from South Riverdale could access the proposed development, but so could automobile traffic coming from the main arterial to the
south, Lake Shore Boulevard. While it was true that SmartCentres was likely to anchor the
development with their central tenant Wal-Mart; the store size was estimated at about 130,000
square feet, half the size of a typical Wal-Mart outlet in Ontario (Rusk, Mar 29, 2008).

As the anti-suburban argument against the
development evolved, it morphed into a distinctively anti-Wal-Mart argument, accompanied by NIMBYism from local members of the South Riverdale community. The ETCC’s rally, cemented this popular perception of the case. When the event’s high profile attendees focused media attention on the case, and delivered an anti-Wal-Mart message, this perception was disseminated citywide. A comic from the Toronto Star captures this simplified, popular perception of the issue wherein Councillor Fletcher is presented as the voice of opposition to Wal-Mart (see Figure 1). The prominence of anti-Wal-Mart sentiment was further expressed during interviews which reinforced the notion that this was the common
perception of the case within the South Riverdale neighbourhood. The 2005 documentary film “The High Cost of Low Prices” was often cited by participants. Instead of discussing the employment lands, interviewees consistently referred to the case framed as a question of whether or not a Wal-Mart was good for the neighbourhood. One participant commented:

that film captured a lot of the ideas and sentiments and, I think that community kind of reflected a lot of those same sets of ideas [...] crappy quality goods n’, crappy wages n’, n’ crappy stores, [...] I think that people objected specifically to Wal-Mart everybody knew. The word in the paper was SmartCentres, in the community it was Wal-Mart. We don’t want Wal-Mart (Michael Pilling, Board member of Matty Eckler Community Centre, 2009).

Concern about this multinational’s history of poor labour conditions was noted, as well as a fear that the development would threaten the thriving commercial district on Queen St East. The same participant further expressed his concern that ‘I don’t think having more big box stores is gonna help little stores that – we have some nice little stores around here – it’s not gonna help
them survive’ (Michael Pilling, 2009). Regard for the vitality of local businesses was noted by only some interviewees.

Henry Byres, Commercial Area Advisor, Business Improvement Area (BIA) Office, City of Toronto (2009) dealt with the case, and considered its impact on local businesses, during his involvement with the board of the Riverside District BIA. He expressed a different opinion to many residents of the area who felt threatened by retail competition from Wal-Mart. He instead claimed that ‘[t]he reality is, over the short term [...] there are stores and shops that would likely close, but over the long term they’ve got to figure out what their area of strength is, and it’s in other things that aren’t offered in a big box stores or campus malls’ (Henry Byres, 2009). The notion that local businesses have to find their niche in the face of multinational corporate competition was a more widely held belief among business owners than residents who were opposed to the development. In many cases the threat to local businesses was over generalized, as many of the businesses had already found niche markets and customers.

![Figure 11: Anti-Wal-Mart news comic](image)
As the anti-Wal-Mart argument opposing the SmartCentres proposal lost steam, and the OMB hearing drew near, a final transformation in the dominant media discourse took place. Instead of an anti-Wal-Mart focus, the concentration shifted to emphasis on preserving employment lands for “good jobs”. Kelly Carmichael (2009), co-chair of the ETCC explained this perspective, commenting that:

There are lots of reasons we didn’t want the Big Box in here. We wanted quality jobs, first of all. We wanted some plan so there was job diversity. The unfortunate thing about big box is, it offers a lot of entry level jobs without any type of advancement. Often it is part time, minimum wage, whereas in the film industry, if you don’t have skills you can intern. It hires carpenters, electricians, skilled computer, like a whole gamut of different types of jobs. That’s why we didn’t want anything coming into the community that was going to upset that balance.

Similarly, Councillor Fletcher penned an article that was published in the National Post, where she commented on the importance of employment lands and “high-value” jobs, claiming that:

Within the City of Toronto, a mere 16 employment districts remain zoned to provide for high-value and creative industries jobs. The South of Eastern Employment District is one of only two employment districts within the boundaries of the old City of Toronto. In total, these 16 employment districts currently provide over 370,000 jobs in value-added Industries operating in these areas, such as the film industry in the case of the South of Eastern, bring three times more economic benefit to the Toronto economy per worker ($33,000 GDP/worker for retail and $106,000 /worker for creative industries)’ (Fletcher, Mar 9, 2009).

These comments indicate that in the minds of the City and ETCC, “good jobs” had quite a limited scope, referring only to creative and knowledge based industries, specifically film.

There is one notable difference between the perspectives of Kelly Carmichael (2009) who claimed ‘[t]his community needs good jobs’, and Councillor Fletcher who represented the interests of the City, despite her appeals to the community concerns. Their interests diverged when it came to their moral commitment to the community. While Kelly Carmichael maintained that the film industry was the best possible use of the lands for the community, Councillor Fletcher bounced between the City’s economic interests and the needs of the community. Creative employees have three times the value of a retail employee, to the City. The Councillor’s comment that ‘[t]his whole area has grown up around good jobs, film jobs, creative jobs. They shouldn’t be shopping bag jobs at minimum wage” is representative of her voice within the
South Riverdale community (CBC News, June 27, 2007). In this case, the City’s economic interests directed the Councillor’s notion of what was good for the community.

As the OMB hearing approached, the increasing emphasis on “high-value” employment, and “good jobs” was a logical progression for the media discourse to take as it was largely directed by the City and ETCC. Together, they made an effort to frame their case in terms of provincial policies, in preparation for the OMB hearing. Although the idea of “good jobs” was not explicitly stated in provincial policy documents, the city exploited this idea to further their argument against SmartCentres, and in favour of the film industry. Although the anti-big-box, anti-Wal-Mart argument was effective for attracting local supporters to the ETCC, the notion of preserving the employment lands brought the issue full circle by attempting to reconnect the City’s stance to provincial policy that would be considered during the OMB hearing.

5.1 The Dominant Voice within the South Riverdale Community

Any voice in favour of the Smart Centres proposal was rarely present in media representations of the case. Kelly Carmichael (2009), co-chair of the ETCC, discussed the group’s membership as it addressed the social spectrum of the neighbourhood, claiming that:

A big part of the mandate of our coalition was to find that balance so that people who have been here for generations, who have lower incomes, that kind of thing, don’t get pushed out of this community because they can’t afford it. It’s still an affordable community and it’s very diverse as far as income levels go.

The ETCC’s attempts to represent everyone in the community went only so far as accepting everyone to join their cause in opposing the SmartCentres’ proposal. Ms. Carmichael (2009) later commented on the voice of residents in favour of the development, stating ‘I think there were a few vocal people, but I think we just swamped them. The people who were against completely outweighed them.’ Pablo Vivanco (2009), executive assistant to Councillor Fletcher, further supported this comment stating that ‘I don’t want to really be diminutive of who the community proponents of that proposal were, but certainly they were not either organized or in any scale the quantity of those who were opposed to it’. This by all accounts, was the reality for proponents of the development.

One interviewee who supported the SmartCentres’ proposal commented ‘I went to a couple of the Coalition’s meetings but it was quite clear that they were not receptive to any pro
input, whatever, so we just did our own thing and communicated with Smart Centres’ (Participant A, 2009). This was the situation for those in favour of the development; either communicate through SmartCentres, or be ridiculed by the dominant opposition in the community. This supporter of the proposal helped to put accusations that those in favour of the development where lured in by SmartCentres’ “tactics” into perspective. Ms. Carmichael’s claim that:

SmartCentres paid a very high profiled PR firm to spin their story with the media. At one time they had the Star saying that the fight was half and half and splitting the community. Well, that wasn’t really true. Most people were opposed to it and there was a small group of people who SmartCentres kept putting forward as being pro.

is reflective of the notion that the ETCC represented the real community, while those in favour of the development were somehow “bought” by SmartCentres. One participant presented a counterargument to the ETCC’s perspective, claiming that ‘[t]here are people in the area, single mothers, and people who came to the OMB meetings who were treated very badly because perhaps they weren’t perceived as being as intelligent as some of the other people’ (Participant A, 2009). Ultimately, this unbalanced power relationship between those supporting the development and those opposed to it, meant that proponents of the proposal were silenced by the dominant presence of the ETCC’s opposition.

5.2 “No Yuppies in Leslieville”

The absence of proponents to the SmartCentres’ development proposal in the media discourse and community was conspicuous. It came as a surprise then to many in the South Riverdale community and across the city, when “No Yuppies in Leslieville” signs popped up on parking boxes, hydro poles and buildings all over the neighbourhood in early November 2008 (Yuen, Nov 3, 2008) (see Figures 12). These signs mimicked those of the ETCC and declared:

No Yuppies in Leslieville. Yuppies and their stores pray (sic) on neighbourhoods. They push up rent; well (sic) pushing the neighbourhood out. Don’t look to others to solve this problem, we have to solve it ourselves. Help save our neighbourhood! Stop shopping at their stores; Organize tenant unions to fight rent increases; Smash their windows; Write graffiti; Drive the yuppies out of Leslieville.

The interview responses provided below, represent the wide array of reactions to these socially charged signs:
I don’t even know where that was from. It was kind of a weird thing. It didn’t really make sense. We didn’t know if they were accusing us of being yuppies. Certainly they were opposed to the gentrification, the re-vitalization of Queen Street. (Kelly Carmichael, co-chair of the ETCC, 2009)

Irrelevant. It was at Queen Street. Why is Queen Street as good as it is now? [...] the reason its got better is because of what people term yuppies (Participant A, 2009).

Well…it’s hard to say who the “yuppies” are. I don’t think it’s a life style difference. Like what defines a yuppie?...I think it’s mainly a wealth thing (Michael Pilling, Board Member of Matty Eckler Community Centre, 2009).

I was a little bit surprised [...] It wasn’t until it hit the news, it hit the radar and that it looked like something to be concerned about. (laugh) It wasn’t that surprising either to know there were other people out there concerned about it (Participant B, Ralph Thornton Community Centre Staff, 2009).

I don’t like to label people. I think Yuppies are welcome here as long as they don’t drive out the people who can have affordable housing, you know, drive up the tax rates and so on (Sister Gwen Smith, Mustard Seed Community Centre, Member of the East Toronto Community Coalition, 2009).

I could see those signs around and my sense is that it was probably the work of a few people [...]In speaking with clients there is obviously recognition of what you would call “yuppies” or the new middle class moving in, and there’s sort of a sense of “what does
this mean for us?” (Melissa Tapper, Health Planner, South Riverdale Community Health Centre, 2009).

The media loved them. Who did them [the signs]? There was speculation that it was SmartCentres or somebody connected to that group (Paul Young, South Riverdale Community Health Centre, Member of the East Toronto Community Coalition (ETCC) and Expert Witness for Ontario Municipal Board Hearing, 2009).

If we don’t have people with money coming in spending their money, none of the local businesses are going to grow. We need “Yuppies”. To me they’re just people with expendable income. We need their money (Participant E, Board Member of Riverside District Business Improvement Area, 2009).

Some of the responses reflect a denial that “Yuppies” or class tensions existed within the neighbourhood, while others praise their arrival. The comments serve to show how limited the media discourse was in reflecting the true range of community opinions on the case.

A few participants had more concrete insights into the incident. Pablo Vivanco (2009), executive assistant to Councillor Fletcher explained how ‘The No Yuppies in Leslieville campaign, if you want to call it that, were trying to suggest, or trying to make that sort of relationship between a no big box campaign and a gentrification process that’s been happening in that area of Leslieville.’ Diane Dyson (2009), Manager of local community centre and local resident, also provided an important contribution to this conversation, and was notably the only participant to voluntarily bring up the topic of the “No Yuppies” signs. Alternatively to Mr. Vivanco’s explanation, she commented:

And you saw the horrible back lash of “No Yuppies”? There was one person there who was “Organized” [...] I think it is reflective of the real tension, because in many ways east end Toronto was and has been an old working class community for decades [...] I think those signs were definitely significant, in that they were people feeling like they were getting crowded out and pushed back [...] You can’t dismiss it as crazy people. There is some tension and resentment. And other residents welcome the changes.

The City and ETCC’s representation of their imperative to prevent the SmartCentres’ redevelopment as if they were acting on behalf of the entire community, were in fact acting in the interests of the City and a limited group of people within the neighbourhood, not on behalf of the entire community. Pablo Vivanco (2009), a representative from the City, commented further on the issue claiming that:
The Yuppies in Leslieville campaign, it was unfocused and actually was opportunistic in manipulating the messaging and the campaign of an organization of people that were actually looking out for the working class people in the area, and tried to manipulate that message to indicate that somehow they working in favour of middle and upper-class people within the area. I think it’s notable to mention that one of the partners in the ETCC was ACORN who work with lower to middle income residents all over Toronto. They assisted with a lot of the campaigning as well, particularly within the community that are lower income, some of the social housing complexes.

This quote adequately captures the reality of the City’s involvement with the community on the case. They helped build the ETCC, who were composed of members of the community that shared the stance of the City on the SmartCentres’ proposal. The involvement of ACORN in campaigning low income groups is indicative that the City and ETCC served the interests of these groups, only so far as they served their own initiative.

The signs, anonymously posted, brought class division within the neighbourhood to the forefront of the media coverage of the case, but not for long. Councillor Fletcher dismissed the signs, saying ‘‘[t]his has nothing to do with the debate’’ (CityNews.ca, Nov 2, 2008), while Kelly Carmichael called it ‘‘a cowardly little stab at the community’’ (Loriggio, Nov 4, 2008). Despite a whirlwind of media attention, discussion of tensions in the neighbourhood was limited and not sustained, and the signs were swiftly removed (Loriggio, Nov 4, 2008).

5.3 Eviction Rates in South Riverdale are the Highest in City

One month after the “No Yuppies” signs in South Riverdale, the Toronto Star published their ‘Map of the Week’ which showed applications to evict by neighbourhood throughout the (GTA). The neighbourhood with the highest rate was none other than South Riverdale, which clocked in at 1.86 applications to evict per one thousand, between January 1 and October 15, 2008 (Cain, Dec 21, 2008). These mapped statistics are significant to this case for several reasons. They provide concrete evidence that gentrification is occurring in South Riverdale, and they suggest a direct correlation between gentrification and eviction. The maps were published in the city’s most widely circulated newspaper at the same time the 629 Eastern case had a dominant media presence, without a connection being drawn between the two pieces of information about the same neighbourhood.

One interviewee who commented on class tensions in the neighbourhood was also the only person to notice the eviction maps and make this important observation. Diane Dyson (2009),
Manager of local community centre and local resident, commented ‘when I first saw [the eviction maps], I thought of gentrification.’ The Councillor’s executive assistant Pablo Vivanco (2009), responded to a question regarding the map data ‘[g]eez, that’s actually news to me. The city gets a tenants defense fund. We try to assist tenants if ever they contact us about, problems with landlords, problems in rooming houses, but we haven’t really been contacted a lot, so I don’t have much to comment on.’

5.3.1 Gentrification in South Riverdale

Although most interviewees were unable to comment on the significance of the eviction maps, they did offer some insight into the impact of gentrification on the social dynamic of the community. Melissa Tapper, a planner at the South Riverdale Community Health Centre commented:

it’s traditionally a neighbourhood that was more working class. So with the influx of new residents, [gentrification is] a big issue. Just looking around the restaurants even in the three years I’ve been here there’s been a lot of change. I’ve seen a lot of young families, a lot of flipping going on with the houses and renos, and all the things that are key indicators of gentrification and neighbourhood change.

Connecting the issue of gentrification back to the 629 Eastern case, Diane Dyson (2009) of Manager of local community centre and local resident, commented:

it had to have been pretty tough for some of the people who wanted to speak in favour of this, or be speaking against the changes that have been happening in our neighbourhood around gentrification because you are talking about your own neighbours. Even if they’re newer, it gets personal pretty quickly. I think that’s why you meet with some reticence, people not wanting to share anything. That nice couple down the street with their baby; I don’t want them in my neighbourhood.

Overall, there was a general recognition of gentrification taking place in the neighbourhood. Responses varied in the way in which this was considered as having either a positive or negative effect on the community. Members of the ETCC were arguably of the mind that the benefits of neighbourhood revitalization outweighed the negatives.
The OMB Ruling: “the Board finds that one cannot argue with basic geography”

After a fifty-eight day hearing at the Ontario Municipal Board (OMB), the Board’s Vice-Chair J.R. McKenzie came to a decision on five matters considered in this case. The first two appeals filed by Toronto Film Studios (TFS), pertained to the property at 629, 633 and 675 Eastern Avenue, and were referred to as ‘Site-Specific Applications’ throughout the ruling document. One concerned an application to amend the City of Toronto’s former 1994 Official Plan as it applied to the subject property and the other concerned an application to amend the former Toronto Zoning By-law No. 438-86. The latter three issues were referred to as ‘City Instruments’ and dealt with the appeals of Official Plan Amendment (OPA) No.23 to the City of Toronto’s current 2002 Official Plan (the Secondary Plan), the appeals of OPA No. 379 to the former Toronto Official Plan, and the appeals of Zoning By-Law No. 130-2008 (OMB, Mar 3, 2009).

The ruling document reviews expert witness contributions to this case. The focus in this discussion will centre on the policies and events the Board determined to be most important in arriving at their decisions. A significant decision made by the Board during the ninth pre-hearing determined that the appeals to the ‘City Instruments’ should be evaluated based on the January 29, 2008 planning regime, and that the ‘Site-Specific Applications’ should be evaluated based on the planning regime that existed on June 24, 2004, the date the application was submitted (OMB, Mar 3, 2009). Numerous policy changes had been made at the municipal and provincial level since the original application was submitted by TFS. Most notable was the change of zoning status for the District between the former 1994 and current 2002 Official Plans, from Restricted Industrial to Employment Area designation.

The East Toronto Community Coalition warranted little consideration in the ruling document. It was mentioned that sixty individuals from the community testified on the ‘Site-Specific Applications’, and represented opposition to the proposed development by a ratio of three to one. The Board followed this statement with a comment that ‘[t]he rosy perception of the [film] sector’s role in the Employment District certainly fuelled both the City’s and the ETCC’s respective motivations; however, absolutely nothing turns on the presence of the film sector in the Employment District from a land use planning point-of-view’ (OMB, Mar 3, 2009, 11). The minor impact the ETCC had on the OMB’s decision, as it was reflected in the ruling document,
was further diminished by this comment. The Board recognized that the City and ETCC represented a ‘single minded’ stance on the development proposal, when considering possible land uses at this site.

The Board directed a number of critical comments towards the City’s actions with regard to ‘City Instruments’ before arriving at their decision. They began with a discussion of OPA No. 5, which removed power centres as a permitted land use in the South of Eastern Employment District under Policy 4.6.3 of the 2002 Toronto Official Plan. The Board explained how ‘the removal of large scale retail use permissions arose exclusively from the Local Councillor’s actions’ (OMB, Mar 3, 2009, 17). They claimed that Councillor Fletcher acted against City Staff recommendations and made settlement impossible by attaching twenty conditions to any discussion with Toronto Film Studios and SmartCentres (OMB, Mar 3, 2009, 22). The result, which was the removal of Policy 4.6.3 from the planning framework at the South of Eastern Employment District, appeared to be an important action in the minds of the Board as it revealed the City’s reactionary policy responses in this case.

Upon the adoption of OPA No. 23, better known as the Secondary Plan, or by the Board as the City’s “hoped-for vision”, OPA No. 5 was repealed. This Part II plan was the Board’s other key consideration with regard to the ‘City Instruments’. The Board’s general perception of this Part II plan was that it ‘had nothing to do with sound planning for the Employment District. In fact, the notion of a modern business campus even eluded the planning staff during the preparation of its Final Report’ (OMB, Mar 3, 2009, 26). After extensive deliberation of expert witnesses, planning policies, and the City’s actions, the Board stated that:

the City Instruments represent a panicked reaction to an unwanted development scheme and are neither a measured nor a rational response [...] they are not the product of a bona fide planning initiative, they are not appropriate, practical, workable or achievable , and they do not represent good land use planning (OMB, Mar 3. 2009, 17-18) (emphasis in original).

The Board commented further on the key issue of ‘proving economic viability’ of this plan, declaring ‘economic viability is very much a relevant consideration when making land use decisions (OMB, Mar 3, 2009, 29). The overall perception of the City’s actions by the Councillor and Planning Staff, related to the ‘City Instruments’, carried through to the Board’s consideration of the ‘Site-Specific Amendments’.
From the outset of the discussion of ‘Site-Specific Applications’, the Board made clear that it was to be engaged at a policy level. While acknowledging that this decision went against the wishes of the majority of citizens who participated in the hearing, they ruled to proceed in this manner nonetheless. Policy 9.18 of the former Toronto Official Plan figured prominently in this decision, as the Board determined that ‘the Site-Specific Amendments did not satisfy the test outlined in Policy 9.18(b) – that the Applications do not have regard for the impact they would visit upon the surrounding (industrial, now employment) lands that would not be redesignated’ (OMB, Mar 3, 2008, 45). The Board critiqued City Council for ignoring the recommendation by Planning Staff to hire external consultants to carry out the Planning Study which informed the Secondary Plan. Ultimately, the Board found that ‘the Site-Specific Amendments do not constitute good planning and will very likely destabilize the South of Eastern Employment District’ (OMB, Mar 3, 2009, 53). TFS and SmartCentres’ ‘Site-Specific Amendments’ were denied on the basis that “destabilization”, which was the Board’s way of referring to the situation whereby the approval of redesignating one property within the employment district, would cause difficulty in refusing further applications of this nature. Some stakeholders had already shown an interest in pursuing the same re-designation, as evidenced by a motion made during the eighth pre-hearing to extend the Board’s decision to an adjacent property at 721 Eastern (OMB, Feb 19, 2008).

Given all of these considerations, the Board ordered that the appeals of TFS and SmartCentres to amend the former City of Toronto 1994 Official Plan and Zoning By-Law No. 438-86 as they apply to 629, 633 and 675 Eastern Avenue were not approved; the appeals of OPA No. 23 and OPA No. 379 were not approved; and, the appeals of Zoning By-Law No. 130-2008 were repealed (OMB, Mar 3, 2009). The Board concluded by discouraging the submission of similar development applications under the current 2002 Official Plan. This decision resulted in the rejection of SmartCentres and TFS’s redevelopment proposal for 629 Eastern, and an end to the City’s plan to develop the entire South of Eastern Employment District as a ‘modern business campus’ based on the film industry.

7 Post-OMB Ruling: The Response

In response to the long awaited ruling, various stakeholders involved in the case reflected on the outcome. Appellant representative, Sandra Kaiser, Vice President of Corporate Affairs for
SmartCentres wrote in an official statement: “All the voices have been heard, and we lost, while disappointed, we respect the process and the decision of the Board. At this time we have no immediate plans for other development or use of the property and will assess all available options to us” (Nickle, Mar 5, 2009). Head solicitor for the city, Brendan O’Callahan, “felt [the decision] was too close to call” (Scheuer, Mar 19, 2009) but “considers this to be a total victory” (Nickle, Mar 5, 2009). The City of Toronto’s, Mayor David Miller made a press release which spoke to the ruling stating that: “Preserving and protecting employment lands is an important part of Toronto’s Official Plan” and that “[t]his decision recognizes that position and strengthens our ability to ensure Toronto can prosper now and in the future” (Vincent, Mar. 5, 2009).

7.1 From the Councillor’s Office

Ward 30, Councillor Fletcher, both a city employee and representative of the South Riverdale community, made a number of comments shortly after the decision was released. For the Councillor, who had spent considerable time in office on this issue, this was “not just a win, it [was] a big win” (Gray, Mar 5, 2009). Her response: “This is a victory not only for my community but also for anyone who supports good planning and good jobs for our City” (Vincent, Mar. 5, 2009). The Councillor was pleased with the result and had no hesitation in expressing her satisfaction with the ruling. She penned an article for the National Post, further discussing the implications of the ruling, as well as next steps. From her perspective, ‘the matter of land-use jurisdiction remains a most significant barrier on the city’s ability to effectively act on plans to make and secure jobs for the future.’ She concludes that: ‘Policies that protect employment lands need to be adhered to – period. This policy bears no price tag, yet it provides the foundation to set in motion a stimulus package that will create the space for the jobs that everyone wants to see’ (Fletcher, Mar 9, 2009).

The Councillor’s comments speak to a future agenda, and are somewhat ironic, given her claim that “this policy bears no price tag”. The substantial cost of the legal process to the City is not insignificant. Clearly, enforcing the employment lands policy comes with considerable cost. Her reference to the need for a stimulus package to this end gives a more probable interpretation to her comment: that the employment lands are priceless commodities to the City, and the City will go to any length or cost to uphold their commitment to determining what happens on them.
7.2 The ETCC, the Community?

Co-chair of the organization ETCC, Kelly Carmichael, responded: “It’s just great. It feels like democracy won today. Now we have an opportunity to work with the city, and hopefully create a vision, rather than having to be behind the eight ball all the time” (Gray, Mar 5, 2009). She further comments on what this means for her group: “We think neighborhoods should have small, managed growth so gentrification doesn’t push out people with lower incomes”. “Our mandate was to protect the employment lands. Not that we are against retail – we had to protect the retail we had” (Scheuer, Mar 19, 2009).

Ms. Carmichael’s reference to “democracy” is noteworthy, implying all sides were included in this decision. As noted earlier, lower income community members, and those in favour of the SmartCentres’ proposal, received little attention. Ms. Carmichael herself admitted that, “I think we just swamped them”, referring to dissenting voices to the dominant opinion opposing SmartCentres (Carmichael, 2009). This silencing of the opposition had a significant impact on the outcome of the case and the future of the community. While the ETCC expressed concern for the lower income residents and the effect of development on their well being, they were unwilling to hear contrary opinion. Evidence gathered in this case points to the fact that, whether well intentioned or not, the stakeholders first and foremost represented their own interests and worked to appeal to likeminded individuals. The response of Tammy Hines, ‘a single mother who lives within walking distance of the proposed site’ summed it up, “I am greatly disappointed, I thought the little guy would win but there wasn’t enough of us who spoke out”, “We got stomped on’” (Scheuer, Mar 19, 2009).

7.3 The General Consensus

Opinions varied widely on this case, but that did not change an overall feeling of surprise that the OMB “sided” with the City. An explanation is not readily apparent in the ruling delivered by vice-chair, James R. McKenzie. Media cast municipal and provincial interests at odds with one another, while really their interests merged more than conflicted with regard to the intended use of employment lands. Both parties acknowledge Richard Florida’s creative class theory; the province in a 2006 Ontario in the Creative Age document, and the City in their 2008 Agenda for Prosperity. The common desire to develop these lands towards creative ends is reflected in a 2009 report commissioned by the Province of Ontario, and prepared by none other than Richard
Florida and his colleagues at the Martin Prosperity Institute. This report presents a collective vision by the Province, the City, and Florida for the anticipated economic transition to the “Creative Age”. Florida’s vision of a “mega-region” focuses on nurturing creative industries in the Toronto area, key to Ontario’s success in the creative age

Councillor Fletcher remarked “It’s not every day that we’re happy with an OMB decision” referring to the OMB’s reputation as a developer-friendly governing body. This sentiment, expressed widely in the media throughout the South of Eastern employment lands case, misled many people into believing that the OMB would continue along this path and grant SmartCentres permission to move ahead with their plans (Vincent, Mar. 5, 2009). The OMB’s mandate is to make decisions ‘based on the evidence presented at the hearing, the relevant law, provincial polices and the principles of good planning’ (OMB, URL, Nov, 30, 2009). Both the Provincial Policy Statement 2005 and the Places to Grow growth plan make clear the importance of preserving employment lands to secure the economic growth for the province. Despite the OMB’s propensity to side with developers, the reality of this case was that the province’s support of the creative class theory was well documented and influential.

Media coverage reported an unexpected turn one month after the OMB ruling of March 3, 2009. Events seemingly unrelated to the case at 629 Eastern, upon further examination, showed major implications for the South of Eastern Employment District, and the Toronto film industry at large. A troubled economy and a change of ownership altered the playing field in Toronto.

7.4 Linking the 629 Eastern Case to the Filmport Development

In order to better view this case within the broader context of Toronto, the film industry, the port lands and waterfront redevelopment, some background is required. It helps to direct our attention to the links between Filmport and the 629 Eastern case. Evidence shows the two areas functioning in unison as an employment hub of high-paying “high-quality” jobs servicing all aspects of the film industry. Sam Reisman, owner of TFS, who made his money in real estate and film, in partnership with SmartCentres, fronted $32 million for the Filmport development where TFS at 629 Eastern was to be relocated. He had a sizeable stake in the success of each project. The City as well shares a vested interest in the development of both properties. At the OMB, the City made every effort to prevent the construction of residential or large-scale retail on the 629
Eastern lands. Toronto Film Studios Inc. have a ninety-nine year lease on the Filmport property from owners TECDO, creating a business partnership between the City of Toronto and Sam Reisman, who is also a part owner of 629 Eastern.

The relationship between these two key stakeholders is interesting. In the case of Filmport, they have worked side-by-side promoting the operation, while in the case of 629 Eastern, they have clashed since redevelopment proposals did not reflect the Studio District identity of the area. The ruling at the OMB regarding the development proposal for the lands at 629 Eastern has proved to have significant repercussions for this business relationship. Due to troubled global economic conditions, just one year after its grand opening, Filmport faced serious financial woes.

7.5 The Bailout: The City of Toronto Steps Up and Sam Reisman Steps Down

On Saturday April 4, 2009, signs of trouble emerged. Reports regarding a last minute meeting of Toronto’s City Council’s scheduled for Monday April 6, 2009 were released (Lewington, Apr 4, 2009; Wong, Apr 4, 2009). The issue at hand was a proposal for TEDCO, the city’s arms-length economic development corporation, to purchase a twenty per cent share in the Filmport operation located in the port lands. This surprising information was the first mention that the City of Toronto might consider taking an investment role in the movie business. Few sources made a direct connection between the potential restructuring of Filmport and the ruling at the OMB, in which Reisman, along with his SmartCentres partners, lost out to the City in their proposal to redevelop property in the South of Eastern Employment District (Wong, Apr 4, 2009).

7.5.1 From City Hall

The Staff Report issued to members of City Council explained the proposal to amend the Grounds Lease and Option Agreements for the Filmport lands, to purchase an ownership share in Filmport Inc., and to provide a loan to TEDCO, from the City’s Land Acquisition Reserve Fund, with the intent to finance this purchase (Staff Report, Apr 3, 2009). A confidential attachment included all of the financial details. This secrecy was justified by the City of Toronto Act 2006, ‘as it relates to the security of the property of the municipality or the local board’ (Staff Report, Apr 3, 2009, 2). The report was submitted to Council members on Friday April 3, 2009, and on
Monday April 6, 2009 the decision was made by City Council in a vote of 31-7 (Hanes, Apr 7 2009), approving this proposal in its entirety (Decision Document, Apr 6, 2009). The City’s assistance to Filmport received little attention in the midst of massive federal bailouts during the economic crisis.

7.5.2 Why the Filmport Failed

Several reasons were cited to justify the bailout request. One was ‘to act as a catalyst for secondary development and build confidence in the future of the port district as an area for employment’, and support the overall vision for the waterfront development (Staff Report, Apr 3, 2009). Another was that it would ‘improve the financial sustainability of the film studio operations on Filmport Phase 1 lands, and result in the retention of a key anchor for the proposed convergence district in the City’s Port Lands’ (Staff Report, Apr 3, 2009).

This Staff Report provided some explanation as to why the Filmport was experiencing such a dire financial situation within its first year. This was not the first sign of trouble. In December 2008, City Council approved amendments to the lease in order to facilitate the sale of an interest in the project, for the purpose of raising funds to continue its construction (Staff Report, Apr 3, 2009). The deal failed, but points to the economic challenges of this project, which were veiled by media cheerleading. City Hall acknowledged the mega studio has remained largely idle, (Wong, Apr 4, 2009), noting ‘upon opening, the Filmport immediately faced exceptionally adverse business conditions’ (Staff Report, Apr 3, 2009). One media source referred to the unfavourable environment the Filmport was born into it as the ‘“perfect storm” of bad news for the film industry’ (Lewingtion, Apr 7, 2009).

Certainly, the lull in the Toronto film industry represents a microcosm of the North American economy at large. When the Canadian dollar is low compared to U.S. currency, business in the Toronto film industry booms because producers can take advantage of lower costs. When the dollar nears par, productions avoid the Toronto studios. A series of strikes in the film industry also temporarily halted productions. Even when the labour force is content and the dollar value is low; there is still the fallback complaint that other cities are offering better government subsidies. The ongoing competition over who is best able to offer financial incentives is often the deciding factor determining where productions choose to do business.
The City, when requesting the bailout be approved by Council, said ‘[c]onservatively, Filmport will host two fifty million dollar feature films and an additional ten million dollars in television and smaller feature film projects annually and could host approximately fifty per cent more.’ This revised forecast represents figures that are conspicuously lowered from those presented at the opening press conferences for the project. The new breakdown calls for $110 million of film and television projects, creating 618 full-time jobs and 295 indirect and induced jobs for a total of 913 full-time positions. This is said to translate to a GDP impact of about $51.7 million. At its “full potential” the result would be closer to 1400 jobs and $78 million in GDP (Staff Report, Apr 3, 2009).

The initial cost of $700 million for construction of the Filmport was justified by an optimistic projection that the facility would generate over $600 million of economic activity per year (Leong, Dec 22, 2005). If the $550 million discrepancy between these two economic forecasts was not enough to set off warning bells, consider the false message that the Filmport has created “new jobs” in the industry. Toronto Film Studios was a fully functional studio with supportive services already in place. These existing jobs were relocated along with TFS to the port lands, bolstering the Filmport statistics and misrepresenting the economic reality of the development. A year after its completion, the Filmport has yet to rent out its largest soundstage or secure a blockbuster production of over $50 million (Hanes, Apr 7, 2009; Lewington, Apr 4, 2009). This mega-stage was to be the key that would draw international investment and acclaim to the Toronto film industry (Hanes, April 6, 2009). Even more disheartening is the fact that the Filmport only began collecting revenues in May of 2009, nine months after opening for business (Lewington, Apr 7, 2009). Instead of creating economic activity, it has become a burden to tax payers who had no say in their involvement with a most volatile industry.

The myth of the “blockbuster gap” propagated by many of the major players in the industry has allowed the Filmport project to continue to move forward. Ken Ferguson, former president of TFS and current president of the Filmport, in 2004, explained in the project’s early days, that ‘it makes more ‘economic sense to build Filmport out to its full potential rather than divert capital to maintain the existing narrow warehouse –quality stages at 629 Eastern” (Wong, Oct. 20 2004) (emphasis added). This notion was widely supported by major players in the deal and went unchallenged, for the most part, in newspaper discourse that unveiled the grand vision of the port lands mega studio to the public. The assumption that this plan made perfect
“economic sense” was based on inflated projected revenues. Ferguson maintains that ‘[w]e are waiting for major films to be green-lighted, but there is certainly interest’ (Wong, Apr 4, 2009). Translation: movies are being made, but not at the Filmport.

7.6 Bailout Approved: The Facts and Some Speculation

7.6.1 The New Ownership Consortium

TEDCO and Rose Corp. together, began one of the City’s first public private partnerships in Toronto’s film, television and digital media cluster (Staff Report, Apr 3, 2009). Sam Reisman, owner of Rose Corp, parent company to Toronto Film Studios, and majority shareholder in the Filmport operation, was said to be the impetus for the restructuring. His estimated eighty per cent stake in the business was divided among several parties (Lewington, Apr 7, 2009). ROI Capital Ltd. pension fund manager for the Alliance of Canadian Cinema, Television and Radio Artists, with ties to the Canadian actors’ union, purchased a forty-five per cent stake in the operation. Castlepoint Realty Partners Ltd., a major landowner on Toronto’s waterfront, purchased a fifteen per cent stake. TEDCO, the owners of the property upon which the Filmport rests, purchased a twenty per cent share in the operation. Comweb Corp., owned by Paul Bronfman, a known film industry investor, was named Chairman of this new ownership consortium and retained a twenty per cent stake (Lewington, June 25, 2009). Pinewood Studios, famous for the James Bond franchise, signed a five year management deal with the city. Ken Ferguson was replaced by industry veteran, Edith Myers as the new managing director (Wong, June 26, 2009). In a joint bid, Castlepoint and Pinewood narrowly lost out to Rose Corp. in the original call for proposals to build the studio in 2004, but regained a foothold in the Toronto industry as part-owners of the newly renamed Pinewood Toronto Studios (Lewington, Apr 7, 2009; June 25 2009).

7.6.2 Behind Closed Doors: Another Deal Shrouded in Secrecy

The city never released details concerning the financial implications of the deal. Estimates hover around the thirteen million dollar mark, based on the total sixty-five million dollar investment required to build the facility, and on the city’s twenty per cent interest in the operation (Wong, Apr 4, 2009). Several reports suggest the City approached Infrastructure Ontario to help finance the deal, however this was never confirmed (Wong, Apr 4, 2009). The secrecy shrouding the deal is typical of the city’s involvement with the film industry. According to media sources, a
Court of Appeal Judge told the City to turn over lease information between TEDCO and Filmport last year; they did not comply (Kuitenbrouwer, Apr 8, 2009). Similarly, reports covering the bailout promised that the terms and amount of the loan would be made public once finalized, but this has not happened (Hanes, Apr 7, 2009).

7.7 Lights, Camera, Action: The City Responds to their Competition

It is difficult to ignore Pinewood’s impressive credentials. CEO Ivan Dunleavy commented on the deal remarking, “This is an exciting day for Pinewood. Our role will be to use the experience we’ve had over 75 years to bring…film and television production to Toronto” (Wong, June 26, 2009). This is a long-term initiative and will be part of the overall goals for the regeneration of the port lands” (Leong, June 26, 2009). Despite the media’s praise of this internationally known brand, it is somewhat disconcerting to learn that the company accepted public assistance in this business venture. A comment by Paul Bronfman, of Comweb, reflected on the fact that the “[t]he studio has been a financial fiasco since it opened” (Leong, June 26, 2009). This is surprising to see from the only individual who has held on to his stake of the operation since its restructuring. It might suggest that taxpayers should be thankful that foreign investors have stepped in to take over the operation, referred to as a “financial bloodbath”, which according to Bronfman, is “millions in the red”. According to reports, ‘he is confident that it will turn around’ (Leong, June 26, 2009).

7.7.1 The Critics

Major players in Toronto’s film industry loudly protested the bailout. They pointed out the negative implications this deal has for the entire industry. Peter Lukas, president of Showline Ltd. with five studios in Toronto, commented: “We are competing with a major foreign studio who is running a tax-payer funded facility” (Wong, June 26, 2009). Steve Mirkopoulos, president of Cinespace Film Studios, commented: “The Toronto film business has so much to offer and Cinespace is baffled about why the city is trying to drive Canadian companies out of business” (Leong, June 26, 2009). “It is only a matter of time before [city agencies] will use our own tax dollars to direct business away from our operations and towards the film studio in which the city has a direct investment” (Kuitenbrouwer, Apr 8, 2009). Mirkopoulos’ states, “[w]e are now accessing how much longer we will be able to operate in this very toxic business
environment – the direct result of city hall’s nontransparent and prejudicial decision making” (Kuitenbrouwer, Apr 8, 2009). It is troubling to consider that a project intended to boost the entire film industry could contribute to its downfall.

7.7.2 The City: In Opposition

The vote by City Council approving the bailout was divided 31-7. One councillor opposed to the deal, offered insight into what happened behind closed doors. Councillor Denzil Minnan-Wong of Don Valley East offered his impression of the deal although under the constraints of the confidentiality agreement. He said to the media:

‘Your political antennae go up in this place when you get a report worth a lot of money and it’s dropped at your desk in your office around 4 o’clock or thereabouts on a Friday afternoon. So that’s alarm bell Number 1,” said Mr. Minnan-Wong, who tried and failed to have the action delayed for further discussion. “Alarm bell Number 2 there’s lots of money involved. Alarm bell Number 3 is that they write it in such a way that it’s so complex that you can’t really figure out the financial implications. But you do know it’s a complicated deal and there are things hidden within the report that put the city at a financial risk’ (Hanes, 2009).

This critical voice coming from within the city realm is rare. Councillor Minnan-Wong candidly characterizes a questionable decision process that he has faced before. The final 31-7 vote indicates the determination of the majority of Councillors to limit debate and support the Filmport project. His comment also implies the sense of hopelessness that some face in such a political situation.

Councillor Michael Walker of Ward 22 was reported to have taken the confidential report to an outside forensic auditor for review. He was said to have urged council not to rush the deal, but was instead reported to the integrity commissioner for this breach of the confidentiality agreement (Hanes, Apr 7, 2009). He commented: “[w]e are getting into the movie business and we do not know what we are doing […] We should leave that to the professionals” (Lewington, Apr 7, 2009). This hesitation to rush the deal is well justified given Councillor Minnan-Wong’s account of the situation. So why were there not more opponents on Council? Councillor Minnan-Wong’s admitted that “[i]t’s a bailout of sorts because without this arrangement, the future of the Filmport would be in question” (Lewington, Apr 7, 2009). This statement supports the conclusion that the City refuses to let the Filmport project fail. It is representative of their
commitment to the creative class theory, and they regard it as a symbol for the future economic prosperity of the city.

7.7.3 The City: In Favour

Mayor Miller commented “We don’t in the long-run want to run a film studio. That’s not what we’re good at. But we do want this studio to succeed to create jobs in Toronto. We view this as a transition measure, but the transition may be several years” (Hanes, Apr 7, 2009). His remarks appear to reflect the city’s desire to regain a sense of control over the film industry and over the City’s recent investment in the Filmport. Miller stated, “The underlying reason behind this transaction is to ensure its future success, to ensure [Filmport is] sufficiently capitalized to succeed for the future” (Hanes, Apr 7, 2009). Miller’s claim that “We will own a piece of it, but it is not our intention to be a long-term equity owner” reflects the city’s overbearing presence in the film industry as a result of their commitment to the creative class theory (Lewington, Apr 7, 2009).

Evidence of this anticipated recovery exists in the limited time financial incentives to develop the lands, and by the City’s plan to hold a minority share in the Filmport for “several years”. Short term commitments reflect the assumption by city staff that the economy, and demand to develop the employment lands for creative uses, will soon recover. Corcoran said in 2007 that ‘[t]he Filmport project is representative of the city’s operating style, one that focuses on government control, ownership and management, all the while catering to special interests.’ This matches Richard Florida’s creative class policy prescriptions, by way of enforced employment land zoning designations, upholding a planning philosophy catering to special interests of a certain demographic.

7.7.4 Cause for Speculation?

Interviews with those involved in the dispute at 629 Eastern revealed some unexpected sentiments regarding the city’s actions around the Filmport. Kelly Carmichael, co-chair of the ETCC and booster of the Toronto film industry expressed her concern for the deal commenting:

the city wants to support film but I don’t think they are in the film business. I don’t think they know how to do that...There are 11 small size studios on that land. Filmport supports big budget blockbuster type films, but the bread and butter of the film industry are smaller productions, television shows, commercials and everything else in between.
Those low budget productions can’t afford to go to Filmport and now they’ve run out of studio space.

She did, however, perceive “the city buying 20% as a good thing. Questioned whether this support existed, Ms. Carmichael responded that “Our City Councillor [Paula Fletcher] is but I’m not entirely sure about the city. Sometimes I think it’s more about the image of Toronto. Look at our big blockbusters. Look at our beautiful Filmport.” It appears focus at the City has shifted from promoting the entire film industry to concentrating just on the Filmport.

Another voice from the city hall, Pablo Vivanco, (2009) Executive Assistant to Councillor Fletcher, considers the outlook for the Filmport and the film industry:

I don’t think it’s a negative thing to buy a stake in a company. I think that’s preferable to giving it bailouts and hand out the way that other levels of government are doing, just handing out money without insuring there’s some equity for the public there. The city is putting in the stock, but it is retaining value in the stock it is putting in to, so I don’t think that that’s a negative. The only connection there is the fact that it’s the same owner. Again, we completely disagree with the intentions. We would like to see Toronto film studios opened up. There are a lot of people in the film sector that say there is a need for a smaller studio space, and that sort of studio space can’t really be accommodated through Filmport.

Mr. Vivanco positions himself as a proponent of the Filmport deal, refusing to call it a “bailout”. He concurs with Ms. Carmichael in the threat this deal creates for smaller film operations, which she aptly refers to as “the bread and butter of the film industry”. Exactly how this deal will disadvantage the rest of the local film industry has yet to be determined, but there is no question there are major implications.

7.8 Success of the Filmport: At What Cost?

The “need” for a facility such as the Filmport was first highlighted by Economics Research Associates in 1999, who carried out a study on behalf of the Ontario Film Development Corporation. The findings suggested that ‘Toronto’s ability to attract larger film productions was being hindered as a result of a lack of appropriate facilities’ (Staff Report, Apr 3, 2009). In 2003, TEDCO began a project to address this “deficiency” through a Request for Expressions of Interest, seeking investors interested in spearheading a mega-studio project on TEDCO lands (Staff Report, Apr 3, 2009).
For a number of reasons, the city’s involvement in these early stages of the Filmport project did not cause much of a stir in Toronto. Some reasons for this lack of resistance include the secrecy of the business transactions related to the project, aided by the city’s arm’s-length economic development corporation TEDCO, as well as the media’s generally optimistic outlook on the project. These factors allowed the Filmport project to launch without the hindrance of much public apprehension.

Who could have anticipated that six years later the project would have veered off course, causing a media fanfare, and offset the smooth functioning of the entire film industry? Initial media response to the prospect of new investors in the Filmport operation reflected a renewed sense of hope for the industry. Headlines that began on a positive note read “Investors brighten script for Toronto Studio” (Lewington, Apr 4, 2009), but rapidly shifted gears once the deal was in place exclaiming, “‘Alarm bells’ sound over Filmport deal; Council approves loan for purchase of stake in studio” (Hanes, Apr 7, 2009), “City’s plan to save studio turns toxic” (Kuitenbrouwer, Apr 8, 2009) and “Film firms cry foul on subsidy to U.K. rival; British giant Pinewood to run Filmport, as local studios criticize taxpayer funding” (Wong, June 26, 2009). The gradual turn of media discourse from cautiously optimistic to negative, exposing some of the financial shortcomings of the Filmport project, also reflects an important aspect of this case. The public can only respond to information that is available to them.

The City has been able to circumvent bad press and naysayers for the Filmport project by shrouding controversial deals in secrecy and by continuing to convey a sense of hope and optimism for the project despite economic realities. By carrying out business deals via the arm’s-length TEDCO, they are much less accountable to the public for their business transactions.

7.9 What is Good for the Creative Class is Good for Toronto?

Certainly, the City of Toronto intends to build the creative economy Florida claims will ensure a prosperous future, and replace a diminishing manufacturing sector. The 2009 Agenda for Prosperity is proof of this commitment. But is this what Florida had in mind when he touted the benefits of creating a “business climate” to allow the creative class to flourish? It looks as if the city has mutated Florida’s theory to suit their own agenda, as huge sums of taxpayer money are used to finance a failing “creative” business venture, while other functioning businesses are disadvantaged as the city subsidizes a primary competitor.
The city has placed the familiar, “Too Big to Fail” (think General Motors) label on the Filmport project. It is heavily invested in its success, and has left smaller established film operations to their own devises, while using Filmport to represent the future prosperity and the successful transition to the “new economy” of creative and knowledge based employment where people are “paid to think”.

7.10 The Reality of the Deal

There is no question that the City of Toronto has bailed out the Filmport. When faced with serious financial deficits, showing no signs of recovery, they stepped in to invest in the new ownership consortium. Although they have not directly “given” the business money so that it can continue to function, they have paid to keep it in operation. This means that they have now positioned themselves as entrepreneurs who represent the interests of a private enterprise, which happens to be in competition with the rest of the city’s film studios. The unwavering confidence that is conjured up when proponents discuss the status Toronto’s film industry tends to mislead the public. The unrelenting optimism suggests the film industry is on the cusp of a long awaited resurgence from its 2000 high, when it reached revenues of $1.2 billion. In truth, there has been a steady decline in revenue to half that amount, $610 million, in 2008 (Wong, Apr 4, 2009). By refusing to let the Filmport project fail, the City has used its financial and political power to support one creative business over other creative competitors. In doing so, the City has afforded Filmport a business advantage that may result in eliminating their competition.

7.11 Dancing out the Back Door of Filmport

Why did Sam Reisman choose to let go of his share in the Filmport? We know now that the studio has not been successful from the outset. Was the OMB ruling blocking the redevelopment of his property at 629 Eastern the cause? This property, former home to Toronto Film Studios, now vacant since the operation relocated to the Filmport has no doubt put a financial strain on Mr. Reisman and his redevelopment attempts. Previous development applications, community consultations and the recent OMB hearing have not been costly, but they have failed. The increased number of constraints the city has put on the employment lands designation for the South of Eastern Employment District have significantly limited prospects for a speedy resolution. The deficiencies in the Filmport operation and the current lull in the Toronto film industry at large, further support his decision to sell.
One newspaper quote did capture the irony of the competing development interests between the City and Mr. Resiman, reporting how during the grand opening of phase one of the Filmport:

It was an interesting spectacle: [Sam Reisman ] shaking hands with Mr. Miller here while down on Bay Street in an Ontario Municipal Board courtroom, Rose Corp. and the City of Toronto right now are slugging it out over Rose Corp.’s plan to turn 629 Eastern into a big box retail complex, likely including a huge Wal-Mart (Roberts, Aug 20, 2006).

In fact, Reisman admitted “‘I was dancing today with [local councillor] Paula Fletcher’” (Roberts, Aug 20, 2006). This image of Councillor Fletcher dancing with the very person she so adamantly fought against at the OMB, is indicative of the City’s relationship with private developers and the fact there is common ground where both parties stand to benefit from efforts to bolster the film industry. Clearly much has changed since then. With Reisman’s exit, both parties have been relieved of conflicting business interests. Reisman’s efforts can now be focused on the successful development of the 629 Eastern property, without conflicting interests.

7.12 SmartCentres Appeals the OMB Decision to the Ontario Divisional Court

7.12.1 The Legalities

In April, 2009, SmartCentres and Rose Corporation asked the Ontario Divisional Court for the right to appeal decisions made by the OMB. While each party has fifteen days after a decision to launch an appeal, SmartCentres’ and Rose Corporation’s announcement came thirty-five days after the ruling (Nickle, Apr.15, 2009). They sought to appeal two decisions: the March 3, 2009 refusal of an application to amend the Official Plan and zoning by-law to allow mixed use commercial and retail development; and the decision dated April 21, 2009, refusing a request to review that March 3, 2009 decision in accordance with s. 43 of the Ontario Municipal Board Act, R.S.O. 1990, c. O28 (OMBA). This section of the OMBA refers to the Board’s right to ‘rehear any applications before deciding it or may review, rescind, change, alter or vary any decision, approval or order made by it. R.S.O. 1990, c. O.28, s. 43’ (Divisional Court Ruling, Oct 28, 2009).

The Divisional Court is the final forum where an OMB case can be considered on a question of law, according to s. 96 of the Ontario Municipal Board Act. The appellants,
SmartCentres and Rose Corporation, argued that the Board erred in applying Policy 9.18 of the 1994 Official Plan ‘because there were no longer any surrounding ‘industrial’ lands; by substituting the word “industrial” with the words “employment area”; in equating policy 9.18 under the 1994 Official Plan with policy 4.6.3 under the 2002 Official Plan; and in augmenting Policy 4.6.3 with the concept of “retail contagion”’ (Divisional Court Ruling, Oct 28, 2009). They also argued that the Board failed to properly exercise its jurisdiction under s.43 of the Ontario Municipal Board Act described above (Divisional Court Ruling, Oct 28, 2009). Based on these two complaints the SmartCentres and Rose Corporation case was heard at Divisional Court even though they submitted their request late, according to OMB regulations.

Newspapers reported SmartCentres and Rose Corp were seeking costs against the City. This was an unusual tactic in that the City had won the hearing. City lawyer, Brendan O’Callaghan commented ‘[t]hey’re seeking $1.4 million in costs, and we won’ (Nickle, Apr 15 2009). Kelly Carmichael of the ETCC commented ‘[w]e feel like they’ll have an uphill battle proving this’ (Nickle, Apr 15 2009). SmartCentres’ Sandra Kaiser, vice-president of corporate affairs, commented on the appeal, claiming that ‘[u]pon legal review by outside Counsel, of the Ontario Municipal Board decision, SmartCentres believes that the Board erred in the law and exceeded its jurisdiction in arriving at its decision’ (Nickle, Apr 15 2009).

It was not entirely unexpected that the OMB decision was appealed. Opponents of the development from the ETCC and City both questioned whether the case was over, knowing that the decision could be heard at Divisional Court on a question of law. It was also recognized that both appellants had the financial resources to fight the case to the very end. What is significant about their decision to appeal is the time at which it was announced. SmartCentre’s and Rose Corporation originally made a statement upon receiving the ruling from the OMB which seemed to indicate that they had accepted defeat where they claimed that ‘[w]hile disappointed, we respect the process and the decision of the [OMB]’ (Vincent, Mar 5 2009). However ten days after making this statement, the request to appeal the OMB’s decision was submitted. Interestingly, this was only nine days after the city’s proposal to purchase a minority stake in the Filmport was approved by Council.

The sum of these events and their particular timing could mean that SmartCentres and Rose Corporation, as well as the City, determined their actions following the OMB ruling based
on the deadline to appeal the decision to the Divisional Court. Presumably SmartCentres had accepted the Board’s ruling, until they were given notice that their business partner Sam Reisman was leaving the Filmport consortium and the City was taking a minority share in the venture. Reisman, whose initial investment in the Filmport was $32 million, no longer had conflicting interests between the Filmport and 629 Eastern (Roberts, 2008). Perhaps Reisman gave SmartCentres the go-ahead to proceed with the Divisional Court appeal once his investment in the Filmport had been recovered. For the city, this was a strategic move because with the new ownership consortium proposed for the Filmport, Reisman’s eighty per cent share in the venture would be redistributed. This would allow him to refocus his efforts to the redevelopment at 629 Eastern, and would thus put the ruling of the OMB in jeopardy, leaving it open to possible reinterpretation at Divisional Court. By purchasing a share of the Filmport after the appeal period had expired, the city was attempting to negate the possibility the OMB decision might be appealed. Unfortunately for the city, SmartCentres appeal was accepted after the fifteen day deadline. Had the Filmport deal taken place before the OMB appeal deadline, one might speculate that SmartCentres and Rose Corporation would have submitted their appeal on time. The result was that without the presence of conflicting business interests in both Filmport and the 629 Eastern lands, TFS and SmartCentres were free to take the 629 case further.

7.12.2 Interview Responses

Some interview participants acknowledged this turn of events, given their high level of involvement in the 629 Eastern case. Pablo Vivanco (2009), Executive Assistant to Councillor Fletcher claimed ‘[i]t’s an unfortunate coincidence that there is a relationship, by virtue of the fact that the owner of Filmport is also part owner of this [629 Eastern] property.’ This is interesting that the ownership connection is made, but there is no significance given to this duality. Kelly Carmichael (2009) of the ETCC commented that:

That’s a lot of speculation, but I think everybody came up with the same conclusion. They wanted the city’s money, but they weren’t going to piss off the city before they got it. But who knows? It’s all a little weird to me. That they can be business partners with the city there and fighting with the city down here. It’s all strange. They also operate that way. We all knew they were going to appeal.

It is encouraging that she mentioned the connection between the appeal and the Filmport deal, despite the fact that her understanding of these connections was not fully developed.
Interestingly, Ms Carmichael proposes that Reisman was withdrawing from the appeal in order to recover his money from the city in the Filmport deal. This too is a plausible suggestion and fits well into the narrative offered above. Ms. Carmichael (2009) commented on the status of the ETCC with regard to the Divisional Court proceedings, claiming that ‘[t]he city is fighting the appeal and we are sort of sitting back waiting to hear about what the city is going to do. If we feel they have fallen short, we will get involved. We still have an outstanding bill with our lawyer, so we’re just playing it safe right now.’ Although she does not admit this fact, the ETCC’s role ended with the OMB hearing. Because the Divisional Court appeal must consider the issue on a question of law, there is no place for a community group’s involvement in the proceedings.

7.12.3 In the Media

The media presented very little discussion regarding the connection between this sequence of events and stakeholders involved. Of the little coverage that existed, all reports merely stated the facts without elaboration or speculation. One article pointed out two seemingly coincidental events. The first one regarded the Divisional Court appeal, noting that ‘[t]he request [came] just days after Toronto Council voted to buy a 20 per cent share in Filmport, the massive studio that Toronto Film Studios constructed on city-owned land.’ The second pointed out how ‘Toronto Film Studios entered into a partnership with SmartCentres to redevelop the Eastern Avenue lands as they [were] vacated for activity at the Filmport’ (Nickle, Apr 15 2009). Though not explicit, a connection between the two properties is made. What is not made clear however, is how the various stakeholders are connected to both properties.

One source made comment about the city’s twenty percent share purchase in Filmport and “a separate action” where SmartCentres wants to recover $1.4 million from the city in costs for the twenty-four week hearing (Lewington, Apr 15, 2009). No connection between the stakeholders and proceedings was drawn, indicating a limited knowledge base, and understanding of the bigger picture, and a poorly informed public.

7.12.4 “The last nail in the coffin”

SmartCentres and TFS made their case at the Ontario Divisional Court for a final appeal of the OMB ruling, on the legal grounds that the Board erred in applying Policy 9.18, and failed to
properly exercise their right to review the proceeding of a hearing. The four page decision was released on October 28, 2009. Much to the relief of the City and ETCC, Justice Karakatsanis stated that, ‘I am not persuaded that there is some reason to doubt the legal correctness of the Board’s original decision on a question of law’ (Divisional Court, Oct 28, 2009, 3). In this decision, the policy changes between the 1994 and 2002 Official Plans were mapped and it was concluded that ‘the OMB was reasonable in considering the impact of the proposal on the surrounding lands formerly designated ‘industrial’ and now designated ‘employment area’” (Divisional Court, Oct 28 2009). On the subject of many of the issues brought up by the appellant, Justice Karakatsanis deferred to the specialized function of the OMB, respecting their expertise and original consideration of these appeals.

This final ruling exposed some important facts about the employment area zoning designation. In the Analysis portion of the decision, Justice Karakatsanis found no reason to doubt the OMBs assessment of the SmartCentres proposal, given the former ‘industrial’ designation, followed by ‘employment area’, what she terms a “successor designation”. In her estimation, the ‘employment lands’ designation served the same use its predecessor did for the purpose of considering the impact of SmartCentres’ proposal on the surrounding land. The decision stated that ‘[c]learly the 2002 Official Plan permitted wider uses for the ‘employment area’ lands previously designated ‘industrial’. Furthermore, large retail uses could be approved through a by-law amendment and did not require an Official Plan amendment’ (Divisional Court, Oct 28 2009, 3). This is a significant finding to be expressed in a legal proceeding regarding ‘employment area’ zoning. Ultimately, the decision came down to the fact that the OMB never equated policy 9.18 and policy 4.6.3 with one another, nor did they claim that ‘industrial’ and ‘employment area’ were identical. What they did maintain was that the intent to protect each of the designations was carried through the zoning change. The Divisional Court recognized this consistency between the two policies and decided that ‘the OMB was entitled to apply its policy expertise to determine that the policies shared similar purposes and were connected’ (Divisional Court, Oct 28 2009, 3).

Another point raised in the decision has the potential to influence the future development of the 629 Eastern employment lands, and all other such lands in the city. Justice Karakatsanis states that ‘the OMB’s concluding comments with respect to whether a future similar application would comply with Policy 4.6.3 under the 2002 Official Plan were obiter and not binding.’
(Divisional Court, Oct 28 2009, 3) What this means for the future of the employment lands is that a new application made by SmartCentres and TFS or another developer could be considered for these lands, so long as it fits within the guidelines of the 2002 Official Plan’s Policy 4.6.3.

The Divisional Court also established that the finding of ‘retail contagion’, based upon expert and other evidence, did not raise a question of law in the application of Policy 4.6.3. Justice Karakatsanis again deferred to ‘the expertise of this highly specialized tribunal’ (Divisional Court, Oct 28 2009, 3). In terms of the appeal regarding s.43 of the OMBA, which gives the OMB the right to review or rehear any aspect of the case before coming to a decision, Justice Karakatsanis responded that ‘[t]he Board’s right to review decisions under s.43 of the OMBA is broad and discretionary. I am not persuaded that there is reason to doubt that the Board exercised its discretion reasonably’ (Divisional Court, Oct 28 2009, 4). Upon delivering this decision, the city was awarded $10,000 in costs, denying TFS and SmartCentres leave to appeal (Divisional Court, Oct 28 2009). Justice Karakatsanis repeatedly deferred to the expertise of the OMB as a specialized tribunal throughout this final ruling.

7.12.5 The Final Word?

The Divisional Court ruling did not receive mention in a major newspaper, in high contrast to full media coverage of the original ruling. This could be related to the absence of ETCC press releases, because they had ceased to operate after the first decision. Perhaps it was because this ruling changed very little. Councillor Fletcher reflected on the whole experience, in one of her less tactful moments, claiming:

‘This is how I spent a lot of my time in this term of office, working with the community and trying to ensure that all of Eastern Avenue doesn’t end up as a big box employment or big box retail. And the first milestone was when the OMB agreed with the city that it doesn’t, and now this is further vindication of that at divisional court’ (Nickle, Oct 28 2009).

City lawyer Brendan O’Callahan summarized ‘I think it’s the last nail in the coffin – I don’t think they can appeal, I think this is it’ (Nickle, Oct 28, 2009).

7.13 The Film Community: Open 629

The Toronto film community came together in response because they were concerned about the impact of the underutilized, overpriced Filmport facility and its impact on the industry. They
launched a campaign on June 1, 2009, in the midst of the Filmport bailout and the appeal of the OMB decision to Divisional Court. The group appropriately took the name Open629, referring to their desire to reopen the vacant, but still functional space at TFS’s 629 Eastern location (Open 629, 2009) (see Figure 13). Some of their key arguments are that TFS has sixteen sound stages, whereas the newly built Filmport has only seven. They view the OMB ruling denying the SmartCentres proposal as validation of the importance of the film industry to the local economy. Instead of replacing the TFS at 629 Eastern with the Filmport in the port lands, Open 629 advocates for a diverse range of studio space, where large and small scale operations can work in tandem and complement one another (Open629, 2009). This campaign does not stray far from the city’s long-term vision for the employment lands, but does conflict with the City’s newfound role with the Filmport, finalized after their campaign commenced.

The sign campaign and online petition of Open 629 received little media attention, unlike media response to the ETCC. This mainly local effort ‘to help fill a shortage of mid-sized studio space in the city’ was targeted at ‘films with budgets between $5-million and $25-million [which] have one less studio available to them, since the new Filmport was designed for productions with larger budgets’ (Senger, June 1 2009), Efforts have been made to attempt to compensate for the loss of the TFS space at 629 Eastern. Donna Zuchlinski of the Ontario Media Development Corporation noted that the province has implemented a ‘stop-gap measure’ by compiling a list of industrial spaces in Toronto that could potentially be used as film sets (Senger, June 1 2009).

Figure 13: Open629 sign

American film productions typically operate on larger budgets than their Canadian counterparts. The intent of the Filmport was to draw some of that
capital away from international competitors, and towards Canada. Knowing that the Filmport sits vacant, this ultimately limits the number of jobs available in the film industry at any given time. Organizer and spokeswoman for Open629, Carolyn Loucks commented that ‘[w]e are hoping that by putting some pressure on the City of Toronto, province of Ontario and the owners of 629, that they will...revisit the financial plan for 629 and open it up, because it is a film studio that is ready to go’ (Anonymous, June 1, 2009). Nothing has come of these efforts to date. Kirk Lloyd, Rose Corporation’s vice-president of finance, commented in June of 2009, that ‘there are plans for the site, but the company is not releasing them’ (Senger, June 1, 2009). Six months later, still no plans have been released.

One interview participant, local business owner and member of the Riverside BIA, said she was personally anti-big-box; however she did not want to alienate customers, so she kept her opinions quiet during the height of the case. Ironically she had an Open629 sign in her window. This is an interesting observation based on the fact that the ―No Big-Box in Leslieville‖ signs were considered “political” by some participants, while the Open 629 campaign was accepted; what is good for the film industry is good for the neighbourhood.

8 What will Come of the Employment Lands and the Film Industry?

What comes next for the lands at 629 Eastern and the South of Eastern Employment District has yet to be determined. The development of these lands will also have a substantial impact on the future of the Filmport, the Toronto film industry, South Riverdale neighbourhood as well as the waterfront and port lands areas. By recognizing the interconnectedness of these sites, we are better able to consider how various stakeholders are able to alter the trajectory of these developments. What follows are some possible outcomes which are predicted considering the key figures involved, the series events which have led up to this point and the evidence gathered during this research.

8.1 Toronto Film Studios and SmartCentres Consider their Options

It is apparent that SmartCentres and Rose Corp. considered their options upon receiving the decision of the OMB, which rejected their proposal to rezone. First, they asked that the case be
reviewed once more by the OMB before arriving at their decision; a request which is rarely
granted. Their second and final recourse meant appealing the decision of the OMB to the Ontario
Divisional Court, who have jurisdiction to review the proceedings of the case based solely on a
question of law. Given the thoughtfulness of these previous actions, it is anticipated they have
alternative plans for the property which they are waiting to reveal.

Since purchasing a fifty per cent stake, SmartCentres joined partners with TFS just in
time for the first OMB pre-hearing. This move signaled their initial financial commitment to the
property. Since then, they have gone to great lengths in an attempt to reap a return on this
investment. Given their track record, they have presumably reviewed their options for 629
Eastern. Some factors that might weigh into their future plans for the site could include the
extensive financial resources they have available to manage the bureaucratic obstacles to
developing the land. Based on their typical large scale retail development model seen across
Canada, the increasing number of restrictions put on this development site may have forestalled
their interest in this property. But there is also the possibility that over time the city’s outlook on
employment lands might become less stringent as economic pressures increase.

Toronto Film Studios Inc., the original owner of 629 Eastern and current partners to
SmartCentres, may also be rethinking the use of this property. More specifically, they might be
reconsidering their closure of the 629 film studio in December 2008. Now that owner, Reisman
has recovered his investment in the Filmport venture, he no longer has conflicting interests
between the Filmport and the studios at 629. This opens up the possibility for him to position TFS
as the primary competition to the Filmport. Based on Reisman’s knowledge and years of
experience in the film business, this appears to be a valid option. The other benefit of this
proposal is that it could address the existing need for mid-size studio space which is being
brought to the forefront by the Open629 campaign. As the demand for this type of facility
escalates, the option to reopen an existing complex that has already proven successful becomes
more and more appealing. With a modest investment Reisman could bring this studio back into
working order much faster than building something from scratch. Surely, his failed attempted to
establish the Filmport has given him some insight into how to improve film infrastructure to
meet the actual needs of the Toronto industry. With the growing demand for mid-sized
production space there is also a chance that incentives will be offered to rehabilitate and expand
the existing facility, which could offer a faster and more cost effective means of meeting the existing need for space.

It may seem as though the outcome for these lands, no matter who the owner may be, will be based on the municipal and provincial agreement that will dictate that they should be used for creative and knowledge based employment. One interview participant, Paul Young, a planner at the South Riverdale Community Health Centre, recognized the inherent problem with all of these governmental restrictions on the lands’ use claiming that:

It’s such a hard thing because you have policies that are trying to encourage some uses and discourage others but ultimately it will be the private sector that will decide, whether there is a market for film or not. I got a petition the other day saying, “save the studio, we need cheap sound space,” that’s what it was. The new studio that was built is very expensive, and they’re looking for one less expensive.

Despite all of the controls limiting the possible uses for this land, development requires the interest and resources of private interests. If the demand to develop these employment lands to creative ends remains low, perhaps the SmartCentres proposal will become more appealing. Of course this rests contrary to the creative class rhetoric Richard Florida has introduced into municipal and provincial growth policies. A couple of years could change the city’s vision significantly. As interview participant Paul Young noted, the glitch in the city’s vision is that it is dependent on interest from the private sector who, in the end, will determine whether or not this vision will become a reality.

Of course the option to sell their share in the property always exists for both TFS and SmartCentres, who are currently paying property taxes on a vacant site. Whether or not they can agree on a development plan and see it through to completion together is also questionable. The incentive to hold on to this property is high. This large plot of developable land in close proximity to major arterials, transit, the waterfront, the port lands and the downtown core is quite scarce in Toronto. The landowners surely recognize this fact and are contemplating the long term potential for this valuable property.

8.1.1 The City of Toronto

The City of Toronto has made clear their vision for the South of Eastern Employment District. Their Secondary Plan, approved by City Council Jan 15, 2008 elaborates on this vision. Despite
this fact, it is still used as a model by the city to represent their “hoped for” vision of the site].
Given their track record, it is expected that they will continue to implement policy instruments to
ensure that this swath of land is developed in accordance with its creative and knowledge based
vision. At the conclusion of the OMB hearing and upon news of the decision, City lawyer,
Brendan O’Callaghan, commented that, “(SmartCentres) could come back with a new
application for office, or manufacturing, or warehousing, film uses, industry or new media”
(Scheuer, Mar 19 2009). Justice Karakatsanis, who made the divisional court ruling, pointed out
that ‘the OMB’s concluding comments with respect to whether a future similar application
would comply with Policy 4.6.3 under the 2002 Official Plan were obiter and not binding’
(Divisional Court, Oct 28 2009, 3). This means that regardless of the city’s restrictions, there is
room within the bounds of provincial policy and the law for a similar further proposal to the one
previously heard.

8.1.2 Councillor Fletcher

The other key voice from the City that will continue to have a presence in determining the future
development of this property and the surrounding area is Ward 30 Councillor Paula Fletcher.
After demonstrating her political prowess throughout the OMB process on the SmartCentres
proposal, Councillor Fletcher has continued to be an important figure in this case. Many of her
objectives for this, as well as other employment districts, are laid out in the article she penned for
the National Post following the ruling at the OMB. The Councillor comments that ‘the matter of
land-use jurisdiction remains a most significant barrier on the city’s ability to effectively act on
plans to make and secure jobs for the future’ making general reference to the ‘employment area’
land use designation. In her estimation, this zoning marks the key to ensuring that the Secondary
Plan vision, with a thriving film sector as the centrepiece, is realized.

In a community news letter for Ward 30 published after the OMB’s ruling, Councillor
Fletcher commented that ‘[t]he next step for the community will be to work with the City to a
use for the property that provides good jobs and improves out connectivity with the waterfront.’
(Fletcher, Spring, Summer 2009) The appeal to uphold this zoning is broad. Good jobs and
accessibility to the coveted waterfront area means higher property values for both home owners
and businesses. Councillor Fletcher also describes in the article how the Agenda for Prosperity
(January 2008) ‘provides a blueprint for a modern, healthy and equitable urban economy’
(Fletcher, Mar 9, 2009). This has overall appeal, particularly to those suffering most from the economic downturn.

A difficulty with both of these claims is their apparent underpinnings in the creative class thesis. On the opening page of the *Agenda for Prosperity* (2008) report, Mayor David Miller is quoted as saying ‘[w]e must put creativity at the heart of Toronto’s economic development strategy.’ From this starting point, the importance of the creative class theory is further embedded into Toronto’s economic development strategy. The Councillor’s article shows she has become an important spokesperson and promoter for the benefits of the film and creative industries. Her political position on future prosperity veils the certainty of displacement and inequalities during the transition.

A more explicit link connecting Councillor Fletcher to Florida’s theories surfaces in the recent discussion of providing a “creative stimulus”. The city’s continued commitment to this growth strategy is represented by her statement that ‘there exists a lack of recognition among higher orders of government that land use needs to be a part of a stimulus strategy that will achieve its desired end’ (Fletcher, Mar 9, 2009). One reason the Councillor may have identified this so-called “problem” is that Richard Florida has not yet penetrated higher levels of government in the same way that he has had a presence at the municipal level. This could be related to the fact that his work targets lower levels of government by identifying them as a part of his “mega-region” construct. While the Councillor’s statement is somewhat vague, it is placed in context by another news report released around the same time, describing how Florida urged Toronto’s City Council to provide a “creativity stimulus”. Florida asks ‘Why not consider us the first city that does a creativity stimulus? Crazy idea? Kooky, you may say? But, you know if we’re going to grow those industries of the future, we’ve got to put people to work – and that’s where the growth is’ (Spears, May 13 2009). His persuasive presentation of this idea has definitely influenced Councillor Fletcher and other supporters to promote a “creativity” or land use stimulus, with little consideration of possible negative consequences.

Since the ruling at the OMB, Councillor Fletcher has continued to pursue the ‘employment area’ zoning designation, which is the key city instrument of Florida’s growth strategy. On May 5, 2009 she submitted a letter to Councillor Norm Kelly, Chair of the Planning and Growth Management Committee, requesting that a number of Official Plan policies related
to the employment lands be reviewed. On May 6, 2009 all four of these reviews were accepted by the committee. They requested a review of policy 4.6.1 as it pertains to restaurants and small scale stores that serve employment area businesses and workers, a review of policy 4.6.2 with regard to its permission for places of worship, recreation and community colleges to locate in designated ‘employment areas’, a review of policy 4.6.3 which considers large scale retail uses at certain locations, and finally that the Liberty Village and South of Eastern Employment District be reported on separately (Decision Document, May 6 2009). It is apparent that Councillor Fletcher has become the driving force behind the ‘employment area’ zoning designation, thus making her a key figure in spearheading Florida’s growth strategy for the City of Toronto. The Councillor has made ‘employment lands’ a broader platform, since the OBM hearings, and has taken the issue beyond its local context in the South Riverdale neighbourhood.

It came as a shock then, when Councillor Fletcher introduced the idea to build a light rail street car yard on the employment lands, shortly after the OMB ruled against the SmartCentres proposal. Her Executive Assistant Pablo Vivanco (2009) commented on this application in an interview, confirming that the Toronto Transit Commission was considering locations for a new barn to store light rail vehicles which are replacing streetcars. He stated,

> In that scenario the TTC would buy that property and develop it into a state of the art streetcar barn, in order to facilitate the transit investments that are going to be happening in the downtown core. That’s one possibility that’s on the near horizon because there are only five possibilities there.

The City seriously considered this proposal, as reflected in a letter Councillor Fletcher released to her constituents. The consideration of non-creative, or knowledge based use for this land is uncharacteristic of opponents to the SmartCentres proposal. Kelly Carmichael (2009) of the ETCC, spoke to this issue commenting that ‘for the city to step in to put in a maintenance facility, that is one step up from a garbage dump on the hierarchy of planning.’ Another interview participant supported this perspective with a similar observation:

> You know I didn’t hear a peep from the people, who didn’t like SmartCentres, and I live by the subway and the radius on the rails on the turns with the street cars, in the summer, you will get the most horrendous noise coming from them, as bad as chalk scratching. Is it creating new high pay jobs? (Participant A, 2009).

While the purpose of creating a secondary plan for the property was to establish the City’s vision for the Employment District, it is clear there is not a firm commitment to their position. Kelly
Carmichael (2009) reflects this intent, claiming that ‘because those are employment lands, we wanted more of a study to be done and for the city to have an employment plan, rather than to allow whatever comes up.’ So the question is, why did Councillor Fletcher take this proposal seriously? There is very little information to suggest her reasons; however it should be viewed as a cautionary tale, clarifying the Councillor’s allegiance to the City’s vision, rather than to a creative class vision.

8.2 ‘Best Use’ for 629 Eastern: More Community Consultations

It may come as a surprise to the City and general public after the irregular media coverage of the 629 hearing, that those who live and/or work within the community have their own ideas about how the lands at 629 Eastern should be developed. Many of these ideas do not fit within the vision outlined in the city’s Secondary Plan. Kelly Carmichael commented upon receiving news of the OMBs ruling that: ‘[i]t means a new day for the community to decide what to do on those lands, and that’s what everybody has been saying since the beginning’ (Nickle, Mar 4 2009). While the level of input the entire community will have in the development of these lands is questionable, many have an interest in the future of this site.

Based on types of discourse covering the case, it was expected that several participants would sanction the city’s vision for maintaining the film industry, as well as building connections to the port lands and waterfront. One participant said she supported the film industry because the alternative commercial land use would clog roads and deter people from shopping on the existing main corridor, Queen Street East. An avid supporter of the ETCC admitted that she did not want the SmartCentres, but was not sure what would be a better use for the space.

Some alternative ideas came from other ETCC supporters who reflected on the needs of the community, rather than on economic benefits of maintaining a film use. One participant saw a need for more commercial space, with the option of small scale industrial units for business owners who require more space than a typical storefront offers. Another participant suggested a farmers market, and investment in alternative technologies such as solar panels and wind turbines, or alternative work and education, perhaps a school for youth with drug problems. A community centre was also mentioned as a possible addition to any development. Each of these options is not large scale retail, but neither are they within the parameters of the City’s
Secondary Plan. These suggestions do offer insight into land use that could be used to make a positive impact on the quality of life in the community.

The support for such amenities was further reflected in more general comments made about the need for local employment and affordable housing. Despite this theme in interview responses, one participant commented that ‘[w]hile we do continue to look for opportunities to ensure there is affordable housing and other critical needs be met in the neighbourhood, we didn’t see opportunity to do so in this discussion’ (Diane Dyson, Manager of local community centre and local resident, 2009). Here she provides further evidence that dominant opinion suppressed supporters of mixed use development for the site, effectively silencing them. Proponents of this “best use” scenario suggested that mixed use include residential, retail, restaurants, a community centre, green spaces and offices. As Paul Young, Planner at the South Riverdale Community Health Centre put it ‘[i]t’s a healthy way to plan things.’ While some supported mixed use, there was also a comment made concerning the limitations on these lands based on existing soil contamination, with the suggestion that lots be severed prior to development, separating contaminated from non-contaminated sites.

What was clear from these responses about the future development of the lands at 629 Eastern, and the South of Eastern Employment District at large, is that there is no consensus about how the lands should be developed. This is an important finding based on the media discourse surrounding the case, which for the most part, represented “the community” as a united front. These responses suggest the need for further community consultation where ideas and input are gathered and deliberated instead of seeking approval for a proposal the community had no part in creating. There is no question that the development of these lands will have a massive impact on the South Riverdale community and the City of Toronto. The question is rather, who will benefit from this development and who will be disadvantaged.

There is also a chance, as previously discussed, that the demand for creative and knowledge based industries on this land has been overstated. What if the Canadian dollar stays close to par with the American dollar? What if the film industry does not recover and the studios remain empty? What might happen if the city is in a financial bind but is still eager to develop these lands? They have one obvious option.
8.2.1 The Condo Alternative

There is always the option to build condominiums along the waterfront, an extension of the existing landscape in the west of the city. In a June 11, 2007 Staff Report by the City of Toronto regarding the OMB pre-hearing ongoing at the time, City staff reported that:

Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long-term and it there is a demonstrated need for conversion (5).

This provides the opportunity to use condo development as an alternative for the city to recoup the money lost at the OMB hearing, originally intended to “protect” the 629 Eastern lands. Although an increasing number of limitations are being put on the potential development options for these lands, the possibility exists that an economic crisis could put the city in a desperate position in which they could justify this type of sell off. Income from sales, short term construction work and property taxes would make a compelling argument to the public. The issue would then be to convince the OMB to agree that this is a necessary measure and that it represents “good planning”. Given their history as a developer friendly, quasi-juridical governing body, this might not be an insurmountable hurdle. In fact, there is a good chance that they too might support this initiative, particularly if it helps address financial problems for the province.

In terms of the policies that might stand in the way of this type of development, the 2006 Growth Plan for the Golden Horseshoe, an extension of the 2005 Provincial Policy, considers residential uses as being non-employment under the definition of ‘employment area’ (Growth Plan, June 2006). Clearly the land would require rezoning. Given an unstable economy; time might ease the hard line creative development stance currently being enforced. The question is whether the City and province value the creative class economic development strategy enough to turn down an opportunity for instant gratification by real estate developers lined up for the chance to develop this prime property. Following Richard Florida’s creative class theory, both levels of government would make every effort to see a return on their investment while supporting growth, but if the point comes that the budget is tight and pressure is on, they may take the fast cash option from developers. Pressure to develop this area for the 2015 Pan Am Games scheduled to be held in Toronto could reveal early signs of creative defeat. The physical reality of premium space on the waterfront cannot be ignored. Currently, the west end has a
shadow cast over it by the condominium towers that begin in Mississauga and continue eastward to the city’s core. The condo option is already indelibly written into the built landscape of the city.

8.2.2 Ongoing Tensions

Although the tensions around 629 Eastern have cooled for the time being, ongoing pressures and conflicting visions for these lands will continue until they are fully developed. This is only the beginning of a broader social dynamic within the highly diverse community of South Riverdale. The development of these lands will inevitably benefit some while excluding others. Gentrification and income and skills differences will continue to alienate some members of the community and worse, force them out of this increasingly desirable neighbourhood. Based on what has transpired to date, there is also a good chance that the media and the City will play a decisive role in steering the community voice on this issue. The reality that the private sector will fund development of these lands is something both the city and province will have to grapple with as their ostensibly oppositional interests align, and they try to work within a creative class plan for transitioning the lands.

9 Conclusions

This study set out to further the discussion of contemporary urban planning by defining relationships between three development principles namely, gentrification, creative class theory and neoliberal urbanism. Three interrelated questions that addressed the visions and practice of planning supported by the City, helped identify the roles of key actors in the planning process. These questions further identified the convergences and divergences of this case study from prevailing understandings of neoliberal urbanism. These considerations sought to address the central research question that asks:

*What do the tensions between policy visions and planning practice, exhibited in this case, contribute to our understanding of neoliberal urbanism?*

Three different discourses were triangulated to examine the 629 Eastern case from policy, media and interview perspectives. This approach has furnished an opportunity to examine the discrepancies between policy visions and planning realities as they relate to, or depart from, expected urban neoliberal trends.
9.1 Key Findings

During the course of this research, a number of planning realities for the City of Toronto were exposed after applying the above mentioned research methods to the 629 Eastern case. Most importantly, it became apparent that the City of Toronto did not want a “Big Box” centre to be built at 629 Eastern Avenue and went to great lengths to prevent this development. The City took an active role in establishing the East Toronto Community Coalition (ETCC), and supporting their campaign, to pose an opposition to the SmartCentres’ proposal from a “grassroots” level. The City also made a number of attempts to delay the OMB proceedings in order to create a Secondary Plan which was clearly crafted to stop “power centre” development. The City added three other policy amendments that further impeded the SmartCentres’ proposal. When they thought that these actions might not be enough to prevent the SmartCentres’ development, they requested that the provincial government declare an interest in the case in an attempt to override the OMB’s ruling. These actions indicate that while the City professes to be open to business and free market principles in its media promotion and policy discourse, in practice it acts to the contrary.

9.2 Contradictions between Stakeholders and their Represented Interests

This research illuminated multiple contradictions between the stakeholders involved and their represented interests. Notably, the City contradicted their neoliberal policy image with their participation in the Filmport deal as a market actor in an ownership position. An information leak regarding the City’s agreement with Toronto Film Studios (TFS) revealed that they had been given a ‘no compete’ clause in their contract to build the new port lands mega-studio. Rather than create a business climate to welcome film business to Toronto, the city partnered with one studio and made an agreement that eliminated the possibility of competition on City owned land. Though they professed to be working to build a thriving film industry for the entire city, they had essentially given TFS, the majority stakeholder, a monopoly on the film business, specifically in the port lands and waterfront area where City landholdings are high. This discrepancy between the City’s neoliberal policies and their actual involvement as market actors in the film industry meant that rather than acting as market facilitators, they in fact acted as market inhibitors. These
anti-neoliberal actions point to the contradiction between the City’s planning visions of neoliberal urbanism and their oppositional planning practices.

The Filmport deal gave way to an ironic situation where TFS, whose primary business is expected to provide “good creative” film jobs, partnered with SmartCentres who are alternatively expected to provide low-wage service sector, retail jobs. These unlikely business partners who were represented in the media as oppositional (“creative” versus “retail” forces) in fact shared a common interest in seeing that the proposed SmartCentres’ development for 629 Eastern was realized. Together they backed this site plan as partners who both had an interest in seeing a return on their investment in the property.

Similarly, the ETCC, a community group opposed to the SmartCentres’ proposal, were presented in the media as the primary, and sometimes the only voice of the community. In truth, the City’s involvement in this community group, led by local Councilor Fletcher, significantly bolstered their position in the media and at the OMB proceedings. In a relatively short time, the ETCC was transformed from a typical community organization to one that became a direct extension of City Hall’s initiatives in the case. With the help of City officials the ETCC managed to overwhelm competing views, so that the press and the general public saw them as the only voice in the community. While many local residents of South Riverdale wanted a SmartCentres’ development, the ETCC, who claimed to be the voice of a unified community, worked with the City to have the plan rejected.

Each of the key actors in the 629 Eastern case identified motivations that contradicted their actions. By uncovering these contradictions, we are better able to determine how planning processes transpire in an ostensibly neoliberal city. Notably, each key actor represented private interests in advancing a particular market position. The City had a number of objectives to fulfill in this case. They aimed to establish the Filmport as a thriving business, to defeat the SmartCentres’ development proposal and to pursue the growth of creative industries on employment lands near the waterfront. However, their rationales of public service, community improvement and economic prosperity strayed significantly from the single-mindedness of their political actions. While this type of deceptive behaviour might occur with private developers, municipal governments are not expected to participate as market actors. For this reason, the planning process in the City of Toronto transpires in a way that diverges significantly from the
visions of neoliberal urbanism as laid out in their policy documents. This deviation from planning policy and practice, challenges the conflation of entrepreneurial and neoliberal urbanism.

9.3 Policy Visions and Planning Practice

All of the key findings and contradictions in the 629 Eastern case lead back to the nexus between the three central themes of neoliberal urbanism, the creative class and gentrification. The 629 Eastern case sometimes strays from its neoliberal policy visions when the reality of implementing these policies does not suit the immediate objectives of City politicians. The City’s contingent policy commitment to the creative class theory is further complicated by their policy manipulations around Employment Area designations for the OMB hearing and their agreement to Filmport’s ‘no compete’ clause. This series of non-neoliberal policies and practices which set out to control the spaces in which the free market can operate, and indeed, place the city in the position of market actor’, begin to expose the contingencies that arise in the examination of ‘actually existing neoliberalism’.

While Florida purposely defines the creative class as one seeking “weak ties” and non-unionized employment, the Toronto politicians know the central need of their constituents is stability, and veer off the broader policy message to shape their position accordingly. The contradiction in this instance is the representation of the film industry as being able to offer stable, “high quality” employment, when in fact, this work is just as precarious as the “low quality”, non-unionized retail positions offered by SmartCentres. The overall volatility of the film industry means that their unions have little to do with maintaining a steady flow of employment opportunities for workers. Related to this contradiction, is the involvement of Good Jobs for All with the ETCC, who as a community-labour coalition, fought to preserve precarious work in the film industry.

The silencing of SmartCentres’ proponents in media and community debates caused a backlash that took the community and City by surprise. The “No Yuppies” response to the overpowering “No Big Box” campaign of the ETCC, revealed underlying tensions specifically caused by gentrification within the South Riverdale community. This campaign battle headed by the City highlighted their political motivations for taking an interventionist role, and for seeking out the support of a specific cohort of the community in this case. Their interventionist role as a
market player, moreover, did nothing to minimize the exclusionary effects of gentrification on the South Riverdale community. Instead, this role for the City resulted in widespread denial that this exclusionary process was taking place in the neighbourhood. The socially detrimental image of a unified community was one propagated by the City, who had little interest in engaging with dissenting viewpoints. The importance of the City’s policy vision overpowered the City’s sense of responsibility to foster an open-ended discussion of the proposed SmartCentres development in the South Riverdale community. The result of the City’s decision to favour their policy agenda was that many voices in the community were silenced.

9.4 Deconstructing Media, Policy and Interview Discourses

Each of the media, policy and community discourses were compiled, analyzed and triangulated for the purposes of this research. The media, the press in particular, covered this story for two and a half years in over 150 reports. Most of the coverage was based on press releases from the key actors in the case, the City of Toronto and the ETCC. While the reports did include some glimpses of dissension between City Councillors and the community, the views of opposition to the redevelopment proposal overwhelmed the public debate. These facts then beg the question of whether or not the media coverage made a difference to the OMB’s final decision. One could certainly speculate that a more in-depth investigation by reporters may have swayed public opinion to support SmartCentres’ plan.

Planning and policy statements provided by the Ontario government and the City of Toronto have an important role in identifying creative class rhetoric embedded within policy initiatives to support neoliberal directives. It has been pointed out in the City’s case that these directives are promotional guidelines and do not indicate the City’s commitment to a particular planning philosophy. Policies are not commitments, as the City demonstrated in its Secondary Plan and other amendments prepared for the OMB hearing. The City reshaped its own planning policy as part of its arsenal against the SmartCentres’ proposal. This reveals the overall malleability of planning policies as they suit the economic initiatives of the City.

Members of the South Riverdale community who were interviewed for this research offered some original insights to the 629 Eastern case. Several participants declared a clear position on the SmartCentres’ proposal while others attempted to represent a neutral stance. Whether “neutral” or highly opinionated, all participants expressed a common sentiment that
whatever is done at 629 Eastern should help those who presently reside in the neighbourhood of South Riverdale. Oddly, there is no immediate provision for the residents’ in the City’s plans or policies that are said to support their interests. It is telling that the needs of residents in South Riverdale were primarily expressed by residents themselves and warranted little regard in policy responses or in the OMB proceedings. Residents of the South Riverdale community tended to perceive the City’s central planning responsibility to lie in serving the needs of those who live in the neighbourhood. yet the City perceived their role to be market-based. The City’s emphasis on providing “good quality” employment opportunities which are expected to yield high economic returns to the entire city stem from Employment Area policies that are designed for the betterment of creative and knowledge based businesses. These inherently creative class polices are exclusionary based on the reality that not all city residents stand to benefit from this entrepreneurial approach to planning. In fact, there are no direct benefits of this market-led approach to urban governance to anybody who lies outside the definition of “creative class”.

9.5 Why is this Case Important?

Why did the media have such a significant biased presence in this case? The newspapers have been decimated by budget cutbacks and lay-offs in recent years and no longer have the staff to conduct investigative reports that they used to be famous for. They are now more than ever before, forced to cooperate with city officials in order to keep the stream of press releases interviews and stories flowing. In the 629 Eastern case, this meant that the City’s stance held a dominant position in media representations.

The City’s decision to become a competitor in the film industry by joining the ranks of the Filmport and becoming a minority shareholder in the operation, begs the question: Why did the City choose to threaten the entire Toronto film industry in order to protect the failing Filmport? The City claimed to oppose the SmartCentres’ retail based proposal, instead favouring the film industry as the economic savior of for the city. While they have invested heavily in the promotion of Toronto as global film hub, they also invested heavily in the Filmport project as a stand-alone economic entity of the city. Their pivotal decision with Filmport brings their commitment to the success of the entire film industry into question. Either the City naively backed a failing business, or they have other plans for the subject lands that have yet to be revealed.
Although the City made their broad planning directives clear with the *Agenda for Prosperity* (2008), the planning reality of implementing these visions is more problematic than one might presume. The process of transforming policy visions to planning realities is inevitably more complex than imagined on paper. The analytical imperative to expose the contradictory and contingent nature of ‘actually existing neoliberalism’ leads to challenging our very understanding of neoliberalism in the context of contemporary urban planning practices. The City went to great lengths to create false fronts in order to shape public support and shroud their true purpose. And what is their purpose? We cannot know that until permanent structures finally fill the vacant lot at 629 Eastern Avenue.
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