

**The Creatures of the Province Doctrine and
the Neoliberalization and De-Democratization
of Local Government in Toronto From 1996 to 2023**

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A dissertation submitted to the Faculty of Graduate Studies in partial fulfilment of the
requirements for the Degree of Doctor of Philosophy

Graduate Program in Political Science
York University
Toronto, Ontario

October 2024

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Abstract

In 2022, Ontario Premier Doug Ford announced new legislation, the *Strong Mayors, Building Homes Act*. The Act enshrined something once unthinkable to people living in the City of Toronto: granting the mayor the power to veto decisions made by the City Council while requiring the council to summon a super-majority (two-thirds) of votes to overrule the mayor. Any new local bylaw passed seen as clashing with “provincial priorities” could be vetoed by the mayor, creating a direct political link on all local issues between the municipal mayor’s and provincial government premier’s offices. This dissertation questions broad assumptions about, and examines and theorizes to what degree, this type of governing was a stark break from, or a continuation of, the longstanding norms pertaining to liberal democratic institutions and intergovernmental governance between the Government of Ontario and the City of Toronto. Using three case studies over the period from 1996 to 2023, the dissertation focuses on three Ontario premiers: Mike Harris (1996-2002), Dalton McGuinty (2003-2006), and Doug Ford (2018-2023). The argument put forth is that in the neoliberal era, the provincial government has routinely utilized the creatures of the province doctrine to restructure liberal democratic institutions and undercut democratic decision-making processes within the City of Toronto. This was done in the name of the neoliberalized notion of “efficiency” through centralizing power and insulating neoliberal austerity measures from critique.

Acknowledgements

Many Indigenous Nations have longstanding relationships with the territories upon which York University campuses are located that precede the establishment of York University. York University acknowledges its presence on the traditional territory of many Indigenous Nations. The area known as Tkaronto has been care taken of by the Anishinabek Nation, the Haudenosaunee Confederacy, and the Huron-Wendat. It is now home to many First Nation, Inuit and Métis communities. I acknowledge the current treaty holders, the Mississaugas of the Credit First Nation. This territory is subject of the Dish with One Spoon Wampum Belt Covenant, an agreement to peaceably share and care for the Great Lakes region (source: York University Faculty Association).

I would also like to make additional acknowledgements to those who helped me complete the dissertation. Firstly, my family. My grandparents prioritized my education even when I did not. I was a D student in high school and told I would never attend university, but they always pushed and believed in me even when I could not see the forest for the trees. My parents, as well, were instrumental in supporting my education. I am the first member of either side of my family to attend university, and my mom (Lee-Ann) as a single mother went back to college and university at the same time as I did. Her ability to balance all of her responsibilities and succeed in whatever she puts her mind to has been a constant inspiration. My partner of 15 years, my wife Amy, has been the most patient person on the planet throughout this project. She has been a rock and has been more than understanding of what a researcher's and academic's life can look like. This is especially true when I have suffered from clinical depression and anxiety throughout the dissertation. Not only did we survive the dissertation (especially working on it from home during COVID), but we recently welcomed our son, Damian, into the family. The praxes of my work and politics have only been emboldened by extending my family.

Secondly, to my committee. My supervisor, Karen Murray, has been endlessly supportive of my attempts to deal with these fundamental questions since 2013 when I was a student in two of her courses during my MA, where she introduced me to Warren Magnusson's writings for the first time. I was lucky enough to continue our working relationship for the Ph.D. despite taking two years off after my MA, and I could not envision developing this project in this form under anybody's mentorship and guidance besides hers. Carlo Fanelli was also instrumental in developing this project, as well as other related projects having to do with neoliberalism in Ontario, as well as a focus on Doug Ford. He has extensively helped my professional and intellectual development and provided thorough feedback perfectly complementary to Karen's focus. My third reader, Laam Hae, introduced me to a lot of critical scholarship on urban political theory that rekindled my interest in geography and urban politics more widely; she also introduced me to Carlo's work for the first time. Her interventions were crucial in trying to think differently about democracy and outside the box of 'Canadian politics' as a discipline. She was also one of the only professors I would find myself out alongside at protests in the city, demonstrating the weddedness of research and praxis in the communities you live in. I would additionally like to thank the two external members of my committee, Stefan Kipfer and Mariana Valverde, both of whom are scholars I actively cite. Their feedback and perspectives were

constructive for thinking more specifically about some areas not addressed by the committee members and myself, as well as possible avenues of future research. I was lucky enough to have Greg Albo serve as my Chair for the defence, but he was also willing to discuss the dissertation in great depth and provide a different ontological take on the framework undertaken. Finally, Keith O'Regan from the Writing Centre was like an unofficial fourth member of the committee. His open door and ears were always welcome throughout this dissertation, and taking his Dissertation Writing Workshop twice was instrumental in finishing the two earliest chapters of the writing process. I have been blessed not to have to personally experience any of the anecdotal horror stories about committees: all seven of these scholars have been exemplary in their guidance throughout this process.

I have been lucky to have some highly supportive colleagues in the Department of Political Science at York University, many of whom have become lifelong friends and confidants. First, I would like to thank Benjamin Johnson and Jon Careless for their nonstop support through work sessions, coffee or bar trips, text conversations, etc. We would look at each other's work and have weekly coffee and meet workups for years during COVID-19 that helped intellectual stimulation and connections to the outside world in a manner which I am sure a simple thanks cannot satisfy. I have also had the privilege of getting to routinely work with and receive feedback from many others in the department: Dani Magsumbol, Dillon Wamsley, Brent Toye, Grant Andersen, Rimmy Riarh, Siobhan Saravanamuttu, Shehnoor Khurram, Kris Belben, and Erin Troy. This project would not exist in this depth or form without our conversations or critical readings of each others' work over the years.

Finally, I would like to thank Canadian Dimension and The Grind for letting me work out some of these ideas in a less stringently academic form in their pages. Both are great leftist activist/academic spaces to which it has been an honour to contribute, especially Canadian Dimension, due to its longstanding history and relationship with great intellectuals and activists on the Canadian left.

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List of Abbreviated Terms

BANANA – Build Absolutely Nothing Anywhere Near Anything

C4LD – Citizens for Local Democracy

CAO – Chief Administrative Officer

CDA – Critical Discourse Analysis

COP – Creatures of the Province

COTA – City of Toronto Act

CSR – Common Sense Revolution

IMFG – Institute on Municipal Finance and Governance

MPP – Member of Provincial Parliament

NDP – New Democratic Party

NIMBY – Not In My Backyard

PC – Progressive Conservative Party of Ontario

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Chapter 1 - Introduction: Neoliberalization and Liberal Democratic Institutions

“What happens when the precepts and principles of democracy are remade by [the neoliberal] order of reason and governance?”

- Wendy Brown, *Undoing the Demos: Neoliberalism's Stealth Revolution*, 2015, p. 10

“Can capitalism still rely on its capacity to deliver material prosperity and will it triumph together with liberal democracy, or will its survival in hard times increasingly depend on a curtailment of democratic rights?”

- Ellen Meiksins Wood, *Democracy Against Capitalism: Renewing Historical Materialism*, 1995, p. 237

1.1 Research Topic and Statement of Problem

In 2022, Ontario Premier Doug Ford announced new legislation: the *Strong Mayors, Building Homes Act*. The Act would enshrine something once unthinkable to people living in the City of Toronto: granting the Toronto mayor the power to veto decisions made by the City Council while requiring the Council to summon a super-majority (two-thirds) of votes to overrule the mayor. Any new local bylaw that was passed seen as clashing with ‘provincial priorities’ could be vetoed by the mayor, creating a direct political link on all local issues between the municipal mayor’s and provincial government premier’s offices. Subsequent legislation extended this veto power to include all proposed and existing bylaws, meaning the mayor of the City of Toronto (and Ottawa) could determine the entire fate of a city’s policies and laws without commanding a majority of support from the local council. These anti-democratic centralized tendencies would potentially significantly change how politics and governance are conducted within the city (and more widely, as the veto powers are extended to other municipalities).

This dissertation questions broad assumptions about and examines and theorizes to what degree this type of governing was a stark break from, or a continuation of, the longstanding norms of intergovernmental governance between the Government of Ontario and the City of Toronto.

The argument put forth is such: in the neoliberal era the provincial has routinely utilized the creatures of the province doctrine (COP) to undercut democratic decision-making processes within the City of Toronto in the name of a neoliberalized idea of “efficiency,” through centralizing power and insulating neoliberal austerity measures from critique. While the province has the legal and constitutional authority to disallow laws (or even the existence) of local governments, as will be discussed later, reducing democratic questions to mere procedure and jurisdictional design shrouds from view the more substantive issues regarding changing structures of (liberal) democratic governance. Rather than understanding the premier’s 2022 actions as a rupture, this research shows that Ford’s de-democratizing impulses are more accurately understood as an aggrandized and brazen fluctuation within a longstanding trend of attempts to undercut the democratic decision-making structures, processes and autonomy of local government in Toronto and beyond. The rise of neoliberalization has been a part of the larger goals and consequences regarding the utilization of the constitutional relationship in general to service the broader goals of neoliberalization of the state and society. While these dynamics represent similarities with new political movements that “tend to denounce whatever goes by the name of conventional politics (its processes, compromises, institutions and deliberative spaces)” (Brown et al., 2018, p. 3), what needs to be understood is that the implementation of these politics has occurred within and through existing political institutions and reflect much in common with previous neoliberal administrations dating back to the mid-1990s.

The central question of this dissertation is: how has this constitutionalized form of power and authority been utilized to impose the conditions, institutions, and decision-making processes necessary to further the de-democratization of decision-making in the city, with the effect of further entrenching neoliberalization? This question moves beyond the case study of the City of

Toronto, as it can be illustrative of dynamics in the broader municipal context in Ontario and other municipalities. Treating the relationship between the Ontario government and the Toronto City Council as a lens (rather than just a case study) as it pertains to neoliberalism and unilateral federalism was useful for understanding and contributing to debates regarding similar phenomena across the Western world during the neoliberal era. This dissertation thus serves as an entry point into much more significant, historical and important debates about the relationship between liberal democracy and neoliberalism more specifically, and liberal democracy and capitalism more widely.

By pairing a qualitatively deep historical case study of the liberal democratic relationship between Ontario and Toronto with critical theory that interrogates both neoliberalism and the idea of democracy, this intervention aims to provide more empirical teeth to abstract theoretical problematizations. While others have perhaps asked questions about certain parts of this history, I argue that it is necessary to chart a longer trajectory to understand wider transitions and implications beyond just one governing regime, or even one decade. As neoliberalization processes build on inherited history and institutional landscapes, we must attempt to assess these events symbiotically and contextually rather than in isolation from one another. This analysis thus strives to further the pursuit of the theoretical interventions throughout, their application to other case studies, while being practically relevant for understanding how to resist de-democratization under neoliberalism and capitalism more widely.

An equally important animating question is: how did the City of Toronto get to this point historically? The imposition of strong mayor veto powers and anti-majoritarian decision-making did not just come out of nowhere, despite depictions in this manner by the media. When Doug Ford became Premier of Ontario in 2018, he immediately set out to achieve as many of his

neoliberal and austerity promises as possible in the first few months of being premier. One of the biggest policy changes was the unilateral imposition of Bill 5, *The Better Local Government Act* (2018). The Act dictated ward changes in the City of Toronto that cut the number of seats on City Council from 47 to 25, removing nearly half of the democratic representatives for the largest city in Canada. There was no public consultation on the Bill, it was not part of the campaign platform, and it was met with derision from the media, Toronto City Council, and residents of the city at large. When Bill 5 was overturned by the courts, Ford immediately threatened to utilize the rarely-used Notwithstanding Clause¹ of the *Canadian Charter of Rights and Freedoms* to overrule the constitutional violations of Bill 5 and impose it as law. However, this effort came to naught when the Superior Court, upon appeal, invoked the creatures of the province doctrine of the *Constitution Act of 1867*. This course of action thus nullified democratic concerns in the name of unilateral provincial authority within the legal and jurisdictional structures of Canadian federalism. This brazen act of anti-democratic policy-making was based on the notion that there was governmental “dysfunction” and that “lefties” were hoping for a “free ride,” which was also an entry point for contextualizing the scope of this dissertation and the research within.

As this dissertation demonstrates, anti-democratic institutional decision-making extends back decades. As subsequent chapters show, this was not just a Premier Doug Ford issue; anti-democratic politics have existed in varying neoliberal forms in both predecessor’s governments. Under Premier Dalton McGuinty and the Ontario Liberals (2003-2018), legislation was passed that reworked Toronto’s political institutions and implemented a strong executive mayoral form that Ford would build off, and Premier Mike Harris and the Ontario Progressive Conservative Party (PC) (1995-2003) implemented a rigid right austerity agenda that imposed amalgamation on

¹ The Notwithstanding Clause allows governments with a majority to unilaterally overrule the majority of the subsections of the Charter, for a period of five years.

Toronto and its surrounding municipalities, eliminating a whole tier of government and liberal democratic decision-making avenues. These processes also further eroded the people's access to the halls of official institutions of authority, already limited by the existence of liberal democracy within capitalism.

The dissertation centres on 1996 to 2023, but the reworking of Toronto's liberal democratic institutions has been a constant feature of governance dating back nearly 130 years with periodic political unrest and structural reforms. The neoliberal period of anti-democratic politics thus directly calls back to the broader political history of Toronto, the municipality's tenuous relationship with democratic decision-making principles, and its relationship with the Government of Ontario. Rather than seeing the three premiers mentioned above in isolation, even from each other, they exist within broader political history, including, in Ford's case, invoking a specific kind of constitutionally justified anti-democratic history within the city and its council structures.

While there is no direct linearity, and indeed, neoliberalization has aimed at rolling back many democratic structural gains, there has long been a contested history of the intersections between economic and social class and Toronto's jurisdictional and democratic structures. In the 1890s, the City of Toronto reduced the number of representatives on its council (from 40 to 25, similar to Ford's actions). It established a Board of Control (similar to a parliamentary cabinet) with special appointment and budgetary powers requiring a super-majority to overrule (Magnusson, 1983, p. 100). According to political theorist Warren Magnusson, the motivation for these changes was clear:

From the viewpoint of municipal reform, the city of Toronto was near to achieving what it needed for efficient, honest, and responsible government: a small political executive accountable to the electorate at large but made sensitive to ward concerns

by the council; a professional civil service, selected on merit and organized on sound administrative principles; and a rational division of authority among functional agencies, controlled by those with the appropriate interests and expertise. The fears of the upper and middle classes about democratization played an important part in these changes. There was continuing pressure for widening the franchise, especially after universal suffrage for men was introduced in provincial elections in 1888. The structural reforms introduced were intended to make the municipality less vulnerable to inappropriate influences from 'below' (Magnusson, 1983, p 102).²

Later, there were significant changes in the context of the suburban growth explosion after World War II, where massive housing tracts and economic development dominated a pro-growth agenda in Toronto and its surrounding municipalities. This new setting saw increased political tensions between the tax-rich inner city of downtown Toronto and the cash-strapped expanding suburbs surrounding downtown areas. By the 1950s, the City of Toronto was asking the province to amalgamate it with the surrounding municipalities, much to the protest of those entities, because it would politically and economically be able to control the new institutional arrangements that would be created. As will be shown to be ironic during the Harris chapters, the three major Toronto daily newspapers (*The Daily Star*, *The Telegram*, and *The Globe and Mail*) all strongly advocated for the forced amalgamation and creation of a unitary form of government that would be dominated by downtown political interests (Rose, 1972).

² It should be noted that the City of Toronto did not have the full franchise until 1972. Land-holding women who were single or widows were allowed to vote as of 1886, but married women would not be able to vote for almost another 40 years in 1922. Some land-owning and capital requirements were removed from the franchise in 1958, but the last remaining property value qualifications only got removed in 1972, alongside the voting age being lowered to 18. This was decades behind federal and provincial voting rights.

While this would not be the immediate institutional reform chosen or the long-term trajectory of the provincial-municipal relationship, the Ontario government did impose a 'metropolitan council' in 1953, creating a two-tier system of government with local councils and a central upper-tier regional form of government. Maintaining both levels of government was seen as a compromise between tax-rich Toronto and the local autonomy and democratic decision-making bodies of the smaller municipalities (Smallwood, 1963). What would follow was 14 years of tension between Toronto and its surrounding municipalities, predicated on the suburbs' exponential growth and cash demands and its role in altering the overall population and tax base in the wider region. The period was dominated by suburban financial difficulties and a demand to borrow upon the assessed valuation of the central city, representing a sidelining of social and democratic issues due to the dominance of the region's physical, fiscal, and service needs (Rose, 1972, p. IX).

For years, the Metropolitan Council was dominated by the unelected Chairman, Frederick Gardiner, who instituted an appointed executive committee (reflecting a cabinet-like structure) and granted the executive committee the power to create the standing committee system and to appoint the committee chairs. The executive committee had the authority to pass bylaws without a majority support of the council, which could only be overruled by a two-thirds super-majority vote. Gardiner saw the purpose of city government as being merely responsive to growth and its function to be exactly like a business, with all development to be "primarily the result of private enterprise, with government... in a supplementary and regulatory role" (Colton, 1980, p. 94). After only a few years, Gardiner would backtrack on some of this approach, eventually leading to the full-sale removal of the executive structure, which some councillors called "dictatorial," as it left the wider council with "no say whatsoever" (Colton, 1980, p. 86). Reformers had aimed to make municipal

government into an “efficient, business-like agency above parochial and partisan pressures” (Magnusson, 1983, p. 116). However, the political reality was inherently anti-democratic in its servicing of development and growth machine capital. When it came to the municipal structure, this group saw the downtown core as the “sine qua non of prosperity” (Colton, 1980, p. 65), with the development and economic flourishing of the city under capitalism best governed through a government structure that would implement business-like, expedient decision-making processes as opposed to broader deliberation and the incorporation of multiple units of governance. The same principles drove the cutting of the size of the council, with an unelected Ontario Municipal Board recommending trimming the size of the Metropolitan Council to eight members in 1953 to make business more efficient.

The 1960s saw the release of the Gathercole Report, which rejected the City of Toronto’s request for a unitary form of government and ultimately led to the creation of the formal Metro Toronto territory in 1967, a reiteration of the two-tier form of government that already existed, but based on a formal agreement between the City of Toronto and its five surrounding boroughs (Rose, 1972). Far from political resentment from the suburbs in the contemporary City of Toronto and its governing institutions, the discontent towards the arrangement came from the downtown core, which was concerned about a declining residential tax base and what continued development and subsidization of the suburbs would look like (Colton, 1980; Frisken, 2008; Rose, 1972).³ The result

³ Magnusson (1983, p. 110-111) argued: “The most significant opposition to Gardiner and Metro came from the city of Toronto, which had most to lose as a political unit from the development of a strong metropolitan government. Toronto city council continued to press for full amalgamation of the area municipalities - i.e. for the dissolution of the metropolitan government and incorporation of the suburbs into the city. This became a less and less likely prospect as Metro established itself as a separate government and the suburbs gained in population and financial strength. The city supported the growth of Metro at its own expense only because it regarded every transfer of services to the wider authority as a step towards full amalgamation.”

was a new governing system for the City of Toronto that lasted for 30 years, until the point of Mike Harris's interventions and where the dissertation picks up.

The question for this dissertation was how and why centralized forms of decision-making revived in the mid-1990s. What materially and politically informed these resurgences and transitions, and what discourses have the associated political actors used to soften, or mask, the anti-liberal democratic and neoliberalized consequences of their actions?

As neoliberalism is historically different from previous forms of capitalism, understanding specific varieties of neoliberalism – that is, “actually-existing” neoliberalism (Brenner and Theodore, 2002) – and how they are manifested across scales and spaces is pivotal to creating a fuller understanding of neoliberal ideas and goals, as well as how they transcend monolithic representations of the concept itself. Wendy Brown has encapsulated a popular definition of neoliberalism as commonly understood as economic policies promoting unrestricted capital flow, accumulation, deregulation of industries, the rolling back of welfare states, attacks on organized labour, and the privatization and commodification of formerly public goods and services (2018, p. 61). With this general definition in mind, it is also necessary to understand that neoliberalism is not created in a vacuum; it interacts with inherited institutional structures, political conventions, and social phenomena within historical and place-based specificity. Indeed, as Marxist geographers Neil Brenner and Nik Theodore noted, “[neoliberalism] generally entails the partial dismantling or reworking of inherited institutional landscapes in order to ‘open up a space’ for the deployment and institutionalization of new regulatory strategies” (2002, p. 356). This dissertation argues that bringing the fundamental question of liberal democracy and its decision-making process to the fore is vital to understanding urban neoliberalism's fuller historical context.

A further question pertains to the selection of Toronto as the focus of this dissertation. Toronto has experienced sustained legal and institutional reforms since the 1990s, coinciding with the rise of neoliberalism across multiple scales of governance in the Canadian context. As the largest municipal government in Canada, it bore the costs of austerity and neoliberalization on social programs and provisioning, which were felt particularly by and made visible in the urban environment. Toronto is the largest city by population, not just in Ontario but all of Canada. It is the economic capital of the entire country and is the foundational global city base of Canada's FIRE-based⁴ capital interests both domestically and internationally. Interventionist governments have historically used Toronto as a disciplinary tool and example for the other municipalities on both fiscal and institutional-organizational structures and issues. The implied argument is: "If we could do this to Toronto, we could do this to any city or town in the whole province with ease." Finally, prioritizing Toronto – as a geographically and historically specific lens – is a way to reflect on broader trends and implications of restructuring and the shifting nature of governance concerning the further depoliticization and de-democratization of local spaces across Canada and beyond.

1.2 De-Democratization Under Neoliberalism

To ground the dissertation's analysis, it is necessary to define some of the essential concepts that will be used to interrogate democratic decision-making processes and austerity under neoliberalism. Nikolas Rose (2001) notably described de-politicization as either relocating issues as private matters solved through individualized market behaviour or by transforming them into professional, numericized, technical and economic problems to be solved by the application of

⁴ FIRE is a reference to the finance, investment, and real estate circuits of capital.

numbers, rationality, economic thought, and professional expertise predicated on a relation to objectivity and neutrality. Arguing for greater conceptual attention to democracy, political theorist Wendy Brown builds on Rose through an understanding of de-democratization as the devaluation of political autonomy, the transformation of political problems into individual problems with market solutions, the production of the consumer-citizen as available to a heavy degree of governance and authority, and the legitimation of statism (2005, p. 703).

These acts of de-democratization and neoliberalization helped reproduce the depoliticization of institutions and the political issues that are debated within while depoliticizing capitalism and neoliberalism beyond the state and within the general populace. One way of understanding this is through Brown's assertion that depoliticization of social problems strips economic and social outcomes of how they have been historically produced politically, continuing the project of depoliticizing capitalism itself (2006; 2015). This echoes political economist Robert Heilbroner's work, in which it was argued that the separation between economic and political functions must be masked to "conceal and disguise the actual processes at work" (1985, p. 98). This was also suggested in a recent article by Rune Stahl (2021, p. 411):

It might be more fitting to speak of dedemocratisation than depoliticisation. I argue that this is not an accidental development, but an intention that is reflected in neoliberal theory. Dedemocratisation is not a bug or an unintended by-product of neoliberal policy prescriptions. It was rather one of the central features of the neoliberal reorganisation of macroeconomic thinking that was initiated by the NCM [neo-classical monetarist] scholars in the 1970s.

De-democratization is, therefore, partially done through a concerted limitation of democratic proceduralism and accountability and their replacement with the criteria of efficiency, profitability,

and good management practices (Albo, 2018; Albo and Fanelli, 2014; Biebricher, 2020; Boudreau et al., 2009; Brown, 2006, 2015; Crouch, 2004, 2020; Davies, 2017; Keil, 2002, 2009; Pusey, 1989). For William Davies (2014, p. 23-24), managerialist language like this can be represented as the devolution of:

Incommensurable values and visions of ‘the public,’ ‘social justice,’ ‘fairness’ and ‘right,’ [which] are all calculated and evaluated, in terms of the quantitative language of efficiency, price and preference. Any source of intrinsic authority is emptied out, and replaced with extrinsic evaluation, yet this necessarily bestows intrinsic authority upon the economic techniques via which that evaluation is carried out.

These shifts ultimately involve a vocabulary of politics rooted in a managerial model that divests it of power, justice, freedom, equality, and law, as well as technical formulations of problems that erase valuation and norms around distribution and social provisioning (Albo, 2018; Biebricher, 2015a; Brown, 2016; Crouch, 2004; Fanelli, 2010; Keil, 2002; McDowell, 2021), all of which limit ideas of what politics is, and what democratic decision-making represents.

For democratic theorist Colin Crouch, neoliberalism, at face value, is not a very popular political force in a democratic sense (Crouch et al., 2016). In the oft-cited scholarship on “post-democracy,” defined as a society that has democratic institutions that only operate as a formal shell removed from actual decision-making processes, Crouch argues (Crouch et al., 2016, p. 504):

What capitalism actually wants is a post-democracy, where all the institutions are in place, where the rule of law exists, but all democratic debate happens around the margins of a society, which is really governed by the big economic forces, for

whom the main rules ensure stability. Post-democracy is contemporary capitalism's 'best possible shell.'

Additionally, governance as a policy term substitutes consensus-oriented decision-making and implementation for overt exercises of authority, such as reconstructing law as guidelines and regulation as facilitation of fairness, ultimately erasing a vocabulary of power from the lives and venues that it orders and organizes (Brown, 2016). Downloading, cutbacks to social provisioning, and general neoliberal reforms (in the case of this dissertation: the erosion of already restrictive democratic decision-making processes) take shape as economic decisions in neoliberal governance, not political ones (Albo and Fanelli, 2014; Ayers and Saad-Filho, 2014; Boffo et al., 2018). These manifestations of the social relations of capitalism build upon and reproduce a system of class relations. As Stahl (2018, p. 12) pointed out:

The division between the economical and the political is not a natural state, but rather a fixture of a certain liberal understanding of the social order, where a chasm divides the world of the market, that is governed by the free and equal exchange between independent individuals, and the world of the state, that is governed by hierarchy, coercion and authority.

The modern manifestations of this chasm are cast as though issues of scale and constitutional power are merely questions of service delivery and legality within technical and neutral questions of efficiency, stripped of their context within social relations and power. Premier Ford's appeal to the courts and their historical treatment of the COP doctrine is an example of how "an important remaking of the demos is taking place through the juridical contribution to the economization of the political" (Brown, 2016, p. 7; Brown, 2019).

Crucially, the decentering of governance and devolution, or fiscal downloading – one of the significant and intrinsic processes of neoliberalism – does not mean power itself has been devolved. At multiple scales, the state is still institutionally one of the primary organizers of power in society and is functional in the maintenance of capitalism. De-democratization is essential to these exercises of power, as according to Canadian political economists Greg Albo and Carlo Fanelli, “the neoliberal project has been so intertwined with ‘de-democratization’ measures that [they] are impossible to separate them in practice” (2014, p. 26). One of the most critical consequences of capitalism and the concentration of political power has been the undercutting of democratic accountability and liberal democratic legislative bodies (Albo, 2002, p. 51). Running parallel with the process of further removing politics from the economic sphere was the increasing centralization of parliamentary power in the executive, bolstering power not just exclusive to parliamentary procedure but in the executive branch, where it becomes more untouchable (Wood, 2012, p. 187). The last 40 years have shown that the erosion of democratic procedures – both recently gained and present at the time of the founding of parliamentary institutions – was necessary to implement neoliberal economic policy (Hickel, 2016, p. 142). As Slobodian (2018, p. 2) noted, neoliberals did not see capitalism and democracy as synonymous; the neoliberal project aimed at deepening a project to encase liberal markets and “inoculate capitalism against the threat of democracy.” This is echoed by Saad-Filho and Ayers (2014), who argued that neoliberalism particularly aims at foreclosing the possibility of manifesting – or even imagining – democracy in any terms outside of its narrow scope. This augmentation of executive power builds on the already existing limitations of democracy under capitalism.

Marxist theorist and historian Ellen Meiksins Wood (1995) stressed that capitalism inherently and necessarily limits democracy because the conditions that make liberal democracy

inherently narrowly limit ideas and systems of democratic accountability. The devaluation of citizenship within capitalism is an “essential attribute of modern democracy” (Wood, 1995, p. 211). This is further bolstered by a system of “capitalism that makes possible a form of democracy in which formal equality of political rights has a minimal effect on inequalities or relations of domination and exploitation in other spheres” (Wood, 1995, p. 224). Wood ultimately argued that radical ideas of democracy cannot be discussed without confronting the nature of capitalism and its core relationships. The popular democratic struggle is ongoing, and the contestation of establishing social conditions – beneficial to the working or owning classes – because formal democratic institutions do not constitute the totality of total power by “the people” (Jessop, 1978). If the immediacy of space is where political resistance takes place, the local is where the state has continuously tried to erase political heterogeneity. The state has sought to radically depoliticize the city to govern and control its directions and material purposes (Cuppini, 2018).

1.3 Significance of Question – De-democratization and the Idea of Neoliberalism

The significance of this dissertation’s research questions lies not just in the bounded nature of the municipality of Toronto and its associated forms of governance but in how we understand the manifestation of neoliberalism within geographic and historical particularity. Despite the specificity of this study on questions of democracy, it ties into the larger theoretical picture of the general economization of life through neoliberalism. This is a critical, more comprehensive project that attempts to understand the role of neoliberalism as a political rationality that reshapes both government and governance, as well as the state and society.

In *Undoing the Demos: Neoliberalism’s Stealth Revolution* (2015), Wendy Brown asks: “What happens when the precepts and principles of democracy are remade by [the neoliberal]

order of reason and governance?” (2015, p. 10). Regarding this question, neoliberalism is defined as something that goes beyond ideology or economic policies. For Brown, neoliberalism is a rationality that has marketized governance and social life, undercutting the principles, institutions and ideas of rule of the people in democracy (2015). Liberal democracy, or even basic democratic principles, are not exempted from the discursive and material power of neoliberalization and the conditions it creates. Even when looking at liberal democracy in its most formalistic and theoretical form, Brown argued:

Liberal democracy cannot be submitted to neoliberal [economic] governmentality and survive. There is nothing in liberal democracy’s basic institutions or values – from free elections, representative democracy, and individual liberties equally distributed to modest power-sharing or even more substantive political participation – that inherently meets the test of serving economic competitiveness or inherently withstands a cost-benefit analysis (2009, p. 46).

To be clear, Brown does not valorize liberal democracy, stating, “none of these constitutive elements of liberal [political] democracy was ever fully realized in its short history – they have always been compromised by a variety of economic and social powers, from white supremacy to capitalism” (2009, p. 51). By prefacing capitalism as something that compromises liberal democratic institutions, Brown stops short of a more systemic critique of the entire concept of liberal democracy as a system of political organization. The issue is whether the promises of liberal democracy were ever possible under capitalism rather than something potentially aspirational under threat for the total economization of life under neoliberalism. For Brown (2015, p. 208), social triumphs under liberal democracy are not necessarily bourgeois triumphs. She ultimately argued that liberal democracy can be “mobilized to limit capitalist productions of value and market

distributions.” This contrasts with the more socialist arguments, such as Heilbroner’s (1985, p. 129) notion that:

Political and intellectual liberties are perhaps the greatest bourgeois civilizational triumphs. Nevertheless, they are bourgeois triumphs; and the ideology that tends to depict them in absolute terms becomes evident when we reflect not only on the limitations but the definitions of the freedoms that have been won.

Indeed, rather than perhaps an “undoing of the demos,” as Brown’s acclaimed 2015 book was titled, there is a more accurate assessment by Antonio Vazquez-Arroyo (2017, p. 532) who, in a review of Brown’s work, wrote:

Rather than an undoing of liberal democracy, neoliberal ideology, its discourses and practices, constitute a deepening of the depoliticization and neutralization that have been the signature of liberal democratic theory and practice, not least in the liberal democratic moment of twentieth-century USA. Historically, in liberal democratic forms the demos was already tamed, subdued and mostly undone by liberal democratic theory and practice; neoliberalism, accordingly, just exacerbates and deepens that depoliticization, as it has no need to pay lip service to more politically robust principles.

Wood additionally argues that it is requisite not to fall prey to equating democracy with liberalism due to a substantive notion of democracy being unable to come to fruition within the inherently undemocratic core of capitalism itself (as quoted in Abele et al., 2016). For Wood, it was clear that “capitalism made possible the redefinition of democracy, its reduction to liberalism” (2012, p. 202). She also noted, “liberal democracy can neither be completely separated from nor reduced to the principles of exploitation. Any reasonable analysis must consider the foundations of liberal

democracy in capitalist relations of production and its historic role in checking the excesses of capitalism” (2012, p. 208). In *Democracy Against Capitalism: Renewing Historical Materialism* (1995), Wood asked the indispensable question: “Can capitalism still rely on its capacity to deliver material prosperity, and will it triumph together with liberal democracy, or will its survival in hard times increasingly depend on a curtailment of democratic rights?” (Wood, 1995, p. 237). As seen in the 25 years since Wood’s book was published, the latter assertion has come to the forefront in Western capitalist countries, showing the systemic limitations of the attempts of political liberalism (as institutionalized through liberal democracy) to correct the social relations of capitalism while not just existing within them, but foundationally intertwined with economic liberalism. The constitutionalization of negative liberty, methodological individualism of public policy and law, and the basis of private property rights as a depoliticized state of being limits the ability of the political sphere to intervene correctively into the pseudo-autonomous sphere of the economic under capitalism.⁵

While different in their readings of the connections between liberal democracy and capitalism, Wood’s, Heilbroner’s, and Brown’s interventions are essential to contextualizing neoliberalism’s effects on liberal democracy and its institutions. The dissertation exists within these debates by endorsing their interventions, agreeing with the central pretence that the tenuous

⁵ These tensions are explored by Norberto Bobbio in *Liberalism and Democracy* (1985, p. 32-33), who writes: “In their broadest significance, that they acquire through the extension of the respective demands for rights to liberty and equality (the demands of the opposed doctrines of laissez-faire and egalitarianism) into the economic sphere, liberty and equality are antithetical values, in the sense that neither can be fully realized except at the expense of the other: a liberal laissez-faire society is inevitably inegalitarian, and an egalitarian society is inevitably illiberal. Libertarianism and egalitarianism are rooted in profoundly divergent conceptions of man and society - conceptions which are individualistic, conflictual and pluralistic for the liberal; totalizing, harmonious and monistic for the egalitarian. The chief goal for the liberal is the expansion of the individual personality, even if the wealthier and more talented achieve this development at the expense of that of the poorer and less gifted. The chief goal for the egalitarian is the enhancement of the community as a whole, even if this entails some constriction of the sphere of individual freedom.”

but necessarily direct relationship between liberal democratic institutions and capitalism is undergoing a transformation in the West as many of the modest gains to accountability and deliberation that occurred over the twentieth century are rolled back.

As we cannot abstract neoliberalization from the longer and broader social relations of capitalism, contemporarily or historically, it is crucial to establish the undemocratic and indeed anti-democratic propensity of neoliberalism, not just as theoretically explored by neoliberal economist Friedrich A. Hayek (“authoritarian liberalism”) but also as manifested in actually-existing neoliberalism (Kiehly, 2017). More specifically, neoliberalism and de-democratization are intertwined with the changing conditions of capital accumulation and the further shifting strategies regarding perpetual crises and declining rates of profitability (Davidson, 2018). Neoliberalism is more effectively understood as constructing the conditions for a particular kind of state to support a historical phase of capitalist development and the logic of capital (Fanelli, 2016). This was artfully described by Ontario political economist Tom McDowell (2020, p. 394), who argued:

As the state has sought to reconfigure power relations, it has altered the character of political institutions... to more effectively accommodate the implementation of contentious legislation that is contrary to the interests of significant segments of society, chiefly the subordinate classes.

As urban centres became more critical to the globalization of capital, the political relevance of cultivating neoliberal principles in governing structures and internalized political rationalities grew more critical to capital accumulation and control of the general population. Ugo Rossi’s use of the term “global capitalism” is helpful, as it gives space for capitalism to be understood as ever-present as well as draws attention to “an intricate process of spatial-temporal stratification,

characterized by a juxtaposition of developmental pathways, hegemonic projects, forms of life, and historical temporalities” (2017, p. 13). The geographic and historical specificity of cities within global capitalism creates a necessity for place and institutionally specific understandings of how those engage in the capital and ideational flows of globalization and neoliberalism in both local and international spaces.⁶

The practical and material context of capitalism and democratic decision-making marks the importance of this research in relation to Toronto. While some scholars explore neoliberalization or de-democratization at the level of theoretical debate, they do not typically partake in substantive empirical studies of governance and urban democracy like the one in this dissertation. While some scholars prioritize changing capital accumulation strategies and their changing circuits under global capitalism, they do not necessarily explore how the undercutting of democratic decision-making is necessary for these strategies to be actualized. Institutional de-democratization and depoliticization, however, cannot be abstracted from other elements of neoliberalization that manifest in tandem. Procedural and autonomy-based issues may seem like surface-level or very restricted notions of democracy. However, this dissertation demonstrates that institutionalized de-democratization works relationally with the marketization of social life under neoliberalism as well as more specific forms of neoliberalization in the city. Most importantly, it explores how the consequences of these phenomena have trended towards a (further) hollowing out of liberal political democracy in the name of economic (neo)liberalism.

⁶ Ugo Rossi illustrates this further, stating: “The urban experience, is therefore, deeply forged by the strengthening of globalization as a phenomenon of intensified policy circulation. The mobility process takes place in a context of globalized capitalism characterized by the variegated neoliberalization of urban development. On the one hand, the circulation of development models has homogenizing effects at the urban scale, as all cities aspire to become smarter and more creative, sustainable and resilient. On the other hand, place specific institutional arrangements and the wider national contexts still play a decisive role, thus producing phenomena of hybridization with urban development models that are expressions of globalized structures of thinking and action” (2017, p. 68).

1.4 Organization of Dissertation

The dissertation is structured as a chronological history of de-democratization through the provincial-municipal constitutional relationship from 1996-2023. Chapter 2 provides a literature review and a methodological framework for the research. It unpacks crucial scholarly work relating to neoliberalism, federalism in Canada and how municipalities have been understood historically in relation to the province and capitalism. The literature review becomes the basis of the critical approach taken, which is rooted in a reading of actually-existing neoliberalism and variegated neoliberalization. These elements are crucial to understanding the socio-historical specificity of Ontario's politics and political institutions and how they structure neoliberalism in relation to the constitutional status of municipalities being creatures of the province and the de-democratization of municipal governance. Chapter 3 is part one of a two-part focus on the Premier of Ontario Mike Harris era (1996-2002); it is meant to provide a foundational treatment of the type of neoliberalization that occurred in Ontario and Toronto, which allows for an understanding of the COP doctrine within the bigger picture of capitalism and neoliberalism in the late 1990s. Chapter 4 unpacks critical legislation imposed by the province on the City of Toronto and what governance and economic questions the Harris imposition of amalgamation on Toronto was designed to answer. Further anti-democratic encroachments on councillors, democratic deliberation and the related effects on the capacity of the City Council are detailed to understand what type of democracy Harris had in mind for Toronto and how that form of democracy was construed as enabling greater economic success under globalizing capitalism. Chapter 5 is part one of a two-part study focused on the Premier Dalton McGuinty era of Ontario politics, providing an ideological unpacking of McGuinty's, Mayor David Miller's, and a few associated reformist and

capitalist groups' views on autonomy and effective governance through various lenses of actually-existing neoliberalism. The wide variety of political actors analyzed is due to the convergences between the various groups, which shaped the years from 2003 to 2006, when all the related actors achieved a consensus on how to alter Toronto's liberal democratic institutions to compete in global capitalism and become an economic engine for the province. Chapter 6 analyzes Premier McGuinty's reforms to the *City of Toronto Act* (2006), which aimed to increase autonomy and democratic powers for the City of Toronto, a further centralized and de-democratized governing process, doing little to change the foundational power imbalance of Toronto's relation to the province within federalism. Despite proclamations of 'empowering cities' and respecting democratic decision-making, McGuinty's efforts served to expose the reality of neoliberal economic policy-making and legislation regarding restructuring governance, allowing for an understanding of how neoliberalism continued to permeate conceptualizations of democratic decision-making (and even valorized notions of liberal democracy. Chapter 7 begins with an ideological unpacking of actually-existing neoliberalism in the Premier Doug Ford era (2018-2023). It shows to what extent it called back to the Harris era while indirectly building on the inherited institutional landscape and political consequences of the McGuinty era. More than just a redux of the Harris era of provincial politics, Premier Ford's efforts, reflecting the moment of a populist turn in the West, uses the discourse of anti-elitism to mask both neoliberal policy intentions and personalistic politics due to his family's history with Toronto City Council. Chapter 8 is a study of the legislation passed under Premier Ford concerning cutting the size of the council during the municipal election period in 2018 and the implementation of anti-majoritarian strong mayor powers to presidentialize the mayoral position with a veto over the majority of the council. Ford built on the anti-democratic reforms that came before and directly completed many of the

goals of the Harris regime while resurrecting ideas reminiscent of the anti-democratic municipal reformers of the 1950s. Chapter 9 provides concluding thoughts on the trajectory of de-democratization under neoliberalism more widely, explicitly concerning Toronto's liberal democratic institutions and its constitutional and governing relationship with Ontario as a sub-regional form of governance. It also explores further questions and additional vistas for analysis regarding the making and unmaking of local democracy in Toronto, and the wider framework of liberal democracy and capitalism that these issues exist within the scope of. These further avenues are represented by the ongoing relationship of municipalities to settler-colonialism and the necessity to disrupt this foundationally, contextualizing the rise of right populism and its relationship to both neoliberalism and liberal democracy, and what a left critique of both neoliberal de-democratization and the inherent limits of liberal democracy could look like.

Chapter 2 – Creatures of the Province, Actually-Existing Neoliberalism, and Variegated Neoliberalization: The Approach to the Research Questions

The chapter begins with a literature review of several related fields in which this dissertation locates itself. Starting with a critical look at neoliberalism's views on liberal democracy through the lens of Friedrich A. Hayek and James Buchanan, the chapter then discusses what neoliberalization looks like as a process regarding institutions and legal structures. The chapter then critically engages with the prominent Canadian federalism and fiscal policy studies to highlight a historic lack of engagement with, not just capitalism as a system, but also the idea of local government as a valid jurisdiction worthy of being assessed in terms of democratic considerations. The chapter then outlines the methodology and approach to the question informing the design of the dissertation, focusing on an interdisciplinary orientation that is focused both on the materiality of institutions and social relations, as well as the discursive elements of their deployment. This interdisciplinary method is then used to justify the rationales for sources and the analysis of them. Finally, limitations arising from these approaches are briefly considered.

2.1 Buchanan, Hayek, and the Threat of Too Much Democracy

Perspectives on liberal democracy through a neoliberal lens are made quite clear by two thinkers foundational to neoliberalism (and members of neoliberal thought society, Mont Pelerin),⁷ Hayek and Buchanan. Their views on democracy have been discussed at length elsewhere (see Biebricher 2015a, 2019, 2020; Brown, 2015, 2019; Cornelissen 2017; McDowell, 2020, 2021; Mirowski and Plehwe, 2009), but it is crucial to understand that despite pre-existing Ontario neoliberalism by

⁷ Both Buchanan and Hayek were also both longstanding and active members of the Editorial Board of the Fraser Institute in Canada.

decades, these views underpin much of contemporary manifestations of neoliberalism's relationship with the idea of democracy. While these two theorists are not exhaustive of the neoliberal thought collective, political theorist Philip Mirowski (2019, p. 204) argued that while individual neoliberals did not share any specific theory of democracy, they all ended up "inclined to either smother most democratic participation or else to assume power to prevent it from hindering their plans." Neoliberal thought – throughout the past and present – is ultimately obsessed with making markets safe from democracy, with a concentration on reducing the influence of liberal democracy and its representatives by neoliberalizing institutions and reducing their leeway (Biebricher, 2020, p. 40). For Hayek:

The only holders of power unbridled by any law which binds them and who are driven by the political necessities of a self-willed machine are the so-called legislators. But this prevailing form of democracy is ultimately self-destructive, because it imposes upon governments tasks on which an agreed opinion of the majority does not and cannot exist. It is therefore necessary to restrain these powers in order to protect democracy against itself (Hayek, in Brown, 2019, p. 55).

Writing primarily during the rise of the modern welfare state in the latter half of the twentieth century, Hayek took issue with "the rise of democratic government interpreted as unlimited government" (in Cornelissen, 2017, p. 515), and the "character of state intervention," rather than the amount or extent of it (Kiely, 2020, p. 404). The solution was a "moral-political project that aim[ed] to protect traditional hierarchies by negating the very idea of the social and radically restricting the reach of democratic political power in nation-states" (Brown, 2019, p. 13). Hayek's demand to "dethrone politics" was only one aspect of the neoliberal institutional

remedy; the second was to encase it and find institutional forms to insulate politics from any semblance of thorough democratic control (Slobodian, 2018). This builds on the traditional trajectory of capitalism, which Ellen Meiksins Wood (2012, p. 27) argued was predicated on the “expulsion of politics” from the areas with which it was always traditionally intertwined.

Hayek notoriously believed the average citizen was incapable of understanding how the market works to their advantage, which led him to try to block political participation for much of the masses while trying to convince them this is what freedom looked like (Mirowski, 2019, p. 215). According to Biebricher (2015a, p. 842):

Hayek was particularly worried about the interventionist potential that the erosion of the rule of law opened up with regard to the economic sphere. As a neoliberal thinker, von Hayek’s approach to the restoration of the rule of law in both of its key aspects, the separation of powers and the generality of law, was not aimed at establishing a laissez-faire system, but at limiting economic policy to a certain quality or kind of action—to laws in the substantive sense.

Buchanan, as a foundational public choice theorist, argued that liberal democracy does not work because all representatives are “rent-seeking” individuals, and the average person under the current system is unable to hold them accountable due to their lack of “fiscal morality that refrained from running deficits and abhorred debt” (Biebricher, 2020, p. 48). More explicitly, Buchanan argued:

We must begin to think constructively about deliberately imposing checks and balances on the exercise of majority coalition formation. We must begin to reverse and turn around a whole legal and institutional structure, especially as it has developed over the last half century, a structure which explicitly allows majorities

to range freely and openly over all economic policy matters (Buchanan in Cornelissen, 2017, p. 520).

For Buchanan, the concern was not for the constitutional rights of oppressed minorities but for economic efficiency and individual rights, with the rights of the wealthy being threatened by redispersion by the lower classes. Buchanan denied Hayek's epistemological claim that the market was a more excellent decision-making or information processor than rational individuals (Buchanan 1997, p. 7 in Cornelissen, 201, p. 215), as well as Hayek's appeals to evolutionary optimism (Biebricher, 2020, p. 46). Buchanan's solution was to use the constitution to limit most incursions into any form of economic policymaking antithetical to neoliberal values, completing a total break of economic liberalism from political liberalism. Buchanan aimed to impose his strict tenets of counter-majoritarian constitutional political economy and public choice theory to combat rent-seeking, the accumulation of public debt, redistributive economics, and the tax-collecting capacity of and by the state. What this represented was a move toward an understanding where:

Political actors—among them democratically elected representatives—are not considered to be exclusively devoted to realizing what is best for a political community as a whole, such as general interest or general welfare. With this theoretical move, Buchanan distanced the so-called public choice approach, not only from welfare economics and its attempt to construct a social welfare function intended to guide well-meaning politicians, but also the ordoliberal trust in the willingness of decision-makers to be informed by scientific expertise from jurisprudence and political economy (Biebricher, 2015a, p. 844).

Buchanan argued that “establishment elites” were the enemies of a flourishing society and economy, evangelizing a form of politics in which the arbitrarily intrusive and illegitimate

liberal democratic governments have undercut constitutional order (Biebricher, 2020, p. 52). Due to this, Buchanan depicted the twentieth century as a failure of majoritarianism and its political institutions to constrain the power of government and spending (Brennan and Buchanan, 1980, p. 30). Accordingly, Buchanan argued: “democratic societies, as they... operate[d], [would] self-destruct, perhaps slowly but nonetheless surely” (Brennan and Buchanan, 1985, p. 150 in Biebricher, 2020, p. 49) because “fiscal prudence simply cannot be made to pay off in democracy” (Buchanan, 1986, p. 217, in Biebricher, 2015a, p. 849). Therefore, procedural rules limiting revenue, taxes, and redistribution became vital to depoliticizing the economy and abstracting it outside the institutions of liberal democracy and political liberalism. Ultimately, Buchanan thought limiting the state’s ability to generate revenue through the depoliticization of constitutional rules was a way to save it, thus hampering the worst effects of rent-seeking and saving his understanding of democracy (Biebricher, 2020, p. 48). For Buchanan, the depoliticized “no coercion principle” translated into a constitution that would undercut almost all democratic procedures and institutions while protecting property rights, his presumed absolute freedom and equality (Mirowski, 2019, p. 215-216).

While both Hayek and Buchanan had different views on the design of a state under capitalism, they both provided justifications for attacking the entire concept of contemporary liberal democracy. For Cornelissen (2017, p. 521):

Buchanan is primarily concerned with the economic consequences of unlimited democracy, [and] whereas Hayek... is concerned with the separation of powers, both reach[ed] very similar conclusions. That is, Buchanan and Hayek both [sought] radically to restrict the people’s influence on the legislature.

The sentiment of prominent neoliberal thinkers like Buchanan and Hayek shows why it is important and pressing to spotlight the idea of de-democratization, especially in the twenty-first century, particularly since the legacy of their thoughts on liberal democracy and political liberalism continues today. This study shows how different reforms cropped up in Ontario in the context of neoliberalization. Buchanan's public choice views on democracy are, as will be shown, more evident during the Harris and Ford premierships. At the same time, Hayek's technocratic decision-making preferences are apparent, to a degree, through McGuinty and Wynne's time in charge of Queens Park. This dissertation is limited in scope to understanding how liberal democracy has been further hollowed out by neoliberalization and existing constitutional relationships in the context of the Canadian state, more specifically, the vertical federalism between Ontario and Toronto;⁸ it seeks to understand actually-existing democracy and the material conditions/social relations that permit a necessary nuanced assessment of the effects of neoliberalization on democratic structures and governance. While this dissertation is focused on ideas of democratic decision-making within the confines of liberal democracy, it owes an outstanding intellectual debt to socialist and Marxist critics of the contradictory relationship between capitalism and democracy.

2.2 Beyond Mont Pelerin: The Institutions of Neoliberalization

Beyond discourse, neoliberalism reworks existing and develops new institutional practices and rewards, both inside and outside the state, rather than simply reducing all of political and social

⁸ This does not mean that this project essentializes or equates a fully effective and substantive democracy with the removal of the creatures of the province doctrine within constitutional law and policy design.

life to an essential constant calculus (Brown, 2009).⁹ Neoliberalism's policy-based focus is to privatize public ownership and services, roll back the social state, attack the strength of labour, deregulate capital, and reduce abstract financial borders to facilitate the free flow of capital (Ayers and Saad-Filho, 2014; Brenner et al., 2010; Brown, 2019; Harvey, 2007; Heilbroner, 1985). However, we should not grow too attached to a dogmatic and disciplinary argument over how to strictly define neoliberalism as a term. Critical urban theorist Jamie Peck argued that neoliberalism as a concept is an "always mutating project of state-facilitated market rule" that is propelled by its inherent limitations and contradictions, making it a salient signifier that can be understood as "some nebulous background conditions, or something more precise" (2019, p. 245). Peck further highlighted:

[The] contested and unstable character of neoliberalism itself might reveal something about the nature of the signified processes, phenomena and practices. the tangled mess that is the modern usage of neoliberalism may be telling us something about the tangled mess of neoliberalism itself... instead, concretely grounded accounts of the process must be chiseled out of the interstices of state/market configurations (2010, p. 15-16).

Neoliberalization as a concrete process animated this dissertation and engagement with critical questions relating to urban governance in Toronto. The reductionist language of efficiency and policy delivery concerns dominating official debates do little to critically unpack the

⁹ While Brown has built on this in recent work, ultimately arguing that this goes far beyond just economic political rationalities, representing a total moral and social-political project rooted in the neoliberal and ordoliberal rejecting of the social (2019, p. 10-12), she ultimately holds fast that "neoliberal rationality prepared the ground for the mobilization and legitimacy of ferocious antidemocratic forces in the second decade of the 21st century" (2019, p. 7). While I do not directly engage with the "populist turn" of recent (except in the Doug Ford section), her development of these ideas in the context of this turn is present in my thought process.

substantive notions of representation that have been undercut through neoliberalization, which eroded democracy at the local level and depoliticized local spaces for the purpose of being spatially reoriented as attractive global cities for investors. De-democratization (in the case of this work, at the institutional and local state level) is relationally tied to austerity policies, marketization of housing and social services, and property-oriented redevelopment. Competitive city or entrepreneurial city models are part of urban neoliberalization,¹⁰ but also a part of the political processes of the “hollowing out of a democratic political culture and the production of the undemocratic citizen” (Brown, 2006, p. 693). This has ultimately resulted in:

Management, law, and technocracy in place of democratic deliberation, contestation, and power sharing: several decades of this multifaceted hostility to democratic political life has generated in neoliberalized populations, at best, widespread disorientation about the value of democracy and at worst opprobrium toward it (Brown, 2019, p. 57).

The neoliberal erosion of ‘the social’ has been fundamental to generating an anti-democratic culture from below and politics and legislation authorizing increasingly undemocratic governments and states (Brown, 2019; Cooper, 2017; Crouch, 2022; Stahl, 2021). At the same time, the aggressive implementation of neoliberalism as an ideology and form of policy has gone hand in hand with insulating it from liberal democratic institutions. Albo and Evans (2018, p. XIV) argue the neoliberal trajectory in institutional form and policy practices has significant consequences for the further erosion of already thin and formal liberal democratic institutions and

¹⁰ Fanelli and Hudson (2020, p. 249) define this as: “an uneven process of political and economic restructuring of institutional relationships across the multiple scales of governance; a policy regime promoting local processes of marketization, fiscal austerity and flexibilization of work relations; and a process of internationalizing the local economy.”

processes. The tension between economic liberalism and popular democracy is not unilaterally based on large-scale restrictions of access to political participation but also on undercutting the reach of democratic state power (Stahl, 2021, p. 417). All levels of government, but particularly at the local level, have undergone undemocratic interference, installation of unelected executive board structures, and a higher emphasis on “effective fiscal management and responsiveness to taxpayers” (McDowell, 2019, p. 140). Canadian federalism scholar Adam Harmes connected the idea of market-preserving federalism to the instrumental usage of the COP doctrine to impose drastic restructurings on Toronto’s liberal democratic institutions. In this, Harmes linked the normative ideas of Hayek and Buchanan to an explicit and self-conscious project for multi-level governance that was designed to ensure institutional and constitutional constraints on the development of what could be considered more social democratic (or even just liberal democratic) forms of government intervention and institutional design (Harmes, 2019, p. 30). The use of the COP doctrine to “streamline” government and to shrink the size and role of representatives in representative democracy at another level of government is an example of such market-preserving federalism (particularly in the cases of Premiers Harris and Ford).

McDowell emphasizes parliamentary behaviour, noting that democratic institutions under neoliberalism in Ontario have redefined accountability away from any ideals or even practical forms of a democratic relationship. Instead, democracy has become defined in terms of efficiency and preserving taxpayer money, even at the expense of overruling democratic ethos, decision-making processes, or elected bodies (2019, p. 140). Deliberation and contestation within democratic political life is, therefore, one of the main challenges that neoliberalism faces in the twenty-first century. Brown (2019, p. 56-57) further argued:

Neoliberalism thus aims at limiting and containing the political, detaching it from sovereignty, eliminating its democratic form, and starving its democratic energies. From its “post-ideological” aspirations and affirmation of technocracy to its economization and privatization of government activities, from its unbridled opposition to egalitarian “statism” to its attempted delegitimation and containment of democratic claims, from its aim to restrict the franchise to its aim to limit sharply certain kinds of statism, neoliberalism seeks to both constrict and de-democratize the political.

De-democratization necessarily exists both within and outside the state, in both complementary and antagonistic ways. This dissertation explores the de-democratization of formal institutions and structures at the local level (although this is not limited to ideas of representative democracy and non-participatory decision-making). Participatory and consultative forms of democracy have been undercut, often deliberately, to minimize democratic decision-making, either by elected officials or residents of the city, resulting in the furthering of neoliberalizing processes. These processes are decisive to understanding the restructuring of municipal governments and anti-democratic impositions of power from neoliberal provincial governments.

The context of the jurisdictional and institutional components within federalism utilized to manifest these neoliberalized conditions is of utmost importance, specifically the creatures of the province doctrine of the *Constitution Act of 1867*. I explore these through an instrumental case study of the City of Toronto’s governing relationship with the Province of Ontario, moving beyond just theoretical interventions (while acknowledging their importance).

2.3 Creatures of the Province, Federalism, and Fiscal Policy

The constitutional reality is an anachronism created in a pre-urban context.

- Bureau of Municipal Research, 1976

The COP doctrine – and the only constitutional mention of local or municipal government – can be found in the *Constitution Act of 1867* in s. 92 ss. 8:

In each Province the Legislature may exclusively make Laws in relation to Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say:

(8) Municipal Institutions in the Province.

The entirety of local politics in Canada's constitution is listed merely as one responsibility, a subsection before saloon, bar, and auctioneering licenses. Scholar and former Toronto School Board Trustee Luis Silva (2005) points out that municipalities are not orders of government, even though they behave like one; instead, they are corporations established by the province and one provincial responsibility listed among many others. Canadian federalism constitutionally structures municipalities as “deriving their authority from the provincial crown and not from some democratic origin in the authority of the local population” (Todd, 1998, p. 209-210). Silvia's understanding of how local government works, as other critical scholars point out, does not reflect the reality of urban governance today. Engin Isin noted that the contemporary understanding of municipalities is clouded due to assumptions made about municipalities in the nineteenth century. The claim that Canada and Confederation were always a discussion of jurisdictional appeasement between provinces and the federal government ignores that from 1841 to 1867, the politics of what became Canada was localized both formally and informally in governance (Isin, 1992).

In the political science literature, since the early 2000s, there has been an increasing focus on the necessity of a more decisive political role of municipalities in Canada. However, critical

scholars have long noted the existence of a structurally and constitutionally unchanging (though more practically and politically fluid) intergovernmental context where provinces and the federal governments have not yet formally recognized the autonomy and democratic importance of cities (Andrew, 2001; Fanelli, 2016; Isin, 1992; Keil 2017; Kelpin, 2015; Levi and Valverde, 2006; Magnusson, 2005a, 2005b, 2011, 2015). A dominant institutional approach concentrated on urban government through lenses of federalism (see: Cameron and Simeon, 2002; Morton, 2018; Russell, 2004; Simpson, 2002), fiscal concerns (see: Slack, 2002, 2004, 2007; Slack and Bird, 2006, 2013, 2015; Smith and Spicer, 2018; Spicer and Miljan, 2015) and outputs of public policy/service delivery (see: Moore, 2013; Slack and Bird, 2006, 2013, 2015; Spicer, 2015a, 2015b; Spicer and Found, 2016). These dominant institutionalist studies do not critically analyze the purpose of urban governance or the shifts regarding norms of democracy and de-democratization. In a quantitative analysis of the state of Canadian federalism scholarship, Fafard and Rocher (2008) highlighted that several academics interviewed for their study thought more work needed to be done on fiscal implications related to cities and the constitutional dimensions of municipal governance. While this argument lacks specificity as to what these themes would entail in a more practical sense, these same interviews yielded a particular language of the vernacular of “financial challenges facing cities and the resulting implications for Canadian fiscal federalism” and a focus on “financing and the role of municipalities within the Canadian federal system in light of the horizontal fiscal imbalance that primarily affects municipal governments” (Fafard and Rocher, 2008, p. 16-17). Even in this emerging theme, the emphasis of the research was heavily reduced to a type of fiscal functionalism, with federalism only serving as a jurisdictional method for delivering services and more efficiently organizing government. In this way, these scholars were already seemingly implicitly in alignment with Buchanan and others on issues of fiscal federalism. Eidelman and

Taylor (2010a) argue that from an epistemological perspective, Canadian political scientists – especially federalism scholars – have historically ignored the study of local government and urban politics. The study of Canadian Political Science Association membership from 1971-2008 found that only six percent listed “urban, municipal, or metropolitan politics as their area of specialization” (Fafard and Rocher, 2008, p. 307). Similarly, from 1998-2008, only two percent of Social Science and Humanities Research Council-funded political science projects were thematically tied to urban politics, inferring that much more research on urban politics is taking place outside of political science (2008, p. 309). Côté and Fenn (2014, p. 1) argued that this lack of interest could be due to municipalities receiving less attention primarily due to their success, stating, “Despite recent scandals and isolated examples of wrongdoing, municipal affairs is generally well managed.” In the broader scope, Eidelman and Taylor (2010a, p. 311) argued that Canada’s development has been punctuated by its “peripheral position in the world economy, especially concerning the United States, as well as the threat of Quebec secession [and related constitutional reform].” This concern absorbed the attention of Canadian political scientists to the point that “‘Canadian’ politics was understood to be *national* politics” (ibid, p. 312). Fanelli and Hudson (2020) agreed with this, arguing that within the enormous scope of Canadian political economy, local and urban questions were marginalized as issues of national identity and relationships to British and American empires dominated most of the twentieth century. Canadian urban theorist Engin Isin (1992) highlighted that Canadian political science was prone to parochialism and presentism, adhering to the notion that local government in its nineteenth-century form was its final form developed outside broader social or economic movements. Isin additionally argued that this frozen-in-time interpretation of municipalities made it “impossible to suggest

alternatives to modern political and legal arrangements, caging our imagination in historical necessity” (Isin, 1992, p. 81).

Indeed, at its worst, Canadian political science regarded urban political economy as a “derivative of federal and provincial dynamics” (Fanelli and Hudson, 2020, p. 259). Throughout historical scholarship and politics, particularly to Canadian federalism,¹¹ there appeared to have been the adoption within the Canadian state and constitutional discourse of the paternalistic notion that cities were not “adults” and that their structural-political advances in the twenty-first century were due to them “finally growing up” (Levi and Valverde, 2006, p. 423). Responsibility, accountability, and the birth-like idea of creatures of the province are all ideas that have been used to reproduce provincial paternalism through the imposition of financially administratively burdensome requirements (Levi and Valverde, 2006).

Economist Enid Slack and many other scholars associated with the Munk School’s Institute on Municipal Finance and Governance (IMFG) have written about expanding the “autonomy” of cities, especially concerning their “very limited *fiscal* autonomy” and constraints on their “solving any ‘real’ (as opposed to ‘on the books’) *fiscal* problems they may have” (Slack and Bird, 2006, p. 20, italics added by author). This resulted in prioritizing taxation powers and fiscal competitiveness of cities within the nation-state and the broader circuits of global capitalism – without a more critical and normative assessment of those structures and social relations. In these readings, local government is often an instrument for competitive advantage used to attract labour and/or capital in a global marketplace. In this view, large cities especially need revenue-raising tools, local autonomy to “make choices that are appropriate to their circumstances,” and a good

¹¹ But not limited to, as we can see in the Canadian state’s paternalistic views around Indigenous governance and peoples in general as “wards of the state” and on a linear form of history and time predicated on progress, growing up, and becoming civilized.

local governance structure if they are to be successful in facing the economic challenges ahead (Slack and Bird, 2006, p. 4). More specifically, large cities were viewed as needing to “manage a more complex urban environment, structure land use to promote *efficiency*, and employ *financial* tools in a way that promotes *efficiency*... [and] should also [have been] better able to design and implement good user fee systems than small localities” (Slack and Bird, 2006, p. 13; italics added by author). From a different angle, Spicer and Found (2016, p. 2-4) discussed autonomy and amalgamation not as democratic issues, but as “regional servicing problems,” “cost savings,” and “service efficiencies,” all while heralding that “much research has highlighted the benefits, especially cost efficiencies, of outsourcing municipal service delivery to the private sector.”

In this largely uncritical and policy-related scholarship, municipal autonomy was instrumentalized as a form of flexibility in a neoliberalizing province and reduced to a term only focused on the service delivery aspect of its importance.

Magnusson (1985, p. 47-48) criticized Slack and Bird on these grounds almost 40 years ago, arguing they were repackaging public choice theories and the necessity of market-based competition to drastically overhaul the realm and responsibilities of local government, alongside ignoring any of the normative or inherently political questions involved. Through Magnusson, we can see how these service-delivery and right-sizing concerns have dominated the history of institutional reform in the City of Toronto. Magnusson additionally maintained (1981, p. 579):

The theory of public choice simply takes a more flexible and sophisticated view of the conditions for efficiency, and of the way that political boundaries can be adapted to the market. The conventional theorists of metropolitan reform in effect laid the groundwork for the public choice approach, by insisting that the form of

local government should be determined by measures of efficiency, effectiveness and responsiveness.

The urban governance work of the IMFG similarly offered a functionalist rendering of Toronto's role as a competitive city due to its FIRE-based role in global capitalism. This coincided with much work done by right-wing think tanks like the Fraser Institute and C.D. Howe Institute, each of which many IMFG scholars contribute on matters relating to fiscal autonomy of cities, especially those perspectives that are critical of corporate and property tax regimes (appealing to a policy direction of further neoliberalization and orientation towards global capital) (see: Dachis and Robson, 2011; Filipowicz and Globerman, 2019; Filipowicz and Emes, 2019; Kitchen, 2000, 2006;). This was exemplified by depictions of capital flight from redistribution, where:

The welfare of local citizens is primarily dependent on private investment, employment, and production, and capital and labor move easily across city lines.

The twin facts of urban tax-base dependence and the mobility of capital mean that cities cannot engage in policies that alienate private capital, and, indeed, must actively encourage its inward flow. Cities need to avoid significant redistributive policies -such as investments in social welfare or health and human services -while promoting developmental policies that will attract business and wealthier residents (Schragger, 2006, p. 2559).

Much of the "Charter City" debates regarding the City of Toronto reproduced instrumentalist notions of autonomy that bolstered an environment of global competitiveness and efficiency. Proponents of Charter City ideas argued that a city with Toronto's population, size, and role in the national economy, made it essential to be institutionally and legally treated as such by other governmental jurisdictions. The emphasis on "tools" and "powers" allowed charter proposals

to gain currency from a wide range of supporters (Levi and Valverde, 2006, p. 454), more often than not, middle-of-the-road “consensus politics” support that reproduced neoliberal ideas.

Charter city debates cannot be understood outside of wider discussions or the social conditions of globalizing capitalism, municipal restructuring, attacks against the welfare state, and urban neoliberalism (Keil and Young, 2003; Levi and Valverde, 2006). A Charter would give Toronto “legal tools to manage its own affairs” – rather than additional taxation or revenue policies – to “compete on the nation’s behalf in the global marketplace” (Levi and Valverde, 2006, p. 449). Such views were also reproduced by the City of Toronto on its public-facing website which had, as of 2024, major sections dedicated to “Investing in Toronto,” the “Competitive City,” and “Toronto’s Competitive Advantages” (City of Toronto, 2024). These frames obfuscated any normative questions about democracy and decision-making, rendering Toronto as only needing the tools of technocratic expertise to instrumentally achieve the neoliberalized goals of efficiency, competitiveness, and productivity. Levi and Valverde (2006) pointed out that, ironically, the arguments for judicial reproduction of subsidiarity and COP were “mainly fiscal,” based around “middle-class backlash against city councils” in the nineteenth century due to inefficient spending and absolutist arguments of local corruption. These issues and the response to them resulted in solutions that were legally designed to “bind cities more tightly to state governments” (Levi and Valverde, 2006, p. 419). For clarity, the basis of subsidiarity is rooted in ideas of efficiency, productivity, accountability, and the presumed need to protect taxpayers, which is the same language used to instrumentalize local government, and neoliberalism, the latter of which compounds on notions that re-orient the nation-state or larger scales of government as inefficient, unaccountable, and not protecting taxpayers. What this showed was a total reversal of ideas

predicated on instrumentalizing whatever form of government will produce classical liberal or neoliberalized processes of governance.

The above demonstrates why Warren Magnusson's important interventions (2005a, 2005b, 2011, 2015) serve as the basis for a critique of the status quo of the history of mainstream Canadian federalism and institutionalist studies. Eidelman and Taylor (2010b, p. 972) concisely described his work as having called "for a focus on the urban as the scale and context in which people exercise self-government and political choice, nested within broader structural forces." Magnusson critiqued the basic premise of creatures of the province (and federalism more generally), arguing that the doctrine of municipal subordination is based on an absolutist conception of sovereignty, a conception that totalizes ideas of government and jurisdictional relationships over substantive conceptualizations of democracy (2005a, 2005b). At its core, Magnusson's intervention simply questioned that it was hard to think of a single city "created by a province" and that Toronto existed at least 74 years before Confederation (Magnusson, 2005a). So how was it that the provinces got retrospective credit for having created cities that were there before them? Engin Isin (1992, p. 74) invoked similar arguments as early as the 1990s, when he critiqued the methodological issues with sovereignty, jurisdiction, and the ethos of local institutions:

Why is the founding interpretation and its influence on modern conception of municipal government a concern. The past of political and legal institutions-the social and economic conditions in which they emerged and the culture they inherited-becomes a concern when questions arise about the meaning and function of these institutions in the present.

Based on this perspective, Magnusson argued that "provincial government does not have the right to sweep away institutions fundamental to a liberal democracy" and that the COP doctrine was

designed to protect local government from the federal government (2005a, p. 10) and that “protection need not be at odds with the protection implicit in the principle of local self-government, a principle that protects the municipalities against the provinces, albeit in a different way” (2005a, p. 10).¹² Magnusson additionally argued that scholars who reduce federalism to jurisdictional questions (particularly in an economic and public policy scope) completely missed the mark about the democratic question. These scholars instead reproduced the idea that a large “effective” state was meant to be based around large bureaucracy, principles of administration, technical expertise, and professional politicians: in short, a reduced form of representative democracy (2005a, p. 15). Often, people adhering to such views are suspicious of municipal government because they argue that local government is “undemocratic” and that cities stand in the way of democracy by way of their scope of government and spatial/service proximity to the people who are governed (2005a, p. 17; *italics in original*). These strains of thought are reproduced through the institutional norms of sovereignty and federalism, resulting in disregarding local governance as a form of decision-making while valorizing large-scale and distant forms of provincial or national governance. As Levi and Valverde noted (2006, p. 431): “Section 92 informs Ontarians that the province has created municipalities, like God creating light, and that these entities are created to be ‘responsible and accountable.’” Caroline Andrew (2001) similarly argued that the local is where vital political issues are played out and that, ultimately, many of these questions are urban, not national or provincial, questions. Andrew also warned of the possibility

¹² Magnusson (2005a, p. 13) developed the following reasoning: “Municipalities were creatures of the state. According to this view, the *Constitution Act 1867* resolved the question of which level of the state would have *control* over the municipalities. The federal or the provincial. The municipalities had to be creatures of the Ottawa or the provinces. They could not exist independently. Such self-subsistence would have been inconsistent with the principle of sovereignty, since that principle was understood to imply that the state had a monopoly on political authority. If the Canadian state consisted in a confederation of the provinces, there would be no authority left over once powers have been divided by the two levels of government. There was simply no space left for autonomous political entities.”

of reducing local autonomy to “decentralization” and “service delivery,” highlighting the links between decentralization, privatization, and global capitalism at multiple scales.

Critical interventions were fundamental to changing discussions around federalism in the Canadian context. Magnusson’s thought has been especially foundational to this dissertation regarding questions concerning the creatures of the province principle. These ideas inform the two-pronged question regarding (a) the undemocratic nature of the doctrine itself and (b) the undemocratic policies and neoliberalized restructuring processes that are passed through the doctrine as an instrument for unilateral provincial government actions. Ultimately, Magnusson’s definition of local self-government is a “system that enables us to govern ourselves in our own local communities, rather than *be* governed by a distant state” (2005a, p. 22), which is a crucial organizing principle for understanding the democratic issues of the intergovernmental relationship between the Province of Ontario and City of Toronto. To be clear, this study was not designed to manufacture a gap in Magnusson’s research but to utilize the specificity of the Canadian institutional focal point to wed it to other critical concepts for understanding the intergovernmental relationship between the province and the municipality and regarding democratic decision-making conditions. This dissertation seeks to bolster and further Magnusson’s interventions by applying new insights and problematizations to empirical findings in a Canadian context.

2.4 Methodology and Approach to the Question

This study was framed within an interdisciplinary two-pronged approach comprised of (1) material and structural analysis of related policies and legislation between 1996-2023 and (2) discourse analysis of legislative debates, interviews, and public comments by political actors (with a focus on the City of Toronto). The choice of 1996 as the starting point allowed for the Harris years to be

an initial focus point of the research due to this being the accepted moment of neoliberalism's emerging dominance and guiding policy principle within the Government of Ontario.¹³ This lens transcended thin and quantitative style methodologies that sacrificed specificity for a more generalizable theory or, equally, a thick and descriptive study with a narrow prioritizing of specific policy fields. The study's timespan also allowed for three successive provincial governments to be represented in examples of forming government and creating policy at the provincial level, as well as the four distinct Mayors and City Councils since the City of Toronto's amalgamation. This temporal frame allowed for historical specificity without sacrificing the scope to discern trends over time. It also facilitated a balance between the historical moments covering the period, including the election of Premier Doug Ford, whose views on local democracy are made quite clear through past behaviours, conduct and actions, and in starkly telling quotes, such as this:

If I ever get to the provincial level of politics, municipal affairs is the first thing I would want to change. I think mayors across the province deserve stronger powers.

One person in charge, with veto power, similar to the strong mayoral system in New York and Chicago and L.A (Ford, 2016, p. 85).

Indeed, Doug Ford explicitly planned to empower mayors at the expense of councils and the broader local democratic polity. Furthermore, when Toronto's mayor, John Tory, questioned Ford's repeated incursions into Toronto public policy and politics in 2019, Ford illustrated what was meant by stronger (conditional) powers as it related to (limited) democracy: "Instead of irresponsibly wading into provincial issues he is neither involved in or understands, perhaps Mayor Tory should find time to sit down with his auditor general and find some value for taxpayers' dollars" (Ford, in Jeffords, 2019). Ford would erode multiple governing institutions in Toronto

¹³ There are notes of neoliberalism throughout Bob Rae's premiership, but it is not the guiding principle as is argued in regard to Harris.

besides City Council, notably Toronto Public Health, which were referred to as a “bastion of lefties” in the Ontario Legislature (in Glauser, 2019), which indicated a preference for diluting administrative power and the ability to create and administer policy autonomously. This language was indicative of the CEO and executive board-like structure Ford saw as necessary.

This dissertation is also informed by a neo-Foucaultian praxis as used by Karen Murray (2007, p. 178) when she argued:

Grasping and resisting problematic basic precepts, especially those valorized in official policy debates, is a political act aimed at creating new and less oppressive governmental forms. In the contemporary context, where boundaries of power, politics, and rule shift as we think, speak, and write, such endeavours are particularly apropos.

This praxis included genealogy, critical discourse analysis, and the ability to incorporate variegated neoliberalization and actually-existing neoliberalism.

Genealogy

I used a loosely neo-Foucaultian genealogical lens to understand discursive dynamics around urban/intergovernmental governance in Toronto and Ontario. This served to situate the character of history and power within context and emphasize the relational and seemingly insignificant localized details over-generalized or functionalist large-scale reductionist descriptions of power relations (Foucault, 1984, p. 76-84; Foucault, 2019). Put effectively by Jessica Parish (2017, p. 8):

Genealogy differs from other approaches to history in that it aims to present neither a comprehensive picture of a particular time and place in the past, cut off from all those processes and events which succeeded it, nor “a history of the past in terms

of the present” (Foucault, 1977). Rather, genealogy seeks to write a history of the present. In order to do so the genealogist begins from a diagnosis of her contemporary, and from this diagnosis seeks and endeavours to understand those events that have allowed for or made possible the emergence of the present in its particularity.

Genealogy does not dismiss the role of class, the state, and capital in the construction and re-construction of governing relationships; rather, it situates the interest of capital accumulation as one of the most important variables in understanding the historical results and meanings associated with power and the production of language and ideas. In this manner, genealogy is a mode of historical analysis that can be deployed to analyze how “various types of knowledge and discourses shape widely held presuppositions about what government is, how it should be conducted, for whom, and to what ends” (Murray, 2007, p. 164). The same is also true of interrogating the role of the provincial government, due to its constitutional power of total disallowance and legislative absolutism over the existence and policies of municipalities. This method allows for a substantive understanding of where legitimacy is rooted when it comes to urban governance. More specifically in the examples herein we see how neoliberalism often cloaked itself in liberal democratic discourse and institutions, drawing questions on how much and where neoliberal governance can legitimate itself through its own discourse, or how much it relies on others [e.g. populism in the Harris and Ford governments] (Brown, 2009, 49).¹⁴ Genealogy was also a complimentary

¹⁴ Also outlined effectively by Robert Heilbroner in *The Logic and Nature of Capitalism* when he argued (1985): “We turn now to an aspect of the political nature of capitalism to which we have not yet paid attention. This is an unnoticed masking of functions that have been bifurcated between two realms, so that the business world quite unwittingly carries out a primary task of government, and the state tacitly discharges a central task of economic provisioning.”

historical lens for shedding light on how urban governance emerges as a very specific order that is constantly contested as it cannot be governed from a unique centre (Magnusson, 1996).

Critical Discourse Analysis

Discourse analysis was utilized to critically interrogate the rhetoric used by various government actors to both justify and often cloak the effects of the legislation that was being passed to remake urban government. The specific approach operationalized is known as “critical discourse analysis” (CDA), which Fairclough and Fairclough (2013, p. 17) described as “the analysis of political discourse from a critical perspective, a perspective which engages with the reproduction and contestation of political power through political discourse.” This is expanded by Teun Van Dijk (2015, p. 467), who argued:

[CDA] focuses primarily on social problems and political issues rather than the mere study of discourse structures outside their social and political contexts[.] This critical analysis of social problems is usually multidisciplinary. Rather than merely describe discourse structures, it tries to explain them in terms of properties of social interaction and especially social structure. More specifically, CDA focuses on the ways discourse structures enact, confirm, legitimate, reproduce, or challenge relations of power abuse (dominance) in society.

Fairclough and Wodak (1997) described the central tenets of CDA as addressing social problems, emphasizing that power relations are discursive, discourse constitutes society and culture, discourse does ideological work, discourse is historical, the link between text and society is discursively mediated, discourse analysis is interpretative and analytical, and discourse is a form of social action (in Van Dijk, 2015, p. 467). Discourse analysis is predicated on a theoretical

framework that links the social structures of groups and institutions to their control of the structures of text and communication (Van Dijk, 2015) and an emphasis on the need to relate discourse structures and discursive practices to foundational social and political structures (Fairclough 1989, Van Dijk, 2015).

Critical discourse analysis was essential to situating the shifting meaning of lexicons and power relations behind ideas like “efficiency,” “intergovernmental affairs,” “expediency,” and “downloading.” These terms were central in Ontario in the context of downloading, amounting to a “neoliberal restructuring of the state” through the “devolution of operational responsibilities, particularly the welfare state.... without matching fiscal supports” (Albo and Fanelli, 2014, p. 11). In the *Constitution Act* itself, the terms “responsible” and “accountable” are used to describe the purpose of governing municipalities. As such, both concepts are rooted in Canada’s tory-touched classical liberalism but reconstituted within the political rationality of neoliberalism (Levi and Valverde, 2006). The use of CDA allows for a grounding of discourse in the historical and institutional context of politics (what Foucault would also refer to as the “conditions of possibility”), as well as the materiality of social relations of capitalism. Indeed, as Fairclough (2013, p. 185-186) argued:

Poststructuralist accounts of problematization draw extensively on Foucault, but there is one account by Foucault that is consistent with our position (Foucault 1984): whereas problems are a product of problematization in thought, and are not defined by situations or contexts, problematizations are applications of thought to ‘difficulties’ that are defined by situations or contexts (and exist whether or not thought is applied to them). Whereas problems are constructed in thought, the ‘difficulties’ they problematize are produced by material processes.

Additionally, CDA can also be effectively utilized alongside the more material theories of variegated neoliberalization and actually-existing neoliberalism due to the argument that “CDA should not be seen as a method but as a form of critically driven theory and practice operationalized by politically concerned discourse analysts, whose aim is to use a variety of methods in the study of power abuse and inequality within society” (Wilson, 2015, p. 781).

Variegated Neoliberalization and Actually-Existing Neoliberalism

Traditional critical political economy emphasizes the global implications of inequality, gentrification, and the power that capital has over development and the state (Brenner and Schmid, 2015; Jessop, 2002; Slater, 2011; Smith, 2002, 2006), but only a few have typically engaged with the terrain of shifting governance, de-democratization of local government, and the specificity of local case-studies. These concerns are not the theoretical focus of most political economy studies of the globalized circuits of capital.¹⁵ Variegated neoliberalization and actually-existing neoliberalism are distinct in their approaches and attention to specificity of political and institutional history at regional and local scales. This dissertation incorporated the strengths of a critical urban political economy¹⁶ but understands the state as represented as a complex relational system of actors (with a myriad of contradictory groups and interests competing for power within

¹⁵ David Harvey has a quote exemplary of these notions: “Inter-urban competition for investment capital transformed government into urban governance through public-private partnerships. City business was increasingly conducted behind closed doors, and the democratic and representational content of local governance diminished” (2005, p. 47). While this invokes a certain idea of democracy and de-democratization, it is very surface level and formalistic, and lacking a strong sense of historical specificity and context that can be directly useful for understanding these phenomena in Toronto.

¹⁶ Fanelli and Hudson (2020) articulate four general principles of urban political economy: (1) urban forms and politics must be specific to the social formation concerned, (2) urban social arrangements reflect conflicts over the distribution of resources, (3) as a state is articulated on spatial scales, scale becomes important to understanding urban development, (4) economic restructuring is a key influence on urban growth patterns

it) that exists not in a vacuum but in a historically and geographically-specific context. For instance, as Fanelli (2016, p. 3) argued concerning finances:

The inability of Ontario municipalities to meet their revenue requirements stem not only from constitutional realities better suited to the nineteenth century than the urban realities of today, but especially from the neoliberal policies of tax cutting that have reduced fiscal capacities. In other words, the City of Toronto does not have a fiscal crisis, but a revenue crisis rooted in the constitutional constraints of municipal government and public policies of the neoliberal era.

The theoretical underpinning used for this research was built around the complementary concepts of ‘actually-existing neoliberalism’ and ‘variegated neoliberalization.’ First, actually-existing neoliberalism emphasizes the “contextual embeddedness of neoliberal restructuring processes” rather than an abstracted, one-size-fits-all form of neoliberalism. Further, it prioritizes the contextually specific interactions between: “inherited regulatory landscapes and emergent, neoliberal, market-oriented restructuring projects at a broad range of geographical scales” (Brenner and Theodore, 2002, p. 349). This method focuses on history and context and privileges particularity and idiosyncratic processes of neoliberalization within realms of institutional and political specificity while recognizing those processes exist within more universal dialectics of the social relations of capitalism. As its name suggests, it attempts to map the historical and institutional trajectory of policies, legislation, and new forms of governance that reproduce the conditions necessary for neoliberalization to thrive. Brenner and Theodore (2002, p. 357) further define this method as follows:

Actually existing neoliberalism requires an exploration of: (a) the historically specific regulatory landscapes and political settlements that prevailed within particular (national)

territories during the Fordist-Keynesian period of capitalist development; (b) the historically specific patterns of crisis formation, uneven development, and sociopolitical contestation that emerged within those territories following the systemic crisis of the Fordist-Keynesian developmental model in the early 1970s; (c) the subsequent interaction of market-oriented neoliberal initiatives with inherited regulatory frameworks, patterns of territorial development, and sociopolitical alliances; and (d) the concomitant evolution of neoliberal policy agendas and restructuring strategies through their conflictual interaction with contextually specific political-economic conditions, regulatory arrangements and power geometries.

The notion of variegated neoliberalization (Brenner, Peck and Theodore, 2010, 2014; Peck et al., 2002; Peck and Theodore, 2019; Fanelli, 2016) allows for a treatment of neoliberalism beyond the monolithic, instead focusing on neoliberalization as an ongoing and more fluid and divergent process. This is not an end-state, and there is no “neoliberalized end of history and geography” (Peck et al., 2002, p. 383), as necessarily variegated and uneven effects of neoliberalization intertwine local and global phenomenon in unexpected ways. This approach transcends binary/static comparisons between states and emphasizes *change* and *shifting* patterns of dominance and restructuring of spaces within actually-existing neoliberalism (Peck and Theodore, 2019, italics added by author). It is an analytical space allowing for specificity within neoliberalism while accommodating policies that reflect more ordoliberal strains of economic thought, such as those centralizing technical expertise, clear authority, and binding governance to rationalistic principles (Peters, 2007). Ordoliberalism¹⁷ and neoliberalism are directly intertwined. Classical

¹⁷ In his book *A Political Economy of Power: Ordoliberalism in Context, 1932-1950*, Raphaël Fèvre (2021, p. 14-15) notes a major “interpretation specifies ordoliberalism’s place within liberalism in general and within the neoliberal paradigm in particular. Eucken, Röpke, and the other ordoliberals participated in

ordoliberals believed in the need for a stronger state to sustain a functioning market system predicated on effective competition, which unlike many neoliberal arguments, does not come about spontaneously (Biebricher, 2015b). Proponents of both were active founding members of the Mont Pelerin Society, with Hayek, in hindsight, representing overlapping theoretical tendencies of both ordoliberalism and neoliberalism. This led to the two approaches seeking to de-democratize the state and insulate it from the pressures of the masses. More specifically, ordoliberalism has a specific ontology rooted in specialized, expert knowledge rather than just economic knowledge. For Brown (2019, p. 78-80), such “steering capitalism requires non-political, nondemocratic management by expertly informed authorities,” and the state is reluctant to “embrace citizen participation or democratic power sharing.” Neoliberalization processes have always co-existed with and adopted elements of ordoliberalism, albeit in ways distinctive to the neoliberal project (Kiehly, 2017), due to the fluid and shifting nature of its analytical boundaries reproduced by ideological co-evolution with other governing rationalities. At an ideological level, both ultimately seek to limit democracy to a procedural mechanism and enshrine the supremacy of the free market and a selective application of the rule of law (Kiehly, 2017, p. 737). The solution to this is either authoritarian liberalism or economic technocracy, both of which are designed to further limit democratic politics and resistance to the concerns of capital (Kiehly, 2017, p. 737). These processes became more and more pronounced in the mid-1990s in the realities of

the Mont Pèlerin Society from its inception in 1947 as an integral part of the stories involved in the history of the “neoliberal thought collective” (Burgin 2012; Hartwell 1995; Mirowski and Plehwe 2009; Slobodian 2018; Walpen 2004)... Scholars thus portray ordoliberalism as an “independent brand of liberal theory formation which can only be correctly understood and interpreted in the context of German-language traditions of economics and philosophy” (Goldschmidt 2013, 144). Undeniably, ordoliberals shared Mises’s and Hayek’s cultural background; yet, while common to some extent, Hayek in many ways does not deepen the Freiburg tradition so much as reorient it.”

municipal governance and the goals of the intervention of the province of Ontario in its institutions and politics under neoliberalism.

Peck suggested that the closest one can get to unpack neoliberalism or neoliberalization as a concept is to follow its movements (ideological, conceptual and institutional currents, as well as politics and practice) through exercises in historical geography to be “attentive to the spaces in and through which the neoliberal project has been (re)constructed” (2010, p. 8). The concept of variegated neoliberalization allows for an analytical lens that understands the systemic production of geo-institutional differentiation that is both interconnected and locally specific, contested and unstable; it ultimately transcends worldwide or conceptual homogenization while paying critical attention to institutional restructuring and how neoliberalization promotes marketization and commodification regardless of its specificity (Brenner et al., 2010). Indeed, Peck (2019) has stated there is a necessity to understand local neoliberalism as existing in a state of complex interdependence at multiple scales and sites, more than unilaterally imposed or top-down by the global or nation-state, and emergent from and within struggles, contradictions, and incompleteness.

In Canada – and especially Ontario – municipalities are financially and institutionally very weak and have often borne the weight of neoliberalization, austerity politics, and efforts to reassert the power of various capitalist class interests (Fanelli, 2016). This budgetary context extends to how fixed formal government institutions, namely the COP doctrine, rewrite regulatory and governance frameworks. This is a crucial dimension of the process of variegated neoliberalization in Ontario and its municipalities, a process within an approach grounded in the following analytical principles:

First, insistence on a processual understanding of neoliberalization as a restructuring ethos, proactive and frontal in form and programmatically transformative in scope and ambition, and as a result in an ongoing state of contested reconstruction; and second, recognition of the necessarily variegated character of programs and projects of neoliberalization, the uneven spatial development of which is constitutive and not a way station on a path to completeness, its reactionary face always being consumed (if not defined) by context-specific struggles, rollbacks, and flawed experiments (Peck and Theodore, 2019, p. 246).

Variegated neoliberalization and the calls for historical geographic lenses deployed to uncover actually-existing neoliberalism are a valuable methodology for uncovering the institutional, constitutional, and circuits of capital in Toronto and their relationship with both Ontario and global capitalism. In this understanding, neoliberalism's ontology is imagined as a complex and changing web of routines, relations, and circuits in need of coalition partners, allies, and supporters (Peck, 2010). It must always co-exist with other rationalities, spawning a range of hybrid species under conditions of contingency, particularity, and specificity, situating neoliberalism at all times within institutional flexibility. Therefore, an analytical emphasis must be on exploring some of the "connective tissues" of the neoliberalization process (Peck, 2010, p. 34). Jamie Peck and Nik Theodore's recent writing (2019) argued their and Brown's work can be used in a complementary manner to understand historical and institutional specificity within a political economy lens while being attentive to understanding neoliberal rationality. This allows for the specificity of neoliberalization and de-democratization in Ontario and Toronto to be positioned within the broader political economy of neoliberalism without positing an omniscient

and omnipotent abstract of “capital.” Within this conceptualization, the City of Toronto, its city council, and political actors are not rendered as oppositional or institutionally dichotomous with the Ontario government; instead, they can be (and often are) proponents of other or even similar forms of neoliberalizing processes at the local level and intertwined with forms of national and global circuits of capital. Even when the COP doctrine has been invoked, there have been situations where institutional antagonism masks neoliberal consensus. These moments are equally important to understand how neoliberalization occurs across scales and institutions. The analytical pragmatism of this dissertation is necessary to understand the particularity of the governing and capital circuit relationship between Ontario and Toronto, including a contextual understanding of Ontario’s role in the national and global economy. Furthermore, multi-scalar analysis requires understanding the further processes of integration of Toronto into the circuits of global capital and its increasing reliance on creative city policies embedded in a discourse of self-responsibilization and the concept of the entrepreneurial self.

The above dynamics are very much in the same vein as Brenner et al. (2014), who engaged with new constitutionalism research and argued that the use of constitutional mechanisms to enshrine or deliver neoliberal policies needs to be understood through the variegated neoliberalization approach. At a surface level, new constitutionalism understands the growth of neoliberalism as a manifestation of legal lock-in mechanisms designed to globalize capital and strip states of the institutional tools and domestic influence to counter neoliberalism through the separation of economic policies and nation-state interference (see Gill, 1995, 2014; McBride and Whiteside, 2011). Harmes (2006, p. 725) built on Gill’s work and argued that “neoliberalism contains a self-conscious normative project for multi-level governance which is consistent across the federal, regional, and global levels.” Brenner and others interjected in Gill’s – and Harmes’ by

extension – quintessential approach to new constitutionalism arguing it presupposed an “unilateral logic in which global and supranational institutions impose disciplinary constraints ‘downwards’ on national states” (Brenner et al., 2014, p. 129). Variegated neoliberalization allows for an accommodation of the systemically uneven consequences of market discipline and neoliberal policies as implemented across different places, scales, and landscapes; these projects build on, exploit, and intensify inherited differences amongst regulatory landscapes (Brenner et al., 2014, p. 130). Issues of directionality aside, the respective studies of Stephen Gill (2014), Stephen McBride and Heather Whiteside (2011), and Adam Harmes (2006) prove helpful for this dissertation in understanding how institutional and legal mechanisms can be used to “lock-in” neoliberal policies and safeguard them from democratic rule and popular accountability. As the COP doctrine and the intergovernmental relationship between the province and city can be understood as enacting neoliberalism through the structures of the liberal legal state, utilizing the variegated neoliberalization approach to understand the specificity of this is crucial to understand the historical particularity of de-democratization in Ontario and Toronto. This allowed for comprehending shifting urban governance in Toronto within the specific social and governing relations of the city and regional government (Boudreau et al., 2009; Brenner, Peck and Theodore, 2010, 2014; Keil, 2002) and its place within global structures informed by investment in Toronto as a global city, uneven spatial development, and changing flows of capital accumulation (Brenner et al, 2011; Brenner and Theodore, 2002; Keil, 2017; Sassen, 2016).

Brown (2019) recently argued that four decades of neoliberal rationality have resulted in a growing anti-democratic political culture, where the idea of democracy is demonized and opposed by the right from above and below. It is this increasingly anti-democratic political culture within neoliberalism and ordoliberalism that right-populism intertwines with or is born as a response to.

This highlights the continued importance of mapping both material and discursive changes in models of urban governance and how they relate to attitudes towards liberal democracy and neoliberalism. This also allows for a multi-lateral directionality of neoliberalization and affect, understanding that “market discipline” needs to be reworked and reproduced within particular contexts rather than just being a global imposition that transcends local actors and alliances around capital and other urban issues. Where regulatory frameworks are co-constituted with neoliberalization, the focus should be as much as possible on specificity rather than an empirical addendum to a globalized framework of imposition (Brenner et al., 2014).

This study aims to extend the above theoretical interventions to create a historically and geographically specific understanding of how de-democratization occurs within variegated neoliberalization in Toronto governance. Magnusson’s problematization of creatures of the province underpins this project’s more substantive treatment of democracy and decision-making. Brown’s body of work on neoliberalism and de-democratization is vital to understand how neoliberalism further undoes and de-politicizes liberal democracy and the social relations of capitalism. Brenner’s, Peck’s, and Theodore’s collective interventions around neoliberalization allow this project to understand the shifts and fluidity in neoliberalization and de-democratization as a process. When it comes to the more extended history of liberal democracy and its intrinsic relationship with capitalism, Canadian democratic theorist Dennis Pilon (2018, p. 1-2) accurately sums up these points, stating:

The failure to come to grips with the present democratic deficit in conventional public and academic discourse is not accidental but rooted in a fundamental misunderstanding of what democracy is and how it works. The most basic issue with western electoral democracies is that they are not – and never have been –

terribly democratic, a problem that was masked for a time by the postwar economic boom. Political scientists and media commentators tend to miss this because they mistake ideal-type processes and institutions for democracy.

It is important not to paint the Toronto City Council, or citizens, as passive victims or valorize them as virtuous proponents of substantive democracy. This necessitates grasping that the local scale and form of government is not to be rendered as victim or anti-neoliberal as every mayor – Mel Lastman, David Miller, Rob Ford, John Tory and Olivia Chow –invoked neoliberal language and ideas of the competitive city, free markets, frozen taxes, etc. regularly with varying levels of enthusiasm. The municipal government in Toronto played an active and often complementary role in its pivot towards global markets, endless development, and concepts of creativity rooted in human capital. A prominent example of these sentiments can be most obviously understood through Rob Ford’s mayoralty in Toronto from 2010 to 2014, which saw political arguments for strict neoliberalization, anti-democratic views of decision-making, and more of a political antagonism against the province rather than that of substantive views of democracy and issues with creatures of the province. Less blunt examples would be represented by specific local city councillors who readily side with the provincial government: i.e. Councillor Stephen Holyday – son of Rob Ford’s deputy mayor and close friend of Premier Ford, Doug Holyday – sided with Premier Ford on cuts to the size of Toronto City Council when stated that: “Nobody should be surprised, I’m one of the first councillors here to openly admit that I’ve questioned many programs in the city. And I question them fundamentally” (Keenan, 2019). Holyday’s language here is evident in its ideological concentration: he supported the neoliberalization of the city of Toronto and its government, and he would appeal to the provincial government to create the conditions necessary to implement this ideology, basic tenets of liberal democracy be damned. A lack of a

party system at the municipal level in Ontario did not render party politics obsolete by any means, and Toronto city councillors could support their own de-democratization and depoliticization even when it is imposed by other levels of government, so long as it services their ideological project.

Additionally, forms of both institutional and grassroots resistance are occasionally touched on in this dissertation to avoid a description of neoliberal de-democratization and depoliticization as hegemonic. Specifically, this entailed an assessment of amalgamation resistance, Toronto election reforms resistance, and both the charter-city and Province of Toronto conceptualizations of institutional and constitutional resistance to the creatures of the province view of sovereignty. While these may not be explicitly anti-neoliberal in orientation, they are nonetheless contestations of the claims of institutional power by the provincial government. A central tenet to variegated neoliberalization is to understand how each round of neoliberalization reshapes and intertwines with institutions and ideologies in which subsequent neoliberalization projects unfold (Brenner et al., 2010, p. 132), the process of neoliberalization is forged through the contextually specific forms of crisis, institutional change, and resistance that are engendered through combative encounters.

A number of these findings reflect a trend of conceptualizing neoliberalism as mutating in historical and spatial contingency akin to “roll-with-it”¹⁸ neoliberalism (Keil, 2002, 2009), relating to Roger Keil’s explanation of “option 1” of roll-with-it neoliberalism, which focuses on rising manifestations of revanchism, authoritarian governing, urban austerity, and further privatization of social services. This dissertation conceptualizes a combination of both “roll-back” and “roll-

¹⁸ This also reflects the “double truth” of neoliberalism, in which an elite (either technocratic or political) would believe in the necessity of repressing democracy, while the people living within society would receive and participate in a discourse of “rolling back the nanny state” and having increased “freedom to choose” (Kiehly, 2017, p. 740). The state continues to exist, instead shifting its boundaries and manifestations of power through the eradication of politics, ironically using political means.

out” forms of neoliberalization rather than assigning a particular directionality to neoliberalization when interacting with inherited institutional and geographic landscapes.

The combination of thinkers and theories herein helps unpack actually-existing neoliberalism in historical context and place and extends the variegated neoliberalization literature. But more substantively, the de-democratization lens marks a space of policy choices and political incursions into decision-making principles, practices, and bodies. While the COP doctrine has existed since Confederation, the theories informing this analysis allow us to understand what urban governance and democracy have looked like in a neoliberalizing Ontario and Toronto. Neoliberalism and de-democratization are intertwining and symbiotic phenomena. The effects of rescaled governance constricted decision-making processes and bodies and imposed neoliberal policies all related to Ontario’s municipalities. These co-existences and cyclical relationships allow neoliberalization to be reproduced - or at least bolstered, masked, or both – compounding its effects both within and beyond the state.

Depoliticizing liberal democratic institutions has gone hand-in-hand with depoliticizing the ideology and social relations of capitalism itself, which are reproduced through shifting modes of governance and responsabilization that reorient how everyday people view the state and exist within society. While much work has been done on urban governance in Toronto, a relational appreciation of both theories and scale is vital to fully understanding the intertwined constitutional fashion in which neoliberal conditions can be imposed, produced, and reproduced. While there have been many scholars and projects that have looked at snapshots (whether historical, geographical, institutional, or party regime) of these neoliberalizing processes in Ontario, the strength and originality of this project are tied to three major elements: the historical breadth of study and political party regimes, the inter-scalar and institutional focus of the research, and the

use of variegated neoliberalization as a lens to understand the historical and geographic specificity of neoliberalization as a process between multiple levels of government in a system of federalism.

Source Selection

As noted above, the dissertation applies a variegated neoliberalization approach, concentrating on democracy and the governance relationship between the province and Toronto. Emphasis was placed on legislation, and critical political actors were used to transcend more institutional methods that reduce the role of individuals in structuring political discourse and policy changes. I conducted analyses of emblematic legislation that drastically reworked the City of Toronto's governing relationship with the Government of Ontario and its liberal democratic institutions. This approach allowed for accounts of shifts concerning state governing practices at both the provincial and municipal levels and how neoliberalization unfolded in Ontario. Institutional analyses have been bolstered through critical discourse analyses, prioritizing both the broader context of language and sensibilities revealing power in social relations and how forms of social domination and marginalization are (re)produced (Smith-Carrier and Lawlor, 2017). Discourse analysis is used to map choices and trends within legislative and institutional governance structures, with the sources of inquiry involving primary research into the legislative record of previous governments and secondary source media coverage (e.g. *National Post*, *Toronto Star*, *Toronto Sun*, *Globe and Mail*) of 'benchmark' policies and issues.

Factiva was used to prompt the various newspaper databases based on date and keyword parameters from newspaper coverage on a given timeline and event. For example, when searching for Dalton McGuinty's changes to the *City of Toronto Act* (2006), various prompts were utilized, such as "McGuinty City of Toronto Act" or "McGuinty strong mayor," in the context of the date range of 2003-2007. From there, the newspapers of record became the focus. All related articles

were read to see if they had substantive, or even practical, coverage of the legislative or political event in question. Newspapers (and the *CBC/CBC News* websites) were the primary source of at-the-moment journalistic coverage of said events and sources for public-facing statements and quotes by political actors and interest groups. Public policy reports were chosen if they were official government recommendations/documents, and the interest groups were selected because of their institutional prominence and access to the relevant government bodies and media. The consistent focus on the various boards of trade within Toronto was necessary due to their place in advocating directly for the interests of capital in any reforms made, especially in the Harris and McGuinty eras. The same can be said about sources related to charter city proponents, who were political elites who had direct access (and often co-published) with relevant political actors in Toronto.

The official transcript of the Ontario Legislature, the Hansard, was digitally accessed through the Ontario Legislature website to collect all statements related to a given piece of legislation. This represented the entirety of the record of discussion on each Bill analyzed in this dissertation. The discussions were read in their entirety, but an analytical focus was placed on relevant cabinet ministers and premiers as the driving force behind animating support for the related legislation. MPPs who utilized words like ‘efficiency,’ ‘accountability,’ ‘streamlining,’ and other associated terms were prioritized in relation to the material and institutional analysis of the actual legislative consequences of the reforms. By collecting and working with the entirety of the Hansard relating to each piece of legislation, I ensured nothing relating to Queen’s Park was missed in the initial data-gathering stages, even if they were not all utilized in the analytical and written stages of the dissertation.

Significant acts of legislation and public policy amendments included the *City of Toronto Act*, the *Better Local Government Act*, the repeal of the *Planning Act*, the *Municipal Act*, *The Stronger City of Toronto for a Stronger Ontario Act*, the Ontario-Municipal Board (within the *Planning Act* and the *More Homes, More Choice Act*,¹⁹ and *The Better Local Government Act*. They were retrieved from the Ontario Legislature website and read in multiple forms, which were the originally proposed Bills and the final Acts that received Royal Assent. These Bills were chosen because they were the most direct in their institutional and governance changes implemented on the Toronto City Council, its decision-making processes, and the institutional and jurisdictional form of the city itself. These acts and policies reflect separate undertakings and those spanning multiple provincial governments and mayoralities. They also represent the most critical intergovernmental policymaking relating to democratic decision-making processes and spaces. By mapping out these Acts, a roadmap of devolution of responsibility alongside de-democratization and implementing the conditions that reproduce neoliberalization is uncovered. The result became a discovery of changes designed to shift urban governance models further towards technocratic decision-making based around corporate governing structures, imbued with an apolitical language rooted expertise. Neither citizens nor communities exist in these discourses: they are replaced by property owners, taxpayers, customers and, fleetingly, the public, structured and reproduced by related legislation of a more neoliberalized rationality and subject (Levi and Valverde, 2006, p. 436). Crucial here is the use of economistic and corporate accountability-based language that further reduced concerns about varying ideas of democracy in local spaces and moved towards

¹⁹ Canceled by the Liberal government in April of 2018 after years of criticism regarding undemocratic and development-favouring processes, Doug Ford reinstated the Ontario Municipal Board processes through the *More Homes, More Choice Act* in May of 2019. This was heavily criticized by most Toronto City Councillors who argued that the policy is undemocratic, and undercuts local-decision making (Proposed Bill 108: Preliminary City Comments, 2019).

more executive committee design and marketized notions of governance. The effect of this is simple: the neoliberalization of governance both structurally and discursively in the city of Toronto's institutions and wider democratic spaces.

Limitations

There are clear limitations to this approach to the study. Firstly, by centralizing the acts of the powerful, there is, at times, a neglect of analysis that could have been on ground-level resistance to many of these Bills, especially outside of studying the established literature on resistance to Harris's agenda. Questions about resistance are essential to critically thinking about democracy both in the abstract and as praxis, but the purpose of this dissertation was to use empirical work to interrogate the formal institutions of governance as they relate to Ontario, Toronto, and the COP doctrine. I acknowledge what was left behind in the process; in a way, there is hope this work allows others to study sites of resistance that have taken shape alongside these dedemocratizing processes. The presence of Black Lives Matter in Toronto, Idle No More, radical left protest movements, and the potential for a more politicized labour movement have all been present as ebbs and flows through these various periods of de-democratization.

While the dissertation focuses on problematizing attacks on liberal democracy from the right, it does not explicitly prescribe an ideal form of democracy (if democracy is even the ideal view). Although the dissertation could take more prescriptive stances on an ideal type of radical governance, if anything, this would distract from the critical case studies and analysis. However, in the concluding chapter, there is some engagement with what radical left critiques of liberal democracy could look like to counter the right-wing erosion of liberal democracy.

Chapter 3 – The Common Sense Revolution: Less Government is Good Government

The political system itself stands in the way of making many of the changes we need right now... We need a revolution in this province, a Common Sense Revolution.

- Mike Harris, 1995, p. 2

This chapter examines how Premier Mike Harris and the PC's instrumentalized the creatures of the province doctrine of the constitution in a manner that extended them as part of their larger neoliberal project to remake the entirety of the state and governance in Ontario. Harris's time as premier was crucial for implementing neoliberalism more widely in the province, setting the stage for decades of cuts and austerity across multiple scales of governance. Ontario had not quite had its reckoning with more Keynesian-era policies and deliberate erosion of the modern state and bureaucratic apparatus that was the backbone of much of twentieth-century capitalism. Albo and Evans noted that while Ontario had started a turn "towards" neoliberalism in the 1980s, the ideological project was not firmly embedded in the Ontario state and political economy until the election of Harris in 1995 (2018, p. VIII).

The COP doctrine is the most under-theorized notion of Harris's ideological project, with many speaking around the issue or only dealing with it in surface-level discussions regarding federalism, autonomy, and amalgamations. The goal of this chapter is to show that Harris had a plan for Ontario's municipalities, which was rooted in what can be conceptualized as de-democratization and the remaking of democratic institutions and spaces at the municipal level. De-democratization through the COP doctrine also took shape within the depoliticization of austerity under neoliberal conditions that would inevitably lead to cuts mainly outside those municipal institutions' control. Ultimately, however, the COP doctrine was an essential legislative and constitutional tool used by the PCs in imposing their neoliberal agenda and

remaking Ontario's municipal political culture and institutions, thereby defining the specific types of neoliberalization created and imposed.

The chapter's first section analyzes the discourse of the neoliberal turn within PC policy documents in the early and mid-1990s before examining how they became the foundations of the hard-right strain of neoliberalism that Harris would employ. This backdrop is necessary to assess the later role of amalgamations in restructuring urban governance and liberal democratic institutions. The chapter argues the goal was to both dilute democratic decision-making and deliberation for the sake of – and via – neoliberal expedience. It is crucial to appreciate how earlier policy choices and ideological foundations framed these processes, ultimately all existing relationally. Downloading and austerity became a pretext for government through amalgamations and for restructuring to become a justification for a lesser need for politicians in the name of efficiency. Not only were downloading and austerity connected, but each built upon the previous round of neoliberalization in novel ways that compounded and further entrenched neoliberalism while undermining established liberal democratic institutions and decision-making processes.

3.1 Progressive Conservative Messaging in the 1990s

When Mike Harris became Premier of Ontario on June 26, 1995, it began a hard-right turn in provincial politics. The PC's victory was predicated on an austerity response to what many regarded as the failures of Premier Bob Rae and the New Democratic Party (NDP) government which had faced a global recession and the impact of retrenchment of the welfare state by the federal Liberal government under Prime Minister Jean Chretien (Albo, 2018; Evans and Smith, 2015; Keil, 2002). Harris, therefore, ran against five years of an incredibly unpopular NDP

government, which had backed down from its left-leaning politics after being elected during an economic recession. Rae's economic policies were described as "the worst of all worlds – a budget Keynesian enough to anger business and not stimulative enough to do much good" (Walkom, 1994, p. 103); a close colleague referred to Rae as a "fiscal conservative with the ideals of an undergraduate" (Walkom, 1994, p. 212).²⁰

Premier Rae's engagement in heavy bouts of austerity within the veneer of a "more productive, inclusionary capitalism" (Albo, 2018, p. 18) was the beginning of the neoliberal turn, undermining the rights of workers (especially union members) and embracing a politics of debt and deficit reduction – which Harris would later build upon. Rae also ignored neoliberal ideas when the NDP government raised taxes, a policy tool that would become a death knell for any Ontario politician (Evans and Smith, 2015, p. 170-171; Fanelli, 2016). Harris capitalized on the fact that the NDP no longer explicitly critiqued the economy or class (Walkom, 1994, p. 167). When Harris unveiled the Common Sense Revolution (CSR) as a clear and tangible policy platform for roll-back neoliberalism, it described the previous 10 years of Liberal and NDP rule as the "Lost Decade," characterized by continual tax increases²¹ and substantial increases in public spending (Beaulieu, 2023).

²⁰ "It would not be particularly interventionist. It would be fiscally conservative and rely on the private sector for economic growth. It would be a corporatist party, one that would try to forge partnerships among labour, business, and government. It would concentrate on training rather than job creation, assuming – like the Liberals – that the latter was best left to private business. In some ways Rae's reinvented NDP would be like the group of neoliberal democrats who had gathered around Bill Clinton before he became US president. In some ways, it would be like Jean Chretien's federal liberal party – fiscally conservative, although perhaps not as bold. Like the Liberals and Conservatives would talk of governing for all. But, in practice, it would ultimately cater to those with economic and political power" (Walkom, 1994, 267).

²¹ Harris claimed there were at least 65 total tax increases, and that Ontario had become one of the highest taxed regions in North America.

Neoliberalization was compounded at the federal level with reductions of transfer payments to provinces throughout the 1980s and 1990s, which in turn downloaded various fiscal responsibilities for social provisioning without matching funds onto the backs of municipalities. These actions contributed toward the creation of a multi-scalar retrenchment of welfare state policies and a lack of revenue capacity to fund social provisioning programs (Fanelli, 2015). The Jean Chretien Liberal federal government embraced austerity through “fiscal discipline” in its 1995 national budget, significantly contributing to neoliberalization within national policies and institutions and politically/culturally by privileging fiscal discipline over social issues. Within this broader neoliberal turn and context that was being embraced by nearly all Canadian parties, both federally and provincially, Harris argued for the “return [of] Ontario to a better place by *restoring a more traditional bias toward economic rather than social priorities*” (in Campbell, 2023, p. 12; italics added by author).

Harris and the PCs had spent years cultivating an inner circle dedicated to creating a new policy platform for the party, a platform that would reflect the principles that Brenner and Theodore conceptualized as “roll-back” neoliberalism (2002) alongside throwing strict austerity policies on the backs of Ontario’s most vulnerable populations. Conservative columnist John Ibbitson’s (1997) biography of Harris consistently referred to this era of politics and policymaking as “neoconservatism,” but in reality, it constituted neoliberalism. When referring to Harris’s brand of neoconservatism, Ibbitson wrote: “a fundamentalist, neo-conservative platform [that] favoured reducing taxation, lower spending, a balanced budget, and an end to social engineering would present an emphatic alternative to the other two parties” (1997, p. 56). In reality, this view described boilerplate neoliberal policymaking that borrowed heavily from United States President Ronald Reagan and United Kingdom Prime Minister Margaret Thatcher,

two primary political inspirations from the 1980s for Harris and other PC members. *Mission 97*, their guiding policy document in the early 1990s, reflected many of these neoliberal principles in a very rudimentary form, as it stated their job was to provide “good government” represented by “shared values based on individual rights and responsibilities, fairness, and equality of opportunity” (Blizzard, 1995, p. 11). While this statement reflected consultation with rank-and-file members of the party, Harris would fine-tune the policies after a “voyage of business discovery,” attending 52 dinners and discussing business and regulations with more than 500 influential lawyers and business executives, seeking their advice on economic policymaking (Blizzard, 1995, p. 13).

Harris swung the PCs towards a double-edged sword of supply-side economics (read: trickle-down economics) and austerity against the welfare state, arguing that more significant benefits would lead to more people on welfare due to a lack of individual responsibility and work ethic (Ibbitson, 1997, p. 67). Ultimately, Ibbitson realized that the PCs had moved towards a “tougher line” with the goal of “retrench[ing] the party well to the right of what it had been” (1997, p. 53). Even Ibbitson inadvertently, but explicitly, linked Harris’s inner circle to the ideas of Hayek and *The Road to Serfdom* (1997, p. 28-29), arguing:

They believed that governments needed to cut taxes to stimulate spending and increase individual choice, that they needed to balance their budgets to escape the trap of escalating deficits, that they needed to get out of most economic regulation to let the market reward winners, punish losers, and generate wealth for everyone. Most importantly, governments needed to abolish most of their social programs, which took money from people who earned it and gave it to people who hadn’t.

This view was confirmed by Harris's closest allies of his inner circle, with the lead consultant Alister Campbell (2023, p. 2) stating that the *Road to Serfdom* was a "central influence on the [CSR's] policy formation" and was a "galvanizing element for some members of the campaign team," Campbell. *National Post* newspaper columnists Terence Corcoran and Jack M. Mintz (2023, p. 44) reiterated this charge when they argued that Ibbitson was inaccurate about the neoconservative label of Harris's politics as "basic tenets of neoliberal ideas [were] clearly at the heart of the Harris fiscal revolution," noting "Hayek specifically, and neoliberalism more generally" were a significant influence on the political team that surrounded Harris.

These neoliberal ideas were represented in the first volume of the PC's New Directions series of policy reports, *A Blueprint for Economic Renewal and Prosperity for Ontario*, where the first paragraphs of the foundational economic treatise were in Harris's own words:

Ontario is in trouble. Our economy is being battered by high taxation, high unemployment, and low productivity. Our social structure is stretched to the limit by soaring costs for health, education, and welfare. The problems of crime and poverty seem to be growing faster than we can respond to them (Progressive Conservative Party of Ontario, 1991, p. 1).

Crucial to these views was understanding how poverty and persons experiencing it were constructed as a problem not for the moral issue of the existence of inequality but rather for the costs to the state in capitalism. The document explicitly referred to welfare policies and the people who utilized them as a "social burden," asserting:

Our problems in resolving social ills are linked directly with a weak economy. When there is no opportunity for employment or prosperity, people cannot contribute to society economically and instead add their weight to social burden

carried by the rest of the population (Progressive Conservative Party of Ontario, 1991, p. 1).

Finally, Harris invoked a separation of economic liberalism from political liberalism, seemingly laying the ground for Hayek and Buchanan-tinged reforms under the PCs in the second half of the 1990s, stating, “This is not a *political* document. Our *economic* problems are far too pressing and real to allow anyone the luxury of playing *political games*” (Progressive Conservative Party of Ontario, 1991, p. 2; italics added by author). What is clear is that the PCs were, in effect, laying the groundwork for a harsher form of rollback neoliberalism based on austerity and attacks on Ontario’s poor and working classes. This brand of politics and electoral discourse would be employed in the lead-up to the 1995 election and the unveiling of their infamous policy platform, the Common Sense Revolution.

It is necessary to scrutinize the CSR and understand its place as the foundational ideological platform for PC’s strain of actually-existing neoliberalism in Ontario. Any analysis of Harris’s policies without a serious treatment of this policy document and its importance ultimately lacks one of the most significant aspects of understanding the discourse and material realities of Harris’s neoliberal agenda. To comprehend how and why Harris utilized the COP doctrine to instill neoliberal policymaking conditions conducive to de-democratization and depoliticization, one must first refer to these documents (and the later, often more brutal, policies that were followed through upon). After all, as Keil has said, the CSR is a “textbook case of a neoliberal political strategy and project” (Keil, 2002, p. 588).

In the opening salvo of the CSR, Harris stated, “the system is broken,” and the only way to fix it is to “re-invent the way it works,” lamenting the lack of value people are getting for their tax dollars, resulting in the PC promise to cut taxes across the board by 30 percent (CSR, 1995,

p. 1). There were early direct threats to liberal democratic institutions if political liberalism were to stand in the way of economic liberalism. Harris stated, “in order to create the jobs we so badly need and to renew our economy, we will have to set priorities and stick to them,” adding that **“the political system itself stands in the way of making many of the changes we need right now”** (CSR, 1995, p. 2; bolded in the original statement).

The CSR was based on five policy points rooted in neoliberal discourse: 1) “lowering your taxes,” 2) “less government spending,” 3) “finding the savings,” 4) “removing barriers to growth,” and 5) “doing better for less” (CSR, 1995). Arguing that Ontario needed to move beyond “sterile political debate using the outdated labels of ‘left’ and ‘right’” (CSR, 1995, p. 14), the PCs put in place a myriad of brutal austerity policies and all-encompassing impositions of neoliberalization. First, the promise that all “non-priority” government spending would be cut by 20 percent, amounting to a three-year reduction of six billion dollars from the totality of the budget. What they meant by non-priority was that neither health care nor policing would be touched, which, of course, was due to these being bread-and-butter political issues for the suburbs and their political constituencies. It ultimately meant a cut of 8.8 percent from the total government expenditures, which was as – or even more – impactful than cuts to “non-priority” budget designations due to affecting the totality of state expenditures. This austerity was made on the backs of many of Ontario’s most vulnerable populations, namely those who most need government welfare and disability support. The construction of welfare fraud was made out to be an existential threat, with those “unwilling” to work due to “welfare dependency” being cast as a drain on the system even though their own “estimates” placed fraud at a cost anywhere from a “few million to a few hundred million dollars” (CSR, 1995; italics added by author).²² For the

²² This is a numerical variability unaware of its own uselessness as a measurement.

PCs the “best social assistance program ever created [was] a real job,” thus they argued welfare needed to be replaced with workfare programs that created “individual initiative and demands responsible behaviour” to “achieve self-sufficiency” (CSR, 1995). Housing would receive intense cuts, with a promise of simply ending provincial responsibility to fund public housing. More pointedly, all of these cuts were offset further through a flat tax cut that benefitted even the wealthiest in Ontario, cutting payroll taxes, eliminating red tape (any regulation not “justified” within 12 months of Harris government would be cancelled), finding “creative ideas for increasing the private sector’s role” in government, and the setting of “performance standards” for all government services” (CSR, 1995). Harris referred to opposition as needing to be sidelined from the process entirely, asking: “are you prepared to ignore the loud, squeaky, whining voices that have benefitted from \$11 billion deficits and from stifling this province?” (Harris, 1997a). In later interviews, he stated, “I was not going to back down from being bullied... and many have tried to bully me,” before listing nurses, teachers, public servants, and picketers as examples of bullies (Harris, 2010, n.p.).²³

The CSR set the stage for what was to come in the late 1990s for Ontario, as noted, representing a hard right turn into neoliberal austerity measures to deal with manufactured crises. Upon reflection on the 25th anniversary of the CSR, Harris’s perspective on this radical reorientation of the Ontario welfare state and its democratic processes was summarized as follows:

I don’t like right wing and left wing, but let’s say [it] had moved significantly to the left to bigger government, to more government, to more intervention into the

²³ He would use some iteration of the term “bullied” five times in the first seven minutes of the interview.

private sector... I felt I was just restoring the Ontario government back to the *middle* and it had moved *too far left* (Harris, 2020, n.p.; italics added by author).

The CSR did not prioritize municipal reform, but two significant promises made a significant impact on Toronto's municipal structure: the promise to eliminate the deficit and simultaneously lowering income taxes by 30 percent (Boudreau, 2000, p. 5). Both would shrink the spending and revenue capacities of the province, which was responsible for many social provisioning programs that could be downloaded on municipalities. Municipalities and their role in governance were only explicitly mentioned a few times and were essentially an afterthought in their public-facing election platform. In the CSR, municipalities only existed in relation to there being "one taxpayer" and the need for "less government."

Historically, municipalities have responded to provincial funding limits by simply increasing local property taxes. There may be numerous levels of government in this province, but there is only one taxpayer – you. We will work closely with municipalities to ensure that any actions we take will not result in increases to local property taxes. We want to ensure that municipalities do *everything possible to deliver services more efficiently. You'll find more information on our policies for local government in the 'Less Government' section* (CSR, 1995, p. 5; italics added by author).

Harris claimed an "eye [for] eliminating waste" and "unfair downloading by the province" (CSR, 1995, p. 17). When it came to the work of representatives in liberal democratic institutions, the PC's argued there should simply be "fewer politicians" to save costs and run government "more efficiently" (CSR, 1995). While this argument was made with reference to the provincial level in the CSR, the logic would ultimately be extended through the COP doctrine to the municipal level

across Ontario by unilaterally imposing thousands of eliminations of elected officials (this will be discussed later).

It is essential to identify actually-existing neoliberalism under Harris and the PCs, and how it was instrumentalized via the COP doctrine, as a pre-existing institutional and constitutional arrangement that provided the conditions necessary not just to de-democratize liberal democratic institutions at the municipal level, but advance their larger austerity project in the province. As Harris highlighted in his book series with right-wing former Reform Party leader Preston Manning, the restructuring of federalism and decision-making processes would not include any forms of self-determination by municipalities (2005, p. 173).

These forms of actually-existing neoliberalism represented an aggressive form of austerity that would fold in the instrumentalizing of the COP doctrine to obtain goals at multiple scales, rather than an unitary emphasis on reshaping governance at the provincial level. The COP doctrine was an inherited constitutional and institutional framework from 1867 and policy regime that could be actualized to deliver austerity, reshape liberal democratic practices/institutions and instill neoliberal conditions in general. It was part of the contextual embeddedness of actually-existing neoliberalism, the idea that neoliberalism is historically and geographically specific and that it is necessary to analyze this specificity to understand it in a given context (Keil, 2002; Brenner and Theodore, 2002). The context in this case was the CSR which would lead to massive cuts to social provisioning, slashed tax rates, obsessive focus on eliminating the deficit, and the reorganization of the welfare state by downloading to the municipal levels (both to be effective austerity tool and to avoid political blame). After all, much of the federalism of austerity politics is the attempt to reduce the political blowback for the real reduction to social services that people would have to bear (Albo, 2018; Fanelli, 2018a;

Whiteside et al., 2018). Albo (2018, p. 10) described this more effectively in relation to neoliberalism as a concept:

The fiscal and administrative devolution of many areas of regulation and social policy... has typically occurred without the transfer of adequate fiscal resources in the federal transfer regime, with the express intent of stepping up market disciplines and social austerity. This has generated, in turn, further policy devolution to local governments where the admin and fiscal capacities are even more fragile. Thus, fiscal crises and austerity have been endemic to subnational and local states across the entire period of neoliberalism.

It was this context relating to both neoliberalism in general, and intergovernmental downloading in Canada's federalism in particular, that amalgamations and the harnessing of the COP doctrine were part of the wider change in social relations and politics that were occurring in the restructuring of Ontario's political economy in the 1990s. The next section will ground amalgamations historically, before showing how they were crucial to neoliberalization and the undercutting of liberal democratic institutions in Ontario at the turn of the twentieth-century.

3.2 Amalgamations as a Concept

The fact remains, however, that never before in Ontario (or in any other liberal-democratic jurisdiction it seems) has one person had the authority - and used it - to so dramatically alter an established system of local government.

- Andrew Sancton, 2000, p. 108

Amalgamations have a long history in the political life of municipalities and the communities that live within them. In Ontario and Canada, amalgamations have taken the form of typically – especially in the 1960s and 1970s – creating regional governments through the merger of rural

townships or cities, towns, and villages with such townships (Sancton, 2000, p. 49). This structure meant that local governments were not being replaced by a uniform and singular government; rather, supplementary government would exist in tandem at the regional level alongside their municipal governing structures. In the context of the use of the COP doctrine, provinces have the full legal authority to dictate the borders and composition of any cities within their borders. This means the Ontario government could unilaterally make and unmake municipalities with simple legislation. Magnusson (2005b, p. 902-903) describes:

Following British and other European precedents, Canadian legislatures (backed by the courts) have insisted on the right of 'the state' to reorganize local government for the benefit of the wider public. Thus, there has not been much sympathy in the courts for the idea that school boards or municipalities have a right to exist, or that the people who are under these authorities have a right to maintain them. The presumption is that the well being of the wider society is dependent on the state's capacity to reorganize government to meet changing needs (and a changing understanding of the state's duties). Government in this context includes local government, so the assumption is that the reorganization of a province's system of municipal authorities is no different from the reorganization of the Ministry of Transportation or the Ministry of Forests.

It is the language of public interest and the well-being of broader society upon which Harris and the PC government were able to capitalize on, arguing that amalgamation through the COP doctrine could be a tool for reshaping cities under a framework of neoliberalized notions of efficiency and accountability. This was important because of the method by which liberal democratic institutions were sidelined and remade throughout the process, changing how

municipalities would operate at a basic level. By explicitly concentrating on the City of Toronto, we can see how much of the goals of amalgamation were not exclusively cost savings and efficiency-based, but rather of altering local democracy and its boundaries in the city to make it more possible for neoliberal conditions to flourish. This would be done by bolstering the political power of the surrounding suburbs against what the PCs referred to as the downtown leftists, which they saw as an enemy to their cause. It is also essential to reflect on amalgamations as part of this bigger neoliberal picture as the PC's utilized them at a quantity and quality unseen throughout the history of North American politics. Sancton highlights that in the United States, the number of incorporated municipalities increased from 16,807 in 1952 to 19,372 in 1997 and that in the majority of cases, "no annexations ha[d] taken place without the approval, by referendum of the affected residents" (2000, p. 70). In the Canadian context, Sancton found no examples of "cities being forced to merge with each other" and very few in which towns were merged (2000, p. 49).

3.3 Amalgamations as a Tool for Neoliberalism to be Imposed

An excellent way to understand the PC view of political liberalism and representation is to utilize the neoliberal theory of representation, which according to Canadian political economist David Pond (2005, p. 170 and 177) takes as "the primary obligation of elected members was to respect their constituents' interest as taxpayers, superseding attention to any of their other multiple identities traditionally considered to be worthy of representation in the Legislature" and the "restor[ation] [of] the health of representative democracy [by] government had to reconnect with the people it represented, the taxpayers." For Pond, eliminating politicians was part of the bigger picture of the austerity project of neoliberalism, requiring more than rolling back the Keynesian

welfare state, which represented more than cutbacks, that is, “the restructuring of the decision-making process itself” (2005, p. 177). Brown made a similar point when it was argued that “neoliberal rationality while foregrounding the market, is not even only or primarily focused on the economy; it involves *extending and disseminating market values to all institutions and social actions*” (2009, p. 39; italics in original); and neoliberal rationality “develops institutional practices and awards for enacting this vision” (2009, p. 40). The result is a state (and subject) suffused with economic rationality that transforms both what is considered good social policy or even politically possible, with a need to meet profitability tests, be efficient, and have ideas reduced to pure quantification of results (2009, p. 44). As mentioned earlier, the CSR was nearly entirely concentrated on neoliberal economics, namely eliminating red tape (any regulation not “justified” within 12 months of Harris government would be cancelled), finding “creative ideas for increasing the private sector’s role” in government, and the setting of “performance standards” for all government services” (CSR, 1995).

The COP doctrine, when invoked to remake liberal democratic institutions at the municipal level in Ontario, had a logical connection with these neoliberal theories of representation. Suppose local government was reduced to service delivery and the need for business-like efficiency and accountability, alongside the notion of personhood reduced to taxpayer status. In this case, an institutional reorganization of the state and its governing structures was necessary to create the conditions for neoliberalism to flourish further.

Amalgamations were recognized as a potential effective shortcut to finding these efficiencies, and they could be nearly unilaterally imposed through the COP doctrine, making them an effective legislation tool to attempt to impose neoliberal decision-making processes and conditions on local government institutions. Indeed, Harris argued as much in an interview

regarding Toronto amalgamation: “what is still on is fewer politicians, far more disentanglement, far more accountability, and there are savings by moving services to one level of government instead of seven” (Harris, 1997a). From a strictly gross budgetary standpoint, there were no real savings. Costs went up in most larger municipalities, especially in the newly amalgamated City of Toronto; however, there was effectively less money to spend on social provisioning costs due to the downloading of former provincial welfare state policies onto the cities' budget, spreading their budgets thinner. The result was, and still is, more neoliberal policy-making occurring at the municipal level in Ontario. As will be argued later, this neoliberal policy regime was about so much more than just short-term savings and finding little efficiencies: it was about a total restructuring of the Ontario state with a fixation on municipal services and democratic institutions.

3.4 Amalgamations and Actually Existing Neoliberalism

Under the Constitution, municipalities are considered creatures of the province. They exist by provincial sufferance. Bill 26 would turn them into abject creatures indeed.

- Ibbitson, 1997, p. 143

The stage for Harris's goals for municipalities was set in Bill 26, the *Savings and Restructuring Act* (1996),²⁴ omnibus legislation that altered 47 different legislative acts and put forth an ambitious timeline of getting passed in 15 days. The Bill would allow the government (technically the premier and the relevant cabinet ministers, not even the broader legislature) to impose amalgamations on municipalities throughout Ontario in the name of “giving the opportunity for local governments to become more streamlined, more autonomous, more

²⁴ The Bill was originally given a much more wordy and ridiculously unfocused title: *An Act to achieve Fiscal Savings and to promote Economic Prosperity through Public Sector Restructuring, Streamlining and Efficiency and to implement other aspects of the Government's Economic Agenda*

accountable to the local ratepayer, and less expensive” (Eves, 1996). These opportunities were to be found through the greater neoliberal tools of “support[ing] business by providing a positive business climate with competitive taxes, responsible fiscal management, and fewer barriers to investment and growth” and with “additional flexibility to introduce innovative solutions that will help them to meet the challenge” (Eves, 1996). This meant that municipalities would have immense costs downloaded onto their budgets, costs that the provincial government knew municipalities could not afford.

The “innovative solutions” were the implementation of new permissions for municipalities to charge “user fees” on a “cost-recovery basis” (Eves, 1996) for previously publicly and free services, a model that corresponded more with suburban lifestyles and taxing regimes. Funding for the Ontario municipal support fund would be cut by 22 percent (\$290 million) by 1996-1997 (after transfer payments to municipalities were already cut by 48 percent in 1995) and replaced by a block grant to “make spending reductions fair for municipalities” (Eves, 1996). The act additionally made it easier for heads of institutions to deny Freedom of Information Act requests (*Savings and Restructuring Act*, 1996, k.2), and municipalities would not require the assent of electors before exercising powers under the *Municipal Franchises Act* (*Savings and Restructuring Act*, 1996, m.2). Additionally, the relevant provincial minister would be able to punitively reduce funds to municipalities if they failed to meet unspecified “standards” of “provincial significance” (*Savings and Restructuring Act*, 1996, m. 2).

While phrased as being about empowering and freeing municipalities from the iron fist of the COP doctrine, the PC government was set to impose amalgamations or other tools to instill conditions helpful to the passing of further neoliberalization processes and policies. Municipal Affairs Minister Al Leach stated this bluntly:

I don't want to gloss over the fact that municipalities will be receiving less money.

Some municipalities, probably many municipalities, will need to restructure to manage their reductions. Municipalities can *restructure by streamlining their operations* or by *realigning jurisdictions*, but they must do *whatever it takes* to deliver services for less (Leach, 1996a; italics added by author).

Here, we can see what the PCs regarded as effective restructuring in the eyes of the law: whatever will cost less, make government smaller, and streamline decision-making processes. Leach said as much in the same speech: “I am confident that municipalities will find ways to deliver services for less. Taxpayers have made it clear that they want less government, more *cost-effective government, more efficient government*” (Leach, 1996a; italics added by author). Municipalities’ behaviour was not just to conform to neoliberal principles of efficiency and cost-savings but also to foster institutions and environments that were more conducive to neoliberalized decision-making processes and legislative results. Harris made the same point: “We will not be punishing fiscally responsible municipalities” (1996).

The process in which this would be done was through total control of how amalgamation would unfold, with the *Savings and Restructuring Act*’s lingering threat of further instrumentalizing the COP doctrine against municipalities to impose the conditions and agreements for amalgamation onto local decision-making bodies. The Act indicated:

The Minister is given the power to make regulations restructuring municipalities.

Upon receiving a proposal from a municipality or prescribed local body in unorganized territory, the Minister shall make regulations implementing the proposal if the proposal meets the requirements set out in the section A; restructuring may include: annexing part of a municipality to another

municipality; annexing land that does not form part of a municipality to a municipality; amalgamating municipalities; separating a local municipality from a county or joining a local municipality to a county for municipal purposes; dissolving all or part of a municipality and incorporating the inhabitants of a locality as a municipality... Municipalities will be required to provide the Minister of Municipal Affairs and Housing with information which, in the opinion of the Minister, relate to the efficiency and effectiveness of the operations of the municipality. The municipality must publish all or part of that information as designated by the Minister and must review or audit all or part of it or make it available to be reviewed or audited as designated by the Minister” (*Savings and Restructuring Act*, 1996, m.1).

These two provisions gave Harris or Leach total power to impose or veto any agreements made by municipalities that they felt did not represent the goals of the PC government. It additionally allowed them discretion to withhold grants and funds to municipalities, which would further centralize power in the provincial executive, permitting ministers to make decisions over the organization of local government outside of the legislature and its (albeit thin) methods of accountability in a liberal democracy. Rather than conveying the systemic seriousness of the impact of these democratic institutional reforms, the government cast these massive social-political issues as a “‘management review exercise’ – as simple as fixing the wiring in a house” (Todd, 1998, p. 194). McDowell refers to this as “government by Order in Council,” an ultimately “czar-like” form of governance (2021, p. 124-125)²⁵ that included the use of

²⁵ “Bill 26 granted czar-like powers to Cabinet, which could demand conformity with the government’s fiscal targets; this was a crucial, strategic arrow in the government’s quiver, one it would return to on several occasions in the years to come” (McDowell, 2021, 125)

“delegative legislation” to encourage ministers to create rules that have the force of law but outside of the legislative process as an instrument to insulate decision-making process from democratic oversight (2020, p. 401). McDowell additionally argued this served two main goals:

The first was to grant the minister the power to restructure local governance structures to ensure that they were able to accommodate the considerable number of hard services that it intended to download to the municipal tax base. The second was to give the minister the ability to attach conditions to grants and to exact discipline where the government deemed it necessary. This had the effect of forcing municipalities to make cuts to the hard services the government would thrust upon them because they would need to maintain a balanced budget (McDowell, 2021, p. 125).

A third major component of these dynamics was the restructuring of liberal democratic institutions and decision-making bodies to make them more conducive to instilling neoliberal conditions through “streamlined” or more “efficient” forms of decision and policy-making practices. Political scientist Julie Anne Boudreau (2000, p. 86) describes that:

A ‘business-friendly climate’ [was to] entail a slim bureaucracy, low taxes, much less political power in the hands of elected councillors, and much more power in the hands of independent non-elected advisory boards with developers and investors deal directly, away from the ‘chaos’ of democracy.

As the precursor to the *City of Toronto Act* (1997), the vernacular and centralizations of power would become vital tools to redesign Toronto’s municipal government with the eventually fulfilled threat of an amalgamated Toronto as a warning to other municipalities to amalgamate on

the terms set forth by Harris and the PC government.²⁶ By additionally prioritizing replacing transfer funds and taxation revenue with user fees and licenses – and redesigning cities to force them into further structural financial binds – the PCs were radically remaking the entire idea of local government before our eyes.

Opposition parties, although buying into forms of neoliberal economic policies, sensed a significant shift in the functioning of how Queens Park would exist as an institutional check and balance to a majority government, with Agostino arguing it was an “imperialistic approach” that reinforced the notion that:

If this government [was] not happy with how a municipal government [was] functioning, Bill 26 gives... the authority to dissolve it or merge it with a neighbouring one. ‘Do as we say, and if you don't like it, tough luck. With a stroke of a pen, the Minister of Municipal Affairs [would] simply wipe you out. You're gone. You're out of here. It's that simple’ (Agostino, 1996).

Ontario Liberal leader Lynn Mcleod, although trying to score political points for her party, agreed with this sentiment and indirectly highlighted how the entire idea of the COP doctrine undercut the concept of a partnership:

‘This government is going to step in and it can do your amalgamation for you’...
[Ontarians] wanted more autonomy; they wanted less direction from Queen's

²⁶ Indeed, as Sancton (2000, p. 107) noted: “After this time, the pace of municipal submissions quickened. This was no doubt due to two important developments: 1) the government had, in December 1996, announced its intention to legislate the merger of all the municipalities within Metropolitan Toronto; and 2) at the end of April 1997 the first commission appointed under Bill 26 ordered the amalgamation of the city of Chatham with all municipalities within Kent County. While Mr. Leach could claim that Toronto was a special case and that the request for a commission had come from politicians within Kent County, many municipal leaders outside these areas considered these two developments as clear evidence that if they did not restructure themselves, the government would do it for them. Many of the subsequent restructuring plans were carried out under a form of perceived duress.”

Park; they wanted a clear definition of a partnership that works between the province and the municipality on shared funding programs; they wanted an assurance that there would not be unilateral changes in that relationship without consultation. Instead the municipalities have been given unheard-of cuts, the flexibility only to raise new taxes and charge new user fees and the threat of having their jurisdictions taken away from them. That truly is a unique new definition of partnership (McLeod, 1995).

It was not just the goals of the PC government that were against liberal-democratic norms; the process itself was embedded in a politics that undercut debate, deliberation, and public consultation. The Bill was introduced with a two-week timeline and neither the intention of holding public hearings nor giving the time necessary for representatives to see and read the massive more than 200-page Bill and be able to hear feedback from people in their constituency regarding the substantive reforms to 47 different pieces of legislation being amended at once. The Bill came to be known as the Bully Bill due to the tactics utilized by the PC executive and the speaker of the house throughout the process. The Bill was initially introduced at 3:30 p.m. when many MPPs were in lockup until 4 p.m., a deliberate attempt to introduce the Bill by ambush. Time allocations were invoked, and days would be entirely dominated by procedural arguments and points of order due to the number of parliamentary norms being violated by Harris's government. It seemed to be what the PC's meant by "efficient" and "streamlined" government and decision-making was, in practice, expediency privileged over contestation, automatic acceptance over debate, and speed over deliberation. The Bill was to be passed as quickly as possible with as little legislative oversight and public input. It was an excellent example of Brown's argument that neoliberalism erodes the root of liberal democracy

in principle while also raising the status of “efficiency as the criteria for policy making” (2009, p. 52).

Meanwhile, Harris became known for his lax attendance record, especially during Question Period, which he argued was due to “a conscious strategy not to be in the legislature,” further reducing accountability to soundbites from the media where “question period is a convenient way to get that” (Harris, 2010, n.p.). The debates from this period were tumultuous and would become the basis of much resistance to the Harris government. The premier’s governing style, both within and without the legislature, came to be identified as a “sledgehammer.” MPP Sean Conway (1996) criticized the gall of how the government was behaving:

That's chutzpah with a capital C. Anyone - most especially you, sir, in the chair - who knows anything about the parliamentary nature and the political quality of this place would know that is an inherently toxic mix that is guaranteed to peel the rest of the paint off this ceiling.

Finally, Liberal MPP Dominic Agostino (1996) lamented both the process and the goals of the Bill, stating:

This bully Bill that you’re trying to put through the House, that you’re trying to ram down the throats of the people of Ontario, that you’re not going to get away with, this Bill is going to give your government, your ministers, the type of power that is unheard of in most other jurisdictions across this province, the type of powers that very few, if any, elected officials in a western democracy have.

MPPs became so focused on the anti-liberal democratic process for pushing the Bill through the legislature that much less time was spent dealing with why the PCs were so concentrated on

amalgamation and altering municipal government and jurisdictions. McDowell argued that was part of the intent of the Bill's design, to overwhelm opponents with so many changes at once that they had no chance to mobilize and respond to public support against any individual policy (McDowell, 2021, p. 121).

The effects of Bill 26 (as well as downloading and austerity measures) drastically restructured the meaning and purpose of local government in Ontario. Between the passage of the Bill and August of 1999, the Harris conservatives had reduced the number of municipalities from 815 to 586 (28 percent reduction), with Toronto being the only amalgamation existing outside the bounds of Bill 26 (Sancton, 2000, p. 108). Sancton (2000, p. 112) reflected:

In these jurisdictions, there has been a clear belief within the relevant central governments that municipal politicians and municipalities were inherently wasteful, inefficient, and incapable of cooperating with each other.

Notwithstanding evidence to the contrary, the solution was to try to save money and promote economic development by creating bigger municipalities governed by fewer elected councillors.

This dissertation maintains it is better to identify how these events fit into a larger view of the neoliberalized views of liberal democratic institutions and the place of the COP doctrine in the broader institution of conditions necessary for neoliberalism to thrive, namely, via less liberal democracy in local institutions and more neoliberal norms constituting efficient decision-making processes. This is especially clear in the targeting of Toronto, which only when Toronto was singled out for imposed amalgamation did many other municipalities realize the threat and defensively amalgamate as much as possible on their terms, despite those terms being limited and conditioned by the province.

3.5 Conclusion

Building on this chapter's focus on the rise of Mike Harris and its critical analysis of the actually-existing neoliberalism that was the ideological foundation of his austerity agenda, the next chapter will highlight the co-constitutiveness of austerity with Harris' dedemocratizing agenda, which drastically restructured City of Toronto governance. Analyzing Harris's austerity alongside his formal views on liberal democracy and its institutions is critical to understanding neoliberalization during this era; it requires placing the COP doctrine and the undercutting of local democracy into conversation with the overall ethos of austerity. The next chapter focuses on how the COP doctrine was utilized to restructure Toronto's institutions through amalgamation and unilaterally reforming the City Council according to the discourses of 'streamlining' and 'efficiency' in decision-making processes and their symbiotic nature with austerity.

Chapter 4: The “Megacity:” Neoliberal Restructuring and De-democratization

In fact, megacity [Bill 103] and Bill 148 following it indeed all flow from Bill 26. Bill 26 was this government's cornerstone, the block they laid upon which they've been expanding ever since.

- Peter Kormos, 1997

Amalgamation through the COP doctrine was part of a larger multi-scalar neoliberal restructuring plan, as indicated in the previous chapter. However, Toronto was the clear primary target in Harris and the PC's crosshairs that outweighed all other municipalities in Ontario. The reasons for amalgamation were several and reflected various explicit and implicit social, political and economic concerns that the PC government wanted to manifest in its planned restructuring of the basic state apparatus in Ontario. Boudreau (2000) argues that the intent to create a new “global city” attractive to foreign capital and financialized capitalism was a primary reason for the imposition of an amalgamation that flew in the face of the PC's “small government” principles. Roger Keil (1998) argued that it was about a “suburban ambush” against the inner city's more “progressive” politics. In a biography of Mike Harris, Ibbitson (1997, p. 254) routinely referenced interviewees who stated that the PC government partially “existed to serve an assertive suburban majority, resentful of the influence of downtown elites, resentful of ongoing demands for transfer and subsidies, had enacted broad and brutal measures to please its constituency.” A combination of these various phenomena in some manner or another was also noted by other scholars (Friskin, 2007; Isin and Wolfson, 1999; Sancton, 2008; Todd, 1998; Vogel, 2007).

This chapter shows how all of these aspects played a role, creating a total picture where neoliberalism would be set to thrive by restructuring and reconditioning decision-making bodies and processes through an ideological respatialization of new democratic institutions. These

democratic institutions and their decision-making processes would be designed to further manifest neoliberalization processes, policies and practices in the latest City of Toronto.

This chapter focuses, first, on legislation imposing conditions for austerity on municipalities through various cuts to social provisioning and placing funding responsibility on cities that were unable to legally or financially afford the associated costs; second, with a focus on Toronto, on the role of amalgamations in restructuring urban governance and liberal democratic institutions, third, the role of legislation to repeatedly cut the numbers of councillors on Toronto City Council (and all municipal councils) in the name of Buchanan-esque critiques of representatives being self-maximizing rent-seeking actors. Concerning the latter two points, this chapter argues the effect was to dilute democratic decision-making and deliberation in a manner that aligned with neoliberal expedience, as well as privileging suburban voices and undercutting the political power of so-called downtown Toronto elites.

4.1 Bill 103: Unilaterally Altering the City of Toronto Act

Having already set the stage with Bill 26, Harris was ready to make an example of the City of Toronto and its governing institutions. In Harris's words, "Toronto [was] too wasteful, it [had] too many bureaucrats, too many politicians and *too many competing interests*" (Harris 1997b, p. 21; italics added by author). Toronto, instead, could be both a crown jewel of a new type of efficient decision-making, which in effect would serve as a potential threat to all other municipalities that even the largest city in Canada did not have the political capital to resist the imposition of amalgamation by the PC government. Building on a legislative process that promoted the neoliberal idea of expediency over deliberation, the PCs planned to overhaul the entirety of a "global city's" governing institutions and basic local structures in less than a month.

Bill 103, *The City of Toronto Act* (1997), was introduced eight days before Christmas on December 17, 1996, and slid in at the last moment before a legislative hiatus. The overall ethos of the Bill was simplistic in its prescription to replace, according to the Bill's explanatory note:

The seven existing municipal governments of Metropolitan Toronto with a new single-tier City of Toronto. The new city, which comes into existence on January 1, 1998, will be divided into 44 wards. The first city council, consisting of one member elected by each ward and a head of council elected by general vote, will be chosen in the 1997 regular election and will take office at the start of 1998 (Bill 103).

No longer would the geographically and socio-politically unique entities of Scarborough, East York, North York, York, Etobicoke, and downtown Toronto (along with the Toronto regional level of government) exist. Instead, a new “super city” would be engineered by combining localities with millions of people across a stunning 642 square kilometres, creating a “local” government that measured 43 kilometres from east to west and 21 kilometres from north to south at its longest point. The process was referred to colloquially as “Toronto the Good becomes Toronto the Huge” (Chidley and Hawaleshka, 1997), as the new city became the fourth largest in North America. As an urban space, it had no comparator of this size and population density in Canada; it reflected a total geographic space typically reserved for large rural swaths of land with incredibly low population density.

The Minister of Municipal Affairs and Housing Al Leach outlined the reasoning for amalgamation:

They've told us that there are efficiencies to be gained, savings to be found, investment and jobs to be created by making changes to the current structure...

Today I will be introducing legislation that will *streamline local government and make it more accountable and efficient*, that will reduce layers of government, end waste, overlap, duplication and red tape and the number of politicians. We will bring in a *new Toronto that is more efficient*. It will have all of the services that people have grown to expect, but within that it will *be more cost-effective*.

Financial experts at KPMG [Klynveld Peat Marwick Goerdeler, a major accounting organization] have said unification will save taxpayers as much as \$865 million over the first three years and \$300 million annually after that (1997b; italics added by author).

Leach explained this further and more explicitly at the next sitting of the house while lamenting the amount of deliberation and consultation that had occurred on the subject:

The time for studies and review is over. It's time to act and it's time to bring about change that will ensure that Canada's greatest city enters the 21st century strong, united and ready to meet the needs of its citizens. That means a *local governance structure that will save money, remove barriers to growth and investment, and help create jobs...* A single unified Toronto will bring greater democracy. This act is not just about efficiency and cost saving. It's also about making government *truly representative, truly accountable and truly responsible* to the people who elect it, and that's what democracy really means (1997; italics added by author).

Here again, we see representation, accountability and good decision-making processes described as “streamlined,” “efficient,” and “cost-effective,” much like other municipal reforms undertaken

by the PC government. The inherent calls to majoritarianism within were also sure to have the effect of silencing groups and citizens with less political and economic power.

These ideas built upon the PC playbook for municipal reform, the *Guide to Municipal Restructuring*, where just in the first three pages “taxpayer(s)” was mentioned 12 times, with variants of “efficiency/efficient” mentioned eight times (Ministry of Municipal Affairs and Housing, 1996). Ultimately, the restructuring of local government was argued as a way to bolster neoliberalization. “Taxpayers today,” it was said, “will not tolerate such waste. Restructuring should be seen as a tool to meet taxpayers demand for less government and more efficient and accountable service delivery” (Ministry of Municipal Affairs and Housing, 1996, p. I). These ideas constructing citizens as shrewd taxpayers goes hand-in-hand with how liberal democratic institutions in Toronto were cast as financially wasteful, redundant, barriers to growth and investment, and creating jobs. Reflecting the earlier sledgehammer style of legislative practice, the process would ignore consultation with the municipalities and their residents, instead imposing amalgamation unilaterally and avoiding all the messy debate and deliberation and democracy at multiple levels of government.

These approaches to governing reflected Harris’s general views on liberal democracy and economic liberalism, which a former assistant to Mayor Barbara Hall described in a 1995 meeting as: “Harris told them [the six mayors] ‘that if he could he would abolish the province of Ontario itself, if that would fix the provincial fiscal problem’” (Redway, 2014, p. 151).²⁷ Indeed, even one of the six mayors, Doug Holyday of Etobicoke (later Deputy Mayor under Rob Ford),

²⁷ In relation to this, Hall argued: “Bill 103 would create a so-called ‘local’ government larger than six provinces and virtually as large as a seventh (Alberta). A government with 54,000 employees and a \$7 Billion budget. A government which is supposed to be accessible and responsible to its 2.3 million citizens. The potential for chaos and uncertainty is enormous and that’s the last thing Toronto needs right now” (Hall, 1996).

came out for amalgamation and publicly supported the PCs due to what East York Mayor Michael Prue said was him not wanting to upset his friends and allies in the party (Redway, 2014, p. 162). Harris did not see the big deal in using his constitutional power of the COP doctrine to completely restructure municipalities. The use of the COP doctrine to impose this restructuring was predicated on a form of politics based on what Sancton (2000, p.112) argued was “a clear belief within the relevant central governments that municipal politicians and municipalities were inherently wasteful, inefficient, and incapable of cooperating with each other.” For Harris, the depoliticized economic issues surrounding Ontario were simply too dire to ignore and be left to endless democratic deliberation and consultation. Grand actions and expediency were to be the order of the day.

Many argued that Harris did not explicitly run on amalgamating Toronto and, therefore, did not have a mandate to do as he chose without consultation. Still, the premier, his ministers, and other allies argued otherwise. Minister Leach defended the amalgamation against critiques that it was antithetical to the CSR’s principles:

I think by now we’ve all heard the comment that there was no mention in the Common Sense Revolution about amalgamating Metro Toronto. What exactly did we promise in the Common Sense Revolution? We said that Ontario would have *less government*. We said that there should be *fewer politicians*, there should be *less bureaucracy* and there should be *less overlap and duplication*. This legislation will help us reach those goals (in Sancton, 2000, p. 120; italics added by author).

Harris’s Chief of Staff, Guy Giorno, argued:

While amalgamation was not part of the platform the Conservatives ran on in 1995, the argument for it – ‘*efficiency and savings*’ – meshed neatly with the governments publicly stated values. It also seemed to resonate with the government’s downloading agenda – ‘a way to *help* local government’s *do better with less*’ (Redway, 2014, p. 175; italics added by author).

Local activist Alan Redway, who had interviewed Harris, said the following: “Tom Long, [Harris’s] election campaign chairman, said to [Harris]: ‘Show me where in the CSR it says we are going to amalgamate Toronto.’ Mike Harris replied, ‘It says we’re going to cuts costs and operate more efficiently’” (2014, p. 153). The *Guide to Municipal Restructuring* was designed to reiterate the CSR and its core principles, with its five guiding ideas being “less government” (“fewer municipalities, fewer elected representatives”); “effective representation system;” “best value for taxpayers dollar” (“efficient service delivery”); “ability to provide municipal services from municipal resources;” and “supportive environment for job creation, investment, and economic growth” (Ministry of Municipal Affairs and Housing, 1996, p. II-III). The Board of Trade of Metropolitan Toronto, which would shortly change its name to the Toronto Board of Trade (TBT), echoed this emphasis in *The New City of Toronto: Implications for Toronto’s Business Community*, which argued that the legislation was “based on principles the business community generally supports” (1997, p. I). These principles reflect promises that “these reforms will enhance the business and investment climate in Ontario by making municipal government more efficient, accountable and cost-effective” (1997, p. 1).

In the above arguments, we can see how the idea of a functioning government in a liberal democracy was reduced to costing less money and operating more efficiently—particularly within a COP-structured strategy of austerity—with no actual attention paid to issues of

autonomy, decision-making processes, and consultation with the local people that these institutions would govern.

It is necessary to understand that amalgamation cannot be analyzed outside of the symbiotic relationship with downloading and restructuring as fundamental budgetary realities of the state at the provincial and local levels in Ontario. In a report commissioned by the Board of Management of Toronto in December 1996, Canadian municipal scholar Andrew Sancton took exception to the claim that the political and the economic could be separated, arguing that:

Not listed [in] all the seemingly innocuous references to ‘best practices,’ ‘rationalization,’ and ‘consolidation,’ [are how] each could disguise a bundle of politically explosive proposals... The purpose is to suggest that, [in] a system of democratic local government, these are decisions to be taken by elected councillors. They are not to be assumed by KPMG – or anybody else – as the inevitable result of a new form of government (Sancton in Hall, 1996).

Indeed, the suggested process of amalgamation by unilateral imposition flew in the face of the *Guide to Municipal Restructuring*, which not only called for amalgamations to be voluntary and initiated by the municipalities but also demanded “consultation and communication with the public” (Ministry of Municipal Affairs and Housing, 1996, p. 4). The alleged voluntarist notion was based on the idea that “restructuring should be an open, public process” (Ministry of Municipal Affairs and Housing, 1996, p. 5), but, in practice, this was consistently ignored as amalgamations would be imposed (at first without intent for public hearings) and worked out behind closed doors by unelected officials. The *Guide to Municipal Restructuring* was published in August 1996, only a few months before the introduction of Bill 103. The timing could be seen as threatening the rest of Ontario’s municipalities, which had

nowhere near the political capital of Toronto. Suppose the COP doctrine could be used to impose the conditions for neoliberalization and to undercut liberal democratic principles in a major North American city. What chance did towns and smaller cities have to resist?

A month after Bill 103 was announced in January 1997, the PC's introduced multiple pieces of legislation²⁸ that would download 50 percent of welfare costs and their administration onto municipalities – including in the areas of (and not exhaustively) housing, public transit and public health costs transferred in totality to municipalities. The provincial share of long-term health care services would be cut from 80 percent to 50 percent, and school boards would be reduced from 129 to 66 (Boudreau et al., 2009, p. 74).²⁹

The “Megaweek,” as it came to be known, came in the context of amalgamation as a total restructuring and neoliberalization of municipal government. MPP's Mike Colle and Tony Silipo referred to the amalgamation Bill as a “trojan horse” for downloading provincial responsibilities on municipalities (Colle, 1997). They asserted the “collective goal” was to download Billions of dollars in costs (Silipo, 1997). These downloads would lead to privatization, service cuts, and rises in taxes at the municipal level, with the provincial government able to politically wash its hands clean of the responsibility. These concerns were echoed by Toronto Mayor Barbara Hall, who argued that “most of the projected savings would not come through amalgamation but by privatizing some police services, computer operations and water treatment plants. What's that got to do with amalgamation?” (Hall, 1996, p. 3).

²⁸ This is not an exhaustive list.

²⁹ It should be noted, to use Redway's words (2014, p. 189) that “while each of Canada's provinces and territories was the recipient of the federal government's social housing downloading, only the province of Ontario saw fit to download its social housing responsibilities to municipal property taxpayers.”

In the 2023 book on Harris and the Common Sense Revolution by members of his inner circle, *The Harris Legacy*, there was an admission that the government strategically bundled all these attacks together so resistance could be limited and legislation more easily pushed through:

They understood that opponents would tie amalgamation and the downloading impacts of disentanglement into one narrative, and they knew they needed to move quickly, or they wouldn't get it all done... Political orthodoxy today would suggest the government should have spread out its reforms and undertaken them quietly, negotiating with impacted stakeholders in advance and only tabling legislation when a politically palatable approach was agreed upon. But that's not what the Harris government was elected to do. More importantly, as later negotiations demonstrated, there was not a lot of common ground between what the government thought was needed and what municipal stakeholders were willing to concede (Roth, 2023, p. 215).

The response to Bill 103 was swift and blunt, with opposition MPPs highlighting how the process again would undercut the democratic process at the legislative level and the outcome of new institutions through amalgamation. Liberal MPP Mike Colle (1997) articulated this ethos, arguing:

[Amalgamation is] going to increase costs and diminish local democracy and make governments less efficient. The most basic premise of democracy is that you give the people a right to be heard. It's shameful for this government to keep on blocking and belittling the referendum process, as the minister has done, when all that people are saying is: 'We want to be heard on this issue. We want a say. We want to be part of the process. We don't want to be shut down and shut up.'

We want to be able to have a vote and we want you to respect the vote and not to belittle our partaking in the referendum.’

Another consistently prominent critic, NDP MPP Tony Silipo (1997), referred to the process as fundamentally undemocratic, against the wishes of the local populations, being “imposed” and “ram[med]” through by using the COP doctrine and provincial power, and restructuring the distance of essential governing relationship between citizens and their local liberal democratic institutions. The COP doctrine and legislative process component of Bill 103 led to much outcry and resistance from elected councillors in the affected cities and various grassroots and well-organized political groups across the GTA. Bill 103 reinforced and ultimately led to questions about what Magnusson referred to as a “spatialized hierarchy” within federalism, where vital issues are assumed to be dealt with at the top, and trivialities left to municipalities (Boudreau, 2000; Magnusson 2005a; Magnusson 2005b).

Resistance within and without the legislature was immediate and widespread, leading to the formation of Citizens for Local Democracy (C4LD). C4LD was a Toronto-based anti-amalgamation movement featuring a wide range of class interests but predominantly organized around middle-class urban liberal principles.³⁰ It included well-known personalities such as John Ralston Saul, Jane Jacobs, and John Sewell. The C4LD was principally organized around two tenets. First, that amalgamation threatened local democracy, and second, that the province lost legitimacy by trying to ram amalgamation through the legislative process without consulting the public (Boudreau, 2000, p. 10). For Boudreau (2000, p. 52):

[C4LD’s] statements illustrate[d] a belief in political liberalism which obviously should not be confused with a belief in economic neoliberalism prevalent on the

³⁰ For more in-depth detail on the C4LD and organized resistance to Bill 103 read Boudreau (2000) and Redway (2014).

right. To the contrary, political liberalism generally refers to representative democracy and pluralism. If we [were to] take the first statement, C4LD emphasizes the principles of representation, accountability, and consent at the core of political liberalism.

C4LD's interjection represented a stark differentiation of praxes and ideology pertaining to democratic discourse and local autonomy in opposition to a neoliberal provincial government that was both heavily authoritarian and unprecedentedly unilateral in its legislative strategies (Keil, 2000, 757). Resistance to amalgamation attempted to turn the principles of political liberalism and the PC's earlier and express endorsement of direct citizen participation through referenda against Harris. The fast turnaround for Bill 103 was set off course by the over 1200 people (the vast majority against amalgamation itself or the process) who requested to speak in public hearings before Queens Park in the winter of 1997. Individual activists, organized political interests, and opposition MPPs coalesced around endorsing the CSR-supported tool of a referendum, in this case for residents who lived within the six affected municipalities set to be amalgamated. PC MPP Tony Clement referred to this "unofficial" referendum as a "glorified and expensive \$2.7 million public opinion poll" (1997); Harris called it both unfair and illegitimate (1997a). Minister Leach referred to it as "squandering" taxpayers' money by "asking a question that doesn't have an answer" (1996b). Harris's Chief of Staff Guy Giorno (2023) would later state the referendum did not matter constitutionally and, as a matter of public policy, the parameters of municipal structure and organization have always been provincial, not local decisions. This view represented a double-pronged attack against the processual and democratic legitimacy of the referendum, along with the instrumentalization of the COP doctrine as a safeguard against the basic concept of the referendum. As Colle (1997) again argued:

The most basic premise of democracy is that you give the people a right to be heard. It's shameful for this government to keep on blocking and belittling the referendum process, as the minister has done, when all that people are saying is: 'We want to be heard on this issue. We want a say. We want to be part of the process. We don't want to be shut down and shut up. We want to be able to have a vote and we want you to respect the vote and not to belittle our partaking in the referendum.'

Survey results showed that Colle's perspective reflected the view of the majority of the city's residents, with 60 percent of those in the City of Toronto believing the PCs had a "moral obligation" to act on the results of the referendum and the remaining 35 percent argued it should at be least considered in the final decision-making process (Environics Research Group, 1996, p. 7). Ultimately, the "non-binding plebiscite" averaged 76 percent against amalgamation vote across all boroughs (the highest, East York, at 81 percent, and the lowest, Etobicoke, at 70 percent), with a 36 percent response rate of potential voters (Redway, 2014; Sharma, p. 2004).

Another use of liberal democratic institutions to prevent amalgamation involved a court case between most affected municipalities (North York did not participate) and the province of Ontario. *East York (Borough) v. Ontario (Attorney General)* 1997) saw the courts strike down all equality, democratic and constitutional claims made against the PC government. The court found that unelected boards³¹ and imposed amalgamations were allowable under the COP doctrine of the *Constitution Act of 1867*. Justice Borins found that:

³¹ Justice Borins stated "The power to fundamentally restructure the Municipality of Metropolitan Toronto by creating the new City of Toronto is within the powers conferred on the provincial Legislature by s. 92(8) and has been exercised in ss. 2 to 11 and s. 28 of the Act. It is not a power that has been delegated to the financial advisory board, or the transition team. The powers conferred on these bodies are necessary to effect an orderly transition from the old to the new and to ensure, as much as possible, that

On the division of powers question, s. 92(8) gives the legislature the power to delegate to municipalities any authority which is conferred on it by s. 92, and to withdraw any authority previously delegated, and either retain it or redelegate it to another body. Municipalities have no constitutional protection against provincial laws that change their structures, functions and financial resources without their consent. The applicants failed to provide any authority or evidence of a constitutional convention requiring the province to consult with or obtain the consent of a municipality before it can legislate the restructuring of a municipality (*East York (Borough) v. Ontario (Attorney General)* 1997).

Historically, the courts have consistently been deferential to the COP doctrine. This is true even when it came to the more democratic issues arising from imposed vertical federalism and its existence in Canada's original constitution and jurisdictional design of federalism. This highlighted that the procedural limitations of the courts are potentially not the place to fight for even more procedurally limited liberal democratic rights of institutions in the context of Ontario, or indeed Canada as a whole.

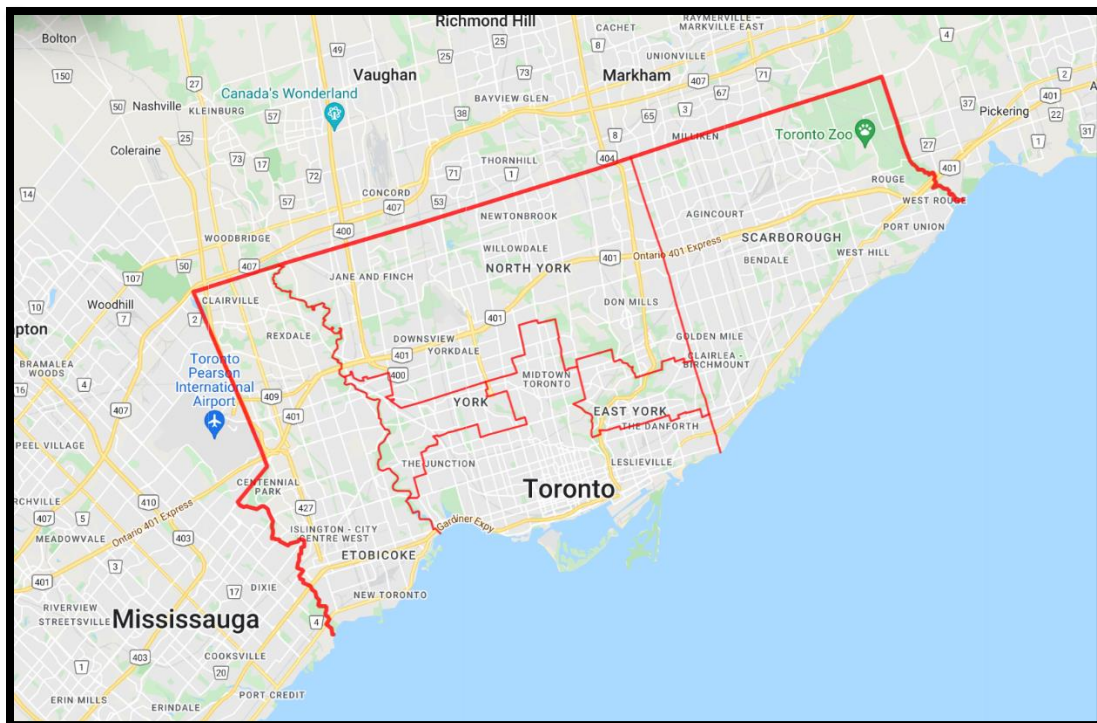
Bill 103 passed into law a few months after it was introduced, receiving royal assent on April 21, 1997. Resistance strategies had failed due to the institutional power given to a majority government in a Westminster-style parliament and the constitutional prerogative of the COP doctrine. But the more profound and equally significant questions for Toronto were how the COP doctrine would help create an environment for neoliberalization processes to thrive and for democratic decision-making processes and institutions to be politically undercut in the name of neoliberalization. This is the concentration of the rest of the chapter.

the new City of Toronto will be up and running on January 1, 1998" (*East York (Borough) v. Ontario (Attorney General)*, 1997).

4.2 Transition to the “Megacity:” New Borders, New Power Structures

The most obvious and immediate consequence of amalgamation was the physical restructuring and redrawing of the borders of the new Toronto and its associated liberal democratic and administrative institutions. Six boroughs (and seven governments) being merged into one megacity redrew the city's physical boundaries and the spatial politics that would occur within these new institutions and forms of governance. The redrawing of the city constituted a merging of a wide variety of geographic areas, primarily organized around a suburban-urban split in the composition of the city and its new city council. Figure 3.1 shows the boundaries of the six separate boroughs' pre- and post-amalgamation borders by only considering the thicker, most exterior red line boundary.

Figure 4.1. Map of Toronto Post-Amalgamation, 1998.

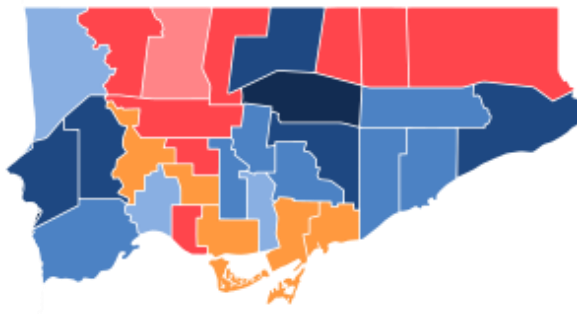


Source: Created by the author, Ryan Kelpin.

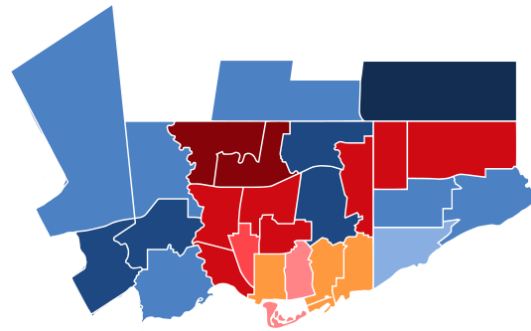
In the new arrangement, the former 114 councillor positions across six boroughs were reduced to 58 members of the new City of Toronto Council, who would have to address the concerns of six widely different former cities (and the even more diverse neighbourhoods that had existed within each).³² Ultimately, the council would have twice as many suburban councillors as their urban counterparts (Boudreau et al., 2009, p. 76) and began to partially reflect what Boudreau (et al., 2009, p. 57) referred to as “the emergence of a ‘blubber belt’ of rather well-to-do suburbanites cut off from the problems and spending burdens of the inner city” as they materialized in Toronto. While there is class complexity in the suburbs – especially in the inner suburban neighbourhoods that most accommodate new immigrants to Canada – the concerns of the suburbs were often treated as infrastructural and hard services rather than social provision-based soft services politically. There was common knowledge that the new political map would be an issue, especially considering the long-standing issues between the different boroughs that extended back to the mid-twentieth century. Out of the respondents opposed to amalgamation, a further 55 percent believed that the new structure would not be able to balance the needs of downtown alongside the other five municipalities (Environics Research Group, 1996, p. 27).

Two additional maps provide the foundation for the next round of analysis. Figure 4.2 shows a provincial electoral map of the same geographic area with the winning parties in the local provincial ridings of the 1995 election (red for the Liberals, blue for the PCs, and orange for the NDP). For further context and to show this was not a fluke election, I include a similar map (figure 4.3) with the same parameters (ridings were merged and changed from 29 to 21) for the 1999 provincial election.

³² The issue of less representatives in a system of liberal democracy will be addressed in the final section of this chapter.

Figure 4.2 Provincial Electoral Map of Toronto, 1995

Source: Elections Ontario.

Figure 4.3 Provincial Electoral Map of Toronto, 1999

Source: Elections Ontario.

While these snapshots of voters do not perfectly map onto provincial wards or the political orientation of councillors in the previous six boroughs or the megacity, they do act as an effective heuristic for mapping where PC political supporters were in the region, and the types of politics they supported in the provincial elections.

Based on these spatialized politics, it is fair to argue that the PCs had a political design in mind when imposing amalgamation and the new borders/structures of the city council in the City of Toronto. In early 1996, during the Burnham Review Panel (which dealt with redesigning municipalities), the PCs were already worried about how power and the structure of a new Toronto city council would function, with concerns over representation and “control by urban areas” (Redway, 2014, p. 128). All three of the major daily papers endorsed amalgamation. They worried over the past functioning of the council, with the *Toronto Star* arguing that a good mayor would be a strong chairperson who could “manage” the council, as well as “guard against those who wish to sabotage amalgamation and return us to the *inefficient, wasteful, system*” (Toronto Star, 1997, in Boudreau, 2000; italics added by author). The Board of Trade of

Metropolitan Toronto deemed themselves the vanguard of the new powers, stating they and the business community had a “crucial role to play in monitoring and shaping these reforms” (1997, p. 2) because “many things the business community once looked to the province for will now rest with the new City of Toronto” (1997, p. 21). Their critiques of the old systems matched that of the PC discourse and directly linked broader neoliberal goals to the amalgamation strategy:

While business enjoys the benefits of high service levels in the GTA, there are more effective ways of delivering these services. The ability to introduce competition into service delivery and to enter into partnership with the private sector for some services needs to be explored... This over-government has important implications for the cost of government, the level of taxes, the amount of regulation, and the cost of doing business in Toronto (ibid, 1997, p. 11).

These neoliberal arguments played a central role in amalgamation and the dilution of reformist forces on a new council dominated now by suburban interests and the ability to elect suburban-focused mayors (Boudreau, 2000; Boudreau et al., 2009; Joy and Vogel, 2015).³³ This design would instill neoliberalization policies by empowering suburban councillors at the expense of the left-leaning downtown core of the city. James Watson, who researches Third Way neoliberalism and the Ontario government (2020, p. 63-64), argued this when he stated:

The unique political geography of the old City of Toronto, which had allowed this reform to flourish despite the rightward turn elsewhere in the Greater Toronto Area, was a frustration to the PCs, and the City increasingly became a target of

³³ Since amalgamation, three suburban conservative mayors (Mel Lastman, Rob Ford, John Tory) had run the city for 19 of the 26 years.

their neoliberal agenda. Amalgamation would become a tool of the provincial government to bring neoliberalism into this last bastion of progressivism.

These new spatial politics allowed Harris to restructure the entirety of political possibilities within the liberal democratic institutions of the megacity, resulting in Harris “enhance[ing] his political power by drowning out opposition voices and pander to suburban voters” (Joy and Vogel, 2015, p. 49), while “ruthlessly exploiting the urban-suburban faultline in Ontario society” (Pond, 2005, p. 176). This shift would be explicitly based around a “combination of suburbanist, neoliberal, and socially conservative politics” (Keil, 2000, p. 767).

The institutional shift toward the suburbs allowed Harris to use the COP doctrine to impose these new conditions with the above political goals in mind, a strategy to weaken Toronto’s left reformism by merging it with the conservative and neoliberal-friendly suburbs where Harris’s base was. This ability to do so was due to the traditionally carried resentment towards the city for a myriad of both complex and simplistic reasons (Boudreau et al., 2009, p. 73). Engin Isin and Joanne Wolfson (1999, p. 78) argued that Harris was aiming to make his government representative of the turn under neoliberalism towards dismantling social services, and one of the quickest ways to do this was to directly attack soft services (i.e. housing supports, school boards, assistance programs) controlled by municipalities. However, there was a political threat from a Toronto government and electoral base that had historically been willing to spend more on social services and provisioning programs, inviting a structural element of reform that would potentially temper these neoliberal policies. The amalgamation created a downtown representative minority that more conservative suburban politics could dominate and that could alter the political regime that had been for decades a thorn in the side of conservative politics more generally, but Harris specifically (Isin and Wilson, 1999, 72; Barber, 1997). Conservative

ally John Ibbitson put it even more bluntly in his biography of the CSR and Harris, arguing that the new council would “temper the hot headed socialism of the downtown with the suburban pragmatism of the boroughs” (1997, p. 247). “An assertive suburban majority,” he added, “resentful of the influence of downtown elites, resentful of ongoing demands for transfer and subsidies, had enacted broad and brutal measures to please its constituency” (1997, p. 254). In a panel discussion, John Matheson, the former Chief of Staff for the Ontario Ministry of Municipal Affairs and Housing, stated that this dilution of the power of the Toronto City Council was a “pleasant byproduct” of amalgamation (Lesch, 2018, p. 6). Conservative polemicist David Frum, in a retrospective of Harris, argued that the significant issue with cities (specifically Toronto) was that they were “culturally progressive, economically redistributive, attitudes often inimical to the cities’ own success by undercutting the sources of their prosperity and the protectors of their prosperity” (Frum, 2023, p. XX). This sentiment was not unseen by opposition politicians, who, in defending the representative notions of liberal democracy, argued:

You look at places like Brampton, for example, where the ratio of local politicians to electors is 1 to 15,000 almost as compared to, for example, the city of Toronto, where it’s 1 to 37,000, or the city of North York, where it’s 1 to 39,000. You look at other communities like Milton or Oakville: Milton -- 1 to 3,000; Oakville -- 1 to 9,800. What do these numbers show? These numbers show that if overgovernance was a real concern that the Tories had and Mike Harris had, then the place they should start is not in Metropolitan Toronto but indeed in the 905 area, because according to these figures that’s where there is overgovernance, that’s where there is such a ratio of municipal politicians to electors, to the population even, and that's where changes need to be made... What the minister is

doing is simply playing partisan politics with this. He's afraid to touch the 905 area because his 18 MPPs wouldn't have any of it (Silipo, 1997).

After amalgamation, 58 politicians covered the same geographic area that had once contained 114 representatives. Toronto's councillor-to-resident ratio was 1 to 40,000 on average, with the final result of further elimination of councillor positions to 44 in 1999, meaning it was 1 to 52,250. Indeed, the numbers did not add up if over-governance and too many politicians were the primary concern for amalgamation – especially in Toronto. What was at issue was the political culture of downtown Toronto, its institutional support for more spending on social provisioning at the local level, and its historical voting record that overwhelmingly favoured the NDP in provincial and federal elections. Harris argued he was not “accepted in Toronto, or if you like, the establishment” [then comparing himself to Rob Ford] (Harris, 2020, n.p.). Rather than appreciating the opposing opinions of people from the six boroughs, Leach argued his biggest mistake was giving the mayors 30 days to propose their own plan, adding that “had the government proceeded directly with the megacity legislation, the opposition forces wouldn't have had time to coalesce” (Ibbitson, 1997, p. 248). In a process deemed “not worth the time,” Leach clarified that the government was also unwilling to consider any substantive changes to Bill 103 (Boudreau, 2000, p. 60). In fact, sources argued that Harris was not interested in consensus and was primarily driven to amalgamation due to Toronto's formal and informal politics - especially protests against him - as well as the fact that Toronto City Council as it existed was “emphatically anti-Harris and anti-everything Harris stood for” (Ibbitson, 1997, p. 242). Keil's views (2002) are again illustrative, specifically the argument that amalgamation allowed the PCs to discipline a rebellious and interventionist Toronto City Council and to change its political culture by suburbanizing its political structure.

It became clear that amalgamation was a tool of neoliberalization (as both Keil and Watson argue) but that the COP doctrine was the salient institutional inheritance for imposing amalgamation on unwilling municipalities and populations. The actually-existing neoliberalism of the Megacity and the Province of Ontario was predicated on using the constitutional authority of the COP doctrine to work around the ‘inefficiency’ of local self-government and the practices of liberal democratic institutions. It would come to reflect the embrace of privileging the suburban in the dichotomy of downtown Toronto (subsidized recreation, access as a priority for policy priorities, etc.) versus the surrounding municipalities (forms of consumer citizenship prioritizing efficiency and cost-effectiveness) (Cowen, 2005, p. 336). The suburbs, for the most part, had a preference for the private over the public, consumption practices allowing them to buy their own transportation and entertainment, making them content and even happy to pay user fees for the services they use, but resist the idea of paying taxes to be applied at a more distant but ultimately more public good (Cohen, 2009, p. 16). The five boroughs surrounding the former city of Toronto were already utilizing forms of neoliberalizing social policies that could be used to condition and overwhelm the downtown core and steer decision-making towards further neoliberalization processes. This both exemplifies the historical and social elements of the actually existing neoliberalism of Ontario and Toronto at the time, as well as what Brenner et al. (2010) refer to as a spatialized political restructuring designed to rejig socio-economic and political power relations. This vision of the new city would be bolstered by pro-growth, pro-car, right-wing mayors throughout the city's history. The mayoral vote was predicated on a divide between the pan-suburban coalition – led by Scarborough in population and geographic size – and the old city of Toronto. This mapped onto the dichotomy of neoliberal suburban North York Mayor Mel Lastman and the mayor of the old City of Toronto, left-leaning Barbara Hall. The

latter was cast as the protector of Toronto's urbanity and its marginal populations, whereas the former was regarded as the champion of business interests and taxpayers in the suburbs (Boudreau et al., 2009, p. 55).

The municipal re-mapping of Toronto would lead to a political spatialization of privatized and consumerist forms of political practices that would be effective at Keil's conceptualization of "suburban ambush." Indeed, after amalgamation, city staff and councillors argued that the downtown model of social provisioning would be "financially infeasible" and that the suburban model of user fees and privatization would be more "fiscally responsive and responsible," ultimately undercutting the idea of the right to public services (Cowen, 2005, p. 347). This was a concern invoked by Hall before the election when she stated: "What will happen to our recreation programs and facilities in an amalgamated city? Will our citizens still have the kind of access they now enjoy?" (Hall, 1996, p. 4).³⁴ A crucial aspect of restructuring Toronto and its role in various circuits of capital would require remaking what was considered democratic decision-making at its core. Indeed, the CSR questioned the fundamental role of democracy in the coming twenty-first century, and with substantive neoliberal reforms manifesting, they aimed to alter the basic understanding of politics as public and democratic. This was not a process from out of nowhere; however, it is essential to note that Ontario used the COP doctrine to keep in place some archaic and dated notions of local democracy well into the mid-twentieth century. Property qualifications to vote in Toronto elections existed up until the mid-1950s (an entire century after such restrictions were removed in the United States and even decades after the far more politically conservative England) and was the last province in Canada

³⁴ Community councils in Toronto never became mechanisms for participatory democracy but rather legislative efficiency, i.e., reviewing property standards, business and event licensing and development applications, and contain no public members (Spicer 2016).

(and last out of the US and England) to move beyond one-year terms for city councillors and school board members. The relationship with Toronto had been rife with suspect glares, to the point that Ontario stood apart from most comparable jurisdictions and institutions in its levels of suspicion. While the level of publicness and democracy has always been curtailed by the realities of capitalism and its socio-historically specific social relations, the CSR would ultimately privilege economic liberalism over political liberalism, with municipalities being no exception to this rule.

When asked about the new culture on the megacity council, various councillors lamented that the political and spatial cultures between the suburbs and urban downtown of Toronto were seemingly antithetical to one another. Toronto councillor – and future mayor – David Miller would argue that the core issue plaguing council post-amalgamation was the “different political cultures” among urban and suburban councillors (Boudreau, 2000, p. 25). While oversimplifying socioeconomic circumstances, downtown Councillor Joe Mihevc details this further in an interview: “What do I know about speed bumps in Scarborough? Downtown issues differ dramatically from those in the suburbs. Downtown issues are soft services and the homeless. In the suburbs the concerns are garbage and getting to work” (in Redway, 2014, p. 228). This would also lead to stark divides between downtown and suburban voting for mayoral races for the next 20+ years, with some arguing that at least the 1997, 2000, 2006, and 2010 elections can be conceptualized as: “clashes between identities and interests of the old city of Toronto and the pan-suburban coalition” (Lesch, 2018, p. 18). All these issues were known beforehand, making it clear that this divide was not only to be tolerated but to be embraced in undercutting the more left-leaning politics of downtown to make the city more attractive to global capital.

4.3 New Structures, New Decision-Making Processes, New Results

Public business IS business: It may be true, as has been said, that government is more than business, but the business element in government is increasing rapidly with the growth of the number and extent of public services and undertakings.

- Bureau of Municipal Research, 1929

The redesign of institutions and decision-making processes began with one of the most autocratic aspects of Bill 103: the imposition of provincially appointed transition committees to act as unelected experts who would be tasked with restructuring. These transition committees were a tool that would also be used in later amalgamations, either directly imposed or as a threat, with some mayors referring to it as “guns to their heads” (Prue in Sharma, 2004, p. 10). The appointment of a transition team to determine new decision-making processes would primarily privilege neoliberalization and efficiency over democratic participation. It was through the neoliberal view of representation and accountability that Clement argued on behalf of imposing transition boards on municipalities in both 1997 and 1999:

The transition boards themselves are another *protection for the citizenry and for the taxpayers*. They are not some overarching group of despots. They are there to protect the taxpayers, they are there to protect the citizenry, to *ensure that the assets of the municipalities are not wasted, to ensure that decisions that are made are specifically designed to protect the taxpayer*, rather than to be a burden on the future taxpayer in those municipalities. Rather than being concerning items of the Bill, these are things that protect the taxpayer and protect the citizen in both of those cases (Clement, 1999b; italics added by author).

In Clement’s words, unelected and provincially appointed transition boards were completely un concerning aspects of the Bill. For Clement, these boards exist to restrict the

unavoidable wastefulness of city councils and their representatives, which is the whole point of the Bill in the first place. The transition team would have the power to establish central elements of the new city's organizational structure, hire leading municipal executives, and, alongside the unelected chief administrative officer (CAO), design the 1998 capital budget [without elected officials] (Government of Ontario, 1997, p. 4). In addition to this, the initial CAO would be a former PC assistant deputy minister, Michael Garrett, who would be imposed on the new city council – despite many objections – due to his track record of siding with CSR principles and criticizing what was argued to be unnecessary or extravagant spending within Metro and its municipalities (Sancton, 2000, p. 132). The PCs argued they were elected based on the CSR and a “pro-taxpayer” mandate (and the transition boards are an appointed extension of this); the boards have been chosen to protect taxpayers at all costs. The argument was that, as the protectors of taxpayers, the boards were not undercutting ideas of representation and accountability when they sidelined local decision-making processes. By upholding the protection of “taxpayers” as the basis of neoliberal representation, Clement, by choice, did not have to deal with the democratic issues of invoking the COP doctrine to overrule all semblances of local democratic decision-making processes. Under neoliberal representation models, they did not institute the conditions for austerity and a lack of democratic debate; instead, they fulfilled their duty, in the PC's eyes, to save money and make government more efficient at any cost. McDowell's work is again valuable here, highlighting the rise of a kind of politics of delegative decision-making designed to insulate these processes from democratic influence and opposition (2020, p. 401)

Indeed, in the previously mentioned 1997 court case regarding amalgamation, Justice Borins would effectively argue that an unelected and unaccountable backroom transition team

appointed by an interested and biased party was not an issue simply due to the provincial prerogative to do as such. He said:

Having created the municipality, the Province is able to confer upon that body any or every power which the Province itself possesses under [s. 92]. The power to fundamentally restructure the Municipality of Metropolitan Toronto by creating the new City of Toronto is within the powers conferred on the provincial Legislature by s. 92(8) and has been exercised in ss. 2 to 11 and s. 28 of the Act. It is not a power that has been delegated to the financial advisory board, or the transition team. The powers conferred on these bodies are necessary to effect an orderly transition from the old to the new and to ensure, as much as possible, that the new City of Toronto will be up and running on January 1, 1998.

His rationale, much like Harris and the PCs, privileged expediency and efficiency through the invocation of the necessity of an “orderly transition,” which illustrated the ethos with which municipalities would be reorganized. It was a foretelling of what was to be rendered as efficient and accountable forms of governance and institutions moving forward at both the provincial and municipal levels.

While amalgamations happened in many municipalities across Ontario, they took on a special significance in Toronto due to their sheer size, political capital, and the forms of resistance that were being formally and informally undertaken to fight the province’s restructuring plan. The previous section on political and geographic cultural differences in the new city at the end of the day was going to be enshrined institutionally in the new Toronto City Council and other decision-making systems. Boudreau (2000, p. 25; italics added by author) argued that this could be understood as:

The vision stemming out of North York [personifying the pan-suburban coalition] emphasized corporate cultures and *efficiency* while downtown Toronto focused on community participation. North York highlighted its excellence in the doctrine of high quality services, of a *business, non-bureaucratic approach to decision making*, of an innovative management system, and of a political structure that supports the professional opinions of staff. The City of Toronto, in contrast, highlighted its tradition of progressive services and programs such as a focus on maintain a safe and healthy city, an effective public participation, and initiatives aimed at helping alienated groups.

It was the pan-suburban notion of participation and governance that would become the foundation for the new institution's structures of the megacity, reflecting a process that desired to control and fence in what was seen as an "unwieldy process of democratic decision-making" (Keil, 2000, p. 761).

In a discussion paper, North York's Mayor Mel Lastman argued in favour of the megacity being built around "the North York Corporate Culture," which aimed to provide "high quality of services to taxpayers efficiently and effectively" while placing a "high priority on customer service," ultimately based around a "business approach to decision making that is timely and streamlined, and 'non-bureaucratic'" (Lastman, 1997, p. 4).³⁵ The former City of Toronto did not utilize the CAO/city manager model or a streamlined executive committee model, each of which was endorsed by the transition team and several of the suburban mayors. Why was this the case for Lastman? For the future City of Toronto mayor, the CAO model

³⁵ Roger Keil (2000, p. 252) argued that Lastman was one of the principal actors in introducing suburban policymaking standards, and that Toronto mayor Barbara Hall was just an "interlude in a conservative project to bring Toronto to its neoliberal senses."

would be necessary, if for no other reason than the sheer administrative size of the new city: “An administrative leader is needed just as in any major corporation to set a direction and a focus to the organization” (Lastman, 1997, p. 8). This process was described as:

The CAO’s position in the public service can be precarious. On the one hand, he or she must carry out the instructions of council in a loyal and conscientious manner. On the other hand, a CAO who fulfils her or his role properly must sometimes tell councillors truths that they would rather not hear. ‘You say that you want no tax increase, but at every meeting you approve some new initiative that costs money. You can’t have it both ways’ (Siegel and Fenn, 2017, p. 8).

This transition board-defined system would greatly empower the role of one technocrat, typically with business principles in mind, to oversee the development of the budget, prepare studies on significant problems, and even participate in council meetings (Chief Administrator’s Office, 1997). All of this was designed for the express purpose of “achiev[ing] effective and cost-efficient government” that must be run with the knowledge of the city’s institutional and legal status as a corporation (Lastman, 1997, p. 4). It would also lead to the depoliticization of many social issues, especially those related to the budget, to be cast as administrative and strictly finance based issues to be dealt with outside the bounds of the council. Political scientist David Siegel and experienced CAO Michael Fenn (2017, p. 12; italics added by author) illustrated that: “To policy-makers at Queen’s Park and political scientists, the corporate model equated municipal councils with boards of directors. Academics also disagreed with those business and community leaders who *felt that politics should be taken out of local government.*”

The Transition Team and Potential Strong Mayor Powers

The mayor's office would have appointment powers to the standing committees and control the most crucial appointments in the new executive and budget committee structures. This would allow for a concentration and centralization of much of the council's power in the mayor's office alongside the unelected CAO or city manager. Throughout legislative and public policy documents referring to the new council, one of the primary concerns was the need for a stronger mayoral system to ward off the possible dysfunction of such a large city. The executive committee dominated by the mayor would allow for "stability" (Government of Ontario, 1997), and the mayor would "provide leadership and help City Council to focus on key issues" (Government of Ontario, 1997, p. 43). This manifested in the guiding ethos that:

The mayor's role [would] be an important one in setting the tone of the new Council, building collaboration internally, forging partnerships with communities and sectors such as the business community, and reinforcing confidence in the new City among the public (Government of Ontario, 1997, p. 41).

The acting CAO for Metro Toronto, Shirley Hoy, submitted a report to the Toronto transition team in July of 1997, reiterating the necessity for a system in the new megacity that would better resemble a stronger mayoral and executive system:

A strong mayor, who exercises leadership by appointing members and chairs of functional standing committees, selecting additional members of the finance committee, and serving as Chair of council, executive committee and finance committee; This recommendation recognizes that a corporation as large and complex as the new City of Toronto requires a strong mayor to set a policy agenda and steer the corporation through it (City of Toronto, 1997, p. 7).

This strong mayoral structure overcame what was regarded as municipal government lacking an accountable executive like provincial and federal governments. This design allowed the pan-suburban coalition to control the new liberal democratic institutions, with their population size and ability to (historically) elect mayors who could then staff the various new committee structures with representatives who share their vision.³⁶ Additionally, with the cuts to the number of elected politicians, there would be significant workload issues if the ethos of participation was not undercut by these new models. This needed to be offset through more delegation to the bureaucracy [ironically], although there were worries there were massive limits to the amount of delegation that was appropriate or even possible (*Workload Analysis of Transition Team*, 1997, p. 5).

It is widely accepted that in the post-amalgamation period of Toronto, the quality of civic engagement and democratic participation has declined (Lesch, Slack and Bird, 2007; Slack and Bird, 2013) and that residents have lacked access to the democratic processes they enjoyed in the Metro era due to the sheer size of the municipal government [and its submission to the COP doctrine] (Lesch, 2018; Sancton, 2000). Indeed, Isin and Wolfson (1999, p. 73) argued:

As an added bonus, as cities become larger, their political agendas tend to become more complex and as a result, decision-making shifts from the political body to professional bureaucrats who can usually be counted on to carry out matters in a rational, business-like manner (Armstrong, 1998b). From the Tory viewpoint, amalgamation would not only dilute the influence of the ‘radical leftists’ as discussed previously, it would create a pro-business council, help shift politically controversial topics such as off the political agenda and therefore create a political

³⁶ These reforms would be further formally emboldened by the McGuinty Liberal government in 2006, which will be covered in the next chapter.

climate in which municipal officials (both politicians and bureaucrats) could work together with Toronto's new elite to promote the city in a relationship similar to that described by Stone in the earlier examination of regime theory (Stone, 1986, p. 4; Stoker, 1997, p. 59).

Redway (2014) argues the consequences of fewer representatives and less deliberation, as well as the removal of evening hours for council meetings, lead to a space that can be more easily occupied by those with money and power, namely lobbyists (especially real estate and development interests). Indeed, councillor workloads resulted in a more hands-off approach to everything outside of their constituency, and councillors became increasingly reliant on informal behind-the-scenes conversations rather than engaged in formal institutions with direct citizen participation. The newly created Community Council function was a hollow shell of what would be considered substantive consultation and decision-making processes involving citizens. Community councils were mandated with simultaneously limiting but abstracted concepts of “community stewardship” dealing with “local planning,” “other neighbourhood related issues,” and, “involving the community and its well being” (Government of Ontario, 1997, p. 66). In reality, what appeared as consultative and citizen-driven was actually a space for more “streamlined, efficient process” for City Council to operate and make decisions within. The borders of the six community councils were formed using pre-amalgamation borough borders, indicating that they were designed more to focus on the dissent of those opposed to amalgamation rather than to genuinely be empowering and deliberative (Spicer in Flynn, 2017, p. 103). This meant there was at least an institutionalization of decentralized interest, but it did not counter centralized and strong political leadership in the center (Sancton, 2000, p. 138). The City Council passed a close motion to request the province change legislation to empower the

community councils further rather than have them as merely advisory; Mayor Lastman and the provincial government were both against this as it would interfere with the centralization of power and ignored the request (Boudreau, 2000, p. 25). A smaller city council and fewer elected representatives would make liberal democracy less cumbersome and less indebted to debate and consultation processes, privileging expediency and efficiency over these values.³⁷

The Unilateral Power to Impose Process on Municipalities

The power of transition boards was repeated in the *Fewer Municipal Politicians Act* (1999) (the implications of this Bill will be discussed more substantively in the next section), when the PCs implemented the ability to unilaterally appoint “transition boards” to “facilitate” municipalities in their amalgamations and transition to having fewer representatives (*Fewer Municipal Politicians Act*, 1999, A-18.5 This was similar to the original and problematic use of unelected transition boards in the amalgamation of the City of Toronto in 1997. This illustrated how Toronto – while not institutionally or politically interchangeable (especially understanding their place in Canadian/Ontario capitalism) – became the source of many legislative tools that would be repurposed for the rest of Ontario’s municipalities.

The transition boards were corporations and composed of any person the Minister of Municipal Affairs and Housing felt fit to appoint (*Fewer Municipal Politicians Act*, 1999, A-8.3). The Minister had the power to “control the decisions of the old municipalities and their local boards that could have significant financial considerations” (*Fewer Municipal Politicians*

³⁷ Mike Harris blamed cities for not doing the neoliberal austerity he wanted, as the reason for a lack of amalgamation savings in Toronto, as stated in a letter to Mel Lastman: “it was the fact that your council chose to forgo many of those savings and to increase spending – rather than taking advantage of opportunity to reduce costs – was not a provincial decision” (Redway, 2014, p. 203)

Act, 1999, A-18.5a) and the ability to amend or break labour contracts (*Fewer Municipal Politicians Act*, 1999, A-19.1). The transition boards were also in charge of “developing business plans for the city and its local boards to *maximize the efficiency and cost savings* of this new municipal structure” (*Fewer Municipal Politicians Act*, 1999, A-18.5b; italics added by author). They maintained the power to “refer a restructuring proposal back to the municipal council for reconsideration” if the Minister of Municipal Affairs and Housing felt it did not do enough to comply with the Bill (*Fewer Municipal Politicians Act*, 1999, F-5.1). It is clear from these doctrines that the PC’s intent was not just to impose themselves as provincially elected officials but to impose an arrangement requiring the local government to answer to unelected transition boards that sat behind closed doors. As Sancton (2000, p. 144-145) articulates, the boards would “assess options,” specifically regarding the best way to achieve “fewer municipal politicians,” “lower taxes,” “promoting job creation, investment and economic growth,” “less bureaucracy by streamlining government,” and “better, more efficient service delivery.”

Here we can again see the Buchanan-like discourse of neoliberal governance considerations and the idea that liberal democratic institutions, specifically the bureaucrats and elected representatives that occupy them, stand in the way of economic prosperity. These assessment methods are entirely rooted in neoliberal principles of “effective representation” with fewer politicians, delivering economic growth by lowering costs and taxes, protecting taxpayers, and less bureaucracy being the primary focus. There is no mention of prioritizing debate and participation in emphasizing the government as a business that provides services for taxpayers. Here, we can see the reductionist view of liberal democracy, akin to Buchanan again, where liberal democratic institutions and representatives stand in the way of economic prosperity and efficient decision-making favouring neoliberal principles. But municipalities are more than just

providers of services; they are the democratic instruments by which people can govern themselves locally. In fact:

The real message is that local communities of citizens are incapable of knowing their own best interests while those at the centre know what is best. Such an approach - however well-intentioned - erodes the foundations of our liberal democracies because it undermines the notion that there can be forms of self-government that exist outside the institutions of the central government (Sancton, 2000, p. 167).

Multiple MPPs highlighted the flimsiness of the neoliberal theory of representation that Clement invoked earlier:

That is an extraordinary amount of power to give to people who are not elected by people in our community, who are not accountable to anyone in my community, who will make fundamental decisions about how our new community will be organized without any input from people who live there, who will take their direction from the minister and who will be appointed by the minister. And the local politicians, who have been duly elected through a legitimate election process, can be swept aside (Martel, 1999).

What this Bill does is allow the cabinet, behind closed doors, to change any law in the province of Ontario that it requires to accommodate and implement the restructuring in these municipalities and in other municipalities. That is a very dangerous doctrine, a very undemocratic doctrine. Whether you agree or not with what the government is doing, that is a dangerous doctrine (Bradley, 1999).

Through even the thinnest understanding of liberal democracy, Harris's interventions into local decision-making processes were unacceptable to opposition MPPs. With an even slightly substantive notion of representative and local democracy, like that displayed by democratic-socialist NDP MPP Peter Kormos, it reflected something akin to "dictatorial imposition of new governance on their [local] communities" (1999). By rendering citizens as one-dimensional taxpayers, these provincial impositions were able to sideline all their (and their local representatives) concerns regarding the democratic process. The idea of unelected bureaucratic boards also doubles down on their philosophy regarding the COP doctrine and operationalizing it as an instrument of delivering the conditions necessary for neoliberalism to thrive in municipalities throughout Ontario.

The PC's would also operationalize the Buchanan public choice logic of their *Balanced Budget and Taxpayer Protection Act* (1999) against municipalities in their 2003 campaign. The aforementioned act made it so that running provincial deficits resulted in pay cuts for related ministers in government; further, deficits were illegal (to be planned) under statutory law. Additionally, the Bill required a provincial referendum amongst voting citizens to permit any future government to raise a myriad of types of taxes. In fact, the PC's planned on adding even more restrictive aspects to the local version of the legislation, namely that the new revenue would have to be dedicated to a "legitimate, local municipal need" and that the "target project or program would have to be clearly identified in a referendum question" (Progressive Conservative Party of Ontario, 2003, p. 2). Indeed, these ideas were based on the PC and neoliberal taxpayer view of representation and democracy:

We think that decisions about local taxes should be made by the people who live in the municipality and that taxpayers should not have a higher tax burden

imposed on them without their consent. It is the same logic that led us to create the *Taxpayer Protection Act* that prohibits the provincial government from imposing new taxes or hiking existing taxes without public consent... This is *real democracy* in action (Progressive Conservative Party of Ontario, 2003, p. 1-2).

While this would be useful against all municipalities, it is clear that it was also targeted at Toronto, which had not seen the promised savings from amalgamation and had not committed to “enough” austerity in the PC’s minds. By design, it would have further limited Toronto’s ability to make political decisions by imposing conditions on what economics are considered political and imposing it through the COP doctrine.

4.4 Politicians and Debate Get in the Way

Why does it take so much talk to get the city’s business done or to keep it from being done?
- Bureau of Municipal Research, 1916

The PC plan for remaking the democratic institutions of local governance did not end at amalgamations; instead, it developed into a more considerable emphasis on what representation and debate should even look like in municipal liberal democratic institutions. Building upon previous legislation to eliminate nearly a third of provincial members of the legislative assembly, the PCs created a plan targeting Toronto and municipalities in general, with the removal of a large portion of the representative component of liberal democracy. The necessity of de-democratization within neoliberalism would allow earlier austerity and amalgamation measures to become de facto justifications for reducing the number of representatives “necessary” to deliberate and decide policymaking directions at the municipal level. This connection often gets overlooked when researchers prioritize service delivery, autonomy, and fiscal federalism (see Slack and Bird, 2006; Spicer, 2014; Spicer and Found, 2016) and place these issues as

ideologically and institutionally compartmentalized. Some scholars barely give even a surface-level rendering of local government, stating that amalgamations were “negotiated” and were effectively good regardless of democratic issues because they create “economies of scale” that can be “captured through consolidation” (Cobban, 2019, p. 465). Any understanding of amalgamation – in the context of Harris in Ontario – that lacks the broader incorporation of analyzing neoliberalism, austerity, and de-democratization lacks in its analysis and the necessity of placing amalgamation as part of a bigger ideological picture.

One of Harris’s first priorities was “finding the savings,” prioritizing them under the CSR header of simply “Less Government Spending” (CSR, 1995, p. 6-7). The CSR pointed to “too many politicians” and stated that cutting the number of MPPs will “set an example of cost-cutting to be followed by all levels of government,” effectively ending the “sweet deals politicians have created for themselves” (CSR, 1995, p. 8). In Harris’s words (2010, n.p.), he linked the fewer politicians project to the less bureaucratic state project, saying the former “automatically leads to a significant reduction in the number of bureaucrats who do nothing but support politicians.” This represented a co-existence of right-populist and neoliberal critiques of democracy, which converged on the argument that the real issues Ontarians faced were the elites, bureaucrats, and special interests who captured the participative elements of the liberal democratic state while ultimately blaming liberal democratic institutions for the rise of the welfare state (Kelpin, 2024a). This is key to understanding actually-existing neoliberalism in that specific historical moment.

In these types of thought, representatives are characterized as self-serving individual rationalists based on Buchanan’s public choice ideas of representation under liberal democracy. Liberal democracy cannot work because representatives are “rent-seekers” who have a rational

interest in appeasing politically powerful special interests and lack “fiscal morality that refrains from running deficits and abhorred debt” (Biebricher, 2020, 48). This directionality of blame for the failures of capitalism and liberal democracy is to be exclusively placed upon representatives and liberal democratic institutions and removes any accountability than on the exclusions and exploitations of capitalism and their protection by the structural limitations of liberal democracy (Kelpin, 2024a, forthcoming). For Buchanan, economic efficiency, individual rights, and the wealth of the upper class are at threat of being redistributed by the majority of the lower classes. Ergo, a simple solution for cost savings and the issue of rent-seeking and self-interest: fewer politicians kills three birds with one austere stone.

Beyond ideology, there was a clear institutional connection between Buchanan, Hayek, and the Harris government regarding understanding how government should function. This was made clear by the relationship of both theorists to the Fraser Institute, where they appeared and were members of the Editorial Advisory Board in the 1970s and 80s (Buchanan until he died in 2013). Buchanan congratulated the Fraser Institute in 1999 – in the middle of Harris’s CSR and as the personified reputation of Ontario’s actually existing neoliberalism – declaring the Fraser had a “major influence in policy debates in Canada” (Fraser Institute, 1999, p. 76). Milton Friedman agreed, stating: “The Fraser Institute has become a remarkably influential think tank; one of the most influential in the world” (Fraser Institute, 1999, p. 12). Harris became a senior fellow at the Fraser in 2002, publishing books (2005; 2007) on neoliberalism’s guiding principles alongside Preston Manning that set the ideological blueprint for the think tank in Canadian politics. It is important to note that when Harris needed to give an update on the CSR in 1997, he did so before a closed-door meeting of the Fraser Institute as the keynote speaker of the Harold Walter Siebens Lecture Series (Harris, 1997b). Harris repeatedly praised the Fraser Institute,

stating: “We borrowed ideas from all of these jurisdictions and all we had learned from publication after publication from the Fraser Institute, and we applied them in Ontario and developed a very simple, straightforward plan. We called our blueprint the Common Sense Revolution” (1997b, p. 12). He also tied the CSR to the Fraser Institute, stating that it was a “vision that [he] believed [was] keeping with the principles of the Fraser Institute” (1997b, p. 13) and that “fundamental economic principles that the Fraser Institute stands for do indeed work – even in staid old Ontario” (1997b, p. 19). During this lecture he doubled down on language and themes revolving around “reinventing the government” to “run [it] more like a business” and for government to “restructure to do better with less.”

Harris would expand upon and illustrate these ideas in *A Canada Strong and Free*, arguing for: “a strengthening of democratic freedoms and responsibilities, particularly through devolving power to the levels of government that are closest to the people, reducing the size and unmanageability of government...” (2005, p. 12). The former premier echoed Buchanan’s public choice affinity for institutional constraints and added how democratic institutions needed to be redesigned to give politicians a “greatly enhanced incentive to give you good value for your tax dollars” (2005, p. 174). With this logic of liberal democracy reduced to a public choice transactional view of not spending taxpayers’ money, cutting down self-interested political positions would remove impediments to more efficient policymaking and accountability; this political analysis is similar to what neoliberalism depicts as business decision-making principles.

The *Fewer Politicians Act* (1996) began Harris’s approach to diluting the deliberative aspects of liberal democracy. This legislation would cut the size of Queen’s Park from 130 members to 103 (after initially aiming for 99), representing a drastic change to how the province’s Westminster-style parliament would function. For Harris, the problem was liberal

democratic representatives' behaviour and the institutional foundations. The argument utilized to address these policy concerns was put forward by Harris himself when he introduced the Bill:

Long before the advent of the Common Sense Revolution, people told us that Ontarians are among the most over-governed people in the world. We repeatedly heard that government at every level had become too big, too cumbersome, too costly and too unresponsive to the needs and aspirations of the people who pay for it, the taxpayers ... We know today that adding more politicians, creating more bureaucracy and spending more money has not solved our problems as a province. Rather, these costs have added to our debt load, and if they are allowed to continue to mount, they'll be passed on to our children (Harris, 1996a).

Chief of Staff Giorno admitted that there was a political foundation to the CSR, and that it was not primarily a cost-saving measure, but rather a "symbol conveying a message that elected officials were expendable, part of the problem, and being put in their place" (2023, p. 336).

Pond's neoliberal theory of representation is a way to understand this legislation in that fewer councillors meant more clearly delineated accountability as well as reproducing the public choice idea of less 'rent-seeking' politicians. The political solution imposed by the PCs was not hypocritical because they constructed themselves as extraordinary representatives who could be trusted to make fundamental changes that "ordinary politicians could not be trusted to do" (Guy Giorno in Bryan Evans, 2008, p. 244). Like Buchanan, Harris and the PCs saw politicians in modern liberal democracy as too comfortable, too self-serving, and out of touch with the Canadian population. To all three of them, politicians within a liberal democracy as it existed could not be entrusted if they understood citizens as anything more than taxpayers who wanted 'efficiency' and 'value' from their government. To rework the social view of the role of the state

and to implement unpopular austerity measures, the ability to limit debate and the role of politicians was vital. Fewer politicians would mean fewer possibilities to hold the executive and their austerity program accountable. A manipulation of the Westminster system and the role of democratic institutions would flow logically from adopting a neoliberal understanding of representation (Pond, 2005).

To reiterate, the COP doctrine, as invoked to remake liberal democratic institutions at the municipal level, has a logical connection with the neoliberal theory of representation and is part of the larger actually-existing neoliberalism. Limiting the number of politicians restructures the institutional value of debate and difference of opinions and is predicated on fostering the neoliberal value of efficiency and expediency in decision-making rather than contestation and deliberation. When the reduction of the number of politicians is understood in conjunction with amalgamation – especially in the context of Toronto – Harris clearly had a plan to instrumentalize the COP doctrine to drastically remake the democratic decision-making process at the local level across Ontario. This is the context in which Harris’s follow-up, the *Fewer Municipal Politicians Act* (1999), needs to be understood.

Fewer Municipal Politicians Act: A Certain Type of Representation

The second large-scale and direct strike against the liberal democratic principles and institutions of local governance in the province of Ontario was a piece of legislation aimed at ‘streamlining’ governmental decision-making processes entitled the *Fewer Municipal Politicians Act* (1999). Building upon logics found in amalgamation processes, the Harris government set out to use the COP doctrine to intervene in organizing the number and scope of representation at the municipal level. This was not the first time he had done this, as amalgamation processes and reworked local boundaries resulted in significant losses of representative positions. This was even though the

geographic areas and population in the city were the same as it was in its pre-amalgamated form. A great example of this was the former six municipalities of what we now know as the City of Toronto, which had 114 representatives total among their separate governments were reduced to 58 representatives through the amalgamation. The argument used to justify this was that the government was more ‘streamlined,’ as one single-tier amalgamated level rather than six separate ones and that councillors would have less to do. As already shown, this was not the case.

The Fewer Municipal Politicians Act follows these logics of creating more ‘efficiency’ and less ‘red tape.’ Still, it also reflected a weaponization of the COP doctrine to impose a specific neoliberal idea of representation. The Act’s concept of representation, in effect, undercut basic liberal democratic principles regarding deliberation, contestation, and debate in favour of efficient decision-making practices that help insulate neoliberal austerity from critique. The Act ignored the foundational issues caused by amalgamation and the reworked governing structures which had contributed to suburban-urban dysfunction. Indeed, many analysts fail to realize that this is the ultimate cause rather than a call for more change in the direction of the problem (Urquhart, 2014). Political scientist Martin Horak (2013) argued that the dysfunction of city hall shows that Harris’s plan failed to achieve its goals, but as indicated previously, it can be argued that by changing how one understands Harris’s ‘goals,’ there can be a better explanation of the effects of the various pieces of legislation. In Toronto, wedging a new city together with the more traditionally conservative suburbs and a downtown core with entirely different material circumstances, the PCs had the goal of hoping suburban ideology and politics would come to dilute the power of the downtown core in the city council. This would be made much easier by reducing the number of representatives on the Toronto City Council itself. The removal of

representatives elsewhere played into the idea of making the state more efficient and privileging neoliberal decision-making processes, not just immediate cost savings for taxpayers in the form of salaries eliminated.

By 1999, the PC government had made over 99 tax cuts, significantly eroding revenues and aggravating various financial crises at the municipal level (Fanelli, 2016, p.23). Building on this manufactured crisis, in December 1999, the PC proposed the *Fewer Municipal Politicians Act*. A sledgehammer process was followed, and the Bill was forced through Queen's Park in a mere 16 days, with what little debate was allowable continuously shut down by the PC's use of time allocation to supersede deliberation of their Bill. Introduced by Tony Clement, the neoliberal reasoning for fewer politicians was set front and centre in his opening remarks to the legislature:

It gives me great pleasure to rise in the House today to introduce a Bill that, if passed, will ensure *more efficient government and better accountability* in municipal government in Ontario. First and foremost, the Fewer Municipal Politicians Act will *put an end to the continuous rounds of debate and discussion* on governance in the regions of Haldimand-Norfolk, Hamilton-Wentworth, Ottawa-Carleton and Sudbury. As you know, over the past few months a special adviser has been tasked with determining *how best to achieve lower taxes and fewer politicians, that will result in simpler, more efficient* and more accountable local government in each of these areas (Clement, 1999a; italics added by author).

These goals were to be achieved through cuts to the size of city councils throughout Ontario but with a political prioritization of Toronto, Hamilton, and other recently amalgamated cities. The logic of the removal of these politicians, according to Clement, was to promote each

municipality to: “develop a new, solid economic base from which to work together to attract investment and create new jobs” and “they will be municipalities to help Ontario move forward in strength and competitiveness into the 21st century” (Clement, 1999a). This would be fulfilled by the idea that a lean and efficient government would set the tone for lean and efficient policy-making. Based on this, the Bill sought to reduce the number of politicians in multiple municipalities, a total cut from 254 representatives to 64 in the cities of Haldimand-Norfolk, Hamilton-Wentworth, Sudbury, and Ottawa-Carleton. In the context of Toronto, Clement argued that 58 members (the PC imposed choice was to cut 114 councillors to 58) were still “too large and unwieldy” and that the council needed to be cut further to 44 members to “bring council to a more efficient and more manageable level” (Clement, 1999a). In fact, in a press conference on December 2, Clement threatened the Toronto City Council with a three-day deadline to decide whether they wanted their number of councillor positions to be cut to 44 or stunningly to a mere 22 (Sancton, 2000, p. 155). Naturally, this ‘dysfunction’ was expected by many due to the sheer size of the council and the geographic variety of interests that needed to be accommodated within the city council as a liberal democratic institution. The councillor workload and geographic divisions were too much for the City Council to handle, but cutting the seats to 44 would exacerbate certain issues at the expense of making an inherently divided structure more ‘efficient’ and ‘streamlined.’³⁸ Clement clarified that the numerical consideration for councillors created the conditions for more efficient decision-making practices, purposefully undercutting the value of deliberation and contestation of ideas in a democracy (no matter how limited and flawed they are within liberal democracy and capitalism). This reinforced how the PC’s

³⁸ This would still be too many representatives and too much dysfunction apparently, as Premier Doug Ford would cut the Council further to 25 seats, as will be explored in the final section of the dissertation.

prioritized strengthening the political power of suburban power (especially in Toronto) while diluting the representation of people living in the more progressive downtown core.

The goals for these reforms were rooted in neoliberal ideas of both representation existing to protect taxpayers and attract capital and the concept of the representative in liberal democracy as impeding twenty-first-century considerations of global capital. It represented a use of the COP doctrine within the more prominent neoliberal call for austerity, with the province stating that it would create the conditions necessary for neoliberalism to thrive at the municipal level. Another PC MPP, Brian Coburn, was even more salient in his invocation of the COP doctrine to institute neoliberal conditions when, on December 13, he stated:

This act *permits* these four regions to *address the provincial goals* in a positive and thoughtful manner so that *taxpayers will realize the savings* and accountability they deserve and expect in a new governance model... “*Our residents and our businesses expect value for their tax dollars*. In the new model of governance there is an ability to establish benchmarks, *best value and best business practices*, so that we have some yardsticks with which *our residents, our taxpayers and our business* can measure newly established councils to see if in fact there is an improvement, that there is a constant improvement in the level of service, that there is an *accountability there that can be measured by our taxpayers* (Coburn, 1996a; italics added by author).

Throughout his comments, Coburn referred back to the province permitting local governments to “address provincial goals,” effectively admitting that the province had the entirety of the political power in this situation and that even with the veneer of consultative language and local decision-making, that cities would need to reproduce the goals of the CSR. What are these goals? Coburn

is clear here, equating businesses with people, citizens reduced to taxpayers, and the idea that elected representatives' only valid value and accountability is from how much service they can provide with less and less funding. This can also represent what Susan George refers to as the treatment of “democracy as an encumbrance; while neoliberalism is designed for winners, not for voters, who necessarily encompass the categories of both [economic] winners and losers” (Cohen, 2009, p. 191). Coburn made this even more explicit a few days later when he bluntly stated: “This government is committed to *very specific goals for local government* in Ontario. Our aim is to lower the taxes, to have fewer politicians and to make government more efficient, effective and accountable” (Coburn, 1996a; italics added by author). He would later add: “This Bill gives the new cities every opportunity to *set up a structure that will be more supportive of economic development* and jobs within their community” (Coburn, 1996b; italics added by author).

This logic is presupposed in Buchanan’s notion that debate and deliberation are entry points for special interests and politicians to be exclusively self-serving in their actions. Fewer politicians mean fewer openings for these types of capture to occur in liberal democratic institutions. This, in turn, privileges debate to primarily focus on neoliberal economic reasoning and its speedy implementation; less deliberation means less time spent on debate that ‘goes nowhere’ and ‘stands in the way of progress.’ Wendy Brown (2009, p. 51) can be helpful here to understand this framework as “the substance of many of the significant features of constitutional and representative democracy have been gutted, jettisoned, or end-run, even as they continue to be promulgated ideologically, serving as a foil and shield for their undoing and for the doing of death elsewhere.” Neoliberalism, in this manner, successfully recasts functional democracy as rooted in efficiency and implementation rather than, as Boudreau (2000, p. 138-139) states when

invoking Marxist theorists Ernesto Laclau and Chantal Mouffe: “Democracy [is] an unending process that cannot eliminate conflict and antagonism” and should be referred to as an aspirational goal to “which we constantly refer when acting politically, but can never be reached.” PC MPP Coburn, who at this point was one of the most frequent and certainly most adamant promoters of the Bill, further argued that fewer politicians and debate means: “a much more workable group when you’re trying to move forward with an agenda that will work to the benefit of your taxpayers and your residents” (Coburn, 1997c). In a later debate, Liberal MPP Joseph Cordiano referred to this as a “government... controlled by the Premier’s office in conjunction with a bunch of kids who I say have a college or university degree in one hand and Machiavelli’s Prince in the other, and not a whole lot in between” (Cordiano, 1997).

From these quotes, it is clear that the *Fewer Municipal Politicians Act* instrumentalized COP to impose similar discourse and legislation on local governments to make their democratic structures more amenable to the neoliberal centralization of efficiency and a specific economically quantifiable form of accountability. Coburn’s claim that “more talking won’t necessarily save taxpayers money” (1999b) highlights the philosophy that debate and deliberation of ideas stand in the way of economic efficiency and neoliberal policymaking, ultimately masquerading as a purely benevolent interest on behalf of taxpayers by the government. Both Coburn’s and Clement’s primary engagement was not with the immediate logic of fewer politicians meaning lower salary costs for them and their staff, but with the neoliberal concept of representation. Pond argues that the *Fewer Politicians Act* utilized a discourse of citizenry as the “taxpayer,” a rendition of democracy that undercuts any language implying collective identity as opposed to individual self-interest and what constitutes efficient economic decision-making (Pond, 2005, p. 175).

One of the lead objectors to the Act, Liberal MPP Michael Colle, highlighted the anti-democratic sentiment of Coburn and Clement:

We all hear the mantra from the Harris government about the need to downsize for efficiency and prosperity. What we don't hear is anything about ordinary citizens and their right to be heard and to have access to their local elected officials. Local government and decision-making is messy—we know that—and downright frustrating. Yet if you compare our representative system of local democracy with those in other countries or jurisdictions, you will see that our system, despite its faults and warts, is as good or better than most. I challenge you: Where is there a better system of local democracy in Canada than in Ontario as we had it until this government came along? (Colle, 1997).

While Colle is certainly valorizing liberal democracy to a bit of a mythical level, it is necessary to engage with the claims that he is making in opposition to the Bill. By highlighting Coburn's and Clement's focus on efficient decision-making and making better economic choices, Colle's interjection highlights the priorities of the PCs as rooted almost exclusively in this neoliberal perspective. The specific type of representation the PCs instrumentalized was also predicated on a lack of democratic input at the point in which it was enacted, due to the use of the COP doctrine to overrule local self-determination; it reflects a type of governance that Keil (2000, p. 761) defines as "fencing in and controlling an unwieldy process of democratic decision-making." These views were echoed by NDP MPP Shelley Martel, who argued:

I'm philosophically opposed because I think that people's ability to choose how they are governed is a fundamental right. How they choose to organize themselves, how they choose to be governed is a basic, democratic, fundamental right, and people should have

the opportunity to have a say. Through this process, people in our community will not have a say. They have no vote. They have no public hearings with respect to this Bill to have input. They have no way to have their voice heard in my community (Martel, 1997).

The process to pass the *Fewer Municipal Politicians Act*, its implementation, and its institutional effects all reflected the neoliberal idea of representation and participation, the type of governance that aims to fence in democratic decision-making. The Toronto model would be built upon and expanded elsewhere, with many of these goals in mind despite significant geographical and economic differences in those cities and towns.

4.5 Conclusion

The Mike Harris and CSR era of provincial politics began a marked turn to hard right neoliberalization processes across the province and within its municipal structures and liberal democratic institutions. These attempts to restructure the state had the effect of insulating austerity from critique and creating more ‘efficient’ or ‘streamlined’ government. The background of this was rooted in austerity and through strategic cuts across the board to social provisioning and welfare policies not just across the province but in policy areas that would more specifically harm and burden the Toronto area. Budget cuts and downloading were utilized as a tool, combining in a symbiotic manner with the demands for smaller and more efficient government through amalgamations, with amalgamations becoming a justification for fewer politicians. All of these policies were imposed through the use of the COP doctrine, which was crucial to the actually-existing neoliberalism in Ontario, especially during the Harris-Eves era. To understand the views of many Torontonians on this matter, former mayor John Sewell can be illustrative here:

The provincial government seems to want to take actions which disrupt decision-making in Toronto. Witness the forced amalgamation, the downloading of social and other costs, the imposition of higher property tax rates in Toronto than in any other municipality in Ontario, the proposed reduction in the size of Toronto's city council, and other punitive actions. Mike Harris is an evil uncle (2000, p. 71).

In Toronto's three-year report on amalgamation, the CAO argued that amalgamation and associated fiscal restraints caused the city to lose numerous opportunities and initiatives that required up-front capital, leading to "considerable stress on an organization trying to do more with fewer resources" (Garrett, 2001, p. VI). It also takes note of a rising political tide – partially borne out of the rise of the C4LD and neo-reformist critiques of urban neoliberalism – that will be consequential in the following chapters of the dissertation: the rise of city empowerment and "Charter City" demands by various political groups across Toronto. While this will be explored subsequently, it is pivotal to note the CAO in 2001 was already highlighting that the political, structural, and administrative demands for a new intergovernmental relationship were the "most critical need" (Garrett, 2001, p. XI).

The issues created through the newly amalgamated City of Toronto would reverberate after Eves' election defeat to Dalton McGuinty and the Liberals in 2003, with the Liberals attempting to forge a new form of actually-existing neoliberalism and relationship with Toronto's politics and liberal democratic institutions. As we will see in the next chapter, this was less punitive and antagonistic but still based on neoliberalization processes and a focus on "improving" the megacity by bolstering mayoral power due to the fragmented nature of the new Toronto's geography and politics.

Chapter 5 – The Convergence of Competitive, Creative and Charter City Ideologies

It was obvious that Toronto, an extraordinary municipality in terms of its size and economic clout, needed extraordinary powers. As I said at the time, 'Toronto is the engine of economic growth in Ontario and much of Canada... It's a miracle that it has delivered prosperity for so long and to so many, despite living in a legislative and fiscal straitjacket that would baffle Houdini.'

- Dalton McGuinty, 2015, p. 128

This chapter provides a contextual understanding of the discourse and ideological views of the early years of Liberal Premier Dalton McGuinty's government, including their ideological convergence with various groups within Toronto. This convergence is crucial to understanding why this era of governance was less antagonistic and why the COP doctrine was not as aggressively harnessed as it was under the Harris government. A seemingly less adversarial relationship with the City of Toronto came to fruition because of multiple interest groups and general ideological frameworks forming a measure of elite consensus, resulting in an affinity for devolution and autonomy within different Third Way neoliberal frameworks.

The first section provides a history of the political rise of McGuinty and the Liberals' early-2000s policy platforms and 2015 autobiography for contextual clues on their brand of neoliberalism, which is argued to be best represented by the idea of the Third Way. The second section details the ideological positions, from 2000 to 2003, of three contemporaneous local policy groups and their proponents: competitive cities, creative cities, and charter cities. This side-by-side analysis shows the ideological convergences between the policy reports of this wide swath of Toronto political interest groups. Section two concludes by situating two other political newcomers, David Miller as Mayor of Toronto (2003-2009) and Liberal Paul Martin as Prime Minister of Canada (2003-2006), and their views on the necessity of empowered and economically competitive cities. Both Miller and Martin added the crucial federalism element of the institutional

and political context from 2003 to 2006 in Ontario and Toronto politics. This chapter highlights the content of policy reports, newspaper coverage, and the relevant politicians and their platforms for legislative and textual analysis of policy and legal reforms. The chapter also becomes the foundation for understanding the ideological positions of the various political interests, legislative decisions, and debates that are the basis of the *Strong Toronto for a Stronger Ontario Act* (2006) that is the basis of the analysis in Chapter 6.

5.1 McGuinty and the Third Way – a Response to the Hard Edge of Harris

After eight years of rule, the PC government faced dwindling popularity, Mike Harris resigned as premier in 2002, and multiple political scandals explicitly cost human lives. The year 2003 was shaped into an election year where change was not only possible but also practically inevitable.

The PC's slash-and-burn austerity agenda led to the Walkerton e-coli crisis of the year 2000, which infected over 2000 residents of the town, ultimately killing six. Just before the election in September 2003 – and amid the national Mad Cow scare (beginning in May 2003) – the Aylmer meat packing plant had its license suspended for fears it was producing tainted meat and infecting the local water supply. Due to cuts to regulations and inspections, including laying off all but eight full-time meat inspectors and replacing them with poorly trained part-time contract inspectors, Aylmer Packing was operating without real consequences for its infractions. Indeed, Aylmer Packing had 11 license hearings in the previous 11 years (Piatkowski, 2008). The company's owners were previously found guilty of disposing of "abattoir waste without approval," as well as assaulting a 60-year-old veterinarian and chasing labour officials from the plant. In August 2003, Aylmer was charged with "permitting discharge of material into a drain that may [have] impair[ed] water quality" and the failure to comply with orders from provincial officers (Piatkowski, 2008).

The Aylmer and Walkerton scandals made salient the issues of privatization, regulation and cuts to government services under Harris's austerity and became a major focus of an election rife with a province's fatigue with the ruling party. Such tangible indictments of privatization and deregulation were on the minds of Ontarians, and the PC's popularity sunk to a new low of 60 percent of Ontarians wanting a change in government. Going into the election, McGuinty's Liberals would take advantage of this voter discontent with the PC's and what was amounting to a growing rejection of their more hardline and aggressive austerity agenda.

McGuinty positioned himself as the "choose change" candidate, a reformer who was both pragmatic and practical. In an earlier 1996 interview, there was an attempt to set the tone for what these divergences from Harris looked like:

I think I'm much different than Mike Harris. There's no doubt that I have concerns about fiscal responsibility, but I believe the role of the government is to marry the needs of fiscal responsibility with the needs for having a caring and compassionate society (McGuinty, 1996, n.p.).

This ethos was reflected in the Liberals 2003 campaign platform, which Albo and Evans (2018, p. 23) argued utilized notions of "inclusiveness" and general class-neutral framing – rather than the hard right demonization of the poor – to incorporate as broad a constituency as possible in a "One Ontario" logic. The primary and first point of the 2003 platform summary was "balance the budget while holding down taxes" (Ontario Liberal Party, 2003, p. 4-5). This vernacular became explicit throughout both McGuinty's campaign speeches platform, with terms like "prudent management," "fiscal responsibility," "accountability," and "individual achievement" being central to their approach to provincial budgeting and public services (Coulter, 2009, p. 195). For example, in a sub-section of the platform entitled "Running a Tight Ship," McGuinty argued, "Ontario deserves

a government that will maintain fiscal discipline, manage your hard-earned tax dollars wisely and improve the key public services on which our competitiveness and quality of life depend” (Ontario Liberal Party, 2003, p. 4).

McGuinty additionally supported the PC’s Buchanan-adjacent balanced budget law,³⁹ that all budgetary surpluses would only be spent on debt reduction and “holding the line on taxes” to give “better value for your money, while keeping taxes down” (Ontario Liberal Party, 2003, p. 4-5). As Canadian political scientists Kendra Coulter and James Watson both argued (Coulter, 2007, p. 80; Watson, 2020, p. 66-68), the Liberals were largely spending their time trying to create the image that they were superior fiscal managers to the PC’s, with Coulter and Watson both arguing that the Liberals neoliberal evaluative measures were aimed to demonstrate how the PC’s failed at neoliberalism. The superior fiscal managers’ framework was front and centre throughout the platform:

Despite seven years of strong growth, the Harris-Eves government added over \$21 billion to the debt. They had a chance to invest in our future prosperity and they squandered it on tax cuts paid for with borrowed money, costly consulting contracts and bad management of government. We will *balance the budget, keep taxes down, manage prudently* and invest in higher productivity and a better quality of life (Ontario Liberal Party, 2003, p. 2; italics added by author).

Years later, reflecting on the Liberal party’s fiscal track record in the aftermath of the 2008 Global Financial Crisis, McGuinty congratulated the party for upholding those values and promises but noted that even more austerity would be necessary, stating:

³⁹ McGuinty voted for the passing of the Bill in 1999 and received the support of the anti-tax fringe libertarian group, the Canadian Taxpayers Federation, in the 2003 election. He signed a commitment pledge to not increase taxes in Ontario if elected premier of the province.

We had done all this while running the leanest government in Canada (as measured by program spending per capita). And, after eliminating the deficit our government had inherited, we had balanced our budget for three consecutive years. But now it was time to impose greater restraint on our spending (McGuinty, 2015, p. 167).

Albo (2018) described these Liberal economic policies as a continuity of the status quo through new strategies and lenses to deal with neoliberalism's legitimation crisis. In Finance Minister Greg Sorbara's 2004 budget speech, there was a focus on "transforming government services," the familiar austerity-tinged tone of "tough choices" and "flatlining" of the budgets of 15 ministries (Coulter, 2007), which resulted in an overall decrease of the relative size of the public economy and social spending. While cities did not receive much attention from the Liberals, the platform set the tone for competitive city language to thrive (as analyzed later in this chapter) when they argued (Ontario Liberal Party, 2003, p. 24):

Our cities should be breeding grounds for innovation. Strong, diverse cities attract highly skilled workers and enhance productivity. Instead of building them up, the Harris-Eves government damaged our cities, with gridlock, crumbling infrastructure and pollution now too common.

The Liberals specifically stated:

We will invest in our cities and towns. The Harris-Eves government 'solved' many of its problems by downloading them onto cities and towns. The result was cuts to services and crumbling infrastructure. This was unfair, shortsighted and destructive to our communities. *We will help communities become more self-sustaining by giving them the means to invest in their own infrastructure and growth* (Ontario Liberal Party, p. 11-12; italics added by author).

The Liberals' actually-existing neoliberalism represented a turn away from the PC's hard-edge austerity and their invocation of a more Thatcher and Reagan era of roll-back neoliberalism, embracing what is known as Third-Way neoliberalism.

The British theorist behind the Third Way, Anthony Giddens (2010, p. 26), defined the ideology as “a framework of policymaking that seeks to adapt social democracy to a world that has changed fundamentally over the past two or three decades. It is a third way in the sense that it is an attempt to transcend old-style social democracy and neoliberalism.” Watson (2020, p. 2) argued that in the face of Reagan and Thatcher-style neoliberalism, the main left-of-centre parties could provide a radical alternative to the terrain or capitulate to the growing hegemony of neoliberalism and its social and political terrain. This was as much of an agenda as it was material reality, with McGuinty routinely adopting not just the rhetoric of thinkers associated with UK Prime Minister Tony Blair and US President Bill Clinton but also drawing directly from their policy agendas.⁴⁰ McGuinty described his politics and governance style as “sometimes tackling to the left and other times to the right” (McGuinty, 2015, p. 224), an approach that had “strengthened [his] belief in *new ideas*, instead of *old ideologies*... to move Ontario forward, not to the left or the right” (Coulter, 2007; italics added by author).

McGuinty's views echoed much of the Third Way discourses internationally over the previous decade. Blair had presented this philosophy at a roundtable of world leaders at a Third

⁴⁰ Again, this was not indifferent to Rae's style of austerity and governing in the early-to-mid 1990s as described by Thomas Walkom (1994, p. 267): “It would not be particularly interventionist. It would be fiscally conservative and rely on the private sector for economic growth. It would be a corporatist party, one that would try to forge partnerships among labour, business, and government. It would concentrate on training rather than job creation, assuming – like the Liberals – that the latter was best left to private business. In some ways Rae's reinvented NDP would be like the group of neoliberal democrats who had gathered around Bill Clinton before he became US president. In some ways, it would be like Jean Chretien's federal liberal party – fiscally conservative, although perhaps not as bold. Like the Liberals and Conservatives would talk of governing for all. But, in practice, it would ultimately cater to those with economic and political power.”

Way conference, basing it around “fiscal and financial prudence,” educational reform, reinventing government and reforming the welfare state, as well as “not old left or new right, but a new center and center-left governing philosophy of the future” (in From, 2013, p. 244), arguing “the Old Left tried to resist change. And our parties became associated with high taxes, special interests, and big government. The New Right thought the solution to everything was just to get rid of government” (in From, 2013, p. 247). In the treatise on the Third Way, *New Politics for a New Century*, Blair argued “market mechanisms are crucial to meeting social objectives, entrepreneurial zeal can promote social justice, and new technology presents an opportunity, not a threat” (1998, p. 4). Blair additionally saw the role of government as one where “governments enable, not command, and the power of the market is harnessed to serve the public interest” (1998, p. 7). Through a critical lens, Watson (2020, p. 3) described Third Way neoliberalism as follows:

In terms of neoliberal economic policies, the Third Way governments of the Anglosphere [have] all embraced varying degrees of fiscal consolidation, public sector structural reforms, the continued flexibilization of labour markets, increased global integration for production, trade and finance, a reduction in policies geared towards wealth redistribution, a gradual retreat from social programs, privatization, and deregulating capital and financial markets. Where [they] differed from the roll-back regimes was in the role of the state... What this means in practice is that rather than the state ‘getting out of the way of the market,’ governments should partner with capital to enable conditions for maximum profitability and capital accumulation in areas under their territorial and jurisdictional control.

When describing McGuinty’s politics, Coulter argued (2007, p. 181) that disseminating neoliberal language alongside progressive allusions was crucial, moving from the pursuit of managerialism

to a more complicated mixture prioritizing tax cuts, targeted investments, public service reductions, and a generally shrunken government and social provisioning. McGuinty consciously drew on this discourse and these policies, even going so far as to form a professional relationship with Michael Barber, the head of Blair’s “Delivery Unit,” whose sole focus was governance and delivering public policy and public service reforms. The premier heralded Barber’s “innovative thinking” and stated it “would become very influential in my own thinking as I looked for new methods to deliver measurable results” (McGuinty, 2015, p. 100).⁴¹ Barber was flown to Toronto for a paid presentation on restructuring government services before the Ontario Liberal cabinet in 2004 (McGuinty, 2015), and after years of working with McGuinty, Barber praised Ontario and McGuinty for implementing his ideas as “outstandingly successful” and McGuinty as both a “master of delivery” who “achieved it brilliantly as premier of Ontario” (Barber, 2016). Barber’s philosophy, “Deliverology,” was painted as an apolitical form of governance and administration in his 2016 book. In reality, it was a manifesto based around five paradigms: 1) “trust and altruism, 2) *hierarchy and targets*, 3) *choice and competition*, 4) *devolution and transparency*, 5) *privatization*” (Barber, 2016; italics added by author); Barber also praised public-private partnerships and applying market and business thinking into government. These ideas were far from apolitical and were the backbone of what came to be known as Ontario’s version of the Third Way.

McGuinty was also ideologically linked to the Clinton government through his embrace of David Osborne and Ted Gaebler’s book, *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector*. Osborne worked on the Gore Report – based on a commission

⁴¹ While a fellow at the University of Toronto School of Public Policy and Governance he would guest lecture in a class using *Reinventing Government* as its textbook and the week of his guest lecture he would be speaking in regard to his friend Michael Barber’s 2007 book.

headed by Vice President Al Gore – and its attempts to “reinvent government” and downsize the state and public service, and had the direct ear of Clinton,⁴² whom Osborne had known for a decade before the presidency and was “respected” by the president (From, 2013, p. 220). This work was influential in Harris’s inner circle, with chief consultant and CSR architect Alister Campbell (2023) noting the importance of the book when linking Harris’s ideas on social provisioning to Bill Clinton in the early and mid-1990s. McGuinty (2015, p. 117) equally respected and utilized the ideas of Osborne, stating:

[I was] influenced by the book *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector*, by two Americans, David Osborne and Ted Gaebler. Most people assume from the book’s title that it is a right-wing tract advocating for the downsizing of government. But the book’s real message is how to make government more effective not necessarily smaller. The author’s thesis is that government should steer, not row. And I was eager to find opportunities to engender public sector entrepreneurialism.

Like Barber,⁴³ Osborne and Gaebler argued that “neither traditional liberalism nor traditional conservatism has much relevance to the problems our government faces today” (1992, p. XVIII). They demanded “institutions that [were] responsive to their *customers*” and “*empower[ed]* citizens” (1992, p. 16; italics added by author). This approach resembled a “third way” where government raises resources and sets priorities while the private sector organizes the

⁴² Blair stated that the need to “‘reinvent’ national government itself” was as important to the Third Way as taxation policy (1998, p. 15).

⁴³ They routinely make statements devoid of any understanding of political or economic structures such as this: “Programs are driven by politics, not policy” [as opposed to markets] (Osborne and Gaebler, 1992, p. 286), “customer-driven systems depoliticize the choice-of-provider decisions” (Osborne and Gaebler, 1992, p. 182), and echoing Hayek’s arguments about the character of interventionism, they argued “We do not need more government or less government, we need better government. To be more precise, we need better governance” (Osborne and Gaebler, 1992, p. 24).

production of goods and services due to a preference for market mechanisms (1992, p. 30).⁴⁴ Sounding more like Buchanan's public choice or Reform Party discourse rooted in right populism, they lamented that the real problem in politics was that "while businesses strive to please customers, government agencies strive to please interest groups" (Osborne and Gaebler, 1992, p. 167).

McGuinty staffers echoed this supposedly apolitical stance, with one stating: "I'd hate to think you can be a liberal and be ideological" (Coulter, 2007, p. 222); and a senior director arguing "we go both left and right, and I go left and right, depending on the issue" (Coulter, 2007, p. 88). The previous administration's aggressive right-wing orientation provided a foil for the Liberal party to position itself as pragmatic and focused on middle ground and managing issues, rather than having deep-seated political beliefs. In actuality, the total lack of critical analysis of material power in society was an explicit political choice, with the very denial of ideology as an ideological act meant to limit the terrain of politics and to further deepen and normalize neoliberal political culture (Coulter, 2007, p. 224-225). Ontario would become part of what Blair argued was the necessity to brand Third Way politics and colonize political territory more widely across the West (From, 2013, p. 242), and what Al From described as the battle to hegemonically define the left by sidelining the tired ideas and excesses of the old left (2013, p. 242-243). The Third Way surrendered large portions of the socio-political terrain to the existing austerity and neoliberal policy paradigm by lamenting the rise of the social welfare state as much as it softly disputed the erosion of it by conservatives. This was a similar surrender to the political terrain of neoliberalism

⁴⁴ A critique of this form of thinking from a public administrative perspective: "Time soon proved the politics/administration dichotomy to be conceptually and intellectually naïve... All administrative decisions involving the allocation of public resources are essentially 'political' in that they determine, in Laswell's (1936) words, who gets what, when and how; and they ultimately rest on interpretations and judgement exercised by individual public employees" (Kellough, 1998, p. 14).

as illustrated by Blair and Clinton's approach to taxation and the role of the state in the twenty-first century.⁴⁵

5.2 Charter, Competitive, or Creative? Convergences Around a 'New Deal' for Cities

This section shows convergences from 2000 to 2003 among interest groups trying to respond to amalgamation in different political and economic matters. Alongside the rise of McGuinty and Third Way neoliberalism at the provincial level, multiple groups utilized much of the same discourse and institutional and material reforms that reflected Third Way ideas about devolution. The main three political actors were *The Toronto Star*, the Charter City movement, and the Toronto Board of Trade. While these different groups do not map onto each other perfectly, there are points of convergence in endorsed reforms – as well as group membership – that will show a very complex picture of how the 2006 legislation passed with resounding elite consensus. They were also the main formalized groups behind popularizing the policy frameworks analyzed in this chapter: charter cities, competitive cities, and creative cities ideas.

Around the time McGuinty was rising to power, *The Toronto Star* unveiled a significant series of articles rooted in the idea that Toronto required a “new deal” from the provincial and federal governments to reflect the realities of the twenty-first century. Beginning in January 2002, while the PC's were still in power, *Toronto Star* publisher John Honderich made it the paper's personal

⁴⁵ This is perhaps best illustrated by Blair in *New Politics for a New Century* (1998, p. 15): “Taxation goes to the heart of the Third Way. In the Eighties the issue of tax was more important than any other in holding back the Left. Contrary to the belief of the Right, this was not because the middle classes wanted tax cuts at any price. Rather, it flowed from a perception of the Left as invariably the champion of higher, indiscriminate and often ineffective public spending. We seemed to want to throw money at every problem, with little if any concern for the efficiency with which public resources were spent. One of the strongest claims of the Third Way is that tax must be kept under control and that all public spending is ‘money for results and reform’.”

goal to force and structure the conversation on what this new reality would look like. This manifesto-esque first strike bluntly argued:

Canada has an urban crisis. Simply put, our cities - our greatest economic and cultural assets - are sliding into mediocrity... The biggest problem is our antiquated system of government that leaves cities largely unrepresented and constantly begging for funds. For example, Torontonians pay out \$4 billion more in taxes every year than Ottawa and Queen's Park put back in... As we begin a new century, we have a stark choice: either manage our cities' future and aspire to greatness or manage their gradual decline. We opt strongly for greatness (2002).

This sentiment was echoed by another prominent *Star* columnist, Jim Cartwright, who argued:

Canada's largest city is treated more like a prisoner in handcuffs than the economic engine of the country. The situation has become intolerable, and a chorus of voices is being raised to demand a solution. The Toronto Star has initiated a crusade to find a new deal for cities, and is searching for champions (Cartwright, 2002).

In the following months, *Star* columnists argued that the PC's needed to understand the necessity of a strong Toronto, or they would lose the upcoming election (Crane, 2002) and that Harris's policies starved Toronto of necessary funds and denied them the "legal power to create imaginative solutions to their problems" (Fowler, 2002). Over this six-month period, dozens of articles would encompass the "New Deal for Cities" campaign advocating for solutions to flawed governance arrangements, antagonistic relationships between the province and the city, net losses of city revenues, and the idea of a declining Toronto (Rodgers, 2013).

This concentration on urban issues in Canada's largest daily paper was crucial for mainstreaming the general conversation regarding a new deal for Toronto (or cities in general). It

would also exist alongside several important interest groups and ideological perspectives that were coming to dominate the socio-political terrain of what a new governing relationship between Ontario and Toronto would look like.⁴⁶ These interest groups were vital because they contained not just current and relevant political elites but also past and future politicians, including two future Toronto mayors. While this ideological convergence was different from the more top-down imposition of change by the Harris government, this complexity and convergence around major and multiple stakeholders allowed for an analysis based on the Gramscian idea of elite common sense and ideological saturation.⁴⁷ Rune Stahl argued this constitution of an “elite form of common sense” could be described as follows:

Only if the capitalist class are satisfied can an economic policy be successful, and the language, and practical implication, of economic theory as a way of persuading the global financial markets becomes a key priority of economic policy... Economic ideas and paradigms, when they enter the political realm, are rarely directed at a popular audience, but rather at the level of the decision makers, managers, bureaucrats, ideologues and administrators who make up the governing and ideology-producing sector of society. If such an economic program or paradigm can be formulated and is supported by sufficiently powerful social forces in a society, it can take the form of an ‘elite common sense’ (2018, p. 38).

⁴⁶ Rodgers (2013, p. 72) also argued: “The New Deal for Cities had gradually become a kind of brand, a digestible and legitimate way to frame discussion of urban policy not only in relation to Toronto, but Canadian cities in general.”

⁴⁷ For Patrick Le Gales (2002, p. 265; italics added by author): “A small group of actors can monopolize the mechanisms of choice in the name of *efficiency and competition between cities*; they might then succeed in imposing their plan and legitimizing the domination of a sort of urban oligarchy... For example, the emphasis placed on efficiency and performance by supporters of ‘new public management’ is in no way encumbered by a concern to respect representative democracy.”

These convergences are why it is crucial to understand that the history of Toronto's institutional reforms is not entirely dependent on the business community; it has as much to do with the political strength of liberals and progressives (Magnusson, 1981, p. 567).⁴⁸

The first group representative of the elite common sense in Toronto was known as the “charter city” movement, comprised of offshoots of various anti-amalgamation movements from the late 1990s. They primarily focused on the need for a dramatic reorientation of the COP doctrine for the sake of better liberal democratic practice through increased autonomy from the provincial government. This took the form of the idea of Toronto becoming a charter city, a new metropolis – with increased legal/constitutional powers that would grant it exceptions from provincial political whims on the grounds of its unique place within Ontario, Canada, and global capitalism more widely.

This campaign was spearheaded by the CEO of Avana Capital Corporation and municipal activist Alan Broadbent,⁴⁹ alongside a few principal and recurring actors, namely municipal policy analyst Enid Slack, public intellectual Jane Jacobs, University of Toronto Professor Meric Gertler, and three former mayors of Toronto (Crombie, Sewell and Hall). They would be quoted throughout the Star series, notably in Honderich’s first article (2002) when he said there was little wonder why there was a growing demand for a charter and municipal independence in Toronto. Sancton (2016) argued that this group was primarily focused on the resentment of arbitrary provincial legislation to impose a new suburban-dominated city and favoured strong new institutions for governance and

⁴⁸ Indeed, as Magnusson notes regarding Metro Toronto (1981, p. 558): “The “emerging needs of capital” only become apparent in relation to the needs and demands of other classes, and the “class-conscious wing of monopoly capital” sets its “agenda” in the course of a struggle with other elements.... Metropolitan reform, as we shall see, may be regarded as a product of class struggle and a consequence of the contradictions of capitalist society, but it cannot be attributed to the demands or requirements of any one class in isolation.”

⁴⁹ He would also later become the Chair of the Institute on Municipal Finance and Governance.

taxation at the local level. They would meet for invitational conferences in the late 1990s and early 2000s, ultimately authoring two influential policy reports and manifestos.

Toronto: Considering Self-Government (Rowe, 2000)⁵⁰ was a collection of essays featuring Alan Broadbent, Jacobs, Slack, Gertler and Sewell in support of the idea of more autonomy for the City of Toronto, rooted in what came to encapsulate the charter city vernacular in the Toronto context. The document was so important and representative of the charter movement in Toronto that it was referred to as the “cornerstone of the debate on the matter in the public” (Keil and Young, 2003, p. 92). The book attempted to address a myriad of questions regarding Toronto’s cultural vitality and need for self-government (Jacobs and Rowe, 2000), the necessity to maintain the local economy within globalization and the rising knowledge economy (Crombie, 2000; Gertler, 2000; Slack, 2000), as well as the forced nature of amalgamation undercutting local government and determinism (Mendelson, 2000; Sewell, 2000).

The above was followed by *Towards a Greater Toronto Charter* (2002), which was an introductory statement of principles of what an autonomous Toronto would look like, described by Broadbent as having power akin to “roughly those of a province” (Broadbent, 2010). The ethos of the work vastly reduced more significant democratic and political considerations into more clear-cut organizational frameworks. Local democracy was construed as an instrument for greater financial accountability and efficient organizational processes; it stated:

Two fundamental principles of democracy ensure that governments remain effective and responsive. The first principle is subsidiarity. This means that to the greatest extent possible, all governmental activity (such as policy development,

⁵⁰ This book would immediately set the tone with Jane Jacobs and Mary Rowe (2000, XXI) sidestepping the most important democratic and normative elements of the debate by saying: “There are many questions this volume does not address: What would self-government for Toronto look like? Would greater autonomy result in a better, more economically competitive and socially just Toronto?”

program and service management, and delivery) should be exercised by the administration that is closest to the people. The second principle is fiscal accountability. This means that the government that spends taxpayers' money on goods and services is the same government that sets the policies and then raises the requisite money, as directly as possible (Rowe, 2002, p. 1).

There was also language very similar to the creative class and competitive cities groups (that will be explored shortly), notably that “devolution [would] enable and encourage Canada’s *economic, social, and cultural engines* to keep pace with those other urban jurisdictions that are their main competitors in the urbanized world of the twenty-first century” (Rowe, 2002, p. 4; italics added by author). Arguments regarding the “knowledge economy” and being competitive in a globalizing economy were also crucial to multiple chapters, while others instrumentalized autonomy or taxation reform⁵¹ for the purpose of achieving economic efficiency. These proponents also emphasized the “human capital” language reminiscent of McGuinty’s Third Way discourse, stating that the greatest competitive advantage in the knowledge economy was human capital (Broadbent, 2010; Gertler, 2000).

The group's influence was institutionalized through the co-founding of the aforementioned IMFG at the University of Toronto. The basis of the charter city view of autonomy was to be rooted in fiscal and taxation reforms rather than substantive views of democracy; it argued:

When politicians talked about channelling more money to cities, about hotel taxes or shares of gas tax, they tended to do so in terms of a panacea. In fact, compared to municipal budget deficits, such taxes generate funds that are barely material. The

⁵¹ Typically rooted in more excise taxes and user fees that follow neoliberal consumption ideological viewpoints that further disrupt the idea of taxing corporations and wealthier members of society to pay for social goods.

big tax instruments, the ones that provide the large revenues that can make a real difference, are income and sales taxes. We felt there was a need for an organization to provide such ongoing commentary. And we knew who should head it: Enid Slack, the ‘go-to’ person on municipal finance in Canada. Enid had been mentored by Richard Bird and Harry Kitchen, the previous generation’s go-to guys, and had been part of all our activities since Toronto Charter days (Broadbent, 2010, n.p.).

The IMFG members and charter city proponents became – and were already – influential not just in policy circles, but in City Council and Toronto’s local government who would adopt a lot of their discourse and policies in reaction to the antagonism of the Harris government. Between 2000 and 2002, the City issued multiple staff and council reports formally advocating for and describing what Toronto as a charter city would look like. *Towards a New Relationship with Ontario and Canada* was published and adopted by Council in the summer of 2000 and argued that Toronto was socio-politically unique and required a charter that could not be unilaterally changed by provincial government (City of Toronto, 2000, p. 3). A follow up report explicated these concerns and argued that: “Council undertake the development of a modern flexible Charter for Toronto, that reflects the City’s unique characteristics and needs and empowers the City’s elected government to meet the needs of the City and its inhabitants now and in the future” (City of Toronto, 2002, p. 1).

A second central ideological thread was rooted more directly in globalized capitalism and the fetishization of “competitiveness,” which represented the necessity of cities to attract capital in an increasingly globalizing world. The Toronto-specific brand of this was justified through a rationale of 1) private accumulation incentivizes innovation, 2) growth increases the quality of life and attractiveness of the city, 3) the competitive city creates further prosperity that trickles down

to the wider community (Boudreau et al., 2009, p. 187). The ideological backbone for these ideas was policy reports of major economists and the organizational leadership of the Toronto Board of Trade (TBT), which extended beyond the business and economic community. Honderich moderated an event described as “[Elyse] Allan of the Board of Trade and pinkish Councillor Jack Layton essentially singing from the same hymn book about Toronto's need for a new deal” (Coyle, 2002). For competitive city-focused interest groups, constitutional recognition of Toronto and the issue of the COP doctrine was about reworking the governing relationship to grant municipalities legislative and taxation power, which was, in effect, fundamental to implementing greater neoliberalism at the local level. A 2001 survey of CEOs and senior executives in Toronto commissioned by the TBT argued that the most pressing issue for Toronto’s competitiveness was high business taxes and that Toronto did not have the tools (fiscal or legislative) to be an influential competitive city on the global stage (*Perceptions of Toronto’s Competitiveness*, 2001). Much like the Third Way (and creative cities discourse), they argued that Toronto’s most considerable advantage was its “people,” who were described as a diverse and skilled/educated workforce (*ibid*, 2001, p. 7). While competitive city proponents were more focused on economic analysis, they would move on to emphasize the issues of autonomy, governance, and democratic institutions in the year to come.

Featuring a broad capitalist class alliance of representatives of nearly every capitalist sector (including Don Drummond, who would later author the infamous Drummond Report for the government of Ontario, and John Tory, the future mayor of Toronto), the TBT published *Strong City, Strong Nation: Securing Toronto’s Contribution to Canada* in June of 2002. The foundation of the report targeted what it argued were inefficient decision-making structures that interfered with the competitiveness and economic efficiency of the city at both the national and global levels.

They argued that Toronto was “struggling for survival” at a time when global competitiveness was central to economic success (Toronto Board of Trade, 2002, p. 3) and that:

The inefficient governance structure that precludes strong decision-making and limits prudent fiscal planning must be revamped. The province must immediately create a task force to develop a new governance model/structure for the city of Toronto; and finally, the city's fiscal model must be reformed (Toronto Board of Trade, 2002, p. 3).

For the TBT and similar capitalist groups, the focus was more on a narrow form of accountability, namely to big business and its economic needs, by reducing democratic decision-making principles to business processes and the idea of the citizen to the taxpayer. Indeed, the TBT argued that “the city requires an effective and accountable governance structure before receiving access to existing or new revenue sources. Further, taxpayers have no appetite for an increased tax burden” (Toronto Board of Trade, 2002, p. 4). Honderich’s launch of *The Star*’s series on a new deal for cities (and the president of the TBT) pointedly argued:

Corporate leaders, who want to do business in communities where the quality of life is good and future is bright, are also beginning to speak out. ‘At the end of the day, we need the political will to make cities a priority,’ says Elyse Allan, president of the Toronto Board of Trade (2002).

The TBT also believed that the main issue with the city – especially post-amalgamation – was that austerity and a favourable business climate had not been cultivated enough:

Our high business property taxes have already dissuaded business investment in the city, and have pushed businesses further out of the downtown core... The city has demonstrated little success in reducing operating costs, in establishing core

priorities and in applying rigour to its budgeting exercise (Toronto Board of Trade, 2002, p. 16).⁵²

Ironically, as described earlier in the Harris chapters, *The Toronto Star* (Honderich in particular) and the TBT were leading and vocal advocates for amalgamation. John Barber, in a scathing column for the *Globe and Mail*, attacked the TBT's "ever shifting positions" while laying part of the blame for the failures of amalgamation into the lap of the TBT, which "cop[ped] out" of responsibility, lambasting "business leaders... advocating sweeping reform of the last reform they advocated not so very long ago" (Barber, 2002). The TBT advocated for services to be made efficient, public-private partnerships approved, performance measures implemented in budgeting, and for a city with more legal powers as an instrumental tool to achieve these ideological desires. A TD Economics Report from 2002 echoed these concerns, highlighting that "risks of a higher tax burden must be mitigated," that "the private sector needs to be more involved" (TD Bank Financial Group, 2002), and it was crucial to:

[Keep] tax rates low and providing relatively affordable and high-quality health care will also help to drive growth... These will be cities that provide world-class cultural and leisure activities, clean, attractive, safe and well-managed environments, and good road and transit systems and that enjoy a competitive edge by virtue of having these attributes. For economic competitiveness and quality of life are inextricably intertwined (TD Bank Financial Group, 2002, p. 10).

This line of thought was present throughout the *Toronto Star* series, with E.P. Fowler (2002) arguing, "Cities... are the powerhouses of our economy, and they need to be competitive

⁵² Additionally, the TBT stated: "regardless of who is collecting the tax, it is the Board of Trade's position that the overall taxes paid by individuals and businesses in the city of Toronto not be increased" (Toronto Board of Trade, 2002, 20).

in order to attract outside investment.” Columnist David Crane (2002) echoed this investment angle when he stated: “Cities are becoming ever more important to our economic success, which is why Queen's Park can no longer ignore the need for a new deal.” This was detailed more fully in the TD Report (2002, p. 21), which argued:

Provincial governments could begin by removing the shackles on property taxes, user fees and development charges. They could also give municipal governments more flexibility to leverage the capital and expertise of the private sector. In this regard, the recent actions by some provinces to grant natural person powers to municipalities are a step in the right direction.⁵³

Additionally, the idea of strategic investments and social capital were cast by TD Bank as the necessity of investing in infrastructure to attract both capital and creative/knowledge labour:

These will be cities that provide world-class cultural and leisure activities, clean, attractive, safe and well-managed environments, and good road and transit systems and that enjoy a competitive edge by virtue of having these attributes. For, economic competitiveness and quality of life are inextricably intertwined (TD Bank Financial Group, 2002, p. 10).

What we can ultimately understand about competitive city discourses is perhaps illustrated best by Kipfer and Keil (2002, p. 230), who argued the main goal was to push Toronto beyond just the core city of the Canadian political economy but as a second-tier city in the global economy for finance, investment and real estate capital, and as a significant space for high-talent immigration.

⁵³ And these enhanced powers would provide a greater opportunity and role for business to direct public policy: “But, the private sector’s responsibility should run much deeper than merely providing investment capital when there is a profit to be made. Cities must work hard to get business more heavily involved in municipal activities, development planning and sharing best practices” (TD Bank Financial Group, 2002, 27).

Kipfer and Keil continued: “Toronto is being moulded into a ‘competitive city’ defined by a complex of class alliances and political coalitions, neoliberal planning and economic policies, multicultural ‘diversity management,’ and revanchist law-and-order campaigns” (2002, p. 229).⁵⁴ For various groups of economic elites in Toronto, the amalgamated regional space provided new access to state provisioning, resources and power, allowing them to influence political decision-making processes and speak a language of competitiveness and partnership that the neoliberal local state is receptive to (Boudreau et al., 2007, p. 41). It is crucial to note the overlap between these groups, as the TBT and TD reports were enthusiastically cited by various charter city proponents in their follow-up publications.

The proponents of the creative cities were the third ideological group gaining global – and Toronto’s – attention. This group was adjacent to competitive city foundations and placed a competitive edge on the more abstract notion of liveability, rooted in culture, arts, and high-level consumption. While owing some intellectual legacy to local cultural and arts focus of urban place-making present in famed urbanist Jane Jacobs’s work, the reality of creative cities’ materiality was rooted in the cultivation of social capital to attract globalized financial capital. This school’s proclaimed “guru” was the oft-cited academic and liberal public intellectual, Richard Florida,⁵⁵ who authored *The Rise of the Creative Class* in 2002. The ethos of the book was predicated on the necessity of a synergy of artistic creativity, business entrepreneurship and technological innovation, which were seen as a pre-requisite to prosperity in the “knowledge economy” because they attracted businesses, research institutes and technological firms that bolster the local economy

⁵⁴ “Competitive city governance is thus not reducible to the economic and social policies of neoliberalism. It represents a broader project of cementing and reordering the social and moral landscape of the contemporary urban order” (Kipfer and Keil, 2002, p. 235).

⁵⁵ Florida would ironically relocate to Toronto, teach at the University of Toronto, and become heavily involved in the city’s and Ontario’s policy circles, but more on that later.

and place it within the larger global circuits of capitalism (Bradford, 2007, p. 3). Creative city logic followed a murky framework of ostensibly using diversity/arts/culture to attract businesses and young professionals, which further attracted capital and companies wanting to relocate to such a cosmopolitan and education-focused city. Human and social capital in this framework were cast as educated, creative or knowledge economy workers, with the state needing to implement policies to aid in the creation of the economic conditions necessary to secure these workers' labour and the associated competitive advantage it would bring. Creative city policies ideologically valorized both technology and the abstracted idea of creativity, with Florida arguing: "The real driving force is the rise of human creativity as the key factor in our economy and society" (2002, p. 5). Due to this individualist and commodified purpose, the creative cities framework converges with the Third Way in several ways. Florida described this ideology as "fiscally conservative and socially liberal" (Steigerwald, 2004 in Peck, 2005, p. 760), emphasizing the need to balance infrastructure and social concerns with cities "balancing their budgets and spending taxpayer money wisely" (University of Toronto, 2016, n.p.). This was made clear when Florida stated:

Where I share common ground with some Republicans and libertarians, is that I think that *old-style government programs have become a huge impediment to leveraging the creative age and allowing it to emerge*. That said, I think there is *still a role for government to set up the parameters in which market-based actions take place . . .* If you asked me what the problems of our current structure are, I'd say it is oriented toward large-scale political institutions and large companies when it should be oriented to entrepreneurial efforts, small firms and to people's energy. *We have to move away from large-scale government programs to community-oriented efforts'* (Florida in Steigerwald, 2004, p. 2; italics added by author).

While outside of the 2000 to 2003 timeline, it is crucial to note that Florida was commissioned by McGuinty in 2009 to write a major economic policy paper during the height of the recession, in which Florida adapted creative city ideas to Ontario and McGuinty's Third Way discourses. Florida argued the way forward for Ontario was:

To invest in our people, our businesses, our institutions, and our infrastructure.

Productive and future-oriented investment will generate prosperity for the long term. There is no greater resource than the creativity, innovativeness, and productive talents of our people (Florida and Martin, 2009, p. 1).

Much like the Third Way, Florida's ideas depoliticized social relations of capitalism while arguing for "a truly creative society that can harness the energy we have unleashed and mitigate the turmoil and disruption that it generates" (Florida and Martin, 2009, p. 5). There would be no need for bailouts and the backwardness of government interventions; instead, what was required were individuals "investing in their own capabilities and skills" and instrumentalizing tolerance and diversity to obtain economic advantage and global competitiveness. Creative city policies were popular because their general one-size-fits-all applicability and depoliticized economic context spoke to economic efficiency in a way that was palatable to policymakers (Catungal and Leslie, 2009). These same policies advocated for a more limited role for government and spending while privileging partnerships with private capital and business (Leslie and Hunt, 2013). Creative city advocates reproduced rather than disrupted neoliberal governance and capital accumulation processes through a lens of individual responsibilization and a deprioritization of social provisioning through the state.

Creative city ideas and their policy capture in the City of Toronto had many overlaps with charter city and competitive city logic, but it ultimately surrendered to the neoliberalized terrain of the Third Way. This was noted by Peck (2005, p. 764) when he argued:

Creative-city strategies are predicated on, and designed for, [the] neoliberalized terrain. Repackaging urban cultural artifacts as competitive assets, they value them (literally) not for their own sake, but in terms of their (supposed) economic utility... And with almost breathtaking circularity, it is now being proposed that these gentrification-friendly strategies should be evaluated, not according to hackneyed metrics like job creation or poverty alleviation, but according to more relevant measures like . . . increased house prices!

Creative city ideas would also catch the attention and support of the *Toronto Star*, which implicitly and routinely invoked the ideas of Florida in its new deal series, such as when “most importantly, we will be combining that with a vision of a vibrant city, rich in culture, with ample opportunities for employment and education” (Cartwright, 2002). But the pages of *The Star* were far more explicit at times:

This creation of social capital builds trust and facilitates economic activity so that social capital is important for economic growth, and especially the development of industry clusters. Dynamic cities also attract talented people, as U.S. economist Richard Florida has pointed out (Crane, 2002).

It was this coalescing of ideological context that McGuinty and the Liberals partnership discourse drew and built upon in 2003, alongside two other political actors: David Miller as Mayor of Toronto, and Liberal leader Paul Martin as Prime Minister of Canada.⁵⁶ Before Martin became

⁵⁶ Keil et al. (2009, p. 204) refer to this as: “The neo-reformist period (2003–present): Starts with the election of Mayor David Miller and Paul Martin’s New Deal for Cities. This period is characterized less

prime minister, he had been the longstanding finance minister and author of years of neoliberal budgets for the federal Liberals. In 2002, Martin became a vocal proponent of the New Deal vision, stating the “Star’s role in this is critical, and the Star continuing its campaign is crucial” (Rodgers, 2013), much to the chagrin of then-Prime Minister Jean Chretien, who had recently downplayed the issues of cities. Martin would use this as one political tool in attempts to dethrone Chretien as leader of the party,⁵⁷ arguing for a national debate on a new deal for cities while Chretien was arguing the federal government had no business with cities, as they were creatures of the province (Harper, 2002).

Martin spoke before the Federation of Canadian Municipalities in early 2002 and advocated for a role for the federal government in a greater partnership across all levels of government, but especially financially between the federal and municipal levels (CBC News, 2002). Martin endorsed the action plan by the Liberal Party entitled *Canada’s Urban Strategy: A Vision for the 21st Century*, released in late April 2002. The report framed the federal government’s approach to cities informally for the next three years and formally when Martin became Prime Minister. While the task force was convened by Chretien the previous year, the report would have Martin’s fingerprints all over it, with language and recommendations that reflected the ideas of the TBT, the TD Bank report and many other groups pushing for a new deal for cities (James, 2002). This was no shock; after all, Martin had publicly promoted the TD Bank report before the publishing of the federal policy report (Harper, 2002). The federal report was

by a suburbanization of city-regional politics and more by the creation of a city-regional consensus (between globally and locally oriented capital, labour, and politicians) on the necessity to focus on the quality of life in Toronto as a competitive asset for city-regional economic development.”

⁵⁷ It would take a year for Martin to become prime minister after Chretien ousted him from the cabinet, with Martin making a new deal for cities one of the key policy planks of his federal government from 2003 to 2005.

also praised by TD's senior economist Don Drummond and Allan of the TBT, with the latter stating the report "capture[d] what many groups have been saying" (Lewington, 2002).⁵⁸

As stated earlier, *Canada's Urban Strategy* replicated much of the discourse in the three coalescing schools of thought, with a particular convergence of competitive city ideas followed by nods to creative and charter city work. The urban crisis was depoliticized by hypothesizing it as an issue of resource allocation and not having enough understanding of the economic importance of cities to global capitalism. The proposals were predicated on the idea that "as the economic engines of the country, it is critical that our urban regions sustain their levels of growth and continue to contribute to Canada's high quality of life" (Liberal Party of Canada, 2002, p. V). This view was bolstered by a focus on "geographic clusters" as a pivotal source for localized competitive advantage (competitive cities) and investing in the "knowledge-based economy" (language which overlaps with creative cities discourse) (Liberal Party of Canada, 2002, p. 2). The report followed the TD and TBT recommendations to foster more collaboration with public and private partnerships as "innovative solutions" (Liberal Party of Canada, 2002, p. 13) and to install economic performance measurement tools to find budget efficiencies (Liberal Party of Canada, 2002, p. 4). Furthermore, it stated:

For the country to be *economically competitive on a global scale, cities must attract the most innovative and dynamic entrepreneurs and companies*. Companies are looking for centres of learning and innovation, skilled workers, upgraded infrastructure, a competitive cost of doing business, and the highest quality of life.

To compete globally, our urban areas must have the appropriate balance and appeal

⁵⁸ Allan was a member of the Toronto roundtable of the task force and had a written submission before the actual caucus task force in Ottawa. Future Mayor Miller was also a member of the Toronto roundtable.

of infrastructure, amenities, lifestyle, and high environmental quality (Liberal Party of Canada, 2002, p. 9; italics added by author).

Finally, when it came to issues of autonomy and the COP doctrine, the report leaned more in the direction of the TBT and TD reports rather than the charter city arguments, stating:

Municipalities are increasingly demanding recognition of their importance. Municipalities are the creation of the provinces and territories, and constitutionally lie within their jurisdiction. However, issues that affect the quality of life and economic growth are the concern of all orders of government, and indeed affect all Canadians (Liberal Party of Canada, 2002, p. 7).

Ironically, future Mayor Miller participated informally and formally in many of these debates via connections to Honderich, Broadbent, Allan, Florida and the Liberal task force itself. Miller was a longstanding member of the Toronto City Council and an adversarial foil to Lastman, with the former representing the left on council and the latter representing the right-of-centre suburban neoliberal interests. The organized left and left-leaning liberals lined up behind Miller to run for mayor in 2003, with many articulating many overlapping concerns with the three different ideological clusters. Miller represented much of the hope of neo-reformism, whose proponents sought a cleaner and greener Toronto, with increased business opportunities and urban attractiveness bound to incorporate much of the middle class and even business elites into Miller's campaign. Miller would win a hotly contested election (43 percent to 38 percent) against a younger and more inexperienced politician at the time, Rogers CEO (and future mayor himself) John Tory, who was seen by some to have too much lineage to amalgamation and business

interests. Keil et al. (2009, p. 202; italics added by author) summarized his campaign and politics:

Miller was seen to be a strong leader, sensitive to *improving global competitiveness* by enhancing the quality of life in Toronto. Despite his leftist record, *many in the business sector liked him*. His sincerity and charisma inspired trust and hope, especially following the more flamboyant and erratic style of Mel Lastman. In many ways, he embodied a different type of populism, focusing on quality of life, beauty, cleanliness, and *creativity*.

Miller also represented the move towards the more “centrist” politics of Third Way styles of governance where:

The left and right now both employ the rhetoric of competition. Cities are competing in a regional environment in which the suburbs are often the dominant economic and political force in a global environment in which competition between cities and regions for jobs and growth is intense. In this atmosphere, the public features of the city – its politics – tend to be repressed... The same can be said for pro- and anti-business divisions. Left-right politics tends not to map onto mayoral attitudes towards business anymore; most mayors will do everything in their power to maintain a pro-business climate (Schragger, 2006, p. 2552-2553).

Miller’s politics exuded creative and competitive city politics explicitly, while leftist credentials and allies allowed for allusions to charter city ideas and the potential reopening of the constitutional relationship between the province and the municipality. Miller was Toronto’s representative for the Standing Committee on the Future Role of Municipal Governments at the Federation of Canadian Municipalities and was actively involved in the formal Toronto City

Council charter city policy circles from 2000-2002. For years, Miller was a vocal proponent of creative city ideas and was a fan of Florida's work, which culminated in his participation in drafting the City Council's *Culture Plan for the Creative City* (2003) while a councillor. The report became the foundation of much of Miller's pro-development, Third Way, neoliberal understanding of local economics. The plan cited Florida a handful of times explicitly while wholly adopting the framework, as it said:

In a globalized world, great metropolises are the major engines of economic growth. Cities and the intense, layered experiences they offer are magnets. Toronto's economy produces more than 20 per cent of the GDP in Ontario. Much of that wealth is generated by people who work with ideas, and studies have shown that such people prefer to live and work where they find a vibrant cultural scene. In fact, Toronto's culture is the dynamo that turns the biggest economic motor in the country (City of Toronto, 2003, p. 5; italics added by author).

On the day he was sworn in, Miller highlighted the need to negotiate not just new fiscal arrangements with Ontario but also to rethink the more significant idea of the constitutional relationship at a more fundamental level in the name of municipal autonomy (Lewington, 2003). The above is not an exhaustive unpacking of Miller's role; much more will be explored in the following chapter dealing with his early years as mayor and the drive for autonomy and democratic reform in the city.

5.3 Conclusion

The significant changes at all three levels of government from 2003 to 2006 corresponded with the emergence – and consolidation – of multiple political groups and economic

interests that coalesced from 2000 to 2003 and around the idea of, at least, a more “empowered” Toronto, and at most, a fully independent order of government vested in constitutional and legal recognition of the city in the system of federalism. All interests argued – in one way or another, through sometimes different normative and economic perspectives – that the COP doctrine was a fundamental problem for the economic functioning of the City of Toronto. It was a socio-political moment resembling the proverbial perfect storm in the name of reform. This setting would frame the foundations of one of the most crucial eras in the history of Toronto’s politics relating to municipal autonomy, the years from 2003 to 2006 that led to the legislation of the *Strong City of Toronto for Stronger Ontario Act* (2006). The next chapter will illustrate that this legislation was fundamentally about neoliberalism and economics entirely at the expense of any meaningful idea of democratic reform.

Chapter 6 – Empowered Executive at the Expense of Democratic Process

I think, fundamentally, it comes down to a genuine desire on both sides to work as partners. The truth of the matter is that cities are the creatures of the province. And there's times when those cities will be treated as full mature, adult partners, and other times where they will be – they'll be dismissed out of hand.

- Dalton McGuinty, 2022, n.p.

This chapter focuses on the legislation and actions of Ontario Premier Dalton McGuinty, primarily in conjunction with the political efforts of City of Toronto Mayor David Miller, pertaining to democratic procedures and powers – or autonomy – of the City Council and local democratic institutions. While the previous chapter laid out the socio-historical particularity of actually-existing neoliberalism at the provincial and local levels in the early 2000s, this chapter aims to show what the institutionalization of these ideological principles looked like in their implementation. Beginning with the *City of Toronto Act* (2006), this chapter highlights the consequential reforming of the City Council structure and mayoral power in the name of the familiar neoliberal demands of “efficiency,” “expediency,” and “streamlining” government. This chapter contends that remaking Toronto’s liberal democratic institutions and granting new powers – especially for the office of the mayor – was not done in the name of the right to local self-government. The provincial Liberals’ vision reflected Third Way neoliberal ideas about competitiveness, creating a “skilled worker economy,” and strategic state interventions to bolster a “favourable business environment” and the “knowledge economy” (Watson, 2020, p. 82).

It is once more crucial to understand how the COP doctrine and liberal democratic procedures fit into these visions of the local state and neoliberalism at this moment. McGuinty built upon the inherited context and institutional framework of Harris and amalgamations and was informed by Third Way ideas on reorganizing municipalities’ responsibilities through the COP doctrine, especially the growth of executive power in localities and the notion of empowerment.

While McGuinty's governance style and politics did not invoke the anti-democratic hostility of Buchanan and Hayekian views of government, the Liberals and other related actors nevertheless perpetuated a type of neoliberal accountability and sidelining of deliberation in favour of expedient executive power. For McGuinty, visions of municipal autonomy were reflected in the neoliberal triumvirate set out in the previous chapter: the Third Way, the reinventing government ideas of Osborne and Barber, and combined competitive, charter, creative city ideologies. The coalescing around these general ideas about economic partnership and autonomy was in accordance with neoliberalization, rather than any concerns about democratic process or the goals of substantively improving decision-making practices and institutions.

Out of this context came an intergovernmental and policy-based project to reform how the COP doctrine and the governing relationship between Ontario and Toronto would function. The years from 2005 to 2006 were dominated by debates around the passing of *The Stronger City of Toronto for a Stronger Ontario Act* (2006), with the result of the Bill being very different from what progressives and more radical charter city proponents had hoped would be more systemic and structural alterations.

In September of 2004, McGuinty agreed to a joint review of the legislation governing the City of Toronto and asked for input from various stakeholder groups (many of which were discussed in the previous chapter). At a speech to the Association of Municipalities of Ontario, McGuinty argued that there was a pressing necessity to pass legislation by the end of 2005 “[in] recognition of [Toronto’s] maturity, its size and frankly, its tremendous influence in the Ontario economy and the Canadian economy” (Harding and Lewington, 2004). Several proponents of a more autonomous Toronto and its democratic institutions were present at the conference, with Anne Golden stating it was a “turning point for cities” as they could focus on “the really important

issues of urban competitiveness” (Harding and Lewington, 2004). Mayor Miller echoed these remarks, stating: “We’ve had the same rules for 137 years and he’s the first premier who has had the courage to say, ‘Let’s give Toronto the powers it needs’” (Harding and Lewington, 2004). In the previous year, McGuinty had been posturing and was noted for saying, “forging good relations with Toronto [was] one of his proudest achievements after years of turbulence between the city and the previous Conservative government” (Benzie and Ferguson, 2004). The immediacy of amalgamation's political, institutional, economic, and governance consequences was foundational to animating the discussions around what the various ideological groups considered necessary reform for “expediency” and “streamlining” government institutions. The basic notion of mutual respect and the province not directly attacking the city and its institutions was seen as an improvement.

Until legislation was introduced the debates were dominated by the same interest groups discussed in the last chapter, including publications dealing with the potential constitutionally re-worked relationship. Most notably represented by the competitive and charter city ideological frameworks were the TBT, who published *Setting the Course of a Strong Toronto* in 2005, and the group of neo-reformists who had centred around the Broadbent stable of activists and academics in *Towards a New City of Toronto Act* in 2005. Official government stances were published by the Joint Ontario-City of Toronto Task Force to Review the City of Toronto Acts and other Private (Special Legislation) in *Building a Twenty-First Century City* in 2005, and the City Council commissioned the Governing Toronto Advisory committee that published the *City We Want* policy report in 2005. These groups represented the major institutional and ideological stakeholders involved in policy conversations and setting the broader political stage and discourse regarding what a new Toronto would or should look like.

6.1 Ideas of Autonomy

Regarding autonomy and the idea of self-government, there were many similarities between the TBT and charter groups, but there were some divergences regarding substantive autonomy. A breadth of voices was included in Towards a New City of Toronto Act, and they held different perspectives on various aspects of the issues. They converged on the idea that autonomy was necessary for “success” in the twenty-first century, which more often than meant economic or vague social prosperity. Indeed, the report stated:

In the renegotiation of the *COTA* [City of Toronto Act], the legislation that sets the relationship between the city and province, they can end the anachronistic paternalism that characterizes such relationships in Canada. *In an age when cities have become vital instruments of economic, social and cultural prosperity, the new act can equip Toronto and Ontario to face its global challenges* (Broadbent, 2005, p. 5; italics added by author).

Autonomy was regarded as a tool to overcome governance challenges related to the economy and taxation but not to enhance democratic principles or decision-making processes beyond the narrow federalist view of sovereignty and jurisdictional rights. Within much of neoliberal thought,⁵⁹ local autonomy was about being the closest level of government to taxpayers rather than attaining more budgetary headroom or a substantive normative element of what an empowered Toronto would look like politically and as it pertained to social provisioning. For Slack (2005, p. 19), autonomy was reduced to making a municipality “more efficient in their use of resources and more accountable to taxpayers” and to “convince taxpayers that they are getting more services in return

⁵⁹ Namely James Buchanan and the Virginia public choice school’s fiscal federalism, or Milton Friedman and William Niskanen’s demands for municipal devolution.

for higher taxes.” Others echoed these sentiments, arguing that the mayor should not desire to acquire new tax tools and raise taxes in a political environment obsessed with lowering taxes (Broadbent, 2005, p. 5). Good funding models were reduced to something that “[would] not *starve* the revenue for essential public services” and would embrace, instead, a Third Way ethos of “nurtur[ing] businesses whose leaders and employees are invested in the civic life of the community” (Greenberg, 2005 p. 38). These perspectives surrendered a more sweeping politics to the neoliberal terrain and abdicated any critical reflection on the neoliberal ideology of taxation or an analysis of the role of class in the City of Toronto.

While a little watered down compared to the language of the charter city proponents, the TBT was very similar in its framework, framing both competitive and global city notions as necessary for the city to be prosperous, stating:

Toronto must be *empowered to generate the wealth* Ontario and Canada rely upon.

It is essential that Toronto continues to be *strong and competitive*. *To compete on the global playing field*, the city must have sufficient autonomy and decision-making power to control its future (Toronto Board of Trade, 2005, p. 9; italics added by author).

This empowerment was to occur within a narrow understanding of jurisdictional rights that completely removed municipal autonomy over taxation power. The TBT argued, “We do not believe the city of Toronto has fully optimized its operating efficiency or existing revenue sources,” arguing they and Toronto’s residents “[do] not want to see the tax burden within the city rise and believe that Toronto’s business community carries an inequitable tax burden” (Toronto Board of Trade, 2005, p. 4).⁶⁰ Beyond just limiting taxation powers, they advocated that the new

⁶⁰ This echoes much of the sentiment of their 2002 report, which notably argued: “The solution for Toronto’s predicament cannot be based upon increasing the overall tax burden. It must be based on

act should emphasize “spending efficiently,” “making the city administration and its structure as efficient as possible,” and “embrac[ing] alternative service delivery models” (Toronto Board of Trade, 2005, p. 5). In the TBT report, we can see how the idea of a more autonomous or empowered city would be completely stripped of its democratic potential and reduced as an administrative realignment geared towards creating a lower tax environment for businesses.

Building a Twenty-First Century City, the Joint Ontario-City of Toronto Task Force report to Review the City of Toronto Acts and other Private (Special Legislation) formed much of the basis of the actual legislation. It highlighted the language of municipal maturity by positioning the city to compete more effectively in global capitalism, bolstering autonomy, and increasing accountability (*Building a Twenty-First Century City*, 2005, p. 2). The report was more abstract and open-ended on specifics of how power would flow institutionally, especially regarding the COP doctrine and political considerations of the governing Liberals. The report supported greater, though limited, taxation and revenue mechanisms for the city, including access to new debt and investment tools previously prohibited, while articulating what became Premier McGuinty’s central discourse on the impending reforms:

Ontario has been a leader in Canada in fostering a *strong consultative relationship* with its municipal sector, and a new relationship between the City and the Province provides an opportunity to build on this tradition and foster a *dynamic partnership* and *ongoing dialogue* (*Building a Twenty-First Century City*, 2005, p. 12; italics added by author).

The Governing Toronto Advisory Panel, struck by the municipal government, issued recommendations in response to the joint review commissioned by the province and the mayor.

solutions that protect the taxpayer through an effective accountable governance structure together with reinvestment from senior levels of government” (Toronto Board of Trade, 2002, p. 17).

The most substantive of any such reports, it criticized not just the narrow taxation readings by the TBT and charter proponents, but also the official provincial committee:

Toronto remains in a fiscal straight-jacket. The new revenue tools proposed in *Building a Twenty-First Century City*, just released by the joint staff Task Force of the City and Province, include only limited new taxing authority. To improve Toronto's competitive position, commercial and industrial property tax revenues must shoulder less of the burden. So without a major fiscal new deal for Toronto, only 20 percent of Toronto's revenue base—residential properties—must carry most of growth in expenditures to meet current needs. This is completely unrealistic. In this climate, new expenditures are out of the question (Buller et al., 2005, p. 20).

6.2 The Role of the Mayor and Executive Council: Efficiency and/or Accountability?

The least convergence between the various stakeholders concerned the role of the City Council and executive powers moving forward in the recently amalgamated city. The sheer size and decision-making responsibilities of the amalgamated Toronto completely changed the scope of governance and accessibility for which the former boroughs were known. The tension between efficiency and democratic decision-making processes was perhaps best highlighted in the city's more critical report. The *City We Want* authors argued: "City Council is too big to be strategic, it manages but it does not govern," "local issues dominate and overload Council meetings and the legislative calendar," and further stated, "amalgamation resulted in a disconnection with people" (Buller et al., 2005, p. 40). More purposefully, the authors noted: "The system is too big for a legislative process designed for small municipalities... Debate and/or democracy is passionate and

messy but local government values both efficiency and full participation in decision-making process” (Buller et al., 2005, p. 41). Issues of governability that resulted from amalgamation became one of the foundational arguments for the necessity of an empowered executive and a centralization of decision-making, the basis of the idea of a strong(er) mayor system of council governance.

Many of the debates around executive power were structured around the idea of a strong mayor versus a weak mayor system. However, the strong mayor weak versus mayor dichotomy was particularly American and fairly inapplicable to the Canadian context as it exists in the literature. Indeed, as political scientist Katherine Graham noted (2018, p. 25):

Given the limited literature on Canadian mayors, what has been written borrows heavily from the American literature and is necessarily comparative. The American “strong/weak” mayor typology is a core concept that has been adopted widely into the Canadian literature and local government lexicon, but often without critical discussion of its meaning or applicability to local government in Canada.

However, some valuable aspects can be drawn from the conversations on the topic of the role of mayors. In major American cities, typically mayor-council and council-manager systems, the former has the mayor sitting in a completely separated executive from the city council structure, and the latter has an unelected city manager as the chief executive, sitting even above the mayor (if there were one) but ultimately being responsible to the council. Neither of these systems map onto any form of municipal governance in Ontario historically, or even today. The history of Toronto’s mayoralty was a completely different structure, with the mayor being elected separately in a city-wide election. At the same time, council members are selected through ward-based elections on the same ballot. The mayor sits as a member of the wider city council – wielding one

vote on the city council like any other member – but typically has far more political capital and media attention, allowing for more symbolic power and focus on their policy directives and campaign promises. This reflects neither the mayor-council nor council-manager forms of government that dominate the heavily American literature on the power of mayors. Even with the proposed changes to Toronto’s political system, the executive would not be separate from the council, and the mayor would not have unilateral appointment power over the city manager or the ability to veto council decisions (as in a more presidentialized executive system). This reflects certainly a “stronger” form of mayoral power in design but does not map onto the Americanized view of strong mayors. Graham also argues that the term “weak mayor” is not suitable for the Canadian context because the terms strong and weak refer to variations of the mayor-council form, where the governmental process varies due to the levels of formal and institutional powers the mayor has above and beyond the city council (Graham, 2018, p. 30).⁶¹ The difference between an empowered council and an empowered mayor structure is that they are predicated on different models of political leadership: the former being rooted in a notion of representative democracy and sharing governance with the mayor in a facilitative role, and the latter based on executive democracy where the mayor drives policy and the council acts as a check (Svara and Watson, 2010, p. 7).

The aforementioned groups had different solutions to these tensions, with most leaning towards a more centralized executive system, with some arguing that the mayor should have strong

⁶¹ Graham continues (2018, p. 28-29): “The terms ‘strong mayor’ and ‘weak mayor’ refer to variants of the mayor-council form, reflecting the extent to which executive authority is concentrated in the mayor. A mayor-council ‘strong mayor’ has extensive executive authority including the ability to appoint and dismiss staff, prepare budgets, and direct the efforts of departments. A ‘weak mayor’ is characterized by a fragmentation of power, a more limited ability to appoint or remove staff (as some are directly elected and/or appointed by other officials), and a more limited role in preparing the budget. ‘Weak mayors’ are those in mayor-council forms who lack integrated administrative control over the operation of city government.”

mayoral powers and sit on an executive separate from city council at large. This would move Toronto more towards an American style strong mayor system of governance. McGuinty was an early supporter of strong mayor powers, initially unwilling to consider any legislation regarding Toronto's governance that did not contain a doctrine for a strong mayor system in its council structure (Rusk, 2005). The *Building a Twenty-First Century City* joint task report did not contain recommendations regarding the role of a strong mayor or the city council. McGuinty and the Liberals chose more informal and less public/explicit routes to foster the reforms they were the most interested in.

For the TBT, the role of the city council was to be secondary and merely an approval mechanism for the mayor and their personally selected executive council, which abdicated any truly deliberative role for council in decision-making processes. The TBT argued the council's "role would be *approving decisions* required to implement the citywide agenda" (Toronto Board of Trade, 2005, p. 28; italics added by author). They elaborated on this when they stated "Council should act as a *check and balance on the mayor and the executive committee* by endorsing (i.e. approving by a majority) the strategic plan and budget" (Toronto Board of Trade, 2005, p. 28; italics added by author). This process would create a system where the mayor is the driver of all policy from the drafting to the implementation, where deliberation in the actual design is reserved for the mayor's hand selected "cabinet," making city council structure much more akin to the legislative structure of the provincial and federal governments. The TBT would further detail this system as follows:

Council would also *review the progress of the mayor* and the executive committee in meeting the strategic plan [designed by the mayor and executive committee].

Council would *receive the advice of and approve policies as recommended by the*

executive and standing committees, and would delegate decision-making authority to standing committees, community councils or staff (Toronto Board of Trade, 2005, p. 28; italics added by author).

This delegative approach was made more explicit in arguing the mayor should propose and implement the entire budgetary process as well as oversee the whole management of the city through both executive power and the unilateral hiring of the City Manager, who would be accountable only to the mayor as the effective CEO (Toronto Board of Trade, 2005, p. 6). This structure was built upon the ideas introduced by the TBT in its 2002 report, where it argued for a new form of city government that “fosters strong decision-making” and relies on a “strong executive function” (Toronto Board of Trade, 2002, p. 21).

This wait-and-review function rendered the Council more passive to the will of the mayor, a demand deemed necessary by the TBT when describing the governance problems created by the conditions of amalgamation and the city's sheer size. Rather than contesting the logic that was the foundation of amalgamation, the charter city proponents ceded this deliberative terrain similarly as they did the neoliberal socio-economic terrain. However, they did not go as far as McGuinty's initial demands and the goals of the TBT, instead arguing that “the weak mayor system limits a mayor's ability to move as quickly and decisively as may be, from time to time, desirable” (Broadbent, 2005, p. 5). Indeed, Broadbent would hint more towards support for a strong mayor system as well:

There is, however, a more troubling and undermining aspect to a weak mayor system. A mayor who cannot deliver a comprehensive plan because of an inability to command all the necessary tools, because of a lack of powers, money, and clout, may in fact lower his or her horizons (2005, p. 9).

Others in the charter city movement would argue to not just install a strong mayor system but also to abolish the entire ward system, claiming “it could help to bring more clarity and focus to the major big picture priorities facing the city and would end the current ward boss mindset that has produced negative result for city building” (Beford, 2005, p. 24). The priority of charter city proponents was generally not how to empower local communities and represent diverse interests but how to instrumentalize the system to emphasize whole-city priorities as much as possible.

The joint report from staff echoed the preferences of the Ontario government as well as Mayor Miller, suggesting a more strong mayoral system with an appointed executive wing under the control of the mayor to steer the political strategy and policy of the city. This would reflect a notion of responsible government that indicated a turn more towards executive or parliamentary styles of representative government:

The Premier has stated that his government would like to see a more effective governance model in place for the city. The government wants a new governance model with characteristics of a mature, responsible government, in which the public interest is paramount. The Government of Ontario favours a model that includes an executive committee chaired by the mayor with specific and defined authority, having the mayor responsible for a long-term strategic plan and budget and recommending to council the hiring of the city manager (*Building a Twenty-First Century City*, 2005, p. 7).

This “strong(er)” form of governance would stop short of the significantly more powerful executive that some other interests were angling for in the strong mayoral system – including McGuinty earlier on in the process – but would still endorse a design where there was a mayoral handpicked executive with more power than the rest of council and the ability of members to chair

other committees. This vaguely represented not just an empowered mayor but a cabinet-like system, similar to the Government of Canada, that allowed the elected head of state (in this case, Toronto) to personally and unilaterally appoint an executive committee that serves at the mayor's pleasure.

The City Council's report accepted the necessity of an executive committee in some form or another, mainly due to the structural and institutional governing issues imposed by amalgamation eight years earlier, but recognized that amalgamation had created an environment where the dichotomy between efficiency and democracy had become starker. In this vein, they supported the necessity of the mayor to set strategic goals and have power over an executive committee hand-selected by the mayor. Still, they were clear that "City Council is and should remain the supreme legislative decision-making body" (Buller et al., 2005, p. 26). This directly contrasted with opposing ideas where the council would merely be an approving check and balance apparatus against a powerful mayor. This was made even more explicit through a political hedging of bets against what they saw as further "presidentialization" of the city governance structure, with the authors of the *City We Want* arguing:

In enhancing the ability of the Mayor to lead, we reject the adoption of a Strong Mayor model for Toronto... In some cities, they can veto City Council decisions, in others they can enact by-laws that only a supermajority of City Council can overturn. In some cities, the Mayor does not even sit as a member of City Council.... The adoption of such a Strong Mayor model would "presidentialize" Toronto's system of democratic government. We recommend that this model be rejected once and for all. Strong Mayor systems are derived from a vastly different political heritage in which there is a marked separation of executive and legislative

functions. Such a model is not consistent with the Parliamentary tradition, in which the executive sits in and is drawn from the legislature. Although our proposed model for democratic government in Toronto is not exactly Parliamentary in character, it is clearly modeled on it. A critical feature of Parliamentary democracy is that a government must muster a majority to carry a vote (Buller et al., 2005, p. 29).⁶²

What can be gleaned from these arguments on Toronto Council governance processes is that all the stakeholder groups coalesced around narrow and proceduralist ideas of governance and efficiency. For some, this was instrumental and functional as it would lead to more significant investment and capital growth not just in the Toronto region but also more widely in Ontario. For others, this was a practical response to the structural and institutional problems created by amalgamation. What was not up for discussion was anything resembling a more substantive engagement with how to make Toronto and its liberal democratic systems more actually responsive or representative of the people who live there.

6.3 The City of Toronto Act: Qualified Autonomy and a Strengthened Executive

Bill 53 will bring about a reshaping of the relationship between the Province and the City of Toronto, and it will make the city more fiscally sustainable, autonomous and accountable.
- John Gerretsen, 2006b, italics added by author

When Bill 53 was brought to the floor of the Ontario provincial legislature, its proponents argued it marked a sea change in democratic politics (structurally and abstractly) in the realm of intergovernmental affairs. Due to the general coalescing of the different institutional, reformist, and capitalist interests on the issue of governmental reform and autonomy, there was a groundswell

⁶² As we will see later in the Ford chapters, this was a very prescient worry for the city council.

of political capital ready to pass the Bill as quickly and substantively as possible. For them, Bill 53, known as *The Stronger City of Toronto for a Stronger Ontario Act* (2006),⁶³ was not just a comparator to the provincial antagonism of the previous Harris government, but an undoing of the “straitjacket” of the COP doctrine (and *COTA*). It would unilaterally undo the governance limits historically placed on the City of Toronto, now seen as a mature partner within the more comprehensive Ontario and federalist system of Canada. The stated goal of the Bill was to provide Toronto with legal tools to give more formality to ideas of autonomy, efficiency, accountability and extra powers beyond what any other municipality in Ontario ever had access to.

Autonomy: What Would it Actually Mean?

The major change to intergovernmental doctrines within the *City of Toronto Act* and its implications for the COP doctrines can be found in two main passages. The first passage recognized that the City of Toronto existed to provide good government within its jurisdiction (*Strong City of Toronto for a Stronger Ontario Act*, 2006, a-1.1) and that the provincial government endorsed the principle of a relationship predicated on cooperation, consultation and mutual respect (*Strong City of Toronto for a Stronger Ontario Act*, 2006, a-1.2). While abstract and more promissory, it put on paper a supposed realignment in the spirit of the new relationship beyond vertical federalism that had historically existed under the COP doctrine. The abstract nature of the language allowed the ideas of mutual respect, cooperation, and consultation to act as different forms of rhetoric that could speak to the other elite interest groups; however, they accomplished this without sounding like the power imbalance under the COP doctrine was

⁶³ Even the title is predicated on an attachment to the circuits of global capitalism and growth, but also more specifically tying Toronto as an economic metropolis into the greater sub-national growth of Ontario.

completely reversed. None of the words changed the constitutional power of the provinces. Instead, they acted as an indication of the hope for more positive behaviours regarding the governing relationship in the future.

Arguably the two most important aspects of the Bill were, first, the inclusion of a doctrine that called for a broad interpretation of the city's new powers (*Strong City of Toronto for a Stronger Ontario Act*, 2006, a-6.1), and, second, granting the municipality natural persons powers (*Strong City of Toronto for a Stronger Ontario Act*, 2006, a-7). Again, these were – at least on paper – drastic reorientations of the institutional relationship between the province of Ontario and the city of Toronto. Granting these legal statuses would mean that while Toronto did not have constitutional recognition, its primary governing Act was rewritten so that Toronto could act as if it were granted formal status as an autonomous body. But the reality was that Toronto still existed within the COP doctrine both formally and informally, due to the specific clause that allowed the province to overrule the municipality when “necessary or desirable in the provincial interest” and to “make regulations imposing limits and conditions on the power of the city” (*Strong City of Toronto for a Stronger Ontario Act*, 2006, a-25.1). This was an “in emergency break glass” clause for the provincial government, which would allow the province to undo or impose legislation on Toronto's municipal government. The COP doctrine was still alive and well with the purpose of limiting the substantive autonomy of the city within a Bill proclaiming the opposite. This was always going to be the case, though, as the conversations by the various interest groups and political parties indicated that political and business elites were only willing to grant conditional autonomy due to multiple concerns over what Toronto would do with actual institutional authority.

Opinions on autonomy are principally grouped into three categories: first, those who supported more autonomy for efficiency, competing in global capitalism, and government

streamlining purposes; second, those who were for limiting autonomy due to worries over Toronto not being neoliberalized enough not to be trusted to possibly raise taxes (especially on businesses); and, third, those that argued that even the best form of autonomy that could be interpreted by the Bill was not genuine autonomy in any form or practical understanding of federalism.

The governing provincial Liberals were the foundation of the first group, with their motivations for the Bill being laid bare by its most senior members, including Premier McGuinty. The basis for bolstering the Bill was that it would strategically allow Toronto to be more competitive in the global marketplace of world cities, attracting world-class labour and more foreign direct investment and capital to not just the city, but the wider region and province. This was how McGuinty framed the possibility of legislation in September 2004, that it would make the city “fiscally sustainable” and “give it the tools it needs to thrive in the global economy” (Urquhart, 2005b). This perspective was echoed by Minister of Municipal Affairs and Housing John Gerretsen (2005; *italics added by author*):

It is time to recognize the mature status of the city of Toronto and work toward *providing it with the tools and means it needs to thrive in a global economy...* [The province] would also give the city broader authority to undertake economic development without seeking the province's approval, and *boost Toronto's competitiveness worldwide.*

Minister Gerretsen built upon the concerns over making Toronto more competitive in global capitalism, adding that Toronto needed to be given the tools to be budget-conscious and frugal, writing:

Our ultimate aim is to make the city of Toronto, *the way it governs itself* and the *way it operates in the global economy*, as sound and as *fiscally responsible* as

possible, to give it the powers and the authority it needs to operate in the global economy. The legislation will help the city of Toronto thrive in the global marketplace (2006c; italics added by author).

The underlying premise was that if left to their own devices, Toronto and its council could not be trusted to perform as a neoliberalized global city attractive to capital flows as a metropole node in the broader finance and real estate system in the twenty-first century. In this perspective, Toronto's financial situation was not due to years of austerity, low-taxation regimes, and the imposition of the megacity; rather, if Toronto was given the right economic tools, it could "*improve the financial situation* in the city and therefore become a real world-class city" (Balkissoon, 2006; italics added by author).

These thoughts mirrored some elements of the earlier economic reports of the TBT and TD Bank. Still, they were more explicitly linked to the charter city proponents and their idea of what autonomy meant in Toronto. When speaking in support of the Bill, Premier McGuinty would directly cite and acknowledge Enid Slack's views on how autonomy would improve the governing relationship between the province and the city (McGuinty, 2005). Gerretsen would also quote Alan Broadbent's fawning analysis of the Bill (in Gerretsen, 2006a):

I salute Premier McGuinty for his clear thinking and political courage in recognizing the importance of cities in the 21st century, in particular, the necessity of giving Ontario's largest city more permissive powers. He obviously believes that making Toronto work is in the best interest of all Ontarians. The Premier clearly 'gets it.'

McGuinty, Gerretsen, and Broadbent's concerns were not fundamentally democratic but instead rooted in an instrumental view of how to restructure the city and its governance to make it more

globally competitive and more fiscally responsible, with an eye on attracting capital. Future Liberal cabinet minister Glen Murray argued that the current tax and regulatory regime was hostile to innovation and there was a need to “reinvest and restor[e] the wealth-creating capacity of Canada's large urban regions,” but was an outlier within the Liberals, arguing that the Bill was nowhere near permissive enough and that it did not fix fundamental funding issues in the city (Murray, 2005). The status quo of the Ontario government was that the city council was still not to be trusted with actual autonomy, and its limitations were deliberately constructed to uphold the power imbalance and principles of the COP doctrine. When an NDP MPP tried to move a motion to remove the provincial override clause, Liberal MPP Brad Duguid argued (2006c):

If this particular section were not to be approved, we could run the risk of having a pretty unaccountable process set up where the provincial interest could not be protected. One of the necessities, I think, of the permissive approach is to ensure that there are some checks. Permissive, yes: You can pass whatever legislation is within your realm of decision-making. But if there's a provincial interest, the province has to be able to step in on behalf of the people of this province, and on behalf of the public in Toronto, for that matter, to ensure that the provincial and public interests are protected.

Future Liberal Premier Kathleen Wynne (2006) echoed this reading of the COP doctrine, stating that the province would not abdicate its constitutional responsibilities to regulate cities. For the Liberals, autonomy was permissible as long as it served both their larger political goals at the provincial level and the goals of an urban environment succeeding in twenty-first-century global capitalism. Autonomy was a specific type of autonomy, and the need to intervene in the politics of the city was assessed based on whether or not the city was going beyond its mandate to become

more economically competitive and grow the economy of not just the city but the Greater Toronto Area (GTA) and the wider province. A more economically powerful Toronto could be instrumentalized for wider capital accumulation at multiple geographic and governing scales in the province.

The second group was primarily the PCs and various capitalist interest groups that spoke before the legislature on their worries regarding the Bill: that of new powers meaning new taxes. These criticisms were rooted in the ideological view that Toronto was still inherently dysfunctional and wasteful and did not become neoliberalized enough even after amalgamation. Toronto could not be trusted with taxation powers because even if used democratically, any new taxes were harmful to the overall austerity regime at the local and higher levels of government in the Canadian context. For them, addressing the fiscal and democratic imbalance was structurally rooted in the need for cuts and efficiency to the existing budget or the expansion of privatization rather than creating new revenue streams for the municipality. PC Leader (and future Toronto Mayor) John Tory (2006) would illustrate these concerns, arguing that Toronto needed to find efficiencies, not receive more tax powers, and that: “There are a lot of other things in here that are worrisome, because not only have they gone to ‘Tax first and look for efficiencies later; tax first and look for accountability later; tax first and worry about governance later.’” PC MPP John Yakabuski (2006) was even more blunt in using the Harris caricature of a spendthrift socialist Toronto City Council:

This Bill is about more taxation. I believe in the taxpayer. I believe in supporting the taxpayer once in a while. Every time we turn around and try to find another way that we can take more money out of the taxpayers’ pocket and give it to government of any kind to spend is not a move in a positive direction as far as I’m concerned... We’re always looking for a way to grow government. This government, with its

latest budget - which is, as you know, out of control - had every opportunity to balance the budget, should have balanced the budget, could have, and chose not to.

Of course, the taxpayer is not just portrayed as the individual voter whose citizenship is predicated on taxation and consumption, but also the particular concern from private business regarding the potential for increased taxation and regulation. The business-aligned PCs represented this, arguing that “Toronto’s private sector businesses and their employees cannot afford, nor should they be expected, to shoulder the cost of remedying the city's economic woes” (Macleod, 2006). But it was also directly presented by the head of the TBT when he stated (Hutchinson, 2006):

For practical terms, if you could get to that point where business could be assured that business and industrial taxes could be exercised responsibly by the city, in theory, I think we'd accept that proposition, but I don't think there's much evidence that that's going to be the case immediately.

This was echoed by the Canadian Federation of Independent Business, which said the Bill contained nothing that would “compel Toronto to deal with its competitiveness” and that people should “know [their] facts before you get into a situation where you’re going to hand over new powers to a city that has shown very little responsibility in the past of aiding its business sector” (Chera, 2006). Various landlord, developer, business organizations, and right-wing think tanks (principally the Canadian Taxpayer Federation) would sign their names onto these same concerns, with the most prominent concern being the possibility of a land transfer tax.⁶⁴ The COP doctrine needed to be wielded to prevent the democratically elected Toronto council from using its powers to implement new taxation policies that would threaten the interests of capital within city borders.

⁶⁴ PC MPP Tim Hudak (2006) stated: “I do worry that if they don't make changes to the legislation to respond to the petitions of the Toronto Board of Trade, the Canadian Federation of Independent Business, the Canadian Taxpayers Federation, the Jobs Coalition and regular hardworking taxpayers, we won't reverse the decline that we worry about in the city of Toronto.”

Both the TBT and the Toronto Real Estate Board advocated for the province explicitly excluding land transfer taxes from municipal tools, with the former arguing the availability of the tax “skating on thin ice” (MacLeod, 2006) and the latter stated it would create more problems than fixes leading to less economic growth and making Toronto less attractive to business (Meehan, 2006). The JOBS Coalition sent a letter to McGuinty directly, arguing they had “grave concerns” and stating a thinly veiled political threat that had particular teeth in the anti-tax environment of 1990s and 2000s Ontario: “Surely you do not wish to be remembered as the premier who unleashed a new round of taxes and regulation on the businesses and consumers of Toronto” (Urquhart, 2005b). Due to these sentiments, these business groups were able to limit the tax powers of the municipal government, notably excluding various taxation and revenue tools, as well as the ability for the city to implement its own rent controls and ensure that the property tax cap on businesses could not be raised.

Far from being the exclusive territory of the PCs and business interests, the Liberals and the mayor of Toronto themselves would make promises that Toronto had no real ambition to assert its new taxation powers vexatiously. McGuinty would describe the process as implementing legislation to “give you [municipalities] the fiscal tools to pay your bills” (McGuinty, 2005), with the complete understanding that the suburbs and conservative anti-tax sentiment would make it nearly impossible even to use the limited taxation tools it was given. Liberal MPP Brad Duguid (2006b) would question Mayor Miller (an NDP member as well) directly, asking if the city would “abuse those powers” and misuse them to tax and create alternative sources of revenue on the back of businesses. Miller (2006) attempted to comfort the Liberals and right-wing critics of the new powers by unequivocally stating they had no plans to invoke the powers anywhere near as widely as worried and that having access to them was more of an issue of autonomy and principle. After

the Bill passed, he would restate this sentiment: “If there are any new revenue tools, they’ll be used to create public policy objectives. It’s not to raise revenue... the act was never intended to solve Toronto’s financial problems. It was to solve our legal problems” (Spears, 2007a). At the same time, Miller was ultimately deferential to the interests of capital. His issue was with the intergovernmental relationship rather than having to do with real taxation power and contesting urban neoliberalism and de-democratization. As shown in the previous chapter, far from an enemy of both domestic and international capital, Miller would most easily fit into a Third Way neoliberal classification. After all, the mayor was particularly known for being a close partner of the TBT, whom he: “commend[ed] its ‘outstanding leadership’ in promoting the urban agenda and ‘becoming an organization that supports city building’” (Barber, 2005). This represented what the *Globe and Mail* referred to as Miller moving far more to the right than the TBT moved to the left on general taxation and governance issues: “In truth, it is the mayor who has travelled farther to arrive at the current détente. At least three previous mayors have resisted the board’s longstanding demand for residents to assume a greater share of the local tax burden” (Barber, 2005). Again, even for the more substantive autonomy group, the autonomy was specifically fixed to a limited tax regime corresponding to fiscal responsibility rather than substantive democratic powers. This was reiterated by Duguid when he argued Toronto could not grow a strong global competitive city if it overtaxed residents, and that “I have confidence that down the road, should any mayor or council abuse or misuse the powers of this taxing authority, the people of Toronto will be more than capable of holding them to account for their actions” (2006a).

The final group were the smallest and suspicious of the idea of autonomy for two reasons: first, the form of autonomy that existed was not actual autonomy due to the provincial override, and second, autonomy was a band-aid solution to the actual systemic issues caused by

amalgamation and the budgetary cuts and limitations imposed on the growing municipality of Toronto. These sentiments could best be summarized by a comment by a Toronto city councillor's assistant presenting on his behalf:

All through Bill 53 there are instances where the minister can usurp the power of the city and impose measures not requested by the city. In this way, Bill 53 is only a smoke-and-mirrors fulfillment of the basic touchstones of autonomy for a would-be mature level of government (Sellors, 2006).

In reality, autonomy would always be qualified by the override, meaning the province could disagree with any reforms and go in and unilaterally impose its own will and structure (Prue, 2006a). However, there was an appearance that power remained with the province (Horwath, 2006), meaning the "provincial government giveth and the provincial government create the ability to take away" whenever politically expedient (Hardeman, 2006). Mayor Miller (2006) would also be present in the committee hearings, and would take significant exception to the override clause, and proposed specific amendments designed to remove elements of the COP doctrine from the Bill:

With respect to the city's autonomy, there are well-understood doctrines in the Bill that ensure city bylaws will not be in conflict with provincial or federal laws. However, the Bill goes further and prohibits bylaws that might be deemed to "frustrate the purpose" of such legislation in subsection 11(2). This introduces, in our view, an unnecessarily wide degree of uncertainty and potentially unhelpful interpretation by the courts. The city requests striking out subsection 11(2) and adding a doctrine that deems city bylaws on local matters not to be in conflict with provincial statutes or regulations. Similarly, the city strongly urges striking out

section 25, which allows cabinet to limit by regulation the city's general powers under sections 7 and 8 and its general power to tax under section 262. These regulatory powers would be new and very broad, and inconsistent with the intent of Bill 53 to empower the city.

Secondly, they argued that autonomy meant nothing considering the structural and budgetary constraints of the imposed megacity from the 1997 amalgamation of Toronto. This was notably represented by the former mayor of Toronto, John Sewell, who argued:

Now we have - I noticed that one of your deputants today said we have a dysfunctional form of government. We sure do. It does not work. The mega-city has wrecked it. Unfortunately, this Bill doesn't do anything to rectify it. In fact, it entrenches the mega-city and then puts another veneer on top of it (2006).

The veneer Sewell was referring to was the Bill's perspective on autonomy, which cannot actually be instrumentalized in a formal or institutional manner, due to the provincial override, or in a substantive manner, due to the structural and budgetary issues created by the creation of the megacity. It was one thing to posit the idea that democracy can occur in an institutional and financial vacuum, but the *City of Toronto Act* with added autonomy did not create an actual democratic and financial environment where this autonomy could be utilized in ways that were seen as threats to fiscal responsibility and austerity politics. This was, of course, compounded by the massive amounts of downloading Harris did in the 1990s, leaving Toronto deeper and deeper in debt. The institutional, geographic, and budgetary structure made it impossible to actualize anything resembling financial autonomy both at the municipal level (Prue, 2006b; Martel, 2006; White, 2006). This again brings forward the question of municipal accountability, but to whom. It was clear that accountability is to be structured formally through the province via the COP

doctrine, but also to neoliberalism by continuing to starve the city of tax revenues in an environment where raising taxes directly was considered political suicide. The accountability was certainly not to citizens in an already comprised form of liberal democracy, and the neoliberal language of expediency, efficiency and streamlining government represents how “micromanagement of everyday municipal decision making coexists with the rhetoric of ‘empowerment’ and flexible powers” (Levi and Valverde, 2006, p. 459).

The compromised idea of autonomy – albeit still in a very limited scope and with the capacity of the COP doctrine institutionally intact – was designed to serve the interests of business and budget hawks. These were the groups that had an inherent distrust in both the municipal level of governance and the political culture of Toronto that was historically rendered as dysfunctional, spendthrift, and leftist. Its admittance to the “mature” status of Canadian federalism was conditional, and the conditions were that City Council would not wield its new powers to contest the growing hegemony of neoliberalism (although, not to valorize Toronto council as having any progressive transformative interest). While Toronto City Council would have more taxation power and bylaw exclusivity than any other municipality in the province, it would still be subjected to the COP doctrine. This would occur whenever either politically expedient for provincial governments, or necessary to enforce neoliberal and austere policymaking on behalf of the interests of various capitalist groups (in Toronto, namely the FIRE-based economy). The specific subsections that allowed for provincial interference actually expanded the ability to intervene beyond what formally existed in the wider province regulating *Municipal Act*, and additionally gave the provincial cabinet the ability to unilaterally and executively impose regulations on the City of Toronto, all outside of formal processes of the Ontario legislature. Various provincial ministries, including both Finance and Municipal Affairs, were very conservative and resisted any

substantive power, specifically additional taxing power, being devolved to the municipal level in Toronto (Sancton, 2016, p. 5; Urquhart, 2005b). In the end, Sancton argued that this legislation actually harmed Toronto when it came to both autonomy and spending power, with the COP doctrine fully intact and a new limited amount of revenue tools (and their use ultimately decided if they interfere with provincial interests). Indeed, the very existence of the idea of autonomy and new revenue tools has “given the province licence to sidestep the city’s calls for more funding... and insisted that Toronto make use of its own taxes before it demands more provincial funds” (Sancton, 2016, p. 1). The original anti-amalgamation antagonism represented by the demand by some councillors to simply sue the province was met with statements like “that would be like shooting ourselves in the head” (Lorinc, 2004). Antagonism quelled, even demands for a focus on more substantive reforms were sidestepped and the city had its special powers incorporated into the *COTA*, the mechanism that not only created the megacity but also institutionally reproduced the COP doctrine in the first place (Boudreau et al., 2009; Levi and Valverde, 2006).

Strong(er) Mayors and Governance Restructured

All of the different viewpoints on autonomy and the status quo of federalism were paired with differing demands for what accountability and the governing structure of the megacity would look like. The central recurring question over the role and power of the mayoral office and the purpose of the wider council was finally going to become legislation rather than debates between interest groups representing different ideological takes on both urban neoliberalism and global capitalism more widely. In addition, there were questions over the level of structural and appointment power invested in the mayoralty and if it represented the executive dominance and presidentialization that the TBT and capitalist groups so obviously craved.

As shown earlier, Premier McGuinty, the TBT, and TD Bank favoured a strong mayor system in which the mayor would have unilateral power to draft the budget, appoint the heads of and restructure committees, and appoint the CAO.⁶⁵ McGuinty was clear on multiple occasions regarding the strong mayor preference (Lu, 2005) and even went as far as to argue that the provincial government would reserve the right to impose a governance structure on the city that would give the mayor more power (Lu, 2006).

This was ultimately unnecessary because the two major reformer groups at the municipal level were on board with much of the changes. The power to appoint and chair an executive committee was echoed by the charter city coalition and Mayor Miller and would directly build upon the previous reports commissioned and endorsed by both political actors. It was stated that there was no secret a major stumbling block stood in the way of a deal: the province transferring power to a governing structure “where the mayor is just one vote among 45 others on council and has to broker every decision” (Urquhart, 2005a). The executive committee structure was the principal structural amendment towards centralizing power in the city-wide mayoral vision of governance. For Duguid, the executive committee was the “key tool” of the legislation; he noted that not only did the TBT agree, but also “many of our community, social, and corporate leaders in our city agree, our Premier agrees and I agree” (2006a). Miller was a strong advocate of the executive committee system and the interests of the business class on governance, to the point that *Toronto Star* columnist John Barber noted: “No other mayor has addressed the business lobby’s agenda more directly, or given it more of what it wanted... a new government structure that will make *city hall function more like a corporation and less like a messy local democracy*” (Barber, 2005). Barber would later describe the post-amalgamation government as “highly democratic but

⁶⁵ This was discussed at length in the two previous sections analyzing the various policy reports put forth by the TBT, TD Bank, Charter coalition, and various political agents.

barely functional” (Barber, 2008). Perhaps this is why the actual reforms to the appointment and decision-making power echoed the TBT report most clearly when they argued the council should merely “review the progress of the mayor” while “receiv[ing] the advice of and approv[ing] policies as recommended by the executive and standing committees” and “delegate[ing] decision-making authority to standing committees” (Toronto Board of Trade, 2005, p. 28). These arguments were predicated on the constructed foundational idea that democracy was too messy, especially with so many diverse interests with a supposedly endless capacity to deliberate. From this perspective, the problem was an insufficient level of centralization of power, not that the system was both institutionally dysfunctional and perhaps mirrors the broader social relations in which it was embedded.

The structure of this system was defined in a manner similar to a Westminster parliamentary convention, where the leader of the legislature (in this case, the directly elected mayor) would sit in the council but also chair a cabinet (in this case, an executive committee) that was unilaterally responsive to the mayor’s office. This would be a form of stronger mayoral powers enshrined, where the power is not rooted in the veto power but instead in structural appointment power and the ability to control the budget and committee processes within the council. This was part of the accountability compromise: an empowered Toronto would require more centralized power for the mayor to offset the presumed risk of councillors taking up too much space in the governing process. The COP doctrine ensures accountability to the province, but a strengthened mayor would expose the mayor to a city-wide electorate who could hold them more directly responsible, democratically, in relation to more precise responsibilities. Neoliberalization demanded that municipal councils be reined in and made accountable (Levi and Valverde, 2006, p. 458), and the province (as well as the PCs and business class through revenue stream and tax

limitations) made it an explicit condition for sponsoring the legislation. The earlier TBT and TD Bank reports were clear in their qualified endorsement of more autonomy, coinciding with a more centralized form of government with a clear line of accountability to an empowered mayor's office. As mentioned earlier, this form of accountability through centralization created a new power flow in the liberal democratic institution of the city council. In this model, the council was placed in a passive, responsive position to the executive, and the budget committee drafted a budget entirely controlled by the mayor. Long gone was the supposed dysfunction of deliberation and the mayor's vote being one amongst equals; rather, the mayor would act much more like a prime minister or premier in Canada's Westminster parliamentary system, in the manner of the proverbial "first among equals." This was later echoed by Deputy Mayor Joe Pantalone, who noted that the executive was indeed behaving more like a cabinet to avoid being "inefficient and confused in our decision making" (Byers and Lu, 2008), and further highlighted by *The Toronto Star* (Vincent, 2008a):

Pantalone says debates at city hall have at times been 'chaotic'... 'The changes happening now will help discussion and city hall business flow efficiently'... But at what price comes this more efficient government? Some councillors fear the new system is less democratic. If you aren't on executive, you can't vote on its business and your time to ask questions is limited.

Much like Harris and the PCs (and Doug Ford after), the council as a deliberative body was not only cast as chaotic and dysfunctional but also as the main enemy of neoliberalized efficiency. By limiting the amount of input and sidelining deliberation, a system with a mayor-appointed executive could control the entire agenda and attention of the City Council—a clear drive to centralize power more fully.

While this centralized approach received substantial approval from the various capitalist interest groups and the governing Liberals and business-aligned PCs, there were critical voices. The fundamental critique was summarized by John Deverell, head of Fair Vote Canada, who argued, “We can see *coherence* arising out of a strong mayor, but we’re not so sure we can see *democracy* arising out of it” (2006; italics added by author). The democratic tensions of expediency over deliberation that were present throughout the megacity drama and policy reports in the early 2000s were laid bare when implementing this new form of government. Unlike Harris, McGuinty had the ear of a variety interest groups, although the NDP took great exception to the premier’s comments in the media stating that government support would be conditional on the implementation of at least some form of strong(er) mayor system. The main critique of this logic was based on an idea of liberal democracy rooted in citizen consultation and the deliberative capacity of council members within the legislative institution itself; the argument by critics was that an empowered mayor with a personal cabinet would sideline the participative capacity for councillors and residents alike and is predicated on a business-like view of governance that privileges expediency over deliberation. Indeed:

Democracy is expensive. Democracy is hard to control, is unpredictable and messy.

Well, if we want to ultimately streamline decision-making and run our city without the appropriate input from our residents, then we should choose the big vision over the local perspective. Then we would be choosing the ‘strong mayor’ model. This model's ways of empowering the mayor and disempowering council are insulting to the citizens of Toronto, who have been crying out in the last 10 years - especially the last 10 years - for an increased level of meaningful public consultation on all issues, big and small. This governance model is not what our residents asked for,

and there has not been enough consultation to tell what our residents want (Sellors, 2006).

The system of authoritarian neoliberal governance structurally cuts councillors out of having input during the drafting stage of legislative decision-making, reducing the involvement of the democratically elected councillors to both participate formally but also in an ideal-type rendering of liberal and representative democracy, represent the interests of their constituents. Others argued that the executive committee system would throw away one of the most positive elements of a councillor dominant system, the element of any councillor having an issue that they take to council and collaborate with other councillors to remedy (Rosenberg, 2006). Under the top-down mayoral-driven system where the executive and other committee chairs are appointed by the mayor and reflect their governing interests, the space given to these kinds of issues diminishes.

This critical view was echoed by Andrew Sancton when discussed in the provincial legislature's house committee, who argued that the role of councillor would be sidelined in favour of centralized governance, "thereby reducing the opportunity for local citizen input through their local councillor in the name of the city-wide plan of the mayor" (Sancton quoted by Sellors, 2006). Some were more critical of the idea of even having an executive committee, although most participants and political actors favoured it. NDP MPP Michael Prue, also the former Mayor of East York, argued that "council needs to be a strong council; it doesn't need to be centralized" (2005). Former mayors David Crombie and John Sewell agreed (Sellors, 2006), arguing that rather than having an executive committee, councillors needed increased budgets and time to do perform their functions more effectively (which is a more substantive vision of being effective) and democratically (Rosenberg, 2006). The *City We Want* report commissioned by the City Council had not only rejected a stronger or empowered mayor but was adamant in its repudiation of the

potential for any strong mayor system where vetoes or more formalized separate legislative powers for the mayor were invoked.⁶⁶

These critiques did not valorize the existing system; rather, there were plenty of critiques of the post-megacity system of governance and its already centralized premise at the level of territorial government, if not the process of the institutions at their core. The centralization of power for the mayor was seen as compounding the concentration of power caused by eliminating the two-layer system of the Metro government and shrinking the size of local councils. Prue (2006b) offered a representative view of this sentiment that restructuring of the council institutions builds on the already existing problems of amalgamation:

We know that citizen involvement in the city of Toronto is at an all-time low. The structure that has been set up is not conducive to ordinary citizens becoming involved in the political process. Before, they were able to go before their local councils; before, they were able to make deputations at council meetings and/or committee meetings... So when this Bill came forward, we all held hopes that the Bill would allow the city of Toronto, the megacity, to restructure. If it is not possible for it to de-amalgamate - and I still live in that hope. I still live in the hope that Toronto, like every other megacity in the world that was forced to amalgamate, will

⁶⁶ The *City We Want* panel was clear in this regard: "In enhancing the ability of the Mayor to lead, we reject the adoption of a Strong Mayor model for Toronto... In some cities, they can veto City Council decisions, in others they can enact by-laws that only a supermajority of City Council can overturn. In some cities, the Mayor does not even sit as a member of City Council.... The adoption of such a Strong Mayor model would "presidentialize" Toronto's system of democratic government. We recommend that this model be rejected once and for all. Strong Mayor systems are derived from a vastly different political heritage in which there is a marked separation of executive and legislative functions. Such a model is not consistent with the Parliamentary tradition, in which the executive sits in and is drawn from the legislature. Although our proposed model for democratic government in Toronto is not exactly Parliamentary in character, it is clearly modeled on it. A critical feature of Parliamentary democracy is that a government must muster a majority to carry a vote" (Buller et al., 2005, p.29).

one day find the strength or find the government that will allow them to do so should the citizens wish.

In a world where Toronto was a “mature” level of government and the notion of the COP doctrine was to theoretically have reduced political capital, there needed to be a built-in safeguard to the potential for the council to act in ways not conducive to neoliberalization if they ever actually chose to contest it. A strong mayor whose power was city-wide and rooted in the suburbs' electoral power would help ensure that the austere low-tax regimes of the more conservative outer cities would be the ideological foundation of any mayoral candidate with a chance of winning the election.

Appointment Power and Politicized Bureaucracy

Secondly, fulfilling the philosophy of the suburb-focused reformers in the megacity era, the role of the CAO was formalized. However, the power to appoint the CAO would still be vested in the Council, as opposed to the unilateral power of the mayor to do so (*Strong City of Toronto for a Stronger Ontario Act*, 2006, a-140). While the mayor would put forth a candidate for approval, the candidate still needed to carry a majority vote of the council to be hired. Appointment power over the role of the CAO came to be much more important post-amalgamation⁶⁷ due to both the size of the Toronto budget and the administrative responsibilities of the CAO in helping to draft and administer it. As discussed earlier, every report besides the City Council's argued a more powerful CAO was crucial for streamlining decision-making, making government more efficient and work like a business while ultimately being responsive to the demands of the mayor's agenda. However, this system would greatly empower the role of one technocrat, typically with business principles

⁶⁷ As discussed in Chapter 4.

in mind, to oversee the development of the budget, prepare studies on significant problems, and even participate in council meetings (An Overview of Decision-Making Structures, 1997). The system risked creating an environment where the CAO could be more beholden to the mayor rather than the council as a whole, which undercut the coalition-building purpose of the mayor's council role and could be highly inappropriate and lead to issues with governance between councillors and the mayor.

This is indeed what happened in the aftermath of the legislation being passed. Mayor Miller and the council interpreted the appointment process – and the associated power and purview of the CAO – wildly differently after the legislation passed. Miller and the council subsequently came to a standstill on cuts to vital city services and a disagreement over the city's new taxation policies in the Summer of 2007. When the councillors and mayor could not come to an agreement, CAO Shirley Hoy was permitted by Miller to unilaterally alter the allocation of funds in the budget, leading to impending community centre closures across Toronto for one day a week to save spending in light of tax raises not being implemented (Spears, 2007b). In familiar Third Way and dedemocratizing language, Miller argued that Hoy was entirely within her purview: “She’s not cutting the budget. She’s managing expenditures in the budget” (Patrick, 2007). The mayor further argued that Hoy not only had the power to make the service cuts, but she did not have to put them forth for council approval (Spears, 2007b). Councillor Michael Walker solicited a legal brief from the Gowlings Law Firm that argued that Hoy did not have this power and that the mayor could not delegate that power to the CAO (Patrick, 2007). Walker argued the mayor using executive powers to allow a bureaucrat to alter social provisioning in the budget was a “major abuse of democratic principles and local democracy” (Patrick, 2007), “short-circuiting” basic liberal democratic processes (Gray, 2007), and ultimately diminishing the political importance of the budget and the

role of councillors (Spears, 2007b). This clash was indicative of the trend toward depoliticizing political decision-making in the name of technocratic expediency and unilateral decision-making principles.

Already politically vulnerable due to using the new taxation powers to create revenue on vehicle registration and land deed transfers, Miller was forced to back down after weeks of blowback on the CAO authority issue. The mayor received critiques from the city's organized political left and the right-wing contingency of suburban councillors. It should be noted that the *COTA* expressly forbade the mayor or council from delegating budgetary decision-making to staff and was seen as a total abdication of their elected responsibility. The bungling of the situation was described best by *Toronto Star* columnist Royson James (2007):

A mayor who repeats ad nauseam that he has a mandate to maintain services, not cut them, directs staff to make the cuts; faced with protests, he offers to let councillors vote on the cuts only if they'll reconsider his crucial tax measure, a deal the councillors reject; finally, the mayor relents and moves to have council reverse the cuts.

Highlighting the issues concerning the presidentialization of the Mayor's Office – and the worry from the province that the COP doctrine would be sidestepped – the budget was indeed changed, and the City Council was required to have a two-thirds super-majority to pass a motion even to discuss reversing the changes. This happened promptly due to the political backlash that placed Miller in a compromised position and the need to placate the council and Toronto residents who were displeased with the turn of events.

The second CAO-related scandal under Miller's tenure concerned his unilateral effort to pick Hoy's replacement, with the council having no role in the vetting or selection process for the

new CAO. As described in *COTA*, the council was designed to approve or disapprove of the candidate put forth by the mayor's office, an issue that had not been politically or legally tested. As Hoy announced her impending October 2008 retirement, Miller announced he was unilaterally promoting Joe Pennachetti, the city's Deputy City Manager and Chief Financial Officer. In the council meeting immediately after the announcement, the mood was described as tenuous and filled with shouting and "howls of protest" by councillors angered by the move (Vincent, 2008b). Since Council would only be able to vote a simple up-down regarding the candidate, Councillor Denzil Minnan-Wong (one of the leaders of the right-wing coalition) argued that councillors and Torontonians deserved to have an open forum to discuss the candidacy of the Pennachetti and learn his vision for the city, notably stating that "the residents of the city of Toronto are entitled to have a debate about who their city manager is going to be" (Alcoba, 2008; Vincent, 2008b). While the rest of the council echoed these criticisms, they would ultimately approve Pennachetti for the role, taking far more umbrage with the processual executive issues created by Miller. However, this was the goal of the changes embedded in the *Strong City of Toronto for a Stronger Ontario Act*, namely that the mayor would have more unilateral appointment power (even if it had to be taken by political force) and that the council would have a secondary role of approving of the executive-driven decision-making process. For the cosmetic alterations to *COTA* and the structured demands for accountability rooted either in the mayor's office or provincial use of the COP doctrine as an override, the appointment process worked as planned. Rather than having a more time-intensive debate centred around a myriad of councillors, instead the mayor and executive committee were able to make expeditious decisions requiring a stamp of approval without deliberation by the councillors on a wider appointment process.

These events highlight the reduction of the deliberate capacity of the City Council as a whole and the transfer of appointment and unlisted reserve-type powers to the mayor, which completely changed how power was exercised in the council chambers. This stands whether you consider an ideal-type form of debate and consensus in liberal representative democracy or a more critical lens that understands both the power of institutions, processes, and capital on the decision-making process.

6.4 Stronger Is Not Strong Enough: The Aftermath of the Legislative Reforms

After less than 12 months of reforms, Miller clamoured for an extension and deepening of the strong mayor system to combat a coalition of right-of-centre councillors. Miller attempted to use the new taxation powers to implement two new local taxes, which were vehemently opposed by conservative councillors due to their adding regulatory fees on car registration and transferring of land when selling property within city limits. As mentioned earlier, there was a lot of political contestation over the mayor's power to appoint and control the CAO office and the push for more private meetings exclusive to the mayor and the Executive Committee. In September of 2007, Miller removed centrist councillor Brian Ashton from the Executive Committee for voting against Miller's tax proposal, with Miller's committee allies branding Ashton a "weasel" (James, 2007). After initially sidelining the council on Hoy's budget cuts, the mayor had been forced to backtrack, but not before wielding authority and embracing anti-deliberative politics.⁶⁸

⁶⁸ This issue is best summarized by *Toronto Star* columnist Royson James: "A mayor who repeats ad nauseam that he has a mandate to maintain services, not cut them, directs staff to make the cuts; faced with protests, he offers to let councillors vote on the cuts only if they'll reconsider his crucial tax measure, a deal the councillors reject; finally, the mayor relents and moves to have council reverse the cuts. And the clincher? City council needs a two-thirds majority vote next week to speed up debate on service cuts made without councillor input, but which can only be reversed by their approval" (James, 2007).

Miller's response to these power dynamics was to formulate a plan to win the designation of stronger powers for the mayor, primarily through a blue-ribbon panel called *Blueprint for Fiscal Stability and Economic Prosperity – A Call to Action*, published on February 21, 2008. The report was written by The Mayor's Fiscal Review Panel and was chaired by Blake Hutcheson, a commercial real estate developer, with other members primarily from FIRE-related interest groups, including billionaire and Toronto sports team owner Larry Tanenbaum. The general purpose of the panel was to provide policy recommendations on how to "enable the city to improve its efficiency, effectiveness, economic prosperity" (Mayor's Fiscal Review Panel, 2008, p. 2); it called for "fiscal prudence" to "reduce and contain costs" and urged the city to find efficiencies in spending (Mayor's Fiscal Review Panel, 2008, p. 9-10). This demand for what was, in effect, more neoliberalization was connected to what the panel argued was the institutional "incivility of the political culture, its inefficiency, the lack of a will to change, and the ineffectiveness of council" (Mayor's Fiscal Review Panel, 2008; Grant, 2008). In an interview with the *Toronto Star*, Hutcheson echoed the consistent rhetoric of inefficiency and too much deliberation in decision-making processes, including that the city needed to prioritize structure and a few big ideas rather than 44 councillors' different agendas (Moloney, 2008).

As always under neoliberalism, the solution to this dysfunction and inefficiency was put forth as more executive power and streamlining of decision-making in the hands of a sub-group within the City Council, specifically the mayoralty through its appointment powers. For Miller's panel, the optimal approach was through a total implementation of top-down budgetary planning and governance structures that would further sideline councillors and place more power than ever in the CAO and CFO offices. First, the mayor would have the unilateral power to direct, appoint and dismiss the city manager, as well as have an increase in assigned professional staff for the

mayor and the Executive Committee (Mayor's Fiscal Review Panel, 2008, p. 6). This centralization of the administration contributed to "refine and *streamline* the City's budget process" through the elimination of the "bottom-up approach" to governance (Mayor's Fiscal Review Panel, 2008, p. 7; italics added by author). The goal was to allow the mayor and Executive Committee to "set priorities and make clear choices" and direct the mayor-appointed CFO and staff to complete five-year operating and ten-year capital budgets without input from councillors (until the point of voting to approve) (Mayor's Fiscal Review Panel, 2008, p. 4 and 7).

Many of the issues that had dominated council were due to the political and decision-making structures imposed by amalgamation, described now as a "recipe for paralysis," replacing the "system that worked reasonably well for generations" (Barber, 2008). The solution to Miller and allies was the further centralization of executive power at the expense of a genuinely deliberative liberal democratic representative body of governance. The *Blueprint for Fiscal Stability and Economic Prosperity – A Call to Action* report would argue that council deliberation was an "unwieldy, needlessly politicized and unpredictable system" (Mayor's Fiscal Review Panel, 2008). Miller utilized the report to insist the civil service should report directly to the mayor's office, not the council. The mayor trivialized deliberative council government by rehashing Harris-era (and future Ford-era) discourse on the issue, comparing liberal democratic bodies to businesses, stating, "There's no organization of our size in the world anywhere, government or private, that would have the people who run the operation report to 45 people" (Vincent and Benzie, 2008). This was bolstered by Deputy Mayor Pantalone, who argued that "the executive is not supposed to be a debating society, it's supposed to formulate fruitful policies," and that the executive was behaving more like a cabinet, which was positive to Miller (Byers and Lu, 2008). From Miller's perspective, what would create more efficiency in the system was more

power to the mayor and the Executive Committee, with the ability to control all political appointments, have their own sizeable private staff and consultants, and the ability to govern in secret meeting formats (closed to both the rest of council and the public). The idea that the mayor's hand-picked Executive Committee could meet in secret would make it a near equivalent of a parliamentary cabinet but with no recourse of a formal opposition or the parliamentary convention of responsible government (and indeed not the power of a non-confidence vote). This would all be done in the familiar name of streamlining government to avoid dysfunction (read: debate), showing an ideological consistency with previous neoliberalisms despite corresponding with the Third Way.

What ties this more directly into the core critiques of the COP doctrine was that Miller would not try to win the approval of these reforms through the City Council or the broader public of Toronto but through a direct appeal to Premier McGuinty. Early in March 2008, McGuinty signalled a willingness to impose the system on an unfriendly council, saying he would meet directly with Miller to discuss the subject. McGuinty would further state:

It's all about ensuring we have an effective governance model to help lead an exciting, large urban centre... I don't think that we've got the model in place that allows [Toronto] to do that. I've said before that I'm in support of a strong-mayor system, and my support remains (in Vincent and Lu, 2008).

At this time, Miller would invoke the language of CSR and amalgamation proponents, arguing that not only was it necessary to appeal directly behind closed doors to McGuinty but also to remove City Council from the conversation entirely, arguing "I don't want council to get bogged down on debates about governance" (James, 2008b). The mayor later stated that the issue with more debate was that "people who are actively trying make a positive contribution rather than just seeing their

purpose as councillor [is to] say no to everything... There are some people, no matter if you propose what they believe in, they'll still vote against it if I or others propose it" (Fenlon, 2009). Echoing Buchanan's public choice rhetoric on liberal democratic representatives, Miller argued the strong mayor system would deal with the central issue of asking "people to rise above their immediate interest and look at the big picture" (Lewington, 2008). Here again, there is an apparent affinity to the anti-deliberate and representative politics that exists not just in public choice theory and more right-wing variants of neoliberalism but within more "progressive variants like the Third Way. At the core of Miller's critique was the explicit individualist selfishness, rent-seeking behaviour, and bad-faith antagonism of elected representatives, cast as irrational enemies of progress and common sense.

These steps were a brazen attempt by the mayor to sideline the council and appeal to the province to utilize the COP doctrine – which Miller had spent years critiquing in the name of municipal autonomy for the city – to impose an even more heavily centralized and executive-dominated strong mayor system. In their earlier report, the Governing Toronto Advisory Council warned of this possibility and rejected the strong mayor system and the presidentialization of city politics. City Council publicly worried about a further entrenchment of the separation between executive and legislative functions seen in Westminster parliament, which municipal governments are not based on. After much outcry from council members and the media and due to Miller's decreasing political capital (announcing in 2009 an intent to not run for re-election), both Miller and McGuinty backed down from using the COP doctrine to impose these drastic reforms. Clearly, there was less of the elite interest in ideological convergence of the earlier stronger mayor power reforms. *The Toronto Star* led the charge despite being the earliest champions of Miller's and McGuinty's political project to secure a new deal for cities. *The Star* argued Miller's plan was

attempting to do away with the basic principles of representative democracy and to make himself a legal strongman without having to deliberate with the council (James, 2008a). Even more damning was a later assessment by lead columnist Royson James (2008b):

It's a whittling away of democracy, an erosion of processes that Mayor David Miller once professed to hold dear... Miller, the great man of the people, the one who ran on a platform of open government and transparency, has chosen to skirt such a process and embark on a political coup. He aims to politicize the bureaucracy under the guise of accountability. He plans to bolster his political hold on council by enshrining the right to hold secret meetings with his political allies on the powerful executive committee, which he unilaterally appoints and fires. And he wants it done without the input or vote of council.

The ultimate failure of Miller's plan did not detract from what it showed about the trend towards further centralization of power in the mayor's office and a further sidelining of deliberative capacity of council. It illustrated how the constitutional and legislative tool of choice to impose the reforms was still to be through an antagonistic usage of the COP doctrine in the event of any democratic disagreement from either council or the wider public of Toronto. It further showed how this constant threat of the COP doctrine to impose de-democratization transcended an ideological left and right. Miller was able to play nice when there was ideological coherence across the different interest groups in the early-mid 2000s. Still, the moment there were process-based issues, there was a will to plot with the province to use the COP doctrine in similar ways to how Harris had previously used it, and how Ford would use it in the future (as detailed in the next chapter).

6.5 Conclusion

This chapter showed how the various interest groups and political actors were able to converge around an agreement on a broad idea of what restructuring municipal autonomy would look like, at least in the case of Toronto. The entirely new legislative regime was predicated on an empowered Toronto that was not only surface-level but still existed within the constitutional limitations of the COP doctrine and the social relations of capitalism. The elite common sense convergence between political actors in all jurisdictions, including Prime Minister Paul Martin, Premier Dalton McGuinty and Mayor David Miller, was met with ideological coherence between competitive city proponents (the TBT and TD Bank), charter city reformists, and creative city neoliberals. It was this unprecedented historical convergence that led to the reforms to *COTA*, but also why these reforms further centralized executive power and the neoliberalized democratic decision-making processes and institutions.

McGuinty's successor as leader of the Liberals and Premier of Ontario, Kathleen Wynne, was not a significant focus of the Liberal Party's role in these years for two reasons. First, the case study highlighted a snapshot of a specific historical moment, one piece of legislation and the context that led to elites coalescing around it starting in the early 2000s. Wynne did not become premier until 2014, serving only until 2018, overseeing a period of unpopularity of the Liberal Party of Ontario that ended with them losing official status as a party in the Ontario legislature after the 2018 election. Second, while Wynne became the focus of many local governance issues and reforms, none were systemically targeted at liberal democratic institutions or specifically at the City of Toronto. Wynne's major urban governance reform was the scrapping of the Ontario Municipal Board, long criticized by urban scholars, local politicians, and concerned citizens, as serving the interests of developers and the provincial government over genuine local concerns and

autonomy. This is undoubtedly important regarding issues of local autonomy and accountability and something to be explored in further research with a different scope than this dissertation. It should also be noted that one of the first acts of the next government, a PC government, was to revitalize the Ontario Municipal Board and all of its processes with basically a changed name and new veneer of governance.

While 2006 is often depicted as a drastic constitutional reinvention of Toronto, the reforms put in place had little to no immediate effect and proved toothless when coming into contact with the Ford family dynasty (Kelpin, 2024a). Indeed, after Miller refused to run for re-election, the right-populist everyman Rob Ford became mayor. The first action of the new mayor was to implement a tax-cutting crusade to stop the proverbial and Buchanan-esque gravy train of representative government. Rob Ford would roll back the only two new major taxes implemented by Miller (the land transfer and vehicle registration taxes), which echoed suburban anti-tax fervor, as well as left only the procedural and institutional power components of the re-envisioned *COTA* in effect. When his brother Doug Ford became premier, all bets would be off on Toronto's political autonomy and liberal democratic institutions as well, which will be the focus of the following two chapters. This was largely predicted by Michael Prue (2006b), who had contested the 2006 reforms, arguing: "You are setting up a system so that at any time in the future any cabinet can turn around and restructure the City of Toronto in a way that its politicians and its people do not want." Indeed, this was one of Doug Ford's first actions as premier in 2018, as seen in the following chapters.

Chapter 7 – The Rise of Ford Nation: The Reconsolidation of Right Populism and Neoliberalism

Stuck in the middle of this fight are the residents of the suburbs, who still can't get around their city in an efficient way. This, to me, is the exact kind of thing that summarizes the dysfunction of Toronto city council."

- Doug Ford, 2016, p. 173

The year 2018 saw the collapse of the Liberals's 15-year dynasty in Ontario provincial politics. This era was not just one of political domination, but a reorientation of governance towards a neoliberalism rooted in more "inclusionary" or Third Way forms of policymaking and austerity. As shown in the previous chapters, this shift represented – more often than not – explicit continuations of neoliberal austerity from both the PC and NDP governments, but with a different rhetorical flair. During the 2018 election, the Liberal leader, and premier since 2014, Kathleen Wynne, produced a similar policy vernacular to McGuinty, which could be understood as the Liberals were better financial managers than the PC's, claiming they ran "the leanest government in Canada" when it came to per-capita program spending (Fanelli, 2018b). With recent years having been replete with spending scandals – primarily the gas plant cancellations in Liberal-dominated GTA suburban ridings – and issues over a lack of accountability and transparency, there was a compounding of both voter fatigue and discontent towards Liberal policies led to a plummeting of public support (Perrella et al., 2020). Along with historic unpopularity numbers for Wynne after five years of being premier,⁶⁹ the Liberal Party was in freefall, leaving a major political vacuum for new faces and political ideas.

As mentioned in the previous chapter, Rob Ford had taken advantage of and steered a right-populist and hard neoliberal suburban revolt against the status quo of the Third Way. Rob Ford could contrast himself simultaneously against the more inclusive neoliberalism of David Miller in

⁶⁹ Namely, a 12 percent approval rating.

Toronto, and Dalton McGuinty at the provincial level. Calling this political movement Ford Nation, the family constructed a political imaginary around Rob in the leadup to the 2010 elections, a way to contrast himself to David Miller's politics, and more generally cast himself as a common-sense outsider who represented the everyman against oppressive political structures. Rob and brother/future Premier of Ontario, Doug Ford describe this politics in their 2016 book, *Ford Nation: Two Brothers, One Vision*:

Ford Nation is not about political parties, conservative or liberal allegiances, personal beliefs, or whether someone is wealthy or not. Ford Nation is about standing up to the political elite; the same old, same old; wasted money; and unaccountable and unreachable leadership.

Casting themselves as the everyman (despite growing up with wealth) and political outsiders (despite being a multi-generational family of elected representatives), Rob and Doug would utilize this political imaginary to rally voters against the status quo of more inclusive neoliberalisms. Ford took advantage of a group of core supporters who were against raising taxes to construct downtown "elitist projects" and represented a deeper cleavage in Toronto's institutions and political culture. These politics would be produced with deep roots in austerity, ideologies regarding the role of government, and the increasing disconnect of Toronto's liberal democratic institutions from citizens (Joy and Vogel, 2015, p. 44). After years of controversy, international shame, and criminal acts by Mayor Rob Ford, the City Council attempted to use its powers to strip him of his mayoral status and authority in 2014. They ultimately found that their supposedly autonomous city with a more parliamentary and cabinet-like system of governance had no convention or legal recourse to remove the mayor from office despite a total lack of confidence among both themselves, and the general population of the city. They would have to settle for stripping Ford of most of his powers

– those outside of ceremony, pomp and circumstance – and designated them to his Deputy Mayor, Norm Kelly. Rob Ford would run for re-election despite his problems with addiction and a cancer diagnosis, eventually withdrawing from the election and being replaced by his brother Doug Ford (who would lose to future Mayor John Tory). Despite his unsuccessful run for mayor, Doug Ford would come out of Rob’s shadow as the heir to Ford Nation – as both an abstract right-wing political movement and an organized electoral machinery – with larger political aspirations.

For years after the 2014 election loss, Doug Ford was rumoured to be preparing for a run for PC leadership with the goal of being elected Ontario premier despite never being elected to Queen’s Park. The timing, however, was impeccable for three major reasons: first, there was the political collapse of the Liberals, leaving an electorate wanting for change (at least in governing political party); second, Doug became the *de facto* face of Ford Nation, the loosely affiliated and suburban-aligned right populist and neoliberal grouping of supporters of Rob’s political style and ideology; and third, the wider rise in Western politics of more hard austerity, authoritarian-leaning, and right populist political discourse and ideology. These three principal factors would structure and enable the more austere and rollback forms of his brand of neoliberalism that Ford would enact. This would mark not only a break from and rebuttal to the Liberals brand of Third Way neoliberalism but also a significant return to and repackage of many of Harris’s political ideas and the undercutting of liberal democratic institutions and processes, especially at the municipal level in Toronto.

To understand these politics more in-depth and how they informed Doug Ford’s views on the COP doctrine and municipalities, this chapter unpacks the vernacular of the future premier’s public-facing communications from 2016 to 2018. This encompasses the foundation of the Ford government’s specific type of actually-existing neoliberalism in Ontario. While this ideological

framework is similar to neoliberalism under Harris, it is still historically contingent. It builds upon the Harris and McGuinty policies that came before it, making it necessary to analyze in relation to those eras and on its own terms. Doug Ford embraced not just the more austere neoliberalism of Harris but would articulate a specific geographical, classist, and demography-based signifier of ‘downtown’ to construct the group of ‘downtown elites’ (technocrats, bureaucrats, progressives, union members) that repress the natural rule of ‘the people.’ For Ford, ‘dysfunction’ represented liberal democratic institutions and their deliberative processes, especially those in the City of Toronto. This section utilizes the Ford brother’s book, *Ford Nation: Two Brothers, One Vision* and the 2018 PC Election Campaign “Platform” to unpack his general understanding of politics and the state and their relation to his right populist and neoliberal ideological framework.

7.1 Familiar Names, Familiar Neoliberalisms

Doug Ford rose to prominence as the right-hand man to brother Rob Ford’s tenure as a rising Toronto City Councillor and eventual mayor of the city from 2010-2014. The two would encompass the loose political grouping and ideology of Ford Nation, which represented a blend of right-populist arguments situated around a dichotomy of “the people” and “the elites.” The brothers blended it with austerity and neoliberalism utilizing the common ground of anti-statism (a specific brand of anti-statism rooted in condemning alleged special interest capture of the state apparatus), anti-liberal democratic politics, and free market fundamentalist views. Their political memoir, *Ford Nation*, was framed around several foundational binaries invoking the neoliberal cleavages Mike Harris utilized but updated to reflect the historical moment in Ontario and around larger populist tensions across Western liberal democracies. For the Fords, the elites were the cause

of all social and governing ills, whereas the people were the rightful rulers who were being silenced.

Throughout the book, Ford uses the signifier of “the people” to construct a homogenous group that represents the ideology of Ford Nation. When referring to Ford Nation, the book argued: “‘The people are smart,’ Rob would always say. ‘They know what they want.’ Well he was right. The people knew what they wanted in 2010. They wanted Rob Ford to fix Toronto. On October 25, 2010, the people of Toronto elected Rob Ford to be their new mayor” (Ford, 2016, p. 80). The cultivation of “representing the silent majority” and “the people” was central to juxtaposing himself against the “Liberal elites” – and their supporters – who were unaccountable and rode the “gravy train” of big government (Ford, 2016, in Kelpin, 2020). More specifically, the notion of the people was used interchangeably with the positively connotated “taxpayers,” which was a term mentioned 27 times throughout the book to construct the idea of ideal citizenship. The people as a term was usually paired with identifiers of good economic behaviour for any liberal-democratic state apparatus in capitalism, notably that government should be run on the principles of “good business” and “customer service” (mentioned 21 times in the book). Ford additionally embraced the performative power and valorization of what Moffit and Tormey (2014) refer to as everyday experience and dichotomous divisions between us and them to complement the more toned-down and hidden neoliberal realities of the policies articulated.

Rather than the technocratic style of Third Way neoliberalism, Ford embraced a style of bad manners, political incorrectness, and the championing of “common sense against bureaucrats, technocrats, representatives, or guardians of our interests” (Moffit and Tormey, 2014, p. 391). The message of ‘common-sense politics,’ akin to Harris’s at times, was meant to draw voters to the

“thin-populism Rob and Doug have layered onto a classical Canadian neoliberal platform” (Erl, 2021, p. 107).

When Doug Ford transitioned from failed mayoral candidate to PC party leader, much of this populist language was grafted onto what almost reads like a watered-down and repackaged CSR. While Premier Bob Rae and the NDP had been the targets of Harris’s common sense, Ford used similar language and dichotomies to critique the governing Liberals. Indeed, Ford said things like the “Liberals [were] a corrupt elite that prioritize special interest groups,” “Kathleen Wynne’s Liberal government just doesn’t care about you anymore,” and taxpayers became the sole identifier of citizenship throughout the platform (*Plan for the People*, 2018). Ford argued the PC Party would “clean up the mess in government and restore respect for *taxpayers*,” “put people ahead of insiders and *elites*,” and claimed “*the people* see that the system just isn’t working for them anymore” (*Plan for the People*, 2018; in Kelpin, 2022; italics added by author). Within this, the presumed need for restoration of a specific idea of accountability was not predicated on the failures of capitalism and the previous three decades of neoliberalization, but the notion that “people demand respect from the Ontario government as taxpayers... that pay taxes to the political elites” (*Plan for the People*, 2018). Ontario political scientist Brian Budd argued (2020, p. 176-177):

‘The people,’ made up of exploited taxpayers, could be formed in opposition to ‘the political establishment’ and ‘radical special interests,’ all without any explicit exclusionary appeals... In this way, existing exclusionary social hierarchies could become masked though neoliberal discourse, and thereby perpetuated or expanded without ever being made explicit.

The material realities of this language were manifested in several significant policy banners (not dissimilar to the CSR):⁷⁰ “Put more money in your pocket; clean up the hydro mess; create good jobs; restore accountability and trust; cut hospital wait times” (*Plan for the People*, 2018). The reality of these priorities was that there is no mention of any cuts to services in the entire document; in fact, many policy areas that would see massive cuts to their budgets were actually claimed to be receiving increases in their services. The *Plan for the People* lacked any of the budgetary specificities in the CSR while doubling down on the ideological rhetoric of Harris-era policies and legislation. It appeared Ford had learned from some of Harris’s political mistakes – and seemed not to have a specific budgeted plan for many ministries – and was aware that it was easier to steer into Liberal voter fatigue and general discontent after 15 years of rule. Despite lacking real substance, the platform and rhetoric resonated within a political context of anti-Liberal sentiment, the NDP failing to provide any real imagination or alternative to either party and the rise of right-populist rhetoric and the idea of “outsider” politicians. It was enough for Ford to become Premier of Ontario after the 2018 election.

The realities of the PC government’s actually-existing neoliberalism vastly differed from what was put forth in the *Plan for the People* and *Ford Nation*. Their legislative agenda was focused on implementing austerity thoroughly and quickly, moving beyond the lack of substance and actual policies in the platform. Ford continued to echo the salient themes of his platform and memoir, but the substance of the language was paired with harsh cuts to social provisioning and what was remaining of Ontario’s welfare state and power of labour. This might best be summed up in Ford situating the PC ideology as the opposite of socialism:

⁷⁰ Again, this is not a coincidence, as Doug Ford praises Harris as a: “real no-bullshit straight shooter” that “Rob and I both followed his example in our political careers” (Ford, 2016, p. 41).

What they [businesses and taxpayers] don't love is the socialist mentality that we've heard in here many a time. They don't believe in socialism. Socialism does not work. Empower the businesses, empower the people, put more money into people's pockets: They're going to go out and spend it and stimulate the economy, stimulate jobs (Ford, 2019).

With this logic in mind, some of Ford's government's first acts were to legislate CUPE 3903 contract faculty and tutorial assistants at York University back to work, cancelling \$790 million worth of green infrastructure projects (which cost the government \$231 million), attacking labour by cancelling minimum-wage increases, removing paid-sick day guarantees, eliminating overtime caps and protections, and enacting the complete elimination of collective bargaining rights by enforcing a cap on compensation increases to one percent total per bargaining round (a fraction of the rate of inflation per year) (Kelpin, 2024a, 2024b).

Ford would immediately link this austerity and deregulation to the wider ideological construction of elites versus the people, attacking the entire green energy industry as representative of regulatory capture by special interests and the abstracted Liberal elite. When eliminating provincial carbon trading policies,⁷¹ critiquing federal carbon taxes, and cancelling the aforementioned green energy projects, Ford stated: "There has never been a larger transfer of wealth from the hard-working taxpayers, the ratepayers of this province and small businesses than from this Green Energy Act. I call it the 'green energy scam'" (Ford, 2018f). As I have stated elsewhere (Kelpin, 2024a), Ford also instrumentalized the familiar neoliberal language of attacking labour rights and employment regulations as "red tape that is driving jobs and investment

⁷¹ Which the Ford government inaccurately labeled a carbon tax.

out of our province” (Toronto Star Editorial Board, 2018b). When passing the – now unconstitutional – Bill 124 in 2019, Ford argued it was necessary to use executive power to undermine public sector wage compensation and collective bargaining, again utilizing the familiar framework of attacking political elites and special interests:

Ford utilized fault-lines between private and public sector unions by not just attacking public unions, but by contrasting them with the ‘hard-working people in private sector unions’ specifically (Ford, 2019). He would also differentiate between good and bad unionists, the ‘hard-working people, folks who don’t always toe the union line’ and ‘the people we are up against, they’re the same ones who drove the province into the ground’ (Stone, 2022 in Kelpin, 2024b).

The first few years of Ford were focused on re-making the boundaries of neoliberal politics and structures within Ontario, and diluting liberal democratic institutions was always central to this project. It is necessary to understand the actually-existing neoliberalism that occurred under Ford and the PCs, and how it instrumentalized the creatures of the province doctrine as a pre-existing institutional and constitutional arrangement. The COP doctrine would be used to implement the conditions necessary not just to de-democratize liberal democratic institutions at the municipal level, but also as part of their larger austerity project in the province. Like the Harris era, this represented an aggressive form of austerity that instrumentalized the COP doctrine to obtain goals at multiple scales.

The COP doctrine was a useful inherited constitutional and institutional framework that the Ford government could use to deliver austerity, the restructuring of the state, and the reshaping of liberal democratic practices and institutions. These restructurings were predicated on a view of political liberalism and representation similar to the Harris PC’s, where again we can utilize Pond’s

neoliberal theory of representation which argues that “the primary obligation of elected members was to respect their constituents’ interest as taxpayers, superseding attention to any of their other multiple identities traditionally considered to be worthy of representation in the Legislature” (Pond, 2005, p. 170). Pond argued this reflected the notion of that “to restore the health of representative democracy, government had to reconnect with the people it represented, the taxpayers” (Pond, 2005, p. 177). Building on the institutional dysfunction of amalgamation, Ford’s reforms were not exclusively about an explicit discourse of immediate cost-savings and efficiency. They were also about altering local democracy and its boundaries in the city to make it more possible for neoliberal conditions to flourish. The cuts mentioned earlier were also bolstered by Toronto and municipally targeted cuts such as the proposed cut of \$500 million in transfers (retroactively and in the future) to municipal governments before being forced to reverse the retroactive cuts due to public outcry and resistance, particularly from Toronto and its mayor/council (Boisvert, 2019). Ford would go on to cut \$1 billion from Toronto Public Health from 2019-2029,⁷² leading to Mayor John Tory chastising the cuts as “downloading by stealth” (“Critics call it shortsighted and wrong,” 2019).

The Ford government’s cuts were often animated by the populist people versus elites binary compounded by the geographic and spatial politics of post-amalgamation Toronto, with elites represented by “lefties,” the population from “downtown” (Toronto), and the supposed liberal-dominated media. Within populism, the in-group is reinforced by knowing what it is in opposition to, and this dichotomy was crucial to how the reproduction of ideology and interpretations of power

⁷² “Toronto Mayor John Tory had warned the public health cuts would affect services like children’s breakfast programs, vaccination programs and water quality testing, and the child-care cuts would jeopardize subsidies. He and the mayors of Ontario’s largest municipalities had slammed the various cuts to municipal funding earlier this year, characterizing them as ‘downloading by stealth’” (CBC News, 2019).

took place. “Lefties” and variations of the word (“downtown lefties,” “downtown left-wingers”) were used pejoratively and as a form of dispositional attribution throughout. The following statement is an example:

The downtown lefties were all running around, pulling their hair out, making noise about Rob resigning, which he was in no way prepared to do. In fact, according to the polls, Rob was still widely supported for re-election in Etobicoke, Scarborough and North York. As Rob himself said, the only poll that truly counted was election day 2014.¹² (Ford, 2016, p. 186-187).

Doug Ford would routinely build upon this notion to create a dichotomy of downtown interests being either illegitimate or completely sidelining the suburbs: “Rob used to say that if everyone in Etobicoke, Scarborough, and North York would *come together and vote as a block*, they wouldn't be ignored by the *downtown elites*” (Ford, 2016, p. 94, italics added by author). The future premier would link the plight of the suburbs to council dysfunction when it was argued: “And stuck in the middle of this fight are the residents of the suburbs, who still can't get around their city in an efficient way. This, to me, is the exact kind of thing that summarizes the dysfunction of Toronto City Council” (Ford, 2016, p. 173). This geographical, classist, and demography-based signifier of “downtown” was consistently used pejoratively to construct the group of “downtown elites” that repressed the natural rule of “the people.” Much of this language style became the animating force in the foreground of the multiple attempts to restructure Toronto and its liberal democratic institutions completely. Ford would simultaneously use it to frame a divide between Toronto and the rest of Ontario, as well as the usual downtown versus GTA discourse, collapsing all economic and social complexities to simple antagonistic framings based on where people lived in relation to Toronto. This was meant to further the previous neoliberalization projects of Harris

at the provincial level and brother Rob at the municipal level (who of course made a career out of attacking various groups he felt composed the population and socio-political interests of downtown Toronto). Even when appealing directly to Torontonians, the premier would cast Ford Nation as the true Torontonians who various elite groups were ignoring:

There's no group in the entire country that represents Toronto and Ontario more than Ford Nation does... The people of Ford Fest talked about the \$15 billion scandal that wasted the taxpayers' money, and how the NDP stood side by side with the Liberals as the scandal was unrolling year after year. That's what the people of Ford Fest were talking about. They weren't talking about anything else. They're disgusted by this financial scandal they face right now in the province of Ontario (Ford, 2018f).

These are the people that Ford claimed to represent when it came to democratic politics and the silencing of certain voices by special interests and Liberal elites, and this mapped directly onto the Ford Nation imaginary of municipal politics as well.

It was also clear that Ford was partially animated by the antagonistic history the Ford family had with both Toronto City Council and the media during Rob Ford's time as mayor. Doug Ford recalled a conversation with Rob, where they both concluded that representative politics and councillors could be regarded as "a bunch of crooks" (Ford, 2016). Doug would refer to a citizen and council-led complaint against his brother as a "bullshit conflict-of-interest trial" and lamented the city's councillors as having no comprehension of balancing budgets, questioning why "we were trusting these people to be leaders?" (Ford, 2016). The brothers' experience with City Hall politics and media can be summarized pretty succinctly by this quote: "The media and the establishment and the elites were saying one thing about us, but the public—the silent majority, as

we called it—were saying something else” (Ford, 2016). During Mayor Ford’s internationally infamous crack and alcohol-related scandals, Doug Ford would cast critique of brother Rob as “the downtown lefties were all running around, pulling their hair out, making noise about Rob resigning;” and when council put forward a motion to force the mayor to take a leave of absence, Doug called it “holier-than-thou finger pointing” with the mayor launched his counter motion demanding all other councillors be drug tested (Ford, 2016). This antagonistic history does not simply disappear from a person’s mind and become wholly overruled by purely ideological considerations. There was also an emotional animator to Ford’s attacks on Toronto City Council.

When it came to the idea of municipal “partnership,” Ford actualized an austerity agenda more akin to Harris and a style of partnership that reflected more direct antagonism and the paternalism of vertical federalism, than that of the Third Way neoliberalism practiced by McGuinty and the Liberals. Ford’s first speech to the Association of Municipalities of Ontario (AMO) in August 2018 reads like another standard PC campaign press release from the campaign, copy-pasting municipalities into the place of “the people” so regularly constructed in the Ford government’s more general ideological framework:

You want a provincial partner that listens to your needs and the needs of your communities, instead of the insiders and the lobbyists. A partner that helps you bring investment and good jobs to your communities. A partner that cuts through the red tape and gets things done. A government that puts up a big sign that says “Ontario is Open for Business” (Ford, 2018e).

The demands for efficiency in decision-making and the unitary requirement of representing the taxpayer were evident throughout the speech, which said both levels of government “share in an obligation to respect taxpayers,” and that was one thing learned during the brothers’ time in

Toronto City Council (Ford, 2018e).⁷³ Ultimately, the idea of partnership vastly differed from McGuinty's, which at least resembled some form of empowerment by increasing local governance powers. In Ford's case, similar to Harris's, this meant reforms were to be more aggressively imposed on Toronto in the name of efficiency, shrinking the size of the council and removing many of their oversight powers within Toronto's government. These views were grafted onto a similar 'reform' project, where the crisis was caused by too much democracy and insufficient executive decision-making to support 'efficiency' in the name of small government and protecting taxpayers. Where there was constant tension over the form of government in major cities, there remains a fruitful tool politicians can always go back to politically, especially when cities are seen to be struggling politically and economically, leading to blame for the existing form of government for lack of progress (Svara and Watson, 2010, p. 304). The reality of this, particularly in Ford's case, is that liberal democracy and its institutions are stripped of their social relations within capitalism and evaluated in a vacuum to cast them as enemies of economic progress. They are rendered as parochial structures that hinder the success of hard-working Canadians, but devoid of any linkage of liberal democracy to class politics and the state.

7.2 Conclusion

This chapter has shown how Doug Ford emerged because of a specific historical moment, both as a response to and building upon the previous rounds of neoliberalization in Ontario. While different and more antagonistic in response to the Liberals' Third Way, the Ford government's blend of right-populist rhetoric and neoliberal austerity bore similarities to Harris and the CSR. There was also a personalistic specificity of the premier's vitriol towards Toronto due to the Ford

⁷³ Doug Ford also unequivocally states: "I am a huge believer in having an honest and open dialogue with municipalities."

family's contentious relationship with the City Council over the decade prior. Ford's rhetoric was not only rooted in an angrier form of public choice theory and Buchanan-esque critiques of representative democracy and social spending but was also animated by these personal experiences and funnelled through right-populist rhetoric. Ford's policies regarding local democracy and its institutions reflected this context, in this actually-existing neoliberalism of this era, making it necessary to analyze them symbiotically. The following chapter will show how not only did Ford have a plan for Toronto specifically – and all other municipalities more generally – but that the COP doctrine was one of the most critical tools Ford would utilize to implement the PC neoliberalization project in Ontario.

Chapter 8 – Better Local Government: The Fewer Politicians Redux

Too many legislators: When council is small enough to sit with their (its) legs under the same table, the natural instinct is to talk it over like a board of directors. The closer men are together, the less they incline to belligerent or fruitless talk of action.

- Bureau of Municipal Research, 1916

This builds on the more ideological focal point of the previous chapter concerning Doug Ford's rise to the Ontario premier. Specifically, it shows how legislation undercutting democratic decision-making in Toronto (through the COP doctrine) might best be understood as part of the broader processes of insulating austerity from critique and emboldening the pan-suburban coalition and associated forms of politics in the City of Toronto.

Three specific Bills aimed at drastically altering decision-making processes and institutions in the City of Toronto are examined: *The Better Local Government Act* (2018), the *Strong Mayors, Building Homes Act* (2022) and the *Better Municipal Governance Act* (2022). The purpose of assessing these acts is to show the actually-existing neoliberalism in redesigning liberal democratic institutions. The Hansard debates and media comments made by Ford and related actors are explored to contextually situate how these anti-liberal democratic politics were framed for public consumption. Much like Harris, Doug Ford combined downloading and cuts with major restructuring of municipal governance – Toronto's in particular. Further pursuing many of the lines of grievance of downtown versus suburban divides in Toronto, as well as the divide between Toronto and the rest of Ontario, Ford represented an agenda reminiscent of much of the neoliberal restructuring of Toronto's liberal democratic institutions set in motion by Harris and CSR politics dating back to the late-1990s.

The first legislative change came in the form of the *Better Local Government Act* (2018), an initiative not mentioned during the provincial election campaign yet important enough to be

one of the first pieces of legislation the new PC government put forth. This mirrored a similar tactic used by Harris, who used a broader ideological platform to argue that there had been an implicit plan for the City of Toronto. The Bill simultaneously amended the *City of Toronto Act* (2006), the *Municipal Act* (2001), and the *Municipal Elections Act* (1996), but was focused particularly on redrawing the constituency compositions of the City of Toronto's electoral wards for councillors, the purpose of which was to cut Council seats by nearly half, from 47 to 25 members. The amendments would allow the Government of Ontario to supersede the consultative and "partnership" notions allegedly embedded in the foundations of the *City of Toronto Act* and impose the borders of the Ontario provincial ridings onto the city and its council system. The province made no effort to consult or even give notice to the city on this drastic change to one of its fundamental governing institutions, which would drastically change the entire workload of councillors, the ability for them to meet with constituents, and effectively double the amount of constituents-per-ward in many cases. Ford had once stated that:

I will admit how exhausting it was, working as a city councillor. Going into the role, I'd anticipated some of this exhaustion, but I hadn't really understood what I was in for until I was doing it. The job was 24/7. I was lucky to have such a great team in my office to help me out, but I was still astonished by the amount of work that needed to be done (maybe that's the amount of work that needs to be done when you're dedicated to doing the job right) (Ford, 2016, p. 164).

This remark makes it obvious that Ford knew there were untenable workload and representative issues already in place when there were twice as many councillors. The *Better Local Government Act* would make such an already compromised liberal democratic decision-making system even less responsive and undercut surface-level depictions of the representative notions of democracy.

While not present in the PC election campaign, personal and ideological animus was undoubtedly present throughout Ford's comments to the media – and in *Ford Nation* – for over five years. Ford's opinions on consultation and deliberation were made pretty clear by his brother's former deputy mayor, Norm Kelly, who stated: "I don't think he enjoys the cut and thrust of debate because, as a business person, he wants to get all the facts out on the table and make a decision as quickly as possible" (Pelley, 2018). Ford's attitude was made even more apparent when he made cut-and-dry comments that stated 47 people on a council were inherently dysfunctional, resulting in "nothing get[ting] done at city hall" (Benzie, 2018). Not only did this perspective mimic the discourse of the Harris-era, but it also sounded almost the same as 1950s Metro Chairman Frederick Gardiner. Gardiner had stated: "Plans, plans, we've got a million plans; Let's get the goddamn shovels in the ground" (Colton, 1980).⁷⁴ As the next section shows, the language of "efficiency," "streamlining," and the invocation of Buchanan's public choice views on legislators were at the forefront of not just the Bill itself but the discursive justifications in favour of it.

8.1 Efficiency at all costs

There's gridlock on our streets and there's gridlock at city hall.
- Doug Ford, 2018a

The legacy of the post-amalgamation megacity and its associated liberal democratic institutions was a target for right populist and neoliberal talking points about efficiency, getting business done,

⁷⁴ This was made even more clear in Colton's biography of Gardiner. Colton stated: "Gardiner on occasion defended the necessity of serving the needs of an expansion-minded capitalist class in language little short of preposterous: A municipality is no different from an industrial undertaking. Both must provide adequate plant and equipment to carry on their business. If a municipality does not have adequate plant and equipment, which are the lifeblood of a city, industry and commerce will go elsewhere. Industry needs water, sewers, roads, public transit and residential accommodation for its work force. We are now equipped so that in due time in accordance with well-defined plans we can provide all of these" (Colton, 1980).

and the need to streamline decision-making. Toronto had not become the crown jewel of good governance and expediency that Harris and the PC's argued it would become. Instead, there were constant political and economic issues with how City Hall functioned (internal and external to amalgamation as a process). Rather than address these systemic issues, Ford argued that the problem was still the liberal democratic institutions that stood in the way of the ideal representation of taxpayers' interests. For Ford, change was necessary from the provincial level of government due to the "left-wing councillors looking to continue their free ride on the taxpayers' dollar," as well as special interests and "activist groups who have entrenched their power under the status quo" (Office of the Premier, 2018). The familiar framing of the people versus the elites was drawn upon by Minister of Municipal Affairs and Housing Steve Clark (2018a), who argued this Bill was needed because: "Our government is restoring accountability so that everyday people can feel confident that government works for them, not for the insiders, not for the elites. We are focused on putting everyday workers and their families first, lowering taxes and reducing regulatory burdens." Here, we can see one of the principal ways in which special interests were demonized and placed as antithetical to both the class-based concerns of everyday workers as well as general economic development and growth. In this construction, the status quo existed to serve only special interests and not the real taxpayers, a claim that obfuscated the actual social relations of capitalism and inequality.

As the leading proponent of the Bill, Clark (2018a; italics added by author) argued that Toronto needed to be restructured again for the good of Ontario, stating:

That includes how their tax dollars are spent. They expect their local governments to run *efficiently*. This government believes the hard-working people of Ontario have every right to expect that. That is why we are committed to finding *efficiencies*

in local government and to listening to concerns raised by the people of Ontario...

This would give the taxpayers of Toronto a *streamlined, more effective council* that is ready to work quickly and puts the needs of everyday people first. This action is long overdue. Local governments deliver many critical services to residents, and it's in everyone's interest that local governments work quickly, they work *efficiently* and they respect the taxpayers' hard-earned dollars.

This above sentiment represented the usual rhetoric of PC governments' understanding of municipal governments: they were merely service providers that needed to efficiently allocate taxpayers' dollars most effectively. Indeed, Clark further argued it was the size of the council itself that "hinder[ed] decision-making" because "debates [were] time-consuming, inefficient, and costly" (2018a). PC MPP David Piccini argued the council was too big to build meaningful consensus and was consumed by gridlock, saying, "This is Canada's largest municipal government, and it's dysfunctional" (Piccini, 2018). The pathway to efficiency in the eyes of Ford was simple: cutting the number of councillors would save \$25 million (actually a minuscule budget line), and with less interest and debate, council business would somehow automatically pass more efficiently. What was not discussed by the PCs was whether the post-amalgamation city and the geographical and political tensions within were even feasible as a form of local government in the first place. The structures of amalgamation were never questioned by the PCs in the Ford era, representing the status quo of sidelining discussions of what a de-amalgamation or more substantial restructuring of Toronto's borders looked like. The basic organization of the political structure of Toronto and its associated liberal democratic institutions were cast as the problem, but in a total vacuum outside of the material and political reality of the city itself.

Marit Stiles, an NDP MPP who would later become the party's leader, linked claims of dysfunction and inefficiency of the council directly to the Ford brothers. Stiles argued the Fords were the ones who tried to “ram through an agenda that disrupted the city” and who made council an internationally recognized space of “chaos and dysfunction,” only saved by councillors and the city coming together in opposition to undercut Rob Ford as mayor (2018). This view contested the purely institutional explanation for dysfunction and tied in the personalistic animus that Doug Ford had for the City Council ever since it attempted to hold the two brothers accountable. For Ford, the COP doctrine became a helpful tool not just to implement neoliberal policymaking conditions and to remake liberal democratic institutions, but also to settle petty old scores against city institutions that had rejected the Ford family’s behaviour.

With good governance and democracy reduced to efficiency and streamlined decision-making processes, the purpose of liberal democracy was further repurposed in an even more aggressive manner to serve reductionist business logics. There was much critique of this line of thought, with Liberal MPP Michael Coteau arguing: “Could you imagine how scary it is in a democracy when any decision that you’re making can be backed up with one single premise: ‘We’re going to find efficiencies; we’re going to make it efficient’?” (2018). Indeed, this idea of democracy as evaluated by efficiency was made even more problematic when, in the new City of Toronto Council, all that was needed was 13 councillor votes to pass any motion. As will be shown later, this cutting of the size of the council was compounded by the implementation of strong mayoral powers that granted the right of the mayor to veto council decision-making. “Efficiency” and “streamlining” were utilized in discourse to materially restrict debate and make it easier to centralize power and sideline thorough decision-making processes. Former Mayor David Miller

puts this plainly and simply: “Debates can sometimes be messy and chaotic, but we are the better for it. The existence of debate itself cannot possibly justify less of it” (Fife, 2018).

Fewer Politicians Make Good Democracy?

Efficiency, in the discourse of the PC’s continued to be associated not just with expediency, but specifically with smaller government and ending what the party described as wasteful spending by politicians. The argument is simple to them: less self-interested politicians, less government spending and a smaller need to collect taxes to fund services. PC MPP Vijay Thanigasalam (2018) made this clear, arguing:

We believe in better local government. We are going to reduce the size and cost of Toronto city hall so that decisions can be made quicker, while services can be delivered more efficiently and effectively. We are committed to restoring accountability and trust in government. We also promised to reduce the cost and size of government and end the culture of waste and mismanagement.

These familiar statements invoked Pond’s neoliberal theory of representation, which held that citizens are solely taxpayers with economic and individualist interests. Steve Clark can also illustrate this view, stating: “*The taxpayer is the boss*. It’s their hard-earned dollars the government is spending, and it’s up to the government, at every level, to make sure they are spent as wisely, *as efficiently and as effectively as possible*” (2018a; italics added by author); further adding “A streamlined council is not just good for Toronto taxpayers; it’s good for taxpayers in Ontario” (2018b). This was echoed even more explicitly by PC MPP Kaleed Rasheed, who argued: “At the end of the day, they have chosen us—and *I think this is what democracy is—to respect our taxpayers*” (2018; italics added by author). When the Bill was challenged in court by the Toronto

City Council, the Canadian Taxpayers Federation, a right-wing anti-tax group, demanded Ford immediately challenge the courts because “waiting an additional four years to reduce the size of City Council is a missed opportunity to save taxpayers money” (Rieti, 2018). This type of politics reduced both efficiency and accountability to whatever is effectively the least financially costly for taxpayers. It is also an obvious use of the state machinery, particularly its legal and juridical mechanisms, to reinforce dominant social relations. Much like in the Harris-era, the COP doctrine was being utilized within a discourse of benevolence by Premier Ford on behalf of overburdened taxpayers, victims at multiple levels of government to the bloated inefficiencies of Toronto and its petty politics. As defined by the PC’s, all politics was reduced to inherently gridlock, and all gridlock must be removed for the sake of economic development and growth. For this reason, Ford referred to the legislation as the “best present I’ve ever given to the mayor” (in Feinstein, 2021).

Similar politics akin to Buchanan’s public choice account of political decision-making were evident throughout debates. PC MPP Robin Martin argued, “We’re not against politicians, generally, but what we are sort of against is people who make that kind of thing the most important part of it” (2018). Minister Clark asserted, “That’s six days of 44 councillors going back and forth with endless debate, each of them pursuing their own political agenda,” and that “one that puts the interests of taxpayers first. Right now, council debates, discusses and argues” (2018b). Ford illustrated the connection between centralized decision-making and reducing the number of councillors when arguing: “Do you know who is going to be happier than anyone, Mr. Speaker? The mayor. The mayor is going to be happier than anyone because he’s not going to have to work 47 people. They’re going to get things done” (2018d).⁷⁵

⁷⁵ Tory argued: “In a way you say to yourself look, I was very opposed to the way this was handled without consultation in the middle of an election campaign.” Tory would also state that the 44 councillor system “It allowed quite frankly for somewhat more numbers of councillors to look after people properly. The local level of government has quite a lot of very intense customer service type issues.” As of May

This perspective connects back to Buchanan’s public choice argument that representatives are simply “rent-seekers” who have a rational interest in appeasing politically powerful special interests and lack the “fiscal morality that refrains from running deficits and abhorred debt” (Biebricher, 2020, p. 48). Fewer politicians and less self-interested debate remove entry points for special interests and legislation impeding free market economics and decision-making, which in turn privileges the debate that does exist to prioritize neoliberal economic reasoning and its speedy implementation. Ford even invoked the imagery of a boardroom full of corporate executives as the ideal model of efficient decision-making noting: “As I’ve said over and over again, good governance is seven to nine people on a board. People want less politicians; they don’t want more politicians” (2018d). Ford would further contextualize what specific types of politicians were meant: “I know the member from Toronto–Danforth wants to protect a bunch of downtown politicians. They create their little fiefdom... to protect all... political cronies. They increase taxes” (2018c). These types of politicians were characterized as “lov[ing] big government and lov[ing] wasting money,” while Ford aims to streamline government and “put more money back into the taxpayers pocket instead of the government’s pocket” (2018c).

The Pan-Suburban Coalition

The recurring pan-suburban coalition was formally and informally present at multiple scales throughout the legislative reforms and ensuing debates. Within these arguments was a doubling down on the idea of the council being inherently dysfunctional, but additionally, it was dysfunctional due to the suburban-urban divide. However, it was not the totality of the divide that was problematic; instead, it was the downtown councillors who were framed as the real problem:

2022, Tory appeared resigned to not being able to effectively challenge Ford’s decision due to Ford’s threat to utilize the notwithstanding clause to push the Bill through if challenged” (Herhalt, 2022).

Where is the equal representation for Torontonians? Where is the equal representation for those who call our city suburbs home? This ineffective model has left our city fractured along urban and suburban lines. For far too long, *city council has been held hostage to the special interest groups and downtown councillors*. In fact, the vast majority of Scarborough councillors support this Bill. Michelle Holland, Gary Crawford, Michael Thompson, Glenn De Baeremaeker, Jim Karygiannis and Norm Kelly have all expressed support. This support demonstrates a need for the proposed changes. To me, this does not only sound fair, but it ensures that we, as residents and voters of Toronto, will be able to have our agenda heard at our city's highest decision-making body (Babikian, 2018; italic added by author).

This view would also be reiterated by PC MPP Roman Baber (later expelled from the party for anti-vaccination views), who argued:

It's well known that certain areas of the city of Toronto are under-represented and certain areas of Toronto are over-represented. I want to give you an example, Mr. Speaker. I want to tell you an example of what the *over-represented councillors in midtown and downtown Toronto* have done... (2018; italics added by author).

This notion echoed throughout much of the discourse espoused by and throughout Ford's entire career: the binary of downtown versus suburbs, with the former being a corrupt elite and special interests who want to waste your money. Downtown councillors are cast aside as "lefties" and government is reduced to the idea that "good governance in any corporation is seven to nine because you can't get anything done if you have 20 people around the table" (Ford, 2018a). This is made even more explicit in Ford's words as follows: "Everyone opposed are a bunch of

downtown politicians... Your MPP wants bigger government. Do you want more transit with the \$25 million, do you want more housing, or do you want 22 *overpaid politicians from downtown?*" (2018c; italics added by author). Downtown councillors were presented as both the dysfunction and the wastefulness of Toronto, an assertion marked by all the bias of Rob Ford's right-hand man while Mayor of the city Premier Ford would herald the 17 Toronto councillors who publicly agreed with the Bill, referring to them as a diverse group even though they were all from suburban constituencies and glowingly praised them for being "fiscally conservative" (2018b). Ford further stated:

My friends, I want to congratulate the councillors who stood up, 17 of them, for *respecting the taxpayers*. Councillors Gary Crawford, Vincent Crisanti, Glenn De Baeremaeker, Justin Di Ciano, Frank Di Giorgio, Michael Ford, Mark Grimes, Michelle Holland, Stephen Holyday, Norm Kelly, Giorgio Mammoliti, Denzil Minnan-Wong, Frances Nunziata, Cesar Palacio, Jaye Robinson, David Shiner and Michael Thompson *respect the taxpayers* (2018b; italics added by author).

This cluster of suburban conservatives was composed of political allies, family friends (as well as literal family), and councillors who had been a part of the downsizing project for years. Stephen Holyday, son of Rob's deputy mayor, Doug Holyday, had taken up the senior's crusade to limit the size of the city council for years. Two other councillors, Mammoliti and Di Ciano, appealed an Ontario Municipal Board decision that upheld the Toronto City Council's decision to increase its seats from 44 to 47, which they eventually lost. Their principal argument was not only not to increase the seats to 47 but also to reduce them to 22 (the exact number that Tony Clement had threatened to cut Toronto's Council down to almost 20 years prior). There was also a significant overlap between the suburban conservative councillors that supported the OMB

challenge and the later provincial Bill by Ford. However, even the rigid and typically conservative Ontario Municipal Board did not believe their arguments in favour of cutting the size of council nearly in half. They stated:

Ultimately, the decision to re-examine the city's ward boundaries is one that lies with council... The city undertook a lengthy detailed process, incorporating public comment and considered (and reconsidered) various options. Public and stakeholder inputs were incorporated throughout the process (quoted by Tabuns, 2018).

Rather than fight the Ontario Municipal Board, the pan-suburban coalition of councillors partnered up with Ford and utilized the COP doctrine to rewrite the *COTA* to do away with these boundary responsibilities and to undercut all the consultation in favour of a unilateral politically-tinged decision to overrule local decision-making processes. The cuts numerically catered to the suburban parts of the city, with them representing two-thirds of the seats in a drastically smaller and more politically wieldable council. It bolstered Ford's argument (cited earlier) that if the suburbs of Toronto came together they could overrule all the self-interested politicians in downtown. Much of this language was also present throughout the debates on the complementary strong mayoral power Bills that will be discussed in the next section.

When legally challenged as a violation of multiple sections of the Canadian Charter of Rights and Freedoms, the Ontario Superior Court ruled the Bill unconstitutional on S.2 freedom of expression grounds that "passing a law that changes the city's electoral districts in the middle of its election and undermines the overall fairness of the election is antithetical to the core principles of our democracy" (Toronto Star, 2018). Ford would respond by doubling down on constitutional COP doctrinal powers, as well as conjuring the low-hanging right populist fruit of:

“I was elected. [The judge] was appointed” (Crawley, 2018). The premier built on this and utilized the idea that true majoritarian decision-making was exclusively through the province and executive power, rendering the ability to impose that broader majoritarian will on a specific city. Ford announced intent to immediately use another constitutional tool, the Notwithstanding Clause, to reintroduce the *Better Local Government Act* with a judicial override of the affected sections deemed unconstitutional, which would have made him the first premier to utilize S.33 in Ontario’s history.

Premier Ford ultimately did not have to resort to this exercise of absolute executive constitutional power, as the Ontario Court of Appeal would overturn the case, explicitly invoking the COP doctrine as the more appropriate form of jurisprudence to be applied to the case. *Toronto (City) v. Ontario (Attorney General)* 2019 saw a reversal of not just the S.2 Charter ruling but also a cut-and-dry judicial endorsement (as usual) of the COP doctrine across the board. The first sentence of the verdict is simply “the Toronto City Council is a creature of provincial legislation,” and the last is “if the Constitution is to be amended, the *Constitution Act* (1982) provides the mechanism for amending it.” In the ruling, the COP doctrine is paramount and protected by Canada’s original Constitution. Any restriction of the COP doctrine in the name of structuring certain kinds of wards and municipal elections is a political consideration and not rooted in anything unconstitutional about S.92 itself, thus the Court’s demand to amend the Constitution politically rather than overrule judicially.

This judicial ruling would further cement Ford’s victory over Toronto through the COP doctrine and effectively led to the institutional – although not entirely the political – end of the argument. The elections had already been held, and the consequences had already been born. However, Ford would be further bolstered to instrumentalize the COP doctrine in new and novel

ways, resulting in future interventions against the basic idea of liberal democracy, majoritarianism, and the separation of jurisdictional power.

8.2 Strong Mayors as Omnipotent Executives

If I ever get to the provincial level of politics, municipal affairs is the first thing I would want to change. I think mayors across the province deserve stronger powers. One person in charge, with veto power.

- Doug Ford, 2016, p. 85

On July 19, 2022, a tweet was posted indicating that Premier Doug Ford and Toronto Mayor John Tory had at least been having informal discussions regarding the implementation of strong mayor powers in the Toronto City Council governing structure. While seemingly out of left field, the media appeared to forget that Tory had been lobbying the premier for strong mayor powers as far back as July of 2018, a few months after Ford was initially elected (Rider, 2018). Tory publicly complained: “I think people right now, they think that I have the authority to do a whole lot of things, and in fact I have authority to do very little” and concurred with Ford on the need for a strong mayoral system, saying: “I think that’s obviously what was in Premier Ford’s head when he talked about this, which is that you could get more done more *efficiently*” (Rider, 2018; italics added by author). Tory would follow up on this afterwards, stating, “There is definitely a need — and I’ve identified this even in talks long before this story came out — we’ve got to *speed up* the way we get things done at the city hall” (Rider, 2022a; italics added by author).

Again, we see the language of efficiency and streamlining (speeding up) of democratic processes being associated with the centralization of executive power and diminishing the role of councillors and the act of deliberation within the city council. In this case, utilizing the COP

doctrine to change Toronto's democratic institutions would have the public endorsement from its own mayor, against the will of the majority of councillors.

Bill 3, the *Strong Mayors, Building Homes Act* (2022) was introduced in the Ontario legislature shortly afterwards on August 10th in the "emergency" recall summer sitting of Queens Park. The Bill would further alter the *City of Toronto Act* (2006), the *Municipal Act* (2001), and the *Municipal Conflict of Interest Act* (1990), and despite claims that the Bill was entirely about making it easier to build housing quickly, housing is not mentioned once in the entire Bill. Even more peculiar, nobody mentioned how housing was one of the main animators of the bid to cut the council down to 25 members in 2018, where Minister Clark argued that a streamlined council would "take on the task of building more housing" (2018b). What the Bill explicitly contained was a complete reorientation of the city council and mayoral power structure, centralizing appointment and legislative power in the executive in a manner somewhat akin to provincial and federal Westminster parliamentary systems.

This cabinet-like structure and increased mayoral power were more in line with what various bureaucrats, former mayor Mel Lastman, and other conservatives had suggested would be 'necessary' for the city to function. As stated in the Harris chapter, the CAO for Metro Toronto had argued that: "the new City of Toronto require[d] a strong mayor to set a policy agenda and steer the corporation through it (Hoy, 1997, p. 7). In the McGuinty chapter, the City We Want report from the Toronto City Council openly worried about the potential for this kind of system to be imposed in the future. After decades of waiting, a truly formalized strong mayoral system was what would finally be imposed. The mayors of Toronto and Ottawa would now have the power to unilaterally appoint the chief administrative officer (CAO) (*Strong Mayors, Building Homes Act*, 2022, 226.3), the power to determine the organizational structure of the City (*Strong Mayors*,

Building Homes Act, 2022, 226.4), and the power to establish or dissolve committees/appoint chairs of committees/assign functions to committees (*Strong Mayors, Building Homes Act*, 2022, 226.6). This would fully centralize much of the appointing and hiring power for the most critical deliberative and bureaucratic jobs in the hands of the mayor's office, allowing them to control the legislative agenda of the council, as well as the principal administration of the city and its budget through control over the CAO.

The Bill also implemented an effective "veto power" for the mayor – long high on the wish list of Ford to completely change Toronto's governing institutions – which would allow for the mayor to veto Bills that are passed or rejected by the rest of city council unless they are able to override the mayor with a two-thirds vote (*Strong Mayors, Building Homes Act*, 2022, 226.9). Of particular interest is the fact that the new law did not mention homes or discuss the building of houses in general at any point in the document. Indeed, NDP MPP Tom Rakocovic (2022) noted:

What does this Bill have to do with building more homes? It is not clear whatsoever from the actual Bill itself. But what it does is strengthen mayors and give them the ability, almost unilaterally, to do whatever they want so long as it is the bidding of this provincial government, a government obsessed with control.

While much of the discourse in the media and in the legislature was wrapped around the idea of making it easier for developers to build homes, the real heart of the Bill was its changes to how the council would operate and the implementation of a strong mayoral system that was far beyond the scope of just building more homes. While the housing element will be mentioned throughout the next section, herein the emphasis of analysis focuses mainly on the centralization of power in the mayor's office through the COP doctrine.

A few months later in November – after the municipal elections – the Ford government introduced the *Better Municipal Governance Act* (2022), a Bill that built upon the powers granted by *Strong Mayors, Building Homes*. While the latter Bill had limited clarity on the types of laws the Toronto mayor could veto or introduce, the *Better Municipal Governance Act* extended these powers to existing and future bylaws passed by the Toronto City Council. What this meant was the sitting mayor would have the unlimited power to pass bylaws pertaining to housing, infrastructure and transit, with a mere one-third of support from their fellow council members. It would also grant the power to “allow the Minister of Municipal Affairs and Housing to make regulations that establish the rules for the use of this new mayoral bylaw power. For example, the minister could impose limits and conditions or set out procedural rules for proposing a bylaw” (Parsa, 2022). This Bill effectively completed the transfer of most discretionary power from the council to not just the executive office of the mayor, but also restructured processual power and parameters towards to the Minister of Municipal Affairs and Housing, enshrining a significant regression to any understanding of local self-government while simultaneously reproducing the conditions of the COP doctrine.⁷⁶ These dynamics deepened the unilateral Ministerial power imposed by Harris in the amalgamation Bills and further removed decision-making from legislative branches of government and to the executive and even more unaccountable offices.

Much like the *Better Local Government Act*, there was little mention of the democratic consequences of this legislation. Instead, the PC caucus almost unilaterally emphasized the housing component, as best articulated by Minister Clark (2022d):

⁷⁶ It also utilizes the ideas behind “transition team” powers instituted by Mike Harris, with the Minister of Municipal Affairs and Housing being able to handpick newly unelected heads of Regional Governments in various regions throughout Ontario, with the stated goal of enabling them to figure out how to streamline government and make do with less politicians and the possible implementation of future strong mayoral powers.

This assessment will help us determine the best mix of roles and responsibilities between the upper- and lower-tier municipalities in those regions, particularly in the context of the strong-mayor system. This is going to allow municipalities to support our efforts to get shovels in the ground faster so that they can build the housing needed to support their growing communities.

These new laws completely reoriented how decision-making processes had previously existed in Toronto City Council, both pre- and post-amalgamation, in three detrimental and unique ways. Firstly, the Bills centralized power in the mayor's office – through the language of efficiency – via the COP doctrine and aims to further institutionalize the power of vertical federalism by invoking “provincial priorities” as a steering aspect of the decision-making processes. Secondly, adding veto power to the mayor's responsibilities restructured democratic decision-making processes against the will of the wider city and its councillors. With the reduction of council to 25 seats and the majority of them being located in the suburbs and containing “fiscally conservative” councillors, this protected a fiscally conservative mayor (which have represented three of five of the mayoral winners post-amalgamation) from counter veto usage as well as enabled the pan-suburbanist majority to veto a more-progressive mayor's policies. Thirdly, the mayor's control over crucial hiring and appointment processes now appeared more like Westminster cabinet-style processes and executive power than a truly deliberative or council-lead procedure for agenda setting and policymaking.

The COP Doctrine Through “Provincial Priorities”

One of the most glaring similarities between Ford's brand of actually-existing neoliberalism and Harris's was, again, the focus on language that privileged expediency over consultation, good

business principles and decision-making processes over debate and deliberation, and provincial priorities overruling any semblance of local decision-making. Throughout debates on the *Strong Mayors*, *Building Homes Act* and *Better Local Government Act* there were countless examples, but a select few arguments by the Bill's proponents from the PC government are emblematic of these notions. Minister Clark was again front and centre, stating: "The Bill would support *efficient* local decision-making to help our municipal partners cut through *red tape* and *speed up* development timelines" (Clark, 2022a; italics added by author). Another PC MPP, Billy Pang, echoed these sentiments: "This legislation, at its core, is straightforward. We need to support *efficient*, local decision-making to help cut through the *red tape* so that we can build more homes" (Pang, 2022; italics added by author). Some MPP's would choose to highlight the administrative institutional issues with local government, such as Goldie Ghamari (2022; italics added by author): "We need to get through the *red tape*, we need to get through the *administrative delays*, and we need to make sure that we can get homes built *quicker*." Daisy Wai claimed that all building was being stalled by rogue politicians and their own self interests:

The *red tape* from the municipal governments that has held up the progress, and that's where the problem is. We have a group of municipal governments, each one having their own way, and they have been *stalling* everything for years (Wai, 2022; italics added by author).

While PC MPP Kevin Holland would argue that mayoral veto powers would somehow standardize processes:

The changes will help strengthen mayors' ability to *reduce timelines* for development, *standardize processes* and address local barriers to increasing the supply of housing in Toronto and Ottawa... These policies would, if passed,

represent our boldest efforts yet to cut through *red tape*, unnecessary costs and other *bottlenecks* that are standing in the way of the housing supply that Ontario needs (Holland, 2022; italics added by author).

Steve Clark would also argue that housing was too political and should be entirely bureaucratic and development emphasized through “[moving towards] *depoliticizing* the housing approvals process” (2018b; italics added by author). When discussing tangible housing policies in relation to Bill 3, Ford stated: “We’re investing \$350 million in programs designed *to cut red tape for municipalities* and *streamline* the planning and development approval processes” (Artuso, 2022; italics added by author).

Here we see the consistent and oft-repeated emphasis on expediency and the business principle of “getting things done quickly” that we have seen all throughout post-amalgamation Toronto’s politics – although more prominently in this fashion by Harris and Ford. Again, we see accountability, representation and good decision-making processes constructed as needing streamlining, and in this particular case, argued to aid developers in building more housing. Toronto and its city council were painted as too political (“depoliticizing”), causing “gridlock,” and responsible for “red tape” and “stalling everything for years.” Expediency in policymaking, specifically related to a complex and interconnected issue like housing, inflation, and lack of supply in a commodified housing market, where all is reduced to the sole measurement of whether or not the democratic decision-making processes in the city council are an effective representation of liberal democratic institutions.

These sensibilities were echoed by various business interests related to the FIRE industries, with the Ontario Real Estate Association arguing: “help cut red tape and speed up the local planning process... and address local barriers to increasing housing supply” (Clark, 2022c). The

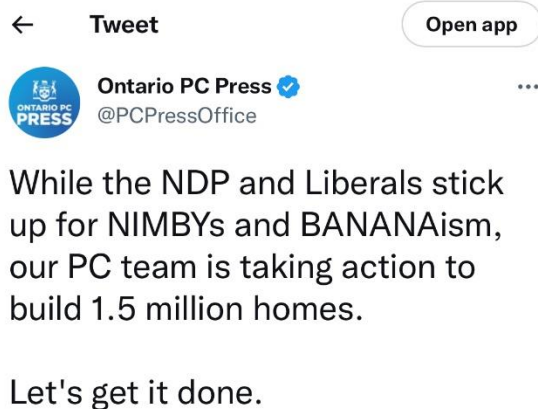
ever-present TBT, having renamed itself the Toronto Region Board of Trade in 2013, welcomed the changes it had long campaigned for, stating: “Effective, timely solutions require a city chief executive with clear authority to set an agenda, appoint senior City staff, and bring forward policy solutions to Council with greater influence over outcomes” (Freeman, 2022a). The Residential and Civil Construction Alliance of Ontario lamented the “systemic barriers that exist at the municipal level that prevent housing from being built,” and the Toronto Region Board of Trade stated they had been supportive of this change for over 20 years, arguing for increased centralization of power through “effective, timely solutions,” such as “a city chief executive with a clear agenda” (Clark, 2022b). Kevin Holland would cite the Building Industry and Land Development Association’s complaints on permit delays, specifically in the GTA, arguing that delays in GTA high rise projects can amount to \$2,600-\$3,300 extra per residential unit cost per month (2022). Here we see the explicit privileging of the costs of developers over the political and normative considerations of style and substance of development projects, making timeliness and cost-effectiveness the chief parameters by which to evaluate decision-making processes.

Perhaps what was most interesting was the absence of the neoliberal discursive category of the taxpayer, which was not mentioned once by politicians who supported *Stronger Mayors*, *Building Homes*. Instead, when Ontarians are noted, they were constructed as home-buyers or simply as Ontarians reduced to a singular interest of wanting to purchase housing.⁷⁷ Toronto City Council and its members were depicted as one-dimensional and abstracted from larger contingencies of capitalism and cast as impediments to Ontarians being able to purchase housing. Housing was construed as a homogenous term, with no reference to different types of housing, and especially ignoring the issue of affordable and public housing. Indeed, all development was framed

⁷⁷ This particular construction may be implicitly due to the fact that rents spiralling out of control can be partially attributed from the removal of many renter protections and rent control by the Ford government.

as inherently positive and for the good of all Ontarians, with development companies framed as an inherently and exclusively positive force and Ontarians as a homogenous group in support of their interests. MPP Robin Martin (2022) would argue: “We cannot have desperately needed housing projects being stopped due to political considerations. The needs of a local candidate for city council or a local councillor should not be prioritized over the needs of the community they are meant to serve.” Again, liberal democracy was depicted as conducive to representatives as self-interested individuals who go against the good of their community while simultaneously not serving the interests of capital. Anything stopping the development of housing, no matter what type or objective of housing, was seen as self-serving politics and NIMBYism (which it obviously CAN be at times) and further construed as undemocratic. This discourse bordered on caricature at points, with Minister Clark consistently invoking the term BANANA (build absolutely nothing anywhere near anyone) to represent the interests of those against unregulated development: “Speaker, I’m going to really take the NDP’s position and I’m going to put it in one word: BANANA—build absolutely nothing anywhere near anyone. If we listened to the failed NDP policies of the June election, we would precipitate more BANANAism in Ontario” (2022d). When the various housing Bills caused much controversy in the general public and media, Clark went on a public relations blitz across various forms of media. On Twitter, the Ontario PC Press account generated infographics that avoided discussing the democratic implications (Ontario PC Press, 2022a; Ontario PC Press, 2022b). The first (Figure 8.1) invoked the go-to discourse of NIMBYism and BANANAism to shift all conversation to the one-dimensional housing aspect of the Bills. In contrast, the latter (Figure 8.2) attacked the NDP specifically by directly listing the two Bills implementing strong mayoral powers alongside all other housing Bills in an unproblematic fashion.

Figure 8.1 Tweet from Ontario PC Press account Figure 8.2 Tweet from Ontario PC Press account



3:35 PM · Nov 21, 2022 · Twitter Web App

Source: X (formerly known as Twitter)



5:00 PM · Nov 28, 2022

Source: X (formerly known as Twitter)

Clark was given free space in *The Toronto Star* (Clark, 2022e) to write an op-ed exclusively focusing on the building housing aspect of all the Bills, in which blame for the housing crisis was placed on the previous Liberal government, the current opposition at Queen's Park, and implied municipalities were hoarding money and responsible for creating a broken system. Clark also indirectly and routinely cultivated an implied dichotomy of home ownership and democratic process as antithetical concerns, with home ownership trumping all considerations of decision-making institutions: "They want high housing prices. They want young people to have no vision, no dream of home ownership. Again and again and again, New Democrats stand up for

BANANAs. We're going to stand up for the dream of home ownership" (Clark, 2022d). This sole focus on home ownership has much to do with what Melinda Cooper (2017) argued could be described as the "homeowner society," the expansion of consumer credit, and the associated inflation and growth of housing values, with housing being valorized as an asset rather than a home. Indeed, MPP Goldie Ghamari (2022) stated this simply: "Every Ontarian deserves to be able to afford a home and to buy a home or to afford to rent a house."⁷⁸ While this can appear as simply liberal or even vaguely progressive discourse, the reality was still entirely set within a development-centred approach to commodified housing. Discussing a conversation with an investment firm and real estate company president, PC MPP Andrea Khanjin stated that the perspective of developers was as follows: "With this new housing Bill, *power will be brought back to the homeowners* to be able to streamline more houses to be built" (2022; italics added by author).

Beyond just the economics of housing policy and appealing to land-owning Torontonians, the 'efficiency' of Toronto's liberal democratic institutions was reconstituted as a provincial issue, and subtly recast as something that affects all Ontarians rather than just the people of Toronto. This geographic politics of "outsiders governing Toronto from the outside" was noted repeatedly throughout the Harris chapter, but MPP Krystin Wong-Tam (2022a) made sure to refer to its continued logic in 2022, stating: "The Minister of Municipal Affairs and Housing likes to patronize Toronto from his town seat in Brockville. He often boasts that Toronto's mired in red tape and repeatedly insults city council for their inefficiency." For the PCs, it was necessary to label Toronto and its council as impediments to wider economic growth that negatively affected all Ontarians; it was part of the basis of utilizing the COP doctrine to restructure the City Council and the role of

⁷⁸ This is of course, on its face, not a negative goal. Rather, the focus on commodified housing and bolstering development as exclusively socially positive and not solely informed by the profit motive, is problematic.

the mayor. Toronto was unwilling to do what was necessary to bolster development and serve the wider interests of the premier, Ontario's government, and the development industry. Therefore, it must have a more politically convenient structure for policy-making conducive to neoliberalism imposed on it from above. This was where the COP doctrine and the invocation of "provincial priorities" came into the picture.

What is or is not a provincial priority was not made entirely clear in either the legislation or the discussions around it, a matter of concern for democratic politics. In the Ontario government's press release announcing *Stronger Mayors, Building Homes*, provincial priorities were not defined but a short list of examples was given: prioritizing building housing, infrastructural maintenance, and potential control over transit, roads and utilities (Ministry of Municipal Affairs and Housing, 2022a). In a regulatory document the provincial priorities were listed as "the construction and maintenance of infrastructure to support accelerated supply and availability of housing *including, but not limited to*, transit, roads, utilities and servicing" (Ministry of Municipal Affairs and Housing, 2022b; italics added by author). The "not limited to" was doing a lot of the heavy lifting to expand these powers, which were already broad and open to interpretation. Municipal governance scholar Zach Spicer argued that this amounted to the provincial government simply adding or altering priorities at their discretion, but with no consultation requirement, never mind consent (Taylor, 2023). However, PC MPP Robin Martin (2022) aimed to remind everybody that this was not an issue because, ultimately, "municipalities are creatures of the province." PC MPP Kevin Holland (2022; italics added by author) rebutted and argued that this invocation of the COP doctrine was not just in the legislation but was meant to effectively reinforce the COP doctrine as practice in policymaking across the board by providing "additional governance tools and increased powers to *align municipal decision-making with*

provincial priorities.” While occasionally described as “shared priorities” the reality was that a politically aligned mayor would now be able to do the bidding of the province more effectively than in the previous informal processes. The directionality of what was seen as shared was actually “enable[ing] the mayors of Ottawa and Toronto to direct items related to provincial priorities” (Clark, 2022c). Additionally, the particularity of housing was structured through the reductionist idea of “... gridlock at city hall. A strong mayor, supporting the *housing priorities of this government*, will be able to get through some of that gridlock” (Yakabuski, 2022). Five former Toronto area mayors contested (Crombie et al., 2022) that this was inappropriate because “to ‘potentially intervene with provincial priorities’ (often defined in secret by the provincial cabinet), the province is ensuring that the all-powerful mayor becomes accountable to the province, not to the electors in their city.”

It became clear to some that the Bill was merely a tool to restructure the provincial-municipal governing relationship and allow for easier imposition of the province’s political interests in local spaces, so long as they had a politically friendly mayor in office. Much like the association of Harris’s policymaking with the imagery of a sledgehammer, NDP MPP Kevin Burch argued that Bill 3 “entrench[ed] the notion that mayors should be sledgehammers for provincial priorities” (2022). City Councillors Josh Matlow and Mike Colle put forward a motion arguing against the Bill, demanding a rejection of additional mayoral powers beyond what is granted in the *City of Toronto Act* (2006) and stating that changes to Toronto’s elections or governance structure should be decisions made by Toronto’s city council. Eventually, the City Council voted “yes” to a motion demanding Ford repeal strong mayoral powers (Declercq, 2022b). This Bill also follows the tradition of the PC party’s view on consultation with municipalities made clear throughout Harris’s time as premier – and Ford’s since 2018 – namely through only engaging with their political ally,

John Tory, on the issue.⁷⁹ These views on consultation and the use of the COP doctrine to restructure municipalities were critiqued by many politicians, but perhaps most clearly by Burch (2022):

Look, this government has been meddling in the affairs of municipalities far too much. Councillors and councils are elected municipally in municipal elections. For a government to come out in a press release and inform a council that this is what they're doing, something that's going to drastically affect the business that they conduct, without even speaking—ironically, they spoke to the mayor, let's say, a member of their own party or a former member of their own party, but they didn't speak to any of the city councillors.

Former Mayor David Crombie argued that a strong mayor would lead to less consultation and public discussion, which would “lose the juice of democracy” (Burch, 2022). In the previously mentioned *Toronto Star* op-ed (Crombie et al., 2022) by five former mayors (David Crombie, Barbara Hall, Art Eggleton, David Miller, and John Sewell), the *Strong Mayors, Building Homes Act* was condemned: “Such a proposal eliminates any meaningful role of city councillors and therefore the voice of the local residents who elect them.” Although invoking Americanized conceptualizations of how a strong-mayor system works, urban planning scholar Karen Chapple (2023, p. 6) argued:

What we are about to see in Toronto and Ontario is completely antithetical to the American strong-mayor tradition. Ontario's reforms are imposed from the top down, not demanded from the bottom up, and many of the mayor's new powers can only be exercised to further provincial policy objectives. No American mayor

⁷⁹ They also did not consult Ottawa Mayor Jim Watson, who learned of the legislation through the public press release.

would want to answer to the state governor. There is no U.S. precedent for what is going on in Ontario.

For the PC's, however, provincial priorities and strong mayor powers were simultaneously argued as empowering by the province while reflecting a vertical federalism notion of intervention utilized by nearly all premiers in the history of Canada. In a more formalized aggressiveness than Harris, Ford allowed the explicit overruling of City Council and municipal jurisdictions based on the mayor sharing ideological and political considerations with the provincial government. Relating this more explicitly to neoliberal thought through the invocation of Buchanan, this approach was a major benefit of federalism as “the principle of federalism emerges directly from market analogy” (Buchanan, 2001, p. 69 in Boudreaux and Holcombe 2021, p. 44), and federalism encourages higher-tier governments to police and constrain lower tiers. Empowering the market over reductionist depictions of politicians as merely self-maximizing individuals (or homo economicus) was recast as empowering mayors to break through the empty description of gridlock. Gridlock was representative of this individualized notion of decision-making, where capitalism and its social relations are somehow victims of liberal democracy rather than consort.

These Bills aimed to head off the movement towards more ‘empowered’ cities and governments, especially when those cities were unwilling to do the government's bidding. In the case of Toronto, the *Strong City of Toronto for a Stronger Ontario Act* (2006) granted many new powers, both formal and informal (in the case of furthering bolstering the city's political capital) to the city and produced an environment where more municipal autonomy could occur. However, the reality was that autonomy was largely still constricted by the COP doctrine and the material realities of budgetary restraints, both imposed from above and reproduced locally through neoliberal policymaking. The legislation aimed to roll back any expansion of powers while

undercutting already thin liberal democratic procedures and institutions. It blamed the idea of gridlock not on the dysfunction by design of amalgamation and the social relations of capitalism, but solely of selfish representatives who have no incentive to govern (in this case, building housing). Nowhere were these terms for compromise with provincial priorities clearer when Premier Ford stated:

You think when people come here, we're going to start living in mud huts? It's not going to happen under our government. We want to work collaboratively, cooperatively with you. But we need to get on board and start moving forward and stopping the whining and complaining that I hear day in and day out (in Jones, 2022).

Veto Power

The addition of veto powers for the mayor completely changed the dynamic of consultation and decision-making processes at the municipal level of Ontario politics. Rather than wide-ranging committees, public consultations, and input/deliberation from elected city councillors, decision-making was centralized in the executive, in this case, the mayor. This centralization of (actual) power followed trends seen throughout Canada – and the West more prominently – over the last 50 years; additionally, it also reflected Ford's general centralization of power in the premier's first term in office (Kelpin, 2020).

The new process worked as such: the mayor could veto motions passed by the City Council, and the council may then override the mayor's veto with two-thirds (17 out of 25) of councillors voting in favour of overturning the veto. This completely reoriented the direction of policymaking in city council chambers, with the mayor formally – in addition to already informally – driving the

legislative agenda.⁸⁰ For example, the mayor now had total power to draft and present the budget (and due to no budget committee requirement, there is no compulsory consultation with councillors or citizens), and the council could propose amendments, which the mayor could quickly veto. This veto power was necessary due to what was constructed by Ford and the PC's as self-serving NIMBYist councillors who were the supposed cause of the housing crisis. This bears much similarity to the Buchanan-esque descriptions of politicians by the Harris government throughout the implementation of the CSR and restructuring of the City of Toronto. Weirdly enough, the role of the Ford brother was not mentioned at all, despite a penchant for NIMBYism – and equally anti-housing – politics throughout the Ford era of the city council.⁸¹

For the PC's, NIMBYs and representatives of gridlock were constructed as people who opposed housing no matter what the case, effectively “trying to veto any progress that this city can make” and “the needs of a local candidate for city council or a local councillor should not be prioritized over the needs of the community they are meant to serve” (Martin, 2022). Columnist Martin Regg Cohn (2022a) adopted the PCs language, creating a depiction of a totally powerless mayor “captive to a budgetary document written by committee.” In this narrative deliberative and collaborative notions of politics are inverted and made inherently anti-democratic. This was echoed by Ford who argued that when it came to governing “the obstacle was the councillors” due to them being “independent contractors” and “fighting” with the mayor (2016, p. 85).

⁸⁰ It also directly relates to Ford's view on the role of councillors, as he had the third worst attendance rate of any councillor during his sitting from 2010-2014 and missing more than half of the debates and votes (Dale, 2014).

⁸¹ Doug Ford notably called a group home for developmentally-challenged youth in Etobicoke a “nightmare” that “ruined the community” and if “anyone who wants to criticize, I'd be more than happy to take their address and we'll put the house right next door to them and see how they like it” (Jones, 2014).

The reality of who was captive to whom was the opposite of what was constructed by these voices because the mayor could act with almost absolute impunity while only maintaining the support of one-third of city councillors for their agenda. Indeed, as Myer Siemiatycki (in Burch, 2022) and Alexandra Flynn (2023) argue, the expectation, and even pressure, to overturn majority decisions of a democratically elected council to serve the interests of the mayor's and premier's office weakens local government. Chapple (2023, p. 5) further argued:

But even if the parties [were] not out front, one [could] foresee an outcome here where a pro-development ideology [could] take hold more easily, as the 'strong mayor' [became] a vehicle for the provincial government to advance its own goals – in the current case, the 'provincial priorities' around housing supply and infrastructure.

While Tory merely endorsed the first Bill, it came out that he actively lobbied the Ford government to expand those powers to affect bylaws in the second. Tory's spokesperson stated Tory "raised this change with the province to make sure we can get more housing built as quickly as possible, to avoid NIMBYism, and to help make sure this new system works as *efficiently* as possible" (in Rider and Spurr, 2022a; italics added by author). This irked more suburban councillors invested in building housing, like Scarborough North's Jamaal Myers, who supported the initiatives to build housing but said that "we cannot trade away our local democracy for the sake of *convenience*" (Rider and Spurr, 2022b; italics added by author). Premier Ford argued (2018d) that nobody would benefit from fewer politicians and less debate than Tory, stating: "The Mayor is going to be happier than anyone because he's not going to have to work 47 people. They're going to get things done." This was a double-edged sword, where the mayor was incentivized to use the veto and less likely to forge actual (majority) coalitions to govern (Mullin

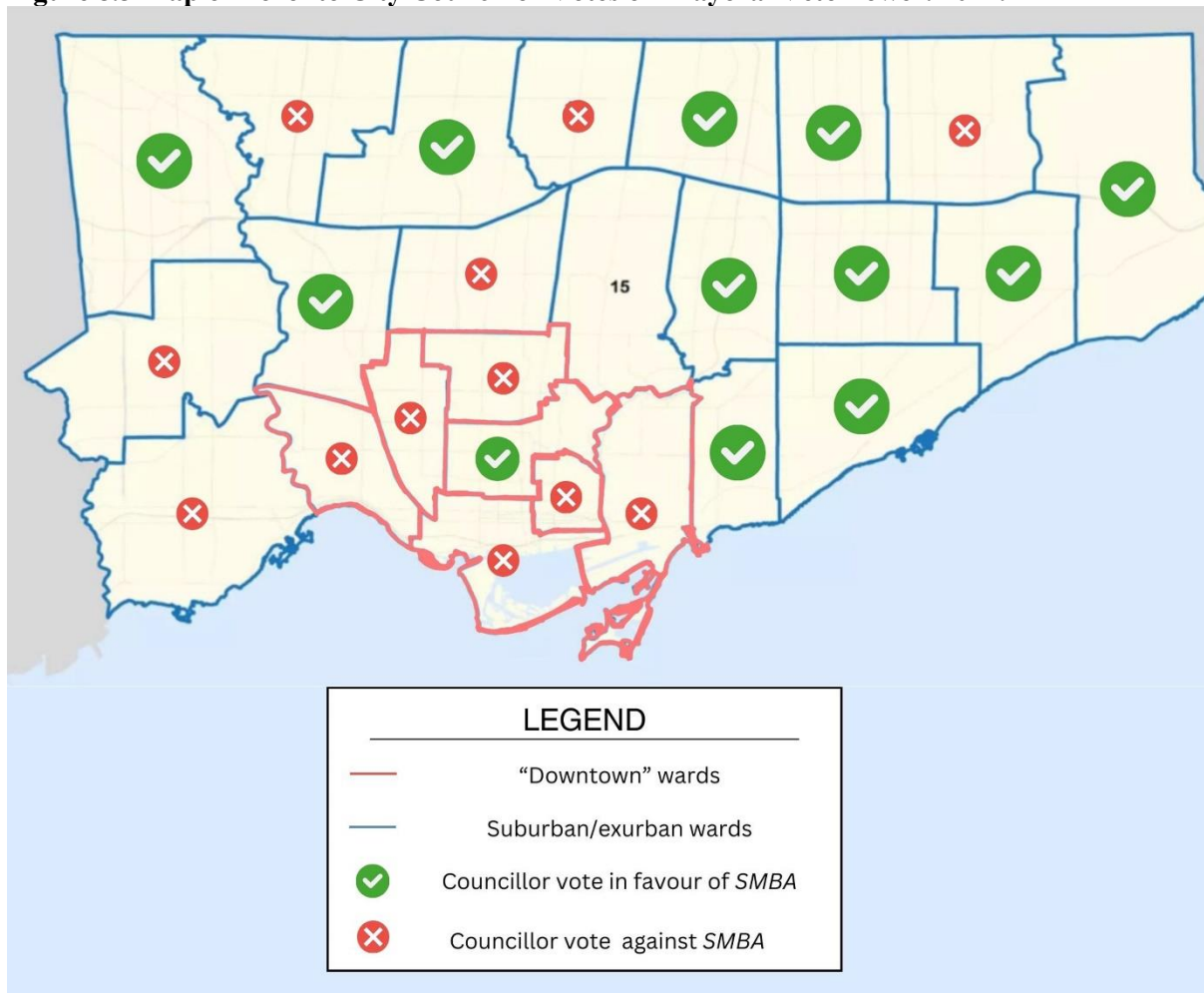
et al., 2014, p. 2). Never mind 47 councillors, now the mayor only had to work with eight, a mere third of the already reduced City Council.

The council's composition was clearly considered when designing these new democratic processes. As noted earlier in Chapters 3 and 4 (and earlier in the Bill 5 section of this chapter), much of the redesign of the actual City of Toronto and its liberal democratic institutions were purposefully built around a suburban-urban geographic, spatial, and lifestyle divide. This was echoed in the legislative chambers 25 years later, with one MPP arguing: “The residents of Scarborough [were] frustrated with the decision-making process in the city of Toronto. The downtown councillors [held] the rest of the city hostage for their whims” (Babikian, 2022). With the council already cut to 26 members due to the *Better Local Government Act*, the veto power and provincial priorities aspect of these Bills would allow a neoliberal mayor to operate with near impunity, especially when politically aligned with the premier and provincial government. The veto power effectively allows the mayor to act with the support of only eight councillors, very easily done when the mayor already wins council votes nearly 98 percent of the time and 100 percent of the time in two of the last three years (Elliot, 2023). It also meant that council veto power would likely struggle to find two-thirds of councillors to overrule the mayor due to the suburban-urban divide on council and the fact that the suburbs control two-thirds of the seats and are historically composed of the ‘fiscally conservative’ councillors both Ford and Tory herald. Indeed, when 13 out of 25 councillors voted to prevent the *Better Municipal Government Act* from being discussed at a City Council meeting on November 24, 2022 (Toronto City Council, 2022), seven of them were cited by Ford as the “fiscally conservative” councillors supportive of the Bill to cut council to 25 members; only one of the councillors Ford heralded voted to discuss the *Better*

Municipal Governance Act while the others were no longer councillors. This geographic breakdown is made visual on the next page in Figure 8.3.

In an act of procedural defiance – but ultimately to no avail – nine councillors (predominantly from downtown and midtown) verbally presented petitions from their constituents (only submission in writing was required) condemning the institution of minority rule and the complicity of Tory in doing so (Toronto City Council, 2022). Only one downtown-midtown councillor voted with Tory and Ford’s supporters, Diane Saxe of University-Rosedale, who won the seat by less than one percent of the vote, with the vast majority of her support coming from the significantly wealthier Rosedale area of the ward (Marshall, 2022). As an additional act of political resistance, Progress TO mobilized people to pack the city council gallery to demand answers from Tory regarding backroom negotiations with Ford.

Figure 8.3 Map of Toronto City Councillor Votes on Mayoral Veto Power. 2022.



Source: designed by author, Ryan Kelpin.

With a more “progressive” mayor – or even a David Miller urban-focused type – the fiscally conservative councillors could veto the mayor’s agenda if they had the political capital and it was deemed expedient. This allowed Toronto’s politics to potentially oscillate between majoritarianism and anti-majoritarianism, whatever is most convenient primarily for the premier and secondarily for the mayor (Kelpin, 2024b). It also reflected Ford’s flexible majoritarianism, sometimes arguing for total centralization of power in the premier’s office through the idea of receiving a “mandate from the people,” but also sometimes in bizarre manners where he argues that since the PC’s received 88, 646 more votes than the NDP in the City of Toronto, Ford had

total power to overrule Toronto's City Council when it came to the *Better Local Government Act* (Benzie, 2018). Clark would also utilize this logic when arguing for how their various "housing" Bills could be understood: "It doesn't matter what consultation we put forward; we have tremendous support from Ontarians for building upon the success of this program" (2022d). Falling back on the usual tropes, Ford argued that the Bills' critics were self-interested councillors who merely wanted to "hold on to their power" (DeClerq, 2022a). This was also made clear when Ford bragged about Ford Nation having "the majority of the Toronto electorate" but that a minority of special interests were abusing city council procedures to try to undermine them (2016). This again was brought up when Ford was defending the *Better Municipal Government Act* from critics; Ford claimed that the principle of equal votes in council for both councillors and the mayor was "trampling on democracy" because "Mayor Tory got more votes than all the councillors combined" (Lilley, 2022). Ford's logic regarding liberal democracy and majoritarian decision-making was that institutions and processes impeded a central figure with broad support and were inherently anti-democratic due to the pure quantification of vote counts devoid of any of the complexities of basic governance.⁸²

Ford's understanding of majoritarianism invoked the vertical federalism of the COP doctrine and imposed provincial majoritarian politics on top of any electoral results or politics at the local level. Effectively, the COP doctrine was utilized to transpose majoritarianism from above when necessary but also allowed for the strategic imposition of minority decision-making processes if political interests were shared with an 'empowered' mayor. The five former mayors followed up their original letter with a fiery critique of the *Better Municipal Government Act*, stating:

⁸² We wouldn't stand for 1/3 minority rule at any other level of government: why is it okay at the municipal level?

We are appalled at this attack on one of the essential tenets of our local democracy and a fundamental democratic mechanism: majority rule. We are fearful of the real substantive risks this change would pose for our City. The principle of majority rule has always been and must continue to be how Council conducts the public's business (Eggleton et al., 2022).

It was not just a coalition of former GTA mayors, however. After weeks of public criticism, especially in the pages of the major Toronto newspapers, additional Toronto city councillors were beginning to speak out against the Bill. A wide variety of 15 councillors: progressives, liberals, and conservatives alike, wrote an open letter to Ford where they argued that it was a violation of basic liberal democratic principles, the ethos of the *City of Toronto Act* (2006), and basic separation of powers (Matlow, 2022). There were three additional more conservative councillors who had informally questioned the validity and purpose of the Bill but did not sign the open letter. *Toronto Star* columnist Edward Keenan (2022) was equally passionate – and representative of criticism from the major dailies – stating:

Let's be clear on something. This is different than a mayoral veto over bylaws passed by council. This is about the mayor of Toronto being able to write and pass laws with the support of only eight other city councillors. That's not a strong mayor. It's a strongman mayor. Close to a dictator. And it's a disembowelling of Toronto's local democracy. That last one's a project that's been underway for some time, of course... Now, it looks like the mayor and a snack pack of allies will be free to ram through his ideas over the objections of two thirds of the rest of the city's representatives.

Even prominent Sun Media journalist and right-wing ideologue Brian Lilley spoke out against veto powers in the pages of the PC-allied *Toronto Sun*. While noting agreement with some of the powers advanced by the idea of a strong mayor system, Lilley argued that minority rule through veto power was a “fundamentally anti-democratic law that never should have seen the light of day” and that there was “nothing democratic about that process and I’m not sure how anyone can defend it” (Lilley, 2022). The *Globe and Mail* Editorial Board was equally blunt, publishing a scathing article entitled: “Doug Ford fires a shot through the heart of democracy.” Even in right-wing op-eds in the *National Post*, authors praised the ethos of the strong mayor Bills but condemned the tactics and power grab elements, highlighting that there was a “principled defence of municipal democracy, not just NIMBYism” and that the timing, tactics, and lack of consultation would seed “precisely the sort of belligerent city-council dysfunction that strong-mayor powers are meant in part to avoid” (Selley, 2022).

Rather than providing serious discussion regarding the implications of removing the principles of majority rule at the local level of governance, Ford government representatives could not even be regarded as dismissive because being dismissive would require an explicit response. When asked explicitly if the Ford government supported the principle of majority rule on municipal councils, PC MPP Logan Kanapathi responded, “We want to get things moving” (2022). PC MPP Deepak Anand (2022) echoed this imperviousness to direct questioning on democratic consequences:

Madam Speaker, I’m just trying to understand the question. The member opposite asked a straightforward question: Why are we having this Bill? What are we trying to do here? The answer is simple. We went to Ontarians in June. We asked them what they need. They said, ‘We’re in a housing crisis. Let’s fix the housing crisis.’

This (feigned) incredulousness was also invoked by Mayor Tory – amid a flurry of criticism against Tory’s complicity with the Ford government on the *Better Municipal Governance Act* – arguing that anybody who opposed minority rule in Ontario was engaged in “political theatre” of no interest to regular Torontonians (Rider, 2022b). Rather than acknowledge the political tide turning against, Tory stated: “If [councillors] want to carry on the debate and have it take a toll by sort of interfering with the orderly carrying on of business ... they can do that. But I think that the voters will not judge that well” (Jeffords, 2022). Mimicking a level of right-populist performance akin to the Ford brothers, Tory argued: “You know who talks to me about Bill 39? Nobody! They talk to me about housing, they talk to me about community safety – nobody talks about [strong mayor powers]. Nobody!” (Rider, 2022b). Again, the concepts of housing and basic liberal democratic principles were cast as a dichotomy, with Torontonians homogenously and inaccurately portrayed as people who could care less about institutionalized minority rule. Formerly self-portraying as an advocate against provincial overreach and interference in Toronto’s liberal democratic processes and institutions, Tory bolstered both personal and formal mayoral power by courting a politically friendly Ford into activating one of the most brazen utilizations of the COP doctrine in Canadian history.

The ability of the mayor to govern with less than majority support was in line with more recent turns to anti-majoritarian legislative politics across the West based around the centralization of executive power and embrace of neoliberalism. More explicitly, the idea was related to Buchanan’s public choice views on democracy, notably that majority policymaking in liberal democracy undermines the cold calculus required for expedient and sound economic decision-making. If there was a vital market issue to be addressed, or the government needed to be removed as a roadblock to the market's success (in this case, housing), anti-majoritarian politics are

embraced as the method to sideline self-interested politicians. Liberal democratic institutions and their decision-making processes were cast as inefficient, bureaucratic red tape or causing delays (Anand, 2022), with opposition by some local councillors destroying development proposals (Kanapathi, 2022) and NIMBYists standing against all development. None of these arguments reflected any substantive treatment of democratic concerns, much to the distaste of more progressive councillors:

‘We’re going to take away your councillor’s voice, because now the mayor of Toronto doesn’t need a majority vote anymore. Actually, he can rule by minority vote. He can rule by super-minority vote, with just one third of the vote.’ There is not a democratic institution or house anywhere in this country where you can actually pass laws, create programs and services for your community, with one third of the vote. That is such an affront to democracy, and the fact that the members of the House and this government are so proud of what they’re doing and hiding behind this guise of housing is mind-blowing’ (Wong-Tam, 2022).

Biebricher, when describing Buchanan’s views on liberal democracy, described them as “minimizing the space for the state for discretionary governmental decision-making (Cornellisen, 2017, 510). Buchanan’s had said (in Cornellisen, 2017, p. 513-514):

At the same time that Western society has been establishing the majoritarian fetish, we have been witnessing the increasing intervention of the state in the economy. The rules of the economic game have been continually subjected to modification and change, and these rules have been changed by the majority votes of legislative assemblies. The set of decisions that legislative assemblies make has been significantly of trivial economic importance. Capital values of significant

magnitude are created and destroyed by the turn of a few votes in a national legislature.

But the consequences of this anti-democratic policymaking agenda transcended simply anti-majoritarianism. The legislation enabled the province to combine provincial priorities with its historical austerity-based withholding of crucial funding to municipalities. This was noted by Siematchyi, who said: “The province will undoubtedly tell municipalities what existing bylaws it wants removed or modified; and will use threat of withheld financial support to get mayoral compliance” (in Rider and Spurr, 2022a). This was more similar to a “provincial trusteeship” (Rider and Spurr, 2022a) and a “non-binding advisory board” (Keenan, 2022) than a functioning and deliberative liberal democratic institution. Martin Regg Cohn argued (somewhat antithetically to an earlier claim that council was a roadblock and a problem) that: “Representative democracy can be cumbersome, but it cannot be reconfigured to suit a single politician pushing his single issue with righteous impatience and wrong-headed impetuosity” (Regg Cohn, 2022b). Historian Nancy MacLean’s book on Buchanan (2018, p. 79) stated: “Majority rule ought not to be treated as a sacred cow. It was merely one decision-making rule among many possibilities and rarely ideal.”⁸³

With a veto to align with provincial objectives, the concern over vertical federalism power dynamics would be rendered personalistic, depending on the temperament of the mayor (and provincial government).⁸⁴ Councillor Josh Matlow iterated worry over the idea that “in the wrong hands the mayor becomes a servant to Queens Park” (quoted by Burch, 2022); NDP MPP Jeff

⁸³ At his most extreme, Buchanan would argue that liberal democracy and representative government would destroy capitalism by undermining the propertied class, unless there were constitutional reforms to enshrine and protect economic individual liberty, no matter what most voters wanted (MacLean, 2018).

⁸⁴ There are additional questions regarding this form of formal provincial-municipal executive federalism would further set the state for formalized party politics at the municipal level in Ontario (and perhaps Canada).

Burch argued it institutionalized the power of the premier [and mayor by association] to bypass local bylaws and stifle consultation (2022). Wong-Tam (2022b) utilized the example of Ford's late brother, Rob, to illustrate how much damage a mayor could do without these formal powers:

What happens when your strong mayor refuses to take basic steps to march in the Pride parade to support the 2SLGBTQ community? What happens when your strong mayor has a history of police having to investigate domestic violence, including pressing charges?... What happens when your mayor is the kind of person who says, 'If you are not doing needles and you are not gay, you won't get AIDS probably'? What happens when your strong mayor rips out bike lanes and blames cyclists for cars hitting them?... What happens when your strong mayor charges into his own deputy mayor during a city council meeting, causing her to live with chronic pain until the day she died?... What happens when your mayor calls women reporters 'bitches'?

Ultimately, Rob Ford's agenda and power as mayor were able to be sidelined by a council that had the political capital to hold the mayor accountable and strip most of the substantive powers. Legitimate questions could be asked if this would be formally possible in a strong mayoral system due to the mayor's formal and informal stature and the ability to govern without majority support on many decisive issues. This is where it felt very personal for Doug Ford⁸⁵ like a long-standing revenge plot against the City Council that stripped Rob Ford of his powers and rejected the eventual premier as Rob Ford's replacement mayoral candidate in 2014. The role of a mayoral veto could be explained by neoliberal politics of political centralization and personalistic animus toward council structures in general, but Toronto more specifically. It was something planned for

⁸⁵ Indeed, some of his former councillor colleagues have referred to Doug as "ruthless," "mean," and having a penchant for picking fights (Pelley, 2018).

years, as far back as 2015 when Doug Ford argued the mayoral veto was an essential part of political ambitions. When the scandal-plagued brother was stripped of most of the mayoral powers in a 41-2 vote [the Fords both voted against it], Doug Ford argued the council should not have that kind of power, saying “that’s not our decision, that’s the people’s decision” and threatened to take the council to court (CBC News, 2013). At the meeting Doug got into a shouting match with the public gallery and Rob aggressively rushed over to help, pushing over senior city councillor Pam McConnell in the process. Doug would appear on CNN afterwards and summon an ironic critique of the COP doctrine by demanding Premier Wynne stay out of the city’s business and “get your own house in order” (CBC News, 2013). Doug Ford also went on to invoke Buchanan-esque discourse when demonizing all other councillors in an attempt to bolster Rob Ford’s image: “I will always believe that Rob was a better politician drunk or sober than the vast majority of people presently holding office in Toronto” (Ford, 2016, p. 209). With this, even after death, Rob Ford was reconstructed as serving the taxpayers rather than all the other liberal democratic representatives, the rhetoric Doug Ford mimicked in his transition to premier. Tory has largely mimicked these politics within a notion of softer neoliberalism employed in the city. These events strengthened the formal idea of the COP doctrine in new ways that allowed the Premier’s Office to attempt to dictate policymaking, starting in Toronto (but eventually expanding to dozens of municipalities).

Hiring and Appointment Power: The Centralization of Bureaucracy

The aspect of the two Bills that received the least attention was the centralization of appointment power in the mayoralty. The reality was a complete restructuring of basic accountability measures and the necessity for bureaucratic and vital appointments to be made without the input and formal

votes of the rest of the City Council. The powers enabled the mayor to unilaterally both hire and fire the city's CAO (or city manager) and to unilaterally restructure the organizational structure, divisions, and, with few exceptions⁸⁶ - the heads of divisions of any other department within the jurisdiction of the municipal government. The mayor had the power to establish or dissolve committees, assign their functions, and appoint both the chairs and vice-chairs of said committees. This was a clear strengthening and centralization of executive power at odds with long-standing basic municipal governing structures, ultimately designed in a manner that would further empower the mayor to build a personalized team similar to the appointment powers of a prime minister or premier over their cabinet in the Canadian context. This was, as seen throughout this dissertation, applied in the name of neoliberal discourses on efficiency and streamlining government but with little to no regard for the implications on basic liberal democratic process and the city council model of governance.

The strengthening of mayoral power over appointment processes because the CAO of any municipality is the highest ranking and most important linkage between the political arm and administrative arm of government (Siegel, 2015). In Toronto, the position is known as the City Manager, responsible for managing municipal staff, daily operations of the municipality, and developing and implementing both policy and budgetary recommendations for the council. Siegel and Fenn (2017, p. 2) described the role as follows:

Under the council/CAO plan, the position of mayor is first-among-equals on the municipal council, with responsibility for political leadership, but with no managerial responsibilities beyond those associated with good governance. While an effective CAO respects the fact that he or she functions in a democratic political

⁸⁶ The exceptions are the clerk, treasurer, integrity commissioner, ombudsman, auditor general, registrar, chief of police, fire chief, or a medical officer of health.

environment, the discharge of executive and professional duties within the municipal corporation is insulated from political control and direction. The council/CAO plan is founded on the idea that running a municipal organization is a complex and sophisticated undertaking, even in smaller municipalities, requiring professional management.

According to Siegel and Fenn (2017), the CAO's purpose is ultimately to interpret the council's will and translate those words into the language of the administrative staff while attempting to satisfy conflicting elements of the council.

In traditional "weak mayor" systems, the importance of the CAO position was linked to consensus building and more participative appointment procedures. This was largely due to the knowledge that the CAO would require widespread support from the council they serve, as the CAO worked directly with the same councillors on a daily basis. Rather than be beholden to a central executive figure with the most political power in the system, the CAO answered – at the very least – formally to the majority votes of the City Council. This was, of course, a valorized view of the system (very much supported by thinkers like Siegel and Fenn) that failed to account for the rise of bureaucratized forms of government that institutionalized rewards for attempts to impose neoliberal decision-making processes and benchmarks through new public management practices. What was at question were interventions against liberal democratic decision-making processes during the era of neoliberalism in Ontario and Toronto, so it was pivotal to understand the context and results of these drastic restructurings of governance while aiming not to valorize the status quo for the sake of it.

Siegel and Fenn (2017, p. 22) worried about this kind of mayoral appointment power and the dynamics it would create in major Ontario cities, highlighting that unrestricted executive

authority for the mayor was a risk to basic municipal functioning and the ability to have any kind of sustained working coalition on the council. The appointment power of the mayor over the CAO was seen as destroying their role as a “diplomat and a broker” across the council (Siegel, 2015, p. 42).

When combined with the hiring and firing tools, the total budgetary and governing power of a strong mayor could be argued to create conditions where the CAO and crucial members of committees and the public service were more indebted to serving the mayor's interests. This resulted in a restructuring of their commitment to work for the “council as a whole” and marking a turn that was “highly inappropriate” in a democracy (Siegel, 2015, p. 19). This was also a large part of the critique by the former five mayors, who argued (Eggleton et al., 2022):

Giving the mayor to power to hire and fire senior staff destroys one of the basic principles of democratic government, which is the separation of the legislative and executive function, and eliminates the effective check-and-balance that exists today, where council as a whole has ultimate responsibility for the public service.

NDP MPP Tom Rakocovic (2022) highlighted that budgets were already primarily created by executive committees and mayors, and with the addition of greater powers and veto authority, the mayor could shut down any real amendments made to the budgeting process. Additionally, it was condemned by two major associations representing municipalities and CAOs for over 275 Ontario municipalities. The former – the Association of Municipalities Ontario – expressed great concern over the mayor’s unilateral power to hire and fire a CAO and:

The AMO Board finds that the proposed changes to the Municipal Act which would allow a Mayor to unilaterally hire and fire department heads, and to reorganize the municipality’s public administration, are at odds with established good practices of

both private and public sector governance and administration and should be removed from the Bill (Rosborough, 2022).

The latter – the Association of Municipal Managers, Clerks and Treasurers of Ontario – argued that the *Strong Mayors, Building Homes Act* would “run the significant risk of threatening the neutrality of the municipal public service and politicizing local government leadership” by further blurring the lines between political and bureaucratic responsibility and accountability (Association of Municipal Managers, Clerks and Treasurers of Ontario, 2022, p. 1). This was something echoed by local government scholar Terrell Blodgett 30 years ago when arguing: “Beware the strong mayor” because it not only creates flawed accountability structures and power in one person but also fosters more political conflict between council and the mayor due to city administrators and department heads being beholden to the mayor’s office (Blodgett, 1994). Paired with the power to draft the city budget, appointment power allowed the mayor the opportunity to exercise more influence over the bureaucracy due to the need for department heads and CAO (appointed by the mayor) also appeal directly to the mayor in the name of their funding and administrative priorities (Mullin et al., 2004, p. 33-34). A notable survey of members of municipal bureaucracies found that “most administrators believe they act as agents of the mayor when there is no council approval needed for the mayor’s decision” (Nelson, 2002, p. 43). This is a significant potential issue with effective governance and consultation – even in a thin liberal democratic and council structural sense – due to what could be seen as CAOs having more power than councillors and the ability of the CAO to be seen as bringing forward balanced and unbiased information for the good of the whole of the council (Mitchell, nd).

The issues almost immediately came to a head when Tory invoked the new powers after winning the 2022 election, unilaterally appointing the new City Manager for Toronto. Not only

did he not solicit the council for consultation and feedback on the choice, but council members also learned about the new City Manager from the same City of Toronto press release that everybody else in the city did. Councillor Matlow immediately condemned Tory's act, noting the issue over the politicization of crucial staff meant to serve the council, not just serve at the whim of the Mayor's Office (Matlow, 2022b). Tory utilized an unnamed third party as well as a recommendation from a four-person panel of councillors, a group that was unilaterally appointed and contained himself, the deputy mayor, and long-time Ford and Tory ally Stephen Holyday (Freeman, 2022b). This appointment power is extended to all relevant department heads, provided Tory does not do much restructuring of the department organization. This granted Tory the newfound ability to steer the legislative and behind-the-scenes elements in the city's decision-making processes. It also extended the power to establish and dissolve committees as well as appoint the chairs and vice-chairs of said committees. The result is the totality of legislative and bureaucratic appointments being centralized in the mayor's office.

8.3 Conclusion

Doug Ford marked a major break from the Liberals' status quo and Third Way neoliberalism that existed in most of the 2000s in Ontario. Shattering the myth of partnership posited by the Liberals, Ford punitively targeted the City of Toronto regularly. While bearing many similarities to Harris's CSR and attacks on Toronto's liberal democratic institutions, Ford's actually-existing neoliberalism differed due to the historical and economic context (and indeed the state of exception provided by COVID-19) and the foundations laid out before taking office. Ford was able to, in effect, build on the neoliberalisms that came before him to implement drastic new measures to diminish even a surface-level understanding of the liberal democratic process at the municipal

level (with an emphasis on Toronto). Utilizing the COP doctrine was vital to Ford's brand of right populism and neoliberalism, allowing him to impose reforms that were not just ideologically sound with neoliberal theories of representation and decision-making but were also tied to more personal goals predicated on history as a Toronto city councillor alongside former mayor and brother, Rob Ford. When the COP doctrine was wielded as a threat in council chambers and courtrooms, Ford was willing to combine vertical federalism powers with the potential use of the notwithstanding clause to further shield austerity and anti-liberal democratic measures from critique and accountability. This marked a new turn to wielding additional constitutional powers to impose the conditions necessary for neoliberalism – particularly urban neoliberalism – to thrive. Although political ally Mayor Tory resigned in February of 2023 due to a personal scandal, it remains to be seen if the next mayor would be enthusiastic and duplicitous about their want of a strong mayor and anti-democratic veto powers.

In Doug Ford's case, the biggest worry about all of these issues and the state of Toronto's institutions had been the potential of Tory stepping down, leading to any chance of progressive politics in the city: "If a lefty mayor gets in there, God help the people of Toronto. If a left-wing mayor gets in there, we're toast. I'll tell you, it'd be a disaster in my opinion" (Canadian Press, 2023). Such concerns manifested a clear continuity with Harris, who began the long series of neoliberalizing reforms in Toronto under the general ideological predisposition to both austerity and de-democratization. Premier Ford stooped to the level of formally endorsing his hand-chosen right-wing candidate, former police chief Mark Saunders, and echoing dog-whistle politics while stating that nobody should vote for a candidate that would cut the police budget (Declerq, 2023). Ford's earlier worries came to fruition with the election of former NDP MPP Olivia Chow (who to be fair, is only slightly left of centre) as mayor. This coincided with the familiar caricature of a

leftist downtown run amok over the interests of the suburbs, a narrative re-activated by conservatives at both the provincial and municipal level. Ford even invoked David Miller's legacy when attacking Chow, arguing that she made Miller "look like a fiscal conservative" and that businesses would start fleeing the city because "your taxes will go up at an unprecedented rate" (Declerq, 2023).

The reality of the institutional situation was that the dynamics of the COP doctrine remained up in the air in this new era of potentially anti-majoritarian politics in Toronto's liberal democratic institutions, as well as whether they continue to reflect the pro-FIRE and development interests that have dominated the city and province for years. While claiming an unwillingness to use the available strong mayor powers, Chow has embraced – like the previous four mayors – the executive committee and appointment powers in the centralized mayoralty. Time will only tell if this is a temporary reprieve from the drive towards the complete centralization and presidentialization of the mayoralty in the name of imposing neoliberalization processes both within and without the City of Toronto.

Chapter 9 – Conclusions

This dissertation began as a project to explore the political dimensions of the creatures of the province doctrine of the *Constitution Act of 1867*. At first, this was a very surface-level question that aimed to showcase the critical differences between the Harris and McGuinty provincial governments in the 1990s and 2000s, but Ford's actions from the 2018 to 2022 period opened a new analytical space for problematization. As the media attempted to understand Ford as a rupture in the democratic continuity of the autonomy of the City of Toronto, it became crucial to counter these misunderstandings of Toronto's democratic history by incorporating Ford's more brazen project into the longer status quo of issues of local self-government and the limitations of democracy within capitalism. While Ford embraced anti-majoritarian veto power to the shock of Torontonians and the media, it created a new animating question to structure a critical history: how did we get to this point historically? Imposing strong mayor veto powers and anti-majoritarian decision-making did not just come out of nowhere. By investigating this specific case study as a starting point, though, it enabled a deeper manner of questioning urban democracy through historical vantage points. This dissertation has shown how multiple neoliberalizing provincial governments over the course of 30 years have used the COP doctrine to drive institutional and liberal democratic reforms not just in the City of Toronto but against municipalities more widely. The other key research question was: how was this constitutionalized form of power and authority utilized to impose the conditions, institutions, and decision-making processes necessary to further the de-democratization of decision-making in the city, with the effect of further entrenching neoliberalization? This dissertation has argued that while the province had the legal and constitutional authority to disallow the policies (or even the existence) of local governments, the reducing of democratic questions to mere procedure and jurisdictional design has the effect of

sidestepping more substantive issues regarding changing structures of (liberal) democratic governance. It was no coincidence that de-democratization and the centralization of power impulses became compounded in the neoliberal era; instead, they are part of the intrinsic nature of the processes of neoliberalization, which is to centralize power and sideline debate as much as institutionally possible, all in the name of a form of ‘efficiency’ that is both abstracted from social relations but placed within the idea of sound business principles. Whether Harris’s Common Sense Revolution and the imposed amalgamation of Toronto (Chapters 3-4), the Third Way autonomous veneer of McGuinty’s Liberal reforms (Chapters 5-6), or Ford’s antagonism towards any sense of deliberation by the City Council (Chapters 7-8), all of these governments were bound together by their foundational embrace of the core tenets of neoliberalism (although in differing manifestations). This dissertation aimed to show this central continuity even through difference, dismissing the recent notions that Ford represented a type of stark – and unilaterally right populist – rupture from the constitutional norms of intergovernmental governance between Ontario and Toronto. This neoliberal period of anti-democratic politics directly calls back to the broader political history of Toronto, its tenuous relationship with democratic decision-making principles, and its relationship with Ontario. Rather than seeing Toronto’s last three premiers in isolation, even from each other, there is a clear lineage to broader political history, and in Ford’s case, an invoking of a specific kind of anti-democratic history within the city and its council structures. This institutional and ideological lineage was made discoverable by a multi-pronged research approach that analyzed not just the legislation involved in making these changes but also the policy reports, legislative discussions, media coverage, and activist group research that informed the socio-political environment in these historical snapshots. The necessity of doing this legal and institutional analysis combined with critical discourse analysis has allowed for deep descriptive

case studies of the actually-existing neoliberalism in Ontario and Toronto as it pertains to democratic decision-making processes, adhering a concrete and empirical case study approach to the theoretical interventions of Magnusson, Brown, Wood, Brenner, Theodore, Peck and others.

This dissertation has shown the consequences of these political interventions are clear: while liberal democratic processes and representative government are limited ideas of democracy, attempts in the neoliberal era to roll back even these surface-level forms of democracy have drastically undercut the space for political deliberation both within and without legislative branches of government. The centralization of power for Toronto's mayor, and embedded in the hand-picked Executive Council, has parliamentarized municipal governance to the point that a mere eight elected officials can determine the social and economic direction of the City of Toronto. The space for councillors to participate has been drastically reduced by every Premier of Ontario over the last 30 years, and again, this is not a coincidence. Neoliberalism's invocation of efficiency and streamlined decision-making has demanded doing away with many liberal democratic principles and processes, all in the name of reducing a form of abstracted dysfunction removed from both politics and the social relations of capitalism. The implicit goal of much of this de-democratization is clear: the attempt to insulate increasingly unpopular austerity from not just legislative rebuttal but broader societal critique in general. While veto power, at least in the City of Toronto and as of November 2024, has not been utilized, it exists as an instrument ready to be wielded by any mayor who sees fit. With the history of urban neoliberalism and its practice by all of Toronto's mayors since amalgamation, this does not look for the role of local government in the future of Toronto, especially regarding social causes.

This research contributes to several different fields and strains of thought. It extends the theoretical interventions of Magnusson's mid-2000s work, as well as the concepts of actually-

existing neoliberalism and variegated neoliberalization by Brenner, Peck, Theodore, and Tickell, and applies them critically to a 30-year case study of a multi-scalar, institutional and constitutional relationship relating to democracy. Second, it contributes to a growing literature problematizing the historical status quo and assumptions of federalism studies in a Canadian context, as well as their usual institutionalist research frame. By rethinking ideas of sovereignty, federalism, democracy and their intertwining with the social relations of capitalism more widely, this critical re-telling of the history of the COP doctrine concerning Ontario and Toronto paints a fuller picture than previously provided. Third, it provides material examples of the ideological convergence of Western political parties regarding the neoliberal terrain of policymaking and discursive justifications for austerity and the centralization of power. Fourth, it contributes to the literature on the relationship between neoliberalism and liberal democracy as both a social and political project to roll back the limited gains and class compromises made in liberal democratic institutions and processes over the twentieth century. Indeed, as Vazquez-Arroyo (2008, p. 156) argued: “The end of the liberal democracy of the New Deal/Great Society variant is thus better understood as the unravelling of a historical compromise in which the democratic element was always subjugated to the liberal one and deployed as a cloak for its legitimacy.”

9.1 Future Research

While limited to a case study of the institutional and constitutional specificity of the governing relationship between Ontario and Toronto, this research has a few implications and questions that could be extended to other areas or pursued elsewhere. There are further questions and additional vistas for analysis regarding the making and unmaking of local democracy in Toronto, and the wider framework of liberal democracy and capitalism that these issues exist

within the scope of. These further avenues are represented by the ongoing relationship of municipalities to settler-colonialism and the necessity to disrupt this foundationally, contextualizing the rise of right populism and its relationship to both neoliberalism and liberal democracy, and what a left critique of both neoliberal de-democratization and the inherent limits of liberal democracy could look like.

While the dissertation does not explicitly deal with settler-colonialism, it is fruitful to understand and engage with the foundational sentiments of decolonization scholars and an interrogation of settler-colonialism that understands its role in Confederation and orders of government, more specifically, its relationship to both federalism and being constitutionalized as a burden of governance. It is worth remembering that the relationship between settler-colonialism and enforcing national sovereignty and the stripping of land from Indigenous peoples, as well as enforcing liberal systems of governance, were designed to enforce property rights against and limit methods of procedural appeal and recourse for Indigenous peoples in Canada. The connection between local self-government and indigenous self-governance is highlighted by Alexandra Flynn (2021a) and Flynn and Andersen (2021) when she argued that local spaces are historically indigenous spaces, notably with treaty relationships and claims to land, as well as the existence of reserve lands within municipal limits. She stated it is necessary to deeply engage with indigenous-municipal relations as both an aspect of settler-colonialism and a potential for positive reforms in the future. Indeed, the empowerment of cities should be prefaced with its obligations and responsibilities to Indigenous peoples and their communities:

In short, since local governments exercise public powers delegated by the province, they are governmental bodies. Whether or not they are considered part of the Crown

in particular instances, municipalities can and should take their obligations to Indigenous Peoples and communities seriously (Flynn, 2021a, p. 124).

When problematizing issues of sovereignty, liberal democratic institutions, and capitalism as they pertain to the immediacy of space and local self-government, this is an analytical space that is both useful to expand and utilize as an opportunity to engage with scholars and research that are perhaps outside of traditional and narrow Canadianist focuses on institutions and federalism. Understanding and critically expanding the ideas of the “orders of federalism” through both the idea of local autonomy and Indigenous self government is not just limited to addressing the status quo of federalism but can be made deeper through critiquing capitalism and settler-colonialism at their foundations. It becomes additionally necessary to situate municipalities role in settler-colonialism both historically and contemporarily, and also situate any idea for local self democracy and autonomy in a politics that addresses not just the violences of settler-colonialism, but as Flynn argues (2021b), the foundational issue of accountability and responsibility to Indigenous peoples and their land within those municipalities. While this was not meant to reduce the violence and genocide of settler-colonialism to questions of jurisdictional sovereignty and ideas of democracy, Sarah Dalton’s (2022, p. 312) arguments are connected when she stated:

European settlement swept across Canada, ignoring Indigenous peoples' existing laws and institutions. Today, two parallel systems of law exist: settler legal systems, which assert Crown sovereignty to all of Canada, and Indigenous legal systems, which assert sovereignty over their resources and peoples. Although dormant, due to policies such as section 91(24) of the Constitution Act (1) and the Indian Act, (2) Indigenous legal traditions persist today and are developing into a third order of government in Canadian federalism.

Secondly, it will be key to pursue further research into the racialized, classed, and gendered aspects of right-wing populism that have emerged not just in Toronto and Ontario, but beyond. The right populism that exists within Toronto and Ontario politics must be linked to the wider rise of right populist rhetoric and politics across the West, as well as its relationship to the decline of liberal democracy. While I have pursued some of these questions to some degree, specifically in relation to Doug Ford and his embrace of not just right populism and neoliberalism (2024a), but authoritarian neoliberalism and neoliberal parliamentarism (2024b), more work needs to be done to understand both the dynamics and the consequences of the rise of right populism and its relationship with neoliberalism, both at the level of discourse and material austerity.

Some further questions in a more comparative sense relate to what is the democratic and institutional relationship like as it pertains to local self-government and autonomy in other federalist institutions in other nations? How is liberal democracy unmade by neoliberalization at the local level of politics more widely, as opposed to just the regional and national levels of government? When mapping the devolution of responsibilities and downloading of social costs more widely, do the results for the capacity of democratic decision-making practices and institutional ability to resist austerity measures look like elsewhere compared to Toronto and Ontario?

Finally, what should a substantive left critique of both neoliberalism's attacks on and the limitations of liberal democracy look like? While this is talked around at points during the dissertation, the remainder of the conclusion will be aimed at discussing the possibility of what this left critique could look like.

First, the Left needs to substantively deal with the tensions of the cultural popularity of liberal democratic ideas even as the austerity of capitalism becomes more apparent. Regarding

neoliberalism's propensity towards de-democratization, the Left should prioritize problematizing these anti-democratic attacks, *even if* they represent an attack on bourgeois liberal democratic institutions. This *can* be done without valorizing liberal democracy or its tenuous existence within the bounds of capitalism, and it needs to be done to prevent the further centralization of power at all levels of government. While this dissertation has not been prescriptive in what an optimal form of government is, if it is even in the theoretical vein of democracy, the idea of locals governing themselves in the immediacy of their space is a principle that it has made clear should be defended. Any contestation of the drive of neoliberalization to de-democratize local governance would ideally be met with a critique that is grounded in a Left form of politics that privileges substantive ideas of autonomy over surface-level ones and an understanding of the economic that does not surrender any ideological terrain to neoliberalism, especially in the face of social democrat parties' willingness to do so. As stated earlier, these manifestations of the social relations of capitalism build upon and reproduce a system of class relations Stahl (2018, p. 12) argued was:

The division between the economical and the political is not a natural state, but rather a fixture of a certain liberal understanding of the social order, where a chasm divides the world of the market, that is governed by the free and equal exchange between independent individuals, and the world of the state, that is governed by hierarchy, coercion and authority.

As Wood and Brown also noted, the modern manifestations of this chasm are cast as though issues of scale and constitutional power are merely questions of service delivery and legality within technical and neutral questions of efficiency, stripped of their context within social relations and power.

Some ways that these notions can be contested are straightforward and are meant to be more practical and immediate: expanding the view of what local autonomy and democracy look like, both in institutional design and practice, but also in who is allowed to participate. We should be soliciting more participation and input, not less, especially from the most disempowered and marginalized members of society. One immediate reform would be the expansion of municipal voting rights to any residents of a municipality, regardless of citizenship status. This has traditionally taken the form of advocacy of permanent resident voting, but this would be extended to include all residents in the immediacy of the lived space, with voting rights stripped off their nationalist and sovereigntist baggage. Secondly, the removal of propertied voting rights (the right to vote in any municipality where you own property but have potentially never even stepped foot in). The ability of landholders to extend their voting rights by virtue of property ownership should be drastically limited and based on residency requirements, not extra privileges embedded in capital and property relations. Third, while not mentioned extensively in the dissertation, Toronto's local community council system should be given real power and designed to address the inequality embedded in the costs of participating in such forums. For these neighbourhood councils to be useful, they need resources and real power to draw on the actuality of the communities they represent, not those with the most time and influence to impose their will on decision-making.

While these reforms are not exhaustive or revolutionary, they do potentially give a starting point for the Left to create real institutional spaces to contest neoliberalism and the broader social relations of capitalism, as well as change the way we think about democratic participation and decision-making processes. These three notions also disrupt the core of liberal democratic decision-making principles and their historical attachment to capitalism, namely that of nation-based citizenship, property ownership, and representative government. This allows these critiques

to both exist in a contestation of neoliberal, far right, or right populist, ideological terrain, but also the fundamental issues of liberal democracy on its own merits, and within the social relations of capitalism. The urgency of these critiques cannot be sidelined, especially in the local.

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