

**Toronto's Tent Encampments:
Excavating Northwestern Informalities and State Ambiguities**

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Abstract

This Major Paper examines the ambiguities of municipal state regulation in relation to the dwelling practices of Toronto's unhoused and the difficulties navigating urban space by marginalized publics in the context of two overlapping crises: an affordable housing crisis and a public health emergency. This paper argues tent encampments are a persistent mode of urban informality in the global northwest, where tents and other small structures provide a source of housing when faced with limited access and affordability. Throughout the pandemic, tent encampments proliferated across the City of Toronto, an increase linked to the heightened risk of COVID-19 transmission within congregate emergency shelters. However, tent encampments are not a novel occurrence and typically occupy the 'interstitial' spaces of the city.

Using the case study of Toronto, the analysis investigates how urban informality is (co)produced and (co)mediated in and through the state and civil society. The findings suggest the local state—at times ambiguous and negotiated relative to an array of civil society actors, property relations, and desirable formalities—routinely enforces encampment clearances on public property and influences encampment demolitions on private property. The paper explores alternative conceptualizations of tent encampments before proposing an urbanism of empathy aimed at centring those at the forefront of the discussion: unhoused people experiencing homelessness in Toronto.

Keywords: power, state, urban governance, urban informality, urban planning

Foreword

This Major Paper investigates tent encampments in Toronto using the lens of urban informality. The removal of a tent encampment under the Gardiner Expressway, and the subsequent installation of upscale dining bubbles in early spring 2019 (Jones, 2019; *Posh dome*, 2019), generated my scholarly interest in the tents and other small structures characterizing Toronto's encampments. After noticing media accounts detailing the increased development of tent encampments at the onset of the COVID-19 pandemic, writing a critical account of tent encampments—as an informal and precarious mode of urban housing, self-produced and inhabited by people experiencing homelessness—became the goal of my research project.

Throughout the research for this Major Paper and MES coursework, I gained the knowledge required to create a theoretical framework to view tent encampments in Toronto. The theoretical framework for this Major Paper, situated within postcolonial and urban informality scholarship from the global southeast, aligns with my Plan of Study's area of concentration components and learning objectives. The framework highlights the relationship between the local state and the unhoused population, looks beyond global northwest planning perspectives to incorporate planning theory and urban scholarship from the southeast, considers different approaches to urban politics, and the power relations between the state and civil society. I investigated the topic and everyday life in Toronto using social anthropological methods. Thus, all three learning components are incorporated into my Major Paper and culminate in propositions for planning rooted in southeast epistemologies and an urbanism of empathy informed by radical care.

During my experiential learning placement, I critically engaged with municipal and provincial policies aimed at expanding housing options in Toronto's low-rise neighbourhoods, highlighting the ambiguity and contradictions of the local state in its efforts to extend housing options across the city for homeowners, on the one hand, and removing similar tiny structures from public spaces on the other. Understanding shelter as a relationship to the land (Blomley, 2020) shifts the tent encampment debate away from supply-demand questions focused on constructing more housing toward questioning the subjugation of land in the often-politicized urban development process, and importantly, the role of planning in its disposition of this resource. Thus, the following Major Paper incorporates the knowledge and skills obtained and necessary to fulfill the degree requirements for Master of Environmental Studies and to meet the program requirements of the Canadian Institute of Planners and Ontario Professional Planners Institute for Candidate membership.

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Land Acknowledgement

Planners, implicated in a legacy of colonial violence and land use, have the responsibility to discuss and uphold Truth and Reconciliation, support the healing process, and inspire non-Indigenous people to “transform Canadian society” and confront the truth that planning participates in “robbing people of basic human dignity” (Indigenous Planning Perspectives Task Force, 2019, p. 6). This Major Paper does not focus on Indigenous Peoples experiencing homelessness but acknowledges the over-representation of Indigenous Peoples in Toronto’s emergency shelter system (Falvo, 2009) and the city’s unhoused: Indigenous Peoples represent an “estimated 16%” of the unhoused population and 1-2.5% of the general population (City of Toronto, 2019a, p. 26). For Indigenous Peoples, Toronto’s housing crisis began when colonizers arrived in the late 18th Century, signed treaties the colonial government failed to uphold, and facilitated the ensuing disenfranchisement, systematic erasure, and “cultural genocide” of Indigenous presence from the settler nation (The Truth and Reconciliation Committee of Canada, 2015, p. 1). Accordingly, the encampments of Indigenous Peoples represent their right to self-determination and housing.

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Introduction: Tent Encampments in Toronto

The prevalence of tent encampments during the COVID-19 pandemic dramatically exposed the dwelling practices of unhoused people experiencing homelessness in Toronto. Tent encampments, defined by the City of Toronto (2020b) as “when an individual or group is occupying a space as temporary accommodations...with tents, huts, cardboard structures, etc.” (see Fig. 1), rapidly formed in parks across the city due to the dangers of overcrowding in congregate shelters (Katz, 2021). Tent encampments typically found in the “interstitial spaces” of the city (Mitchell, 2020)—hidden in ravines, the Don Valley, concentrated near Moss Park, or under the Gardiner Expressway—proliferated in popular downtown parks—the public spaces typically devoid of the tents, small structures, and makeshift homes of the city’s unhoused. In May 2021, and despite continual recommendations from the Centre for Disease Control to discontinue pandemic encampment evictions without adequate housing options, the city lifted a brief encampment clearance moratorium and began filing eviction notices to residents and bulldozing encampments—actions met with resistance by encampment residents and their supporters (Lorinc, 2020; Micallef, 2021b).

Encampments experienced heightened public visibility during the COVID-19 crisis; however, encampments in Toronto are not a pandemic-induced phenomenon. Encampments continually emerge alongside Toronto’s growing skyline, dating back to colonization (Palmer & Heroux, 2016), despite long-standing policies of eviction and demolition. For instance, a staff report noted city staff cleared 223 tent encampments from 2005 to 2007 in 27 wards across the city (City of Toronto, 2007). A decade later, a 2017 news report mentioned the city removes over 150 tent encampments per year (*Homeless*, 2017). A 2018 media article notes the city does not track the number of encampments but attempts to monitor clearances: 110 in 2014, 142 in 2015,

204 in 2014, and 313 in 2017, the increase over time attributed to the city’s tracking efforts, and not necessarily a rise in homelessness (Casey, 2018). During the summer months, city staff often evict and clear under the Gardiner Expressway “every two weeks” (Hune-Brown, 2019). And yet, after each wave of clearances, tent encampments reappear. For example, in 2017, residents of a Gardiner Expressway tent encampment reappeared within a week of demolition (*Cleared by*, 2017). Moreover, despite the city’s removal efforts, “increasingly elaborate camps” form in the wake of demolishment with small structures built out of scrap materials and other furnishings (Hune-Brown, 2019).

Figure 1

A small but reoccurring encampment in Orphan’s Park, east Toronto, circa June 2021.



Note: Photo by author.

Toronto’s Tent Encampments: ‘A View from the South(east)’

Excavating the state’s routine clearance response to Toronto’s recurrent tent encampments, particularly during a pandemic, is the goal of this Major Paper. Undoubtedly, tent encampments result from the structural changes attributed to capitalism, globalization, urban

neoliberalism, revanchism, gentrification, the criminalization of poverty, and the financialization and commodification of housing (Brenner & Theodore, 2005; Madden & Marcuse, 2016; Smith, 1996, 2002; Stein, 2019; Wacquant, 2009). However, this literature limits the field of inquiry to the dominant “traditional-critical” capitalist-neoliberal-centred view prevalent in Western urban scholarship over a “structural dynamism” approach to consider forces beyond capital accumulation as the driving force for urban change and marginalization (Yiftachel, 2020, p. 157). Instead, this Major Paper views encampments ‘from the southeast’ (Robinson, 2002, 2014; Yiftachel, 2020) and resists the tendency to view so-called developed nations as being outside the ‘urban problems’ of the megacities of the so-called developing world.

Building on postcolonial debates around urban informality, this Major Paper argues Toronto tent encampments are, notwithstanding contextual differences, a similar phenomenon to the informal settlements and housing typologies found in the global southeast. Urban informality—specifically of housing and subsequent patterns of human settlement—is characterized by self-built housing, no legal claim to the land, insecurity of tenure, lack of basic services (e.g., drinking water, sanitation, garbage removal), overcrowding, no formal planning, and incomes well below the poverty line (OECD, 2001; UN-Habitat, 2015; Rolnik, 2019, p. 243). Tent encampments in Toronto persist under similar conditions, often coalescing overnight to provide temporary shelter until the next wave of city enforcement and clearance disperses the unhoused population into new encampments across the city. When positioned as a mode of urban informality, encampments emerge as a nuanced phenomenon produced and mediated by the state (Roy, 2008); thus, bringing the state—the emphasis here on the local state—and its relationship to the production of continual, scattered, and ephemeral informal settlements across Toronto into sharp focus. Notwithstanding sovereign ontologies of the state (Roy, 2008), this Major Paper

also considers how the "everyday urbanisms" of the unhoused are articulated within and against a relational, ambiguous, and negotiable "everyday state" (Hilbrandt, 2019, p. 355). In other words, how the state's routine legislative and enforcement framework, territorial defence strategies, and administrative functions (Wacquant, 2009) are co-mediated, co-produced, and co-shaped by the presence of encampments (Hilbrandt, 2019, p. 355).

Connecting and contrasting Toronto's encampments to urban informality across the globe is an attempt at 'thinking through elsewhere' by tracing connections between existing theory and highlighting differential and relational outcomes, different histories and contexts, and a plurality of voices representing the diversity of the urbanization process: the people involved and the voices of those silenced, repressed or subordinated, and meant to reconceptualize the production of space in cities across the globe (Robinson, 2002). Despite any common sense or taken-for-granted notions of a 'developed' social sphere, urban informality is an often-overlooked urban reality in the northwest (Roy, 2008, 2016), evidenced in Toronto by the prevalence of encampments. While this approach offers a novel way to frame Toronto tent encampments, urban informality in the global northwest is not a new occurrence. Recent informality research in Canada includes basement apartments and secondary suites in Vancouver (Mendez & Quastel, 2015) and rooming houses in Toronto (Freeman, 2017; Valverde, 2012). International examples include secondary dwellings and suites in Sydney, Australia (Gurran et al., 2020); colonias, encampments (Loftus-Farren, 2011), and mobile home communities (Mukhija & Mason, 2015) in the United States; "beds in sheds" in the United Kingdom and Hong Kong (Gurran et al., 2020); and a "century-long tradition" of allotment gardens in Berlin, Germany (Hilbrandt, 2019, 2021).

Toronto Today: Context and Crisis

This Major Paper examines the ambiguities of municipal state regulation in relation to the dwelling practices of Toronto's unhoused and the difficulties navigating urban space by marginalized publics in the context of two overlapping crises: the COVID-19 public health emergency and an affordable housing crisis. The affordable housing crisis is the result of two decades of austerity policies at all levels of the Canadian government and the consequent dismantling of the social welfare state through devolution of responsibility for social supports to other levels of government and the private sector (Joy & Vogel, 2015, p. 41; Kipfer & Keil, 2002, p. 242). In the mid-1990s, the provincial government cancelled future social housing funding, social housing construction projects, capital funding to build rental housing, made evictions easier, and deregulated rent control (Joy & Vogel, 2015, p. 40). Simultaneously, the province eased development controls and deregulated urban planning (Kipfer & Keil, 2002, p. 242), paving the way for increased private sector development. Planning, drastically limited in its structure and functional capacity by the 1998 amalgamation, became increasingly reactionary in its strategies and policies (Joy & Vogel, 2015, p. 45), focused on creating space for "elite consumption practices" (Peck, Theodore, & Brenner, 2009, p. 58) and "market-oriented growth" (Abbruzzese, 2017, p. 4, 9). Planning policies of urban regeneration, renewal, and gentrification, particularly of former industrial land and working-class neighbourhoods (Lehrer & Laidley, 2008, p. 798; Lehrer & Wieditz, 2009a, 2009b), are the new normal—often without substantial rehousing plans for those displaced by development.

Toronto currently describes itself as "one of the most liveable...cities in the world" (City of Toronto, n.d.a.), and yet, Toronto has a waiting list for subsidized housing hovering around 80,000 active applications, of which a reported 227 are unhoused people (City of Toronto,

2021e). To put the cost of housing in perspective, the 2018 average market rent for a 1-bedroom apartment was \$1270 and a studio apartment \$1089. However, a recent analysis of rental rates reveals the average market rent is closer to \$2000 and \$1500 (City of Toronto, 2019a, p. 26). Liveability is thus questionable for lower-income households, particularly when dependent on the shelter provision from Ontario Works and Ontario Disability Support Program, listed in Toronto's latest housing plan as \$390 and \$479 per month. The lack of deeply affordable housing options—social, rent geared to income, supportive, subsidized, transitional—actually leaves approximately 10,000 people in Toronto without housing “on any given night”, resorting to emergency shelters, respite centres, and other facilities (Fred Victor, 2021), or rough sleeping outside in the city's public spaces. Thus, adjacent to the downtown Toronto ‘towers of capital’ are the urban poor, living as this paper argues, in urban informality: settlements and housing conditions not unlike those found in the global southeast, only less permanent and afforded less stability by the state. Accordingly, this Major Paper investigates the following questions: What structural factors are responsible for producing tent encampments in Toronto? How are planning's regulatory regime and the local state implicated in these dynamics? How do tent encampment residents view their housing options? What are their housing preferences and aspirations in the context of COVID-19?

Post-Pandemic Housing Precarity

Post-pandemic, several factors are expected to leave many without housing, including the continuing lack of shelter space, increased housing costs, expected job losses, economic uncertainty, and the removal of rental moratoriums (Gibson, 2020), with disproportionate effects for racialized workers and renters (Press, 2020). A recent city staff report indicates “more than 400 new people become homeless each month and enter the shelter system and, according to data

from the Canada Mortgage and Housing Corporation, there are approximately 35,000 households currently in rental arrears in Toronto” (City of Toronto, 2021f, p. 17). Newly unhoused people may seek temporary shelter within the system, but the lack of current space creates a high potential for existing tent encampments to grow and for new settlements to appear. Thus, recognizing the contribution of tent encampments as a form of temporary yet informal housing is an urgent requirement, including identifying what alternatives to state-led demolition and clearance exist.

Praxis-Oriented Ethnographic Methodology

This research project investigates the relationship between the dwelling practices of tent encampment residents, the state, and other civil society actors using the lens of urban informality. I initially hoped to volunteer with the newly formed social movement Encampment Support Network (ESN) or a similar advocacy group and visit local encampments as a volunteer. Using participant observation, I hoped to provide an ethnographic account of day-to-day experiences centred around encampment resident and outreach worker voices. However, after four months of correspondence, joining these groups proved difficult. I attribute the failure in part to pandemic times, my lack of advocacy experience, a general disinterest in onboarding a student, and a large and existing volunteer pool. The research design required a new direction per the challenges, including the ongoing restrictions of the pandemic. The final methodological approach uses a less-immersive (i.e., global pandemic) Critical Praxis-Oriented Research (CPOR) approach, but without a Participation Action Research (PAR) component, since I could not establish a longer-term and direct connection with the unhoused community.

Critical Praxis-Oriented Research (adapted from Klodawsky et al., 2018) attempts to bridge the gap between activism and theory, policy writing and communities/ activists/ advocates

(p. 3). Conceptually, CPOR is the centre point of a continuum, with “community-driven research (advocacy)” at one end and “scholarly curiosity (theory)” at the other (p. 9), placing value on “working with, not on, the subjects of focus” (p. 5). Research activities are typically qualitative, such as ethnography, participant observation, and interviews (p. 10). Following Hilbrandt’s (2019) recent work on allotment gardens in Berlin, the ethnographic component of this research focuses on the “institutional...i.e., aimed to understand everyday practices with regard to the ‘ruling relations’ on which they depend” (p. 357). The understanding is not necessarily of ‘statehood’ itself, but to analyze the state through an object of study: in this case, Toronto’s encampments (Hilbrandt et al., 2021). Interview data from ESN outreach volunteers, media correspondents, homelessness advocates and activists, city staff, and local politicians with tent encampments in their wards allow the centring of advocacy voices and an analysis of the state (see Appendix A). I conducted 15 interviews over Zoom between January and April 2021, choosing respondents who could provide feedback regarding the prevalence of tent encampments, the role of the state and the politics of tent encampments, the impacts of gentrification, commodification, and urban development on public space, and what constitutes adequate housing, underscored by the ongoing the COVID-19 crisis. I emailed or direct-messaged respondents on social media. I also corresponded with city staff over email and conducted a document analysis of applicable bylaws and regulations, media articles, and historical documents.

I also conducted shorter ethnographic studies over the same period. Fieldwork included a four-hour outreach walk through the tent encampments in the Don Valley with two local advocates, attending several ESN events, and walks of city neighbourhoods, to avoid ‘armchair anthropology’ (i.e., reaching conclusions from secondary sources) (Harvey, 2014). Using

Blokland's (2012) conception of an "ethnographic vignette" to provide an empirical and "relational understanding of urban marginality" (p. 491), I intend to tell the story of how policy and theory affect life "on the ground" (Klodawsky et al., 2018, p. 9). Blokland (2012) points out everyday life experiences and broader theories describing urban phenomena (e.g., urban neoliberalism, revanchism) should operate "not with one as a frame for the other, but mutually interrogating one another" (Blokland, 2021, p. 504). Thus, ethnography tests and links together grounded experience with theory. The methodology and methods work with the broader theoretical framework and epistemological underpinnings of this research project: to understand encampments by highlighting, wherever possible, the experiences of living 'informally' in Toronto and the potential for alternative and adequate modes of living.

Organization of Major Paper

The findings of the research are organized into nine sections. Section 1 presents the theoretical framework for this Major Paper and postcolonial epistemologies informing a 'view from the southeast' for Toronto. Section 2 analyzes three historical case studies of tent encampments in Toronto, providing context for understanding past state exceptions, tolerations, or demolition. Section 3 excavates the state's role in producing and mediating urban informality and provides context on the bylaws governing space and an overview of the shortcomings of the current emergency shelter system, including the recent addition of shelter hotels. Section 4 offers insight into the ambiguity of the state and its exception granting for certain small structures over others, despite similar building definitions and regulations. Section 5 explores the urban politics of tent encampments, including local political actors, social movements, and the recent shift to human rights advocacy. Section 6 discusses the role of urban development processes in producing urban informality and the lack of state-supported social

housing at entrenching tent encampments in Toronto. Section 7 explores alternative conceptions of urban informality, repositioned as a process of urbanization. Section 8, informed by southeastern epistemologies, presents propositions and an urbanism of empathy rooted in notions of radical care. Finally, Section 9 concludes by assessing the current state of tent encampments in Toronto and key points from the findings.

Urban Informality: A Southeastern Framework for Toronto's Tent Encampments

“There’s a book I read...and it’s basically how we should learn lessons from architects from the global South” (Advocate 2, personal communication, February 19, 2021).

The globalizing cities and urban neoliberalism paradigms are typically deployed as empirical fields to research and analyze impacts on social life and reproduction in capitalist cities of the global North (Ren, 2018). Both help explain the ongoing social and income polarization in urban regions since the 1970s, attributed to the link between globalization and neoliberalism and the consequent restructuring and reorienting of urban development processes and urban governance actors around capital accumulation. The globalization literature explains how the restructuring of the productive economy from manufacturing toward globalized strategies of accumulation aimed at attracting international investment and workers subsequently restructured and polarized the urban fabric of cities (Friedmann & Wolff, 1982; Sassen, 2002; Zukin, 1992). The urban neoliberalism literature explains the localized impacts of the shift to a neoliberal phase of capitalism characterized by deregulation, commodification, financialization (Madden & Marcuse, 2016), competition, and the privatization of public services (Peck, Theodore, & Brenner, 2009) resulting in social program cuts (Keil, 2002; Peck, Theodore, & Brenner, 2009), the criminalization of poverty and homelessness (Brenner & Theodore, 2005; Heroux, 2011; Mitchell, 2021; Wacquant, 2009), and a newfound revanchism for the lower classes (Smith, 1996; Brenner & Theodore, 2005; Peck, Theodore, & Brenner, 2009). At the heart of both paradigms is urban land: increasingly commodified and valued for highest and best use and its globalized investment potential.

Complicating these theories are postcolonial critiques concerned with the privileging of Western-centric knowledge production and institutions and the overemphasis on political

economy accounts universally attributing urban inequalities to capitalism, paying little attention to local histories and institutions, state-society relations, and resistance from the subaltern classes (Ren, 2018, p. 502; Robinson, 2002). While the postcolonial critique recognizes the scholarly contributions of the above paradigms, it is made clear there are other places and theories to learn from outside a handful of late capitalist Global Cities of the North (Yiftachel, 2020; Parnell & Robinson, 2012). An alignment with postcolonial thought complicates the urban field and its epistemological fixedness, often through recentring marginalized people in the research, to detail and understand their resistance and contestation to globalizing and neoliberal projects (Ren, 2018, p. 503).

Postcolonial Critique: Learning from the South(east)

The epistemological position of this Major Paper views Toronto ‘from the South,’ in response to Robinson’s (2002, 2014) nearly two decades old call to rethink the dominant positioning of Euro-American cities in urban studies. The North-South binary characterizes cities of the global North as modern and developed vis a vis the megacities of the South, stereotyped by so-called slums and ‘developing’ along a modernist trajectory (Robinson, 2002; Roy, 2008, 2009a). The binary reading assumes the elimination or non-existence of ‘Third World’ urban problems in the ‘First World’ and privileges the unilateral transfer of knowledge from the north to the south (Robinson, 2002). Thus, perhaps inadvertently, urban scholars ignore urban conditions in the North possessing striking similarities to cities of the South. Further, considering Yiftachel’s (2020) recent conceptualization of a “global southeast,” this Major Paper extends the conceptual boundaries of the “Southern turn” to incorporate the east and west, and further “destabiliz[es]” the North-South binary (p. 156, 157).

Scholarship from the southeast on urban informality is operationalized as the lens to view the dwelling practices of marginalized and subaltern groups of the global northwest. Urban informality veers away from approaches typically deployed in Western urban scholarship (e.g., urban growth machine, regime theory, and urban neoliberalism's regulatory and entrepreneurial community power debates) to describe the causal factors behind the material conditions and everyday struggles of the urban poor (Roy, 2009a, p. 827). While the concept of urban informality is typically operationalized in housing research to describe the illegal construction or the squatting of private or public lands, recent literature considers informality in relation to the ambiguities of state regulation, rather than the phenomena that lie beyond the oversight of state institutions (McFarlane, 2012; Roy 2009a; Hilbrandt, 2021). Additionally, urban informality incorporates grassroots claims to urban space, giving agency to the people who use space for survival in globalizing, capitalist cities (Roy, 2009a, p. 826). To explain, Miraftab (2009) positions urban informality as a “counter-hegemonic insurgency” seeking to claim a right to the city and urban citizenship. Thus, urban informality exemplifies resistance to the power structures in society seeking to “suppress subaltern concepts of cities and planning” and the taken-for-granted logic of modernization and Westernized planning ideals (Miraftab, 2009, p. 35, 45).

Urban Informality in the Global Southeast

Urban informality is context-specific in an “actually existing” form (Porter, 2011) yet follows some generalizations. Urban informality—specifically of housing and subsequent patterns of human settlement—is characterized by self-built housing with no legal claim to the land, insecurity of tenure, a lack of basic services (e.g., drinking water, sanitation, garbage removal), overcrowding, no formal planning, and incomes well below the poverty line (OECD, 2001; UN-Habitat, 2015; Rolnik, 2019, p. 243). In 2018, UN-Habitat estimated informal

settlements are populated by roughly 1 billion people worldwide. Urban informality is categorized as either a “crisis” of crowding, exploitation, and exile (see *Planet of Slums* by Mike Davis, 2017), or as a form of “heroic entrepreneurialism” with “romanticized visions of...squatters and microentrepreneurs” (see *The Mystery of Capital* by De Soto, 2001) (Desai & Loftus, 2013, p. 793; Roy, 2008, p. 148). The phenomenon is typically linked to rapid urbanization, a lack of formal housing and employment opportunities, market-oriented national housing policy, and urban renewal policies without replacing demolished settlements (Brandao, 2006; Outtes, 2003). Moreover, the structural underdevelopment of southeastern countries contributes to the continual presence of urban informality. The reserve labour armies of the “periphery model of capital accumulation” leave vast amounts of the population in poverty and without ownership of land, where “survival become the reproductive condition” (Rolnik, 2019, p. 255). Thus, lower-income people self-build on squatted public and private land in marginal spaces, often proximate to employment sites (Brandao, 2006; Outtes, 2003).

Recent conceptualizations position urban informality as a distinct "mode of urbanization" which contains differentiation and contextual nuance: a “continuum” (Roy, 2008, p. 149) “occup[ying] a zone of indetermination” between “legal and illegal, planned and not planned, informal and formal, inside and outside the market” and respondent to differences in political-economic development (Rolnik, 2019, p. 280). In many urban areas of the global southeast, informal settlements are now located on land entering the speculative market or in areas adjacent to gentrifying parts of the city (Ren, 2018, 2020). Thus, urban informality is experiencing a newfound centrality in urban restructuring, attributed to transformations of the formal sector (i.e., the state and the economy), repositioned and reformed under contemporary conditions of globalized neoliberal capitalism, where the commodification of space is transforming urban areas

(Fairbanks, 2012). Increasingly, scholars note similarities in the “global character of informality” between the northwest and southeast (Harris, 2018, p. 271), opening a new conceptual field for academic exploration (Gurran et al., 2020). A growing body of research positions urban informality as a useful analytical lens for cities outside the so-called “Third World” (Roy, 2008, 2009a).

Urban Informality in the Global Northwest

While the rational planning prevalent in northwestern countries leaves “little room for informality” (Roy, 2003, p. 12), informality nonetheless persists, attributed to shifts in the political economy, including globalization, neoliberalization, and gentrification (Gurran et al., 2020; Harris, 2018) where affordable, accessible, and adequate housing is often scarce (see Fig. 2).

Figure 2

Sunset over the skyline of the globalizing neoliberal city of the global northwest, and one path to the encampments of the Lower Don Valley in the foreground.



Note: Photo by author.

Additionally, scholars link urban informality to the inherited property systems of settler-colonial nation-states and the rise of capitalism (Gurran et al., 2020; Harris, 2018). Citing no general definition nor “consistent method” to analyze urban informality in northwestern contexts, Harris (2018) provides a comparative framework: a continuum of modes and thresholds moving from “latent” to “dominant” forms of informality, ranging in degrees of visibility and entrenchment (p. 275). Despite contextual differences, references to urban informality in the global northwest often cite the literature from the southeast, particularly the state-informality relationship.

The Role of the (Mostly Local) State

The state plays a leading role in conceptions of urban informality. Roy (2008) explains how urban informality “exists in relation to the state...informality is understood not as the object of state regulation but produced by the state itself” (p. 149). The state and its legal institutions produce informality by stating what is and is not ‘formal,’ legitimate, and legal, exercising its sovereign power through “states of exception” to either uphold or adapt its laws (Rolnik, 2019, p. 291; Roy, 2008, p. 149). Thus, the state exudes a “territorial flexibility” (Roy, 2008, 2009b), primarily unfolding at the urban scale. For example, the local state typically decides on land-use regulations and municipal bylaws, placing itself squarely in the position to enforce or “turn a blind eye” to its laws (Gurran et al., 2020, p. 17). Additionally, the “presence and absence of the state” characterizes urban informality in and through a context-specific and localized relationship mediated by the current political economy (Rolnik, 2019, p. 244, 280). Thus, shifts toward neoliberal urban policy deepen differentiation between sites, “fostering some and annihilating others” to produce uneven urban geographies (AlSayyad & Roy, 2004, p. 33). In summary, the local state produces urban informality through strategic enforcement of “urban regulations”, a

process linked to the broader political economy, with spatial outcomes and implications for urban planning (Rolnik, 2019, p. 300).

State planning produces urban informality by regulating and negotiating land use primarily through zoning bylaws and municipal codes and ordinances. The state's embeddedness in creating legislation and policy often places institutional actors in highly politicized positions, with the ability to "manipulate informality to suit themselves" (Harris, 2018, p. 274). For example, state tolerance of informality often coincides with a lack of social service provision, for instance, social and affordable housing. Thus, politicians, state actors, and planners are temporarily relieved of the responsibility to solve the broader issue of housing accessibility (Harris, 2018), leaving the informal sector to fill the service gaps as a "cheap and easy solution" to "formal" housing (Briassoulis, 1997, p. 107). Relatedly, urban informality reflects the siloed nature of the state and its inability to coordinate and update zoning to accommodate changes in land use, such as legalizing basement apartments (Harris, 2018), rooming houses, and other types of secondary suites. Further, the pressure to protect, plan, and manage property value requires rules and (de)regulations often implemented by agents of the state (Gurran et al., 2020; Harris, 2018), including planners.

State responses to urban informality are often described as gradients of acceptability and tolerance. For example, Harris (2018) suggests the state in the northwest formalizes, tolerates, or removes that which it qualifies as informal, often through politically motivated strategic selectivity upholding the private ownership model of property rights (Blomley, 2004), denying protection to those who do not conform to institutional rules. Similarly, Ren (2020) proposes three categories of local state action in comparative work on housing crises and informal settlements in the southeast: demolition, resettlement, and integration (p. 16). Sites are either

cleared as quickly as possible to free the land for investment, relocated with conditions, or provided services and gradually incorporated into the neighbourhood (Ren, 2020). The examples underscore how urban informality is an exercise of state “power and control” (Porter, 2011, p. 117) over land use from which states of exception open and close depending on an “urban governance dance” (Mitchell, 2021) and the political will to accept informality—or not. Further, state tolerance often coincides with the difficulty of enforcement across vast urban areas (Mendez, 2017, p. 551; Rolnik, 2019, p. 300).

Alternative ontologies of the state move away from sovereignty toward a diffuse, constantly (re)negotiated (Hilbrandt, 2019, 2021), and ambiguous state, its “techniques” of “modernist land use”—namely municipal zoning bylaws—more “flexible, fragile, and contradictory” than often discussed in critical accounts of everyday urban life (Valverde, 2011, p. 278). The sovereign state is also a social relation (Jessop, 1999) and thus (re)formed, (re)defined, and (re)shaped by “everyday actors” and the multiple forces which together shape “everyday urbanism” (Hilbrandt, 2019, p. 355). Often either “presumed absent” or a “counterforce...[invading] everyday life from the centre or top-down” (Hilbrandt, 2019, p. 353), the state is also “co-constructed...by everyday agency” (p. 353) and the myriad power relations and mobilizations of actors “in and across space” (p. 354). State power is a mediator of informality; however, various urban actors counter-mediate state power. Thus, urban informality provides a lens to see power relations at work (Hilbrandt, 2019).

The Role of Civil Society

The state does not act alone in producing urban informality, particularly when positioned as a state-society relationship. Harris (2018) explains when understood as a relation to the state, informality's “urban nature stands out” (p. 270). Thus, civil society actors (civil society, defined

here as the market and the community via Comaroff and Comaroff, 2008) emerge as secondary but powerful agents in the rearranging—and the countering—of the rules and regulations for urban land use.

Development Pressures. When property values are contingent on and mediated through the presence of informality (AlSayyad & Roy, 2004), the “pressure to manage” through regulation emerges (Harris, 2018, p. 270). In particular, prescriptive, normative land use planning establish economic control and outcomes, such as zoning for private market housing. The state—and its planners—are pressured to accommodate capitalist urban development processes (Harris, 2018; Stein, 2019), including the management of urban informality. Problematically, the “decoupling” of physical space from its social use, particularly for housing, results in housing booms where prices increase beyond what is easily affordable to most urban residents (Madden & Marcuse, 2016). Under these conditions, urban informality emerges in northwest urban regions alongside formal housing development, where continual investment and speculation result in escalating housing prices exacerbated by low vacancy rates and a lack of affordable options (Gurran et al., 2020; Mendez & Quastel, 2015).

The Power of Propertied Citizens. The paradigm of propertied citizenship found in countries of the global northwest provides homeowners with the ability to resist the state while creating “territorialized uncertainty” for those without land ownership (Roy, 2003, p. 470). The state plays a secondary yet critical role in enforcing and entitling ownership through its legal frameworks. Meanwhile, its enforcement apparatus coalesces to uphold the “primary rights” of the owner (Blomley, 2004, p. 3, 11), for example, to remove and prosecute trespassers from private property. Those without land may resist ownership rights through “claims” to space. However, when these claims fall outside the legal rights of title enforceable by the state (e.g., the

private property of citizens, but also the public land held in stewardship by the state, such as city parks), the rights of the unpropertied often fall to the wayside (Roy, 2003), claimed instead through “appeals to human rights, morality, and exclusionary acts” (Blomley, 2004 p. 12, 15, 18). The propertied emerge as respectable people (i.e., economically and politically engaged), where participation in society rests on “voluntary association” with the norms of citizenship: private space is for private activities (e.g., sleeping, eating, bodily functions), and public space caters to a middle-class lifestyle (Madden & Marcuse, 2016, p. 10; Smith, 1996). A spatialized “geography of ownership” emerges, where “conditional access” to shelter is characterized by the property relations inherent under a regime of ownership and the precarity of “living on someone else’s property, every day” (Blomley, 2020, p. 36).

Counterclaims to Urban Space. Those inhabiting marginal spaces produce the urban through the “routines of everyday life in the city” (Purcell, 2002, p. 102), formal or not (Roy, 2003). Social movements, activists, and members of marginalized communities demand the right to “access, occupy, and use” land and to “produce space which meets their needs” (Purcell, 2002, p. 103), often countering the paradigm of propertied citizenship. Advocacy groups often channel Lefebvre’s ‘right to the city’ (August & Webber, 2019; Purcell, 2002, p. 99): where any inhabitant of the city, regardless of property ownership or association, has the right to participate. Conversely, Devlin (2019) points out how “frenzied scholars” of the global North are “discovering”, categorizing, and analyzing urban informality (p. 122), invoking the right to the city discourse to position informality as a “radical” component in “new society building” (p. 135). However, when situated in what Simone (as cited in Devlin, 2019, p. 137) refers to as “the politics of getting by”, informal settlement residents are less connected to political or revolutionary outcomes and strive instead for improved quality of life, opportunities, and

inclusion. Additionally, as Hilbrandt (2021) points out, a focus on informality's insurgency and resistance dichotomy risks overlooking the "agentic qualities", negotiations, and "quiet encroachments" of informal settlements (p. 19). Thus, urban informality as a counterclaim to space is understood as varied, nuanced, and relational.

Encampments as Mode of Urban Informality in the Global Northwest

Tent encampment research typically discusses and describes Tent Cities of the United States (US). The debates are typically situated within the globalization and urban neoliberalism paradigms, where the class structure of capitalism produces urban poverty. Mitchell (2021) defines Tent Cities as the "relatively stable encampments of the desperately poor" (p. 57), which ebb and flow through crises of capitalism (p. 94), where Tent Cities "move around but never disappear, sometimes with a shape, and other times shapeless" (p. 66 & 67). Mitchell (2012) further explains as public space continually folds into urban development processes and accumulation strategies, encampments are pushed to the "interstices" of the city: under bridges, into old buildings, and on the banks of rivers. Additionally, Tent Cities are discussed as the outcome of systemic and structural neglect of those outside the labour market (Herring & Lutz, 2015; Mitchell, 2021), a form of political protest and return to the commons (Lutz, 2015), and not a novel phenomenon emerging after 2008's Great Recession (Herring & Lutz, 2015).

Throughout the literature, there are no explicit links between Tent Cities and urban informality. However, the descriptions demonstrate considerable nuance, particularly where the state chooses to "exclude and seclude" Tent Cities if tolerated at all (Herring, 2014). Mitchell (2021) describes the political response to encampments as typically either a state-sanctioned model endorsed by the mayor and other city politicians or "neoliberal mayors" asserting clearance and zero-tolerance policies. Thus, in many accounts, Tent Cities are implicitly linked

to urban informality within descriptions of the state's role in governing their existence.

Additionally, Loftus-Farren (2011) points out Tent Cities are an understudied phenomenon, complex, and a temporary solution for cities with affordable housing shortages.

The Problem with Urban Informality

Positioning encampments as a mode of informality in the global northwest provides an analytical lens for an ever-growing yet constant phenomenon. However, the theoretical framework of this Major Paper, inspired in part by Roy's (2008) call to explore the complexity of urban informality as an epistemological planning tool, also imbues a "territorial stigma" associated with the transiency, impermanence, and living conditions of tent encampment residents (Rolnik, 2019, p. 280). Scholars further critique urban informality, despite the prevalence of nuanced and continuum-based accounts, for the term's binary connotations (Alfaro d'Alençon et al., 2018). For instance, the 'formal' (good) and the 'informal' (bad) are problematic understandings, particularly when governance regimes operationalize the 'bad' to legitimize policy (Pratt, 2019). The concept also tends to prioritize the state and commodification over the people leading the urbanization movements (Streule et al., 2020). Additionally, the term—often used interchangeably with slum—contributes to persistent and vicious "myths of marginality", assuming social relations emerge from spatial realities (AlSayyad, 2004, p. 18, 26). Thus, there is a debate about leaving such terms to history (Acuto et al., 2019; Deboulet, 2017; Deboulet, 2017; Mayne, 2017; McFarlane, 2019; Pratt, 2019).

Despite the debates, the term remains salient as "a starting point for analysis" (McFarlane, 2019, p. 622) for urban phenomena. Additionally, as mentioned by Hilbrandt at a recent book launch, calls to leave informality behind—if proposed and executed by Western scholars—are yet another form of Western-centrism and risks leaving the rich literature from the

global southeast behind (Hilbrandt et al., 2021). At this juncture, urban informality research from the global southeast presents learning opportunities to inform planning practices, urban policy, and “redistributive justice” (Roy, 2008, p. 148) in the northwest, keeping in mind the debates and the history of the term.

Not a Novel Occurrence: Excavating Toronto's Encampment History

“There’s tons of encampments in the Don Valley, for example, that most people don’t know about. There’s nobody around to complain, right? The city really doesn’t care. [Clearance] is mostly triggered by 311 calls” (Advocate 2, personal communication, February 19, 2021).

Given the controversy around tent encampments over the past year, looking back to other examples of encampments provides context for understanding previous state exceptions, tolerations, or demolition. Previous encampments also reveal urban informality is not a novel occurrence in Toronto. Historically, Toronto is a settler city, and Indigenous land dispossession dates to the 1830s alongside the capitalist mode of production imported and orchestrated by incoming elites. The profits generated through exploiting land and labour secured generational wealth, and each crisis of capital produced more wealth for the ruling elite, with displacement and dispossession for the mostly landless working and lower classes, many migrating to Toronto from a growing rural reserve labour force (Palmer & Heroux, 2016). Accordingly, the city’s first encampments emerged, ebbing and flowing with each subsequent crisis. Three examples are discussed below with varying histories, state responses, and outcomes.

An “Urban Borderland”: The Encampments of the Don Valley

The first example is the historic encampments of the Lower Don River Valley, existing since colonization and often tolerated by the local state. Before the “contact period” of colonization, the area was seasonally used by the Seneca, Algonquin, and Mississaugas of the Credit, with “little evidence” to suggest the establishment of “permanent village sites along the river” (Bonnell, 2014, p. 10). The area, delineated from the river terminus at Lake Ontario north to Eglinton Avenue today, was “paradisiacal” (Abbott, 2014, p. 11) until becoming the dumping ground for the city’s trash, raw sewage, and later as industrial production in the area ballooned, chemicals and effluents. As the Don became environmentally marginalized, those socially

marginalized by the colonial, capitalistic, and “liberal project” of “productive” citizenship sought shelter in the polluted river valley. The 1857 opening of the House of Refuge for the urban poor and those with mental illness, followed by the Don Jail in 1864, further stigmatized the area (Bonnell, 2008, p. 2; Bonnell, 2014, p. 79, 87, 111).

By the early 20th Century, the lower Don became a space for the “undesirables” of society, an “urban fringe...and borderland” created by city elites (Bonnell, 2014, p. 87). The valley became particularly attractive as a space outside the surveillance and rules of the city centre. Life in the valley unfolded relatively undisturbed, unless the population veered toward “revolutionary” and complaint-inducing sizes, such as during the “hobo jungle” days of the Great Depression (Bonnell, 2014, p. 106). Helpfully, the valley’s topography buffered speculation and development, and institutional, industrial, and park uses prevailed. As a “wild...and lawless space” (Bonnell, 2008, p. 5, 81)—partially due to infrequent surveillance by enforcement officials—the “mostly landless” working and lower classes formed shantytowns near nearby worksites in the “wooded hillsides and river flats” far from prying eyes of other residents, boosters, and politicians (Palmer & Heroux, 2016, p. 29, 38). Thus, the marginalization of the Don Valley by elites provided space for urban informality to flourish.

Throughout the 20th Century, as homelessness increased across the city, encampments became “more visible in the Don” (Bonnell, 2014, p. 97). However, two decades of “infrastructure improvements and...reevaluation” of the valley as a “recreational space” (Bonnell, 2014, p. 110) is creating novel tension between perceived and former uses of the valley’s green spaces. Previous conceptions of the valley as a fringe space run counter to an emerging conception of the valley as amenity space, tensions exemplified through the social media of a citizen-led environmental group called Don’t Mess with the Don. For instance, in a recent social

media post, the group's stewardship efforts encounter and question the dwelling practices of the unhoused (Don't Mess, 2021), while another post complains about littered Tim Hortons cups—incidentally, the cups dotting the path into the valley's current encampments (fieldnotes, March 1, 2021). Relatedly, the land use maps of Toronto's *Official Plan* offer a two-dimensional version of the Don River Valley, hatched in various shades of green to indicate park space, natural areas, or other open spaces. The valley's spaces are places to take a break, play sports, or relax, in an urban wilderness, where “compatible” uses are regulated to minimize environmental impact (City of Toronto, 2019c, p. 4-11).

And yet, encampments persist here, often unnoticed, deep in the ravine valley of the Don River. Compared to more visible encampments, state power is deployed spatially and “at a distance” (Hilbrandt, 2019, p. 353), yet the state is typically tolerant. For instance, an encampment resident mentioned being left alone except for periodic check-ins by Toronto Fire and Police Services. If everything appears safe, city staff provide fire safety recommendations and depart without incident (fieldnotes, March 1, 2021). The trade-off of minimal city enforcement is increased distance to services and sanitation. Encampments in the Don Valley (see Fig. 3) grew during the pandemic and have since shrunk as people accept the city's housing offers (fieldnotes, March 1, 2021). The valley provides shelter from surveillance and the elements, “creating pockets of possibility, retreat, and remove for people pushed for various reasons to the edges of society” (Bonnell, 2014, p. 111). However, the valley is changing, viewed by the middle-class city dwellers as a place of leisure and recreation, with all the associated benefits of other urban parks. The social media posts are early signs of the valley's competing urbanisms: one for environmental protection and another for survival.

Figure 3

The barely-discernable tent encampments of the Lower Don River Valley.



Note: Photo by author.

Toronto Island Tent City: Circa 1890-1950

Toronto Island provides another example of an early colonization-era encampment formation. However, the island Tent City is an example of the “production of [negotiable] formality” (Hilbrandt, 2021, p. 28) over the marginalization, seclusion, and toleration experienced in the valley. The Toronto Islands are located on the “traditional territory of many nations” (City of Toronto, 2021d) and historically used for healing, rest, and traditional hunting and gathering (Diamond, 1994, p. 8; Taylor, 2018). However, in the early 1800s, incoming colonial settlers frequented the island as a destination for leisure activities: “picnics, fishing, horseback riding” (Taylor, 2018), sailing, swimming, and hunting (Diamond, 1994, p. 8). Of the fifteen islands of the archipelago, the city’s upper classes occupied Centre and Hanlan’s Islands, constructing large cottages and amenities such as restaurants and parks (Diamond, 1994, p. 9). Conversely, Ward’s Island became the seasonal home of fisher-people and the working class,

and by the 1900s, entire families spent summers on Ward's Island in tents (McDonnell, 2017; Waterfront, 2017).

For many, the island encampment named Tent City (see Fig. 4) was “an affordable way for the less affluent to escape the heat” of the city (Waterfront, 2017), where “the working man...[who] couldn't afford to build a mansion, or even a small cottage...simply pitched a tent and...squatted for the summer” (Lennon, as cited in Diamond, 1994, p. 12).

Figure 4

The Tent City of Ward's Island circa 1911 (City of Toronto Archives, Fonds 1244, Item 166).



Note: Photograph used with permission from the City of Toronto Archives.

The encampments proliferated, and by 1910, the idyllic summer vacation site became unruly, disordered, and violent, leading the city to place regulations on the campers (McDonnell,

2017; Taylor, 2018). The city imposed a licensing standard, city register (McDonnell, 2017), and in the winter, tents required dismantling and storage near the rear of the plot (McDonnell, 2017; Taylor, 2018). Typically, the plots contained 24-foot square platforms, serving as the foundations for larger tents (McDonnell, 2017), and laid out in a grid and wooden planks delineated five-foot wooden sidewalks and narrow streets (Taylor, 2018). In 1913, the summer residents organized and created the Ward's Island Association, a non-profit group of Tent City residents who suggested rules to keep order and sanitary conditions (Diamond, 1994, p. 15, 22).

By the 1920s, plots included “verandas, sheds for cooking, and other semi-permanent structures” (McDonnell, 2017). In 1931, the city formalized the growing and stabilizing encampment for “seasonal habitation” (Braun, 2017; McDonnell, 2017; Taylor, 2018; Waterfront, 2017), passing a bylaw “permitting the building of permanent cottages within specified limits” (Diamond, 1994, p. 27). Soon after, prompted in part by a housing shortage in the growing metropolis, city officials approved “year-round residency” (Braun, 2017) and maintained annual land leases (Diamond, 1994, p. 28). By 1950, the newly forming settlement saw tents replaced with permanent structures (Diamond, 1994; McDonnell, 2017). The problem of daily waste, “carried to outhouses in the mornings by women or the maid” (McDonnell, 2017), solved by incoming city services, laid out along the existing street grid, followed by electricity circa 1950 (Diamond, 1994, p. 24): “Tent City...no more!” (Diamond, 1994, p. 29).

Despite the ongoing formalization of Tent City, a debate emerged over increased park space for the growing metropolis, coming to a head in the late-1950s. The Municipality of Metropolitan Toronto wanted the islands for park space, beginning a legal battle spanning over thirty years (Taylor, 2018). The metro government set a clear intention to demolish buildings on Ward's and Algonquin Islands, but the residents fought back for lease extensions (Diamond,

1994, p. 31). During this period, and with no formalization of land rights or tenure, residents “lived in a state of flux...paralyzed by the theoretical bylaws...but unable to receive building permits. Many residents constructed alterations, or additions anyway”, but the threat of demolition led to diminished material conditions (Diamond, 1994, p. 33). In 1993, the incumbent provincial-level New Democratic Party government intervened (Storeys, 2016) and “settled” the legal status of the island (Taylor, 2018) through *Bill 61: An Act Respecting Algonquin and Ward’s Island and Respecting the Stewardship of the Residential Community on the Toronto Islands [The Act]* (Diamond, 1994, p. 33; Toronto Islands Residential Community Land Trust Corporation [TIRCLTC], n.d.). Through *The Act*, the provincial government “vested” in itself “the title and interest” of both islands without compensation to the city (Diamond, 1994, p. 33).

The province incorporated a land trust: “a corporation without share capital” (Diamond, 1994, p. 34) to manage the land, including the sale and purchase of Island homes (Storeys, 2016). *The Act* “forced [the] purchase of” 99-year land leases for a set price, taxation, and assessment rates (Diamond, 1994, p. 24, 35; Storeys, 2016), but most importantly for the residents, legal tenure and land security. The land trust also effectively “decommodified” island housing to preserve a “diverse, mixed-income community” with no short-term uses allowed (Storeys, 2016). The land trust restricts private sales, and homes are either passed to children, spouses, or legal co-owners, or bought and sold through the corporation (Laidlaw, 2021; Storeys, 2016). The value of the lease is determined using a formula set out in *The Act*, the selling price is the “replacement value only” determined through third-party appraisal and a formula to determine the price, and available houses are offered to the first person on a 500-person maximum waiting list (Storeys, 2016; TIRCLTC, n.d.). The sizes of the lots and the location on the Island do not factor into appraisal value, and currently, the lease plus housing price is on

average \$150,000 to \$400,000 plus the one-time lease cost payment (TIRCLTC, n.d.).

Additionally, residents must declare the island housing as a principal residence for income tax purposes (TIRCLTC, n.d.). Leases signed in 1993 expire December 15, 2092, and today, Ward's and Algonquin Islands have a combined population of approximately 650 people living in 262 houses (TIRCLTC, n.d.).

Toronto's Other Tent City: 1999-2002

Less than a decade after the NDP government created *The Act* to protect and formalize the island's tent encampment, Tent City 1999 emerged. At the time, the unhoused population was at its "worst ever" after austerity cuts across all levels of government trickled down onto people already living in precarious housing situations (Connolly, 2001). Faced with limited access to affordable housing (City Centre Mirror, 2009) and an overwhelmed emergency shelter system (Connolly, 2001), the city's growing unhoused population formed an encampment at 324 Cherry Street—a 5.3-hectare site on the city's eastern waterfront once home to an iron foundry (Philip, 2000)—after construction plans for a massive Home Depot retail location stalled due to intense community opposition (Sufrin, 2010). By autumn 2000, 80 people called Tent City home, and for the first six months, conditions in the camp were "great" (City Centre Mirror, 2009). Many residents created self-help housing, including tents and other small structures (Connolly, 2001).

Tent City became increasingly scrutinized after the site became an integral part of Toronto's 2008 Summer Olympic bid: a joint plan between all levels of government and local business elite, including 1.5 billion in provincial and federal funding to redevelop Toronto's waterfront as part of the bid package (Nicol, 2001). At the same time, Tent City created an international public relations nightmare for then-Mayor Lastman, reaching a crisis point

after *The New York Times* ran an article—complete with Tent City images—deriding city administration for the impoverished conditions and lack of affordable housing in such a wealthy city. Tent City became “symbolic of Toronto’s urban problems...a model city? Not anymore” (Immen & Rusk, 2002), sullyng Toronto’s global image and the potential to catalyze international investment. The Toronto Disaster Relief Committee (TDRC), a group formed in 1998 to respond to the rising homelessness in the city and strong advocate for Tent City residents, claimed lack of city support exacerbated the health and safety conditions of Tent City. TDRC’s “eclectic” members, drawing from legal, faith-based, political, educational, health care, community advocacy, and real estate development sectors, scaffolded the group’s activism efforts and allowed the group to exert a powerful influence on city politics— particularly given the support of then-City Councillor Jack Layton (Monsebraaten, 2012; Toronto Disaster Relief Committee [TDRC], n.d.). However, despite the ongoing support and protest from TDRC, Tent City faced demolition and clearance.

In late September 2002, faced with mounting pressure to clear over contaminated soil reports, media reports of dangerous conditions (City Centre Mirror, 2009; Connolly, 2001; Nicol, 2001), and liability issues, Home Depot directed the city to issue eviction orders for Tent City, now population 120 (Immen & Rusk, 2002). Home Depot hired security guards to evict the residents while police officers “stood by” (*Homeless*, 2002). Pink notices of eviction threatening “2000-dollar fines and a potential trespassing charge” were served; “some wept as evicted” (Immen & Rusk, 2002) as crews quickly erected gates and lights, and front-loaders cleared the structures and the shrubs to increase visibility and prevent resident return. Some residents were police escorted to retrieve what they could carry: others left everything behind (Immen & Rusk, 2002). Lastman was quick to point out the eviction was “not on the city” (Immen & Rusk, 2002),

despite the Olympic bid and negative international press (City Centre Mirror, 2009), and later stated the company was “within its rights” as the primary property owner to serve trespass notices (*Homeless*, 2002). TDRC instrumentally worked with the city to resettle 115 encampment residents’ post-eviction, fighting for and winning rent supplements and apartment unit provisions (Connolly, 2001). Notably, the advocacy efforts of the Toronto Disaster Relief Committee during this period greatly influenced the city’s current Streets to Homes program (Monsebraaten, 2012).

The Home Depot site sat in “limbo” for nearly a decade, ironically hosting the “world’s largest touring tent” for a travelling equestrian show for several years (Lavoie, 2015) before being purchased for development (see Fig. 5).

Figure 5

Awaiting development: The site of Tent City 1999 in 2021.



Note: Photo by author.

Castlepoint Investments, on behalf of a consortium of developers, including New York-based Continental Ventures and Cityzen Development, purchased the property—due to it being a

“gem...in a very, very strategic location” (Benson, as cited in Philip, 2000). Castlepoint, who incidentally opposed the planned Home Depot retail store, purchased the land for an undisclosed price; the site later rezoned for 2.4 million square feet of mixed-use redevelopment (Wong, 2010). The master plan for the site, developed by the United Kingdom-based producer of “iconic architecture”, Foster and Partners (Sklair, 2005), includes buildings by New York’s SHoP Architects (Febbraro, 2019). Plans for the site include 225 affordable units for “lower-income families and professionals... a mixed-use housing utopia” (Febbraro, 2019)—but no mention of its encampment history.

States of Exception

Previous examples of Toronto encampments are disparate yet informative, representing a multitude of state-society relations. Toronto Island Tent City is an example of tolerance and locally negotiated formality, culminating in a provincial-level intervention on municipal politics to legally formalize the island encampment. The local state negotiated formalization with Island residents until deciding to evict and demolish the settlement for additional municipal park space. However, the residents organized and fought back, delaying the eviction process for several years. Later, the incoming provincial government intervened on behalf of the Island residents—arguably for the party's working-class roots—but perhaps also due to the political connectedness of several Ward’s Island residents. Despite not being a “community of wealth and luxury” (Diamond, 1994, p. 15), Ward’s Island was home to an Olympic medalist, an accomplished sea captain, and Norman Withrow, son of alderman and east-end park namesake, who himself became the youngest musical director of Massey Hall, “one of Canada’s leading concert halls” (Diamond, 1994, p. 16). The province, flexing its power over the municipality, intervened to formalize the tenure of island residents, placing the land in trust and removing it from market

forces—despite the cobbled-together structures built under a limited set of regulations and no building permit process. Thus, the Toronto Island Tent City offers an example of political will to formalize, exemplifying how a provincial government could intervene to decommodify land and save an informal settlement from eviction and demolition.

Conversely, the Don Valley and Tent City 1999 examples do not result in formalization or integration. The encampments of the Don Valley are an example of state production of informality and ongoing toleration. The marginalization of the area as a repository for ‘undesirables’ created socio-spatial segregation between the valley and the city, an “urban borderland” imaginary persisting today (Bonnell, 2014), despite recent moves to reclaim the river valley for recreational and environmental uses. The physical geography of the valley and the difficulty to access and develop the land helps keep the area at arm’s length from resident complaints, city enforcement, and capital—for now. Tent City 1999 is a story of state-produced informality, a brief toleration period and limited negotiation, followed by eviction and demolition. The Toronto Disaster Relief Committee (TDRC) negotiated with Home Depot to extend the duration of the encampment, allow the placement of small structures on the property, and later with the local state to provide rental subsidies for encampment residents. Helpfully, TDRC maintained a political alliance with then-Councillor Jack Layton, who provided a direct line into city hall. Layton directly advocated for Tent City residents, appearing in the documentary *Shelter From the Storm*, visiting the site often, protesting alongside TDRC, and delivering moving speeches at City Hall (Connolly, 2001; Monsebraaten, 2012). Despite the impetus to clear, the encampment persisted for nearly three years before eviction and demolition.

Two critical differences are worth noting between the examples. The first is property ownership: the Tent City 1999 lands, owned by a private corporation, versus the Toronto Islands and the Don River Valley lands, owned publicly with ownership rights vested in the local state. While public ownership is not necessarily a precursor to the toleration of informality, leveraging a 'public good' argument against a private property owner is arguably challenging. Interestingly, Home Depot emerged as more tolerant of the encampment on its property than local politicians and city officials, evidenced by Toronto Disaster Relief Committee (TDRC) interventions with the private corporation to extend the encampment's duration and erect small emergency-style structures for residents (Connolly, 2001). However, the support of the TDRC and Jack Layton's added political pressure—Layton, incidentally, also supported Island residents in the battle to keep their homes (*Toronto ferry*, 2021)—did not save the encampment from demolition. The political will required to, for example, rapidly expropriate the Home Depot property at the provincial level and place the land in trust, an unlikely event given the then-Progressive Conservative government mandate to cut social spending and criminalization of the poor (Heroux, 2011). At the municipal level, expropriation is even less likely, given the lack of jurisdiction and the time and money required to acquire private land (Politician 1, personal communication, February 12, 2021). Thus, property rights and relations emerge as a central question for encampment formalization or demolition.

The second difference between the examples is the people. Toronto Island residents, aligned to “pioneer” and “frontier” discourses of intrepid white people persisting through early times in settler-colonial history (City Centre Mirror, 2009), held political power through organizing and the connectedness of residents. Comparatively, encampment residents—arguably intrepid and survivalist—are not often afforded similar and courageous descriptions. Who asserts

the 'power to' occupy urban space versus who experiences the state's 'power over' similar claims to urban space is another question surrounding state encampment formalization and demolition.

Informalizing Encampments: State Policies, Protocols, and Shelter Provisions

“The city...made the [shelter] windows so you couldn’t see in. I would say that’s symbolic of their response. Let’s hide it” (Advocate 2, personal communication, February 19, 2021).

The following section presents tent encampments as a mode of urban informality mediated by the state in the context of a globalizing, neoliberal city faced with a housing crisis and during a pandemic. The following section, starting with a review of the legislative framework restricting tent encampments from public space, describes the current clearance regime, the constellation of state actors who coalesce to evict and demolish tent encampments, and an understanding of how state actions and shelter provision result in the choice of tent encampments over the shelter system. The state’s spatial qualities are observable through a variety of practices: the bylaws and policies governing city spaces, but also the different actors—the “street-level bureaucracies and law enforcement agencies” (Hilbrandt, 2019, p. 357)—who participate in the everyday enforcement of tent encampment regulations in public spaces across the city.

Informalizing Toronto’s Tent Encampments

With limited options or safety nets left for the poor and unemployed after the social service cuts in the mid-1990s (Palmer & Heroux, 2016, p. 13), many moved into the city’s public spaces. At the same time, public spaces were made less hospitable, surveilled and sanitized, required by capitalism as part of localized strategies of global investment and accumulation, the limits to which vacillate between harsh enforcement and toleration of visible poverty (Mitchell, 2020). In Toronto, several specific pieces of legislation impact the dwelling practices of Toronto’s unhoused population. At the provincial level, *The Safe Streets Act 1999* [*The Act*] had a particular and “immediate impact” on the city’s poor through its criminalization of visible poverty and illegalization of “aggressive panhandling” (Heroux, 2011, p. 110). At the municipal

level, *Chapter 743 Streets and Sidewalks, Use of* sets out restrictions for city streets, prohibiting camping, dwelling, and lodging on city streets, sidewalks, and parks. *Chapter 608 Parks* prohibits sex, nudity, the drinking of alcoholic beverages, anyone from “placing, installing, or erecting a temporary or permanent tent, structure or shelter at, in, or to a park”, camping, dwelling, or lodging, and limits times to sleep in city parks between 12:01 am to 5:30 am. Additionally, *Chapter 636 Public Squares* was amended in July 2005 to add a definition for ‘camp’ while prohibiting camping and tents. Essentially, *The Act* and the municipal code bylaws restrict any form of social reproduction or long-term dwelling practices from the city’s public spaces. Violations are subject to complaints and offences face fines or enforcement by Municipal Licensing and Standards or Toronto Police Services.

Given the understanding bylaws regulating the use of urban space are not necessarily politically motivated nor targeted but inherited through nuisance complaints (Valverde, 2011), it is useful to explore why certain activities are prohibited in parks. For example, the camping section in the current Parks Bylaw evolved from earlier bylaws prohibiting trailer, tourist camps, and lodging in the former municipalities of Etobicoke and North York. The bylaws carried forward into the harmonized Parks Bylaw (A Uniform, 2004), originating from nuisance complaints rather than a top-down, heavy-handed form of state spatial planning and land use controls (Valverde, 2011). However, despite history and origins, the existing public space regulations and bylaws disproportionately impact unhoused people across the amalgamated city and are difficult to decouple from the changing political economy: the nascent global accumulation strategies and neoliberal ideological shifts at the urban scale. Additionally, at its discretion, city administration provides permits for activities such as camping and the erection of

tents, an example of the state bending its rules and creating spaces of exception. And yet, the exceptions rarely extend to the dwelling practices of Toronto's unhoused population.

Encampment Clearances: State Policies, Protocols, & Actors

The urban informality literature explains the state typically formalizes, tolerates, or removes what qualifies as informal (Harris, 2018; Ren, 2020; Roy, 2008). In Toronto, the local state response to tent encampments is removal and clearance, through a process of eviction, dismantling, and demolition, often at the helm of a neoliberal mayor (Mitchell, 2021), a role currently upheld by Mayor John Tory but “rolled with” by consecutive mayors’ post-amalgamation (Keil, 2002). Today, tent encampment clearances follow a division-wide protocol for homelessness response introduced in 2005. Before the protocol, divisions dealt with tent encampments on an ad hoc basis, often resulting in city staff “finding a tent, and some people’s belongings, and throwing it out right away” (City 1, personal communication, April 19, 2020). The protocol informs the mandate of Streets to Homes, who are required to perform a needs assessment and “exhaust” all options to bring people indoors before enforcement and eviction (City of Toronto, 2007, p. 9). After all the options are exhausted, enforcement commences. Eviction notices are served under the *Trespass to Property Act*, giving residents 72 hours before city staff (Canadian Press, 2020; Right to Housing, 2020), often accompanied by police and bulldozers, clear the encampment.

The city maintains a full-time staff for tent encampment management, referred to by a local activist as part of the “infrastructure of displacement” (Activist 2, personal communication, February 19, 2021); described on a City of Toronto (2020a) website as a “multidisciplinary effort” between Parks, Forestry & Recreation; Transportation Services; Solid Waste Management; Shelter, Support & Housing Administration (SSHA); and Toronto Police Services.

Municipal Licensing & Standards, corporate security, and bylaw officers typically enforce the Municipal Code. However, the police, Streets to Homes, and Parks Ambassadors play key roles in clearances. The police have the “authority to remove both the individual(s) and their belongings from the park” through *Trespass to Property Act Police Letter* and are often the first responders to 311 “nuisance calls” resulting in the “harassment and assault” of tent encampment residents (Right to Housing, 2020, p. 12), including ripped tents and unlawful entry (ESN, 2020a).

Streets to Homes (S2H) outreach is another primary component of the state’s clearance apparatus. Created circa 2005, S2H is a city-funded program to find rough sleepers housing and provide an elevated level of support and case management for one year (The Housing Help Centre, n.d.). The program has experienced success (see Falvo, 2009 for a detailed history of S2H), viewed as an effective intervention to bring people indoors by the majority of city staff and local politician respondents. City staff claim S2H visits tent encampments daily: to offer shelter space, education, and survival gear, including water and access to meals (City 1, personal communication, April 19, 2021). However, interview respondents questioned the program’s effectiveness. For instance, one advocate noted, “the [city’s] mandate is to offer housing to people, but the issue right now is there is no supply, and the demand is high. S2H workers have...giant caseloads of people but they have nothing to offer them...they are kind of stuck” (Advocate 3, personal communication, January 28, 2021). Relatedly, an outreach volunteer reported, “they don’t come as often as they say they do...a week or two go by before S2H comes back again” (ESN 1, personal communication, January 22, 2021). A second advocate questioned the program’s intent altogether, stating:

“the city does seem to say ‘clear these tent encampments’ and they say they’ve done their due diligence and they wrote it in their protocols...but if the residents don’t take [what

S2H offers], then too bad...is how I understand it. We're going to clear this anyway" (Advocate 2, personal communication, February 19, 2021).

Arguably, the policy directive underlying S2H is tent encampment clearance, notwithstanding the outreach component and offers of permanent housing provided by service providers and city staff.

Parks Ambassadors, established in 2003, traverse the city's parks as an "envoy of acceptable behaviour" aimed at making "parks safe, inclusive, and welcoming for all" (Braga, 2019) for "passive and recreational use" (Right to Housing, 2020). The program started with one employee but grew to six people in 2018: four seasonal and two full-time staff members (Braga, 2019). Parks Ambassadors do not possess enforcement powers (e.g., arrests, issuing tickets); the duty is to patrol, "post trespass notices", and use education as an enforcement mechanism (Mastroianni, 2021). The lack of enforcement powers does not mean the Parks Ambassadors play a minor role. In a media interview during the pandemic, one tent encampment resident noted, despite permission from a local church to camp on their property: "Parks Ambassadors came almost daily to try and force everyone off the property...they would tell us to go stand by the wall, and they would go through our stuff...in response to complaints received via phone or email from passersby or area residents" (MacIntyre, as cited in Mastroianni, 2021). Additional scrutiny of the program includes city documents obtained through a Freedom of Information request, detailing a focus on tent encampments and the creation of a smartphone application to track tent encampments and clearances, a program not mentioned by a media respondent (City 3, personal communication, June 1, 2021). The request further revealed "65 training slides...including a 'decision tree' outlining two responses to people 'erecting structures' in parks. Both responses result in the dismantling and clearing of the tent encampments" (Mastroianni, 2021).

Effects of the Pandemic

During the pandemic, tent encampments across the city proliferated, shifting the mode of informality toward a “latent” and highly visible formation, leading to increased state attention (Harris, 2018, p. 277). The increase in tent encampments is attributed to the COVID-19 crisis in the congregate emergency shelter system, accompanied by a loss of other housing options (e.g., couch surfing) and the ongoing lack of social and affordable housing (City of Toronto, 2021f). Encampments reduce the risk of airborne spread of COVID-19 in congregate settings and of deaths in the unhoused population (Zwarenstein, 2020b), who are already at five times the risk of death 21 days after a positive case confirmation (Uzair, 2021). A pivotal moment reifying state enforcement and clearance policies occurred during the second wave of the pandemic, after a group of tent encampment residents filed an injunction against the city, seeking to suspend the enforcement of the Parks Bylaw prohibiting camping in city parks (Casey, 2020a; City of Toronto, 2020c). The court eventually struck down the injunction and reaffirmed state power to evict unhoused people and clear tent encampments from parks, stating “[parks] are public resources, intended to be available and used by everyone” (City of Toronto, 2020c). Despite ongoing advocacy and responses calling out the court decision and the misunderstanding about the availability of shelter beds, the ruling continues to hold, and the city continually references the case in its media releases and clearance campaigns.

Rights-Based Approaches: Co-opting the Discourse?

Canadian governments are slowly writing rights-based approaches into housing plans, premised upon commitments to international law prescribed by the United Nations (UN), despite no right to housing enshrined in the Canadian constitution nor the *Canadian Charter of Rights and Freedoms* (van der Berg, 2019). Accordingly, the city’s recent 10-year *Housing Action*

Plan takes a rights-based approach using a specific definition of “adequate housing...affirmed” in international law (City of Toronto, 2019a, p. 9). Throughout the pandemic, the city attempted to incorporate human rights into its encampment policy. For instance, the City of Toronto approved a *COVID-19 Interim Shelter Recovery Strategy* in late September, which “recommends a human-rights-based response to encampments” (Right to Housing, 2020), a response it has yet to implement. In winter 2021, the city edited two websites, removing references to a rights-based approach to encampments (see Appendix B). Additionally, a recent city staff report is careful not to implicate itself in human rights, mentioning its “human services response to encampments”, yet later references its rights-based housing plan (City of Toronto, 2021f, p. 1, 5).

On the one hand, as an advocate respondent pointed out, “there is a massive misunderstanding and...lack of knowledge from city officials about what it really means to take a human rights approach to anything, but certainly to encampments”, continuing to explain, “I think sometimes people use...human rights to be synonymous with a respectful approach or a moral approach of recognizing people’s humanity or a human-centred approach” when human rights are “government obligations”—at all levels—to uphold UN conventions (Advocate 1, personal communication, March 9, 2021). On the other, the city appears calculated in its avoidance and removal of human rights language from its media, thus releasing itself of the obligations and potential for litigation, especially since rights violations—such as a lack of sanitation, potable water, and forced evictions—are ongoing events in the city’s current human services approach to encampments.

Pandemic Policies of Clearance

Tent encampments grew and stabilized across the city under a pandemic regime of tolerance; however, the enforcement tide turned in March 2021 with the introduction of the

Pathway Inside program. The program's mandate of "supporting people in encampments with safe, supportive indoor space" until permanent housing is secured (City of Toronto, 2021b) was derided by activists as a rebranding of the existing Streets to Homes protocol and a targeted policy aiming to speed up clearances of the downtown encampments before spring weather arrived. With a stated focus on Moss Park, Lamport Stadium, Alexandria Park, and Trinity Bellwoods, other encampments deemed 'priority' were encompassed by *Pathway Inside* (City of Toronto, 2021b). Consequently, advocates and activists posted images of trespass notices in parks throughout the city on social media. The program coincided with the city's stated eviction date "to tent encampments across the city" of April 6, 2021, at 8 am; the deadline halted due to outbreaks at a shelter hotel, the planned rehousing site for evictees (Gibson, 2021a), but also due to public outcry over the eviction notices. Currently, the city is in the process of evicting tent encampment residents across the city, defending the clearances by restating its "obligations to ensure parks are able to be used by all" and citing fires, sanitation, and lack of wrap-around support as clearance rationale (Gibson, 2021b).

In addition to *Pathway Inside*, a recent City staff report (2021f) outlines a new mandate at "advancing several strategies to prevent new tent encampments" from forming (p. 15), reiterating tent encampment illegality and the city's clearance power. The report maintains normative uses for parks: a place for "picnics, events, and sports" with the introduction of "safety audits" focused on "lighting, pruning, furniture placement within the park and other improvements" to "improve park safety" (p. 15). An increase in law and order, through Municipal Licensing and Standards and Corporate Security, is also outlined, where staff will "proactively monitor" parks with "a known history of tent encampments" around the clock (p. 15). The report also details strategies to increase public activity in downtown parks, collaborating with community groups

and BIAs to keep parks busy enough the unhoused will choose to go back to the margins. As pandemic-induced tolerance wanes, the approach to tent encampments is a renewed commitment to monitoring and demolition.

And yet, encampments...

Notwithstanding the recent pandemic clearance policies, overall, the City tolerated tent encampments during the pandemic: “the approach has really not been enforcement” unless there is an “immediate health and safety concern” (City 1, personal communication, April 19, 2021). The realization those living in encampments have limited options functioned as the basis for the informal moratorium, explained by a local politician: “they are not going to force it because they know these people have no place to go” (Politician 4, personal communication, January 21, 2021). With limited housing options to offer encampment residents, the state “turned a blind eye” (Gurran et al., 2020, p. 17; Hilbrandt, 2019, p. 359) to its regulations and policies until Spring 2021.

The Question of Adequate Shelter

With the housing choices of Toronto’s unhoused constrained by what is accessible in the market (Hilbrandt, 2021, p. 55), tent encampments or the emergency shelter system are often the only options. As one respondent explained, “it’s a world of limited choices” (Politician 4, personal communication, January 21, 2021).

Tent Encampments. Tent encampments (see Fig. 6) provided people with space to physically distance during the pandemic beyond the congregate settings of the emergency shelter system and the new dangers emerging in the shelter hotels. Tent encampments are communities, described by an outreach volunteer as “social living environments...[residents] can hang out, pool resources, and watch out for each other” (ESN 2, personal communication, January 19,

2021), compared to the individualized living spaces in transitional housing and shelter hotels. Often, relocations move people away from services and networks and into isolated conditions, thus facilitating a return to the encampment (fieldnotes, May 27, 2021). Despite tent encampments existing under the constant threat of eviction underscored by the difficulties of living outside without basic services, tent encampments are often preferred over the city's emergency shelter system, particularly throughout the pandemic.

Figure 6

An encampment site near Bloor St. E. and Parliament St. during winter 2021.



Note: Photo by author.

City Shelters. Before the pandemic, the city's emergency shelters were often overcrowded and prone to outbreaks of diseases, such as tuberculosis (Advocate 2, personal communication, February 19, 2021), and at their absolute worst, home to “bedbugs...violence, and unhealthy” living conditions (Hune-Brown, 2019). In 2019, the city operated 64 shelters, managing ten directly, with others serviced by community agencies (City of Toronto, 2019b). An advocate summed up shelters as “arguably saving lives” but at the same time, “[shelters] are soft

institutions, they're horrible places" (Advocate 2, personal communication, February 19, 2021).

Often, tent encampment residents are "distrustful" of the city and the shelter system (Capps, 2021). For instance, another respondent (ESN 2, personal communication, January 19, 2021) recalled a story about city staff treatment as the main reason for shelter avoidance:

"One of the guys I know from the park, he lived in the shelter system for five years – a long time. And just absolutely refuses to go back because he had so many bad experiences with the shelter employees...being jerks to him. There's no way he'd ever go back."

Throughout the pandemic, the city insisted the "safest place is in shelters" (Fact Check, 2020), despite the risk of COVID-19 transmission in congregate settings, and the results of its recent survey: 35% of respondents cited "lack of safety" and 30% cited, "feeling safer outside" as reasons for not staying in shelters (City of Toronto, 2021f, p. 22). One example stands out in dispute of the city's claim of safety: the failure to provide proper physical distancing (0.6 metres) between shelter beds. In October 2020, an Ontario Superior Court judge ruled in favour of a consortium of advocates and required city staff to file reports until physical distancing "obligations" were met (Casey, 2020b; *Homeless advocates*, 2020). The judge held the city to its rights-based housing plan, using a "parallel accountability mechanism" (Advocate 1, personal communication, March 9, 2021). To explain, while the right to housing is not enforceable in the courts, it's a commitment that governments make at a political level, and they can be held accountable to international law. The judge in the case "referenced the fact [the city] has embraced housing as a human right...and one...requirement is the protection of human life, and the two-metre requirement is a measure to do that" (Advocate 1, personal communication, March 9, 2021). Arguably, the city did a better job spray painting physically distanced circles for middle-class leisure in parks than providing adequate space between the beds in congregate shelters.

Shelter Hotels. The introduction of shelter hotels, an additional indoor housing option to emergency shelters during the pandemic, and one the city felt would appease advocates (City 1, personal communication, April 19, 2021) also contained a host of issues implicating the city in mismanagement and misunderstandings about resident safety. An outreach volunteer respondent (ESN 2, personal communication, January 19, 2021) mentioned one resident's experience at the Victoria Hotel:

“You just really feel super unsafe there, there's...fights there and guards. He used to be able to lock his door. But now he can't lock his door anymore. There's a rule against locking your door and they come in and check the room...three times a day to make sure you're not setting it on fire. They actually had a fire there a couple weeks ago. It's pretty grim.”

The other outreach respondent mentioned, similar to conditions in city shelters, “you hear the criticism about the hotels as well...like policing people's behaviours. When they go to the hotels, there's a curfew, there's all these different rules that wouldn't be in place if it was an apartment or...a ‘regular’ person going to a hotel” (ESN 1, personal communication, January 22, 2021). Moreover, shelter hotels are associated with additional tragedies attributed to COVID-19 and isolation: an increase in deadly overdoses (Zwarenstein, 2020a).

Seeing Like a State

Urban informality centres and helps peel back the layers of the state apparatus, providing a lens to view its regulatory framework and ruling relations, highlighting the street-level bureaucracies and enforcement agents who mediate the state's policies and bylaws on the ground. As a mode of urban informality, the local state in Toronto has, particularly since the 1990s, an overarching, oppressive and punitive stance toward tent encampments, as described throughout the previous sections. Toronto's unhoused encounter the state's enforcement apparatus by producing an everyday urbanism deemed informal, and despite brief interludes such as the pandemic, not tolerated by the state. Additionally, with limited access to city housing,

encampment residents have limited choices outside the shelter system or tent encampments.

Living under "the precarity of living on someone else's land everyday" (Blomley, 2020, p. 40)—particularly when highly visible in the city's parks—the unhoused “always bump into sharp legal things” (Wexler, as cited in Blomley et al., 2020, p.166). Tent encampment residents, explained by an advocacy respondent, “bump up against the police because you bump up against bylaw officers...you just learn the rules...when forced to survive in public space” (Advocate 2, personal communication, February 19, 2021).

Pandemic Structures and State Ambiguities: Tiny Shelters and Backyards

“I think it’s really disingenuous for the city to say that tiny shelters are unsafe because they can be set on fire when it’s like, yah, any building can be set on fire” (ESN 2, personal communication, January 19, 2021).

“We are working with municipalities and creating DIY guides for consumers, to encourage innovative ideas like Ottawa’s tiny houses” (Government of Ontario, 2019, p. 15).

The emergence of different yet similar small structures during the pandemic provides a glimpse into the state’s “ambiguous gaze” and its ability to grant exceptions by characterizing certain structures as formal or informal, legal or illegal, despite being blanketed by similar state regulations, or a lack thereof (Valverde, 2011). Pandemic structures expose the contradictory and selective nature of the state: the small structures of encampments are held firmly in the realm of the informal and illegal, and yet other structures and housing are either undetected or “easily granted” exceptions (e.g., minor variances to the zoning bylaw) through routine state functions (Valverde, 2011, p. 291). Accordingly, this section points to concurrent modes of urban informality in the global northwest, buildings granted “legally non-conforming use status” (Valverde, 2011), exposing the “ambiguities of legal regulation” (Hilbrandt, 2021, p. 50) and its “multiple ways of seeing” (Valverde, 2011, p. 308). Additionally, the battle to keep small structures in parks highlights how everyday agency is “constrained through the presence of state agents” (Hilbrandt, 2019, p. 354), exemplified by city staff constantly checking for signs of occupancy and towing away structures deemed abandoned.

Toronto Tiny Shelters

Tiny Shelters, alongside tents, are currently found in parks throughout the city. In early autumn 2020, local carpenter Khaleel Seivwright decided to start building Tiny Shelters after noticing “a lot of people sleeping in tents in parks...and Fall started to come around and...I figured, wow, this is going to be really hard for a lot of people once it gets cold” (personal

communication, January 25, 2021). Tiny Shelters cost approximately \$1000 and take eight hours to build (Draaisma, 2021a), with funds raised through crowdsourcing campaigns. Seivwright's experience living in autonomous communities in British Columbia led to the most recent design iteration of the Tiny Shelter, aided by the input of local architects and engineers: a 4 foot by 8 foot, 32 square foot (3 square metres) wooden structure, with a 2x6 wall assembly insulated with fibreglass batt and 1.5 inches of exterior Rockwool insulation, beyond the current Ontario Building Code (OBC) energy efficiency requirements (Building Code Act, 1992)—“it's actually more insulated than most houses” (personal communication, January 25, 2021). Accordingly, Tiny Shelters were reported as comfortable over the winter months, requiring only one sleeping bag to keep warm (Toronto Tiny Shelters, 2021). Seivwright views Tiny Shelters as filling an urgent, short-term need during the pandemic due to a lack of permanent housing options: “I think there's a huge gap in the city's response...their priority is to...get people inside...but in the meantime, they don't have enough housing for everyone” (personal communication, January 25, 2021), echoing the critique of Streets to Homes from the previous section.

Throughout winter 2020, the city semi-tolerated Tiny Shelters in parks: “currently, wooden structures are only removed if one is abandoned or someone living in one accepts services and comes inside” or if “clear and present danger” is identified (City of Toronto, 2021c, p. 3). “Abandoned” is a subjective term (Blomley et al., 2020, p. 170) contingent on around-the-clock occupancy, depending on what time of day city workers visit parks. Assuming most Tiny Shelter residents leave throughout the day, the city's approach to wooden structures places residents at the risk of losing their homes to use the washroom. An outreach respondent explains: “the city took two that were unoccupied at the time, but people's stuff was in them...they weren't

abandoned” (ESN 2, personal communication, January 19, 2021). To protect their Tiny Shelters, residents resorted to marking temporarily vacant structures with signs.

The city consistently acted to stop Seivwright from placing Tiny Shelters on city property, primarily using legal action and the repeated discourses of “unsafe and unlawful” structures (Draaisma, 2021b). Shortly after Seivwright dropped off the first Tiny Shelter, the city issued a letter detailing by-law infractions and the legalities of placing structures on city property (Draaisma & King, 2021). After a fire in Orphan’s Park on February 17, 2020, resulted in the death of one person (*Corktown-area*, 2021), the City of Toronto filed a legal injunction order (dated February 12, 2021) on Toronto Tiny Shelters. The injunction lists the many violations of the Municipal Code, specifically the Parks Bylaw and Streets Use Bylaw, both “prohibiting camping and placing tents and structures on city property” without a permit and reaffirms the state’s legal right to clear the parks of encampments (Ontario Superior, 2021). The city’s media response to the injunction also reiterated, “these wooden structures are not legal dwellings”, without reference to what constitutes a ‘legal dwelling’ (City of Toronto, 2021c).

Jurisdictional Liabilities

City media’s (2021c) post-injunction press release explains the tiny wooden structures “do not meet the definition of a structure or dwelling under the provisions of the Ontario Fire Code or the Ontario Building Code (OBC)”, thus no “jurisdiction over these structures” exists. The press release also raised safety concerns around fire detection, confinement, and the combustibility of materials used to build the structures. Several city councillors made clear the jurisdictional power of Toronto Fire Services over Tiny Shelters. One stated, “Toronto Fire was of the position that you can’t make a building safe that isn’t subject to the building code from a fire safety standpoint. And Toronto Fire wasn’t interested in having a dialogue...they had

deemed the structures unsafe” (Politician 1, personal communication, February 12, 2021). The fire chief holds provincial jurisdictional power, a person understood by a local politician as someone “city hall can’t override” (Politician 2, personal communication, February 22, 2021). Therefore, as another local politician explained, “if you build a structure and the intention is for someone to live in it...[it’s at] the sole discretion of the fire chief...they can inspect...to determine whether it’s fire safe, and if it’s not, condemn it and empty it” (Politician 1, personal communication, February 12, 2021).

On the record, the city’s fire and political leadership maintain Tiny Shelters are a fire hazard, but according to Seivwright, without any inspection (personal communication, January 25, 2021). Additionally, as Seivwright’s noted: “I’ve off-the-record spoken to quite a few firefighters...about the safety of the shelters, and for some reason, overwhelmingly, every firefighter...I hear back from has said, ‘this is great...these are much better than tents. Tents will just burn up if there’s a fire” (personal communication, January 25, 2021). However, where liability is concerned, tents—arguably a less-safe option for housing in encampments, often heated using open flames such as candles and propane heaters—remove the city of liability. The small tents dotting the city’s parks come with manufacturer specifications, installation instructions, and warnings, evaluated for certain terms and conditions of use. The manufacturer is technically the regulator of the tents, and any use beyond what the warning label and instructions state is informal, illegal, and at your own risk.

The ‘Building’ Paradox

The other crucial piece in the ongoing Tiny Shelter debate alluded to in the quote above is its designation, or lack thereof, under the Ontario Building Code (see Fig. 7). One Councillor claimed, “the reality is [Tiny Shelters] are not permitted in the [building] code” (Politician 2,

personal communication, May 6, 2021), but this statement is not entirely true. At less than 10 square meters (108 square feet) and containing no plumbing, Tiny Shelters are not considered a *Building* under *The Building Code Act, 1992*, Section 1(1)(a). Thus, Tiny Shelters do not require a permit to construct, nor are the structures legally held to the definition and applicable law of a *Building*, as set out in the code. Keeping Tiny Shelters ‘outside’ the formalized code, perhaps helpful to build the shelters quickly and without the bureaucratic hassle of the permitting system, is also what allows the state to push back and demand removal.

Figure 7

Toronto Tiny Shelter in foreground of ESN Press Conference near Scadding Court, Alexandria Park.



Note: Photo by author.

State Ambiguities: Old Houses, Backyard Pods, and Garden Suites

Without proof of fire or life safety under the code, the state’s stance is Tiny Shelters are unsafe structures. Tiny Shelters do not demonstrate the rigorous testing required for claims to life safety and fire protection. Without reliable testing or a manufacturer's specification, the

structures instead occupy a ‘grey area’ of the building code. For example, body heat is not a heat source for what would likely qualify as conditioned space per the Ontario Building Code (OBC). Thus, building department staff are skeptical people remain warm in the winter without an additional heat source. A second argument against permissions connects to the permitting process. Building permits are granted upon satisfaction of two applicable laws: zoning and the OBC. Technically, without the need for a building permit, the Tiny Shelter would not necessarily filter through the permitting process, including zoning approvals. However, given their situatedness in public parks, Tiny Shelters fall under the purview of applicable law, namely the various bylaws prohibiting similar structures in parks and right-of-way’s.

Over the same pandemic winter, *Toronto Star* reported “a spike in residential fires”. Within the first weeks of the stay-at-home order, a 17% jump was reported, along with seven fatalities compared to four the year before, in two detached, four multi-unit residential, and two semi-detached homes. The cause of the fires: smoking, cooking, and more people at home (Kopun, 2020). Residential houses are constructed of combustible materials like those found on Tiny Shelters: wood, glass, insulation, and various plastics. Many older homes in Toronto are technically ‘informal’ under the current Ontario Building Code and zoning bylaws, facing similar issues noted for the Tiny Shelters. For instance, the spatial separation concern for Tiny Shelters in parks also applies to houses in old Toronto neighbourhoods. Many homes built in the early 20th Century were constructed using combustible material with side yard setbacks of approximately (or less than) 0.6 metres and perforated with several glazed openings, all of which are currently unacceptable in the OBC (Building Code, s.9.10.14.4; s.9.10.14.5). Where zoning bylaw compliance is concerned, approximately 50% of houses on some Toronto streets are potentially non-conforming (Valverde, 2011, p. 291). Despite the risk of house fires and zoning

irregularity, the local state is not regulating homeowners to reclad their homes, requiring a retrofit for fire safety contingent on new purchases, or calling old houses “death traps” and evicting people living informally in million-dollar homes across the city. Instead, the state turns a blind eye, and many homes occupy an “a-legal” (Valverde, 2012) and informal grey zone outside the applicable laws.

Backyard Pods

Backyard Pods, another emergent pandemic structure, bear striking similarities to Toronto Tiny Shelters. However, despite the similarities, the uses are vastly different: one offers the potential to survive the frigid winter and the other to ‘survive’ the stay-at-home orders with the entire family under one roof. YardPods are designed for homeowners as “a retreat from home, at home” and, due to their size, at less than 10 square meters (108 square feet), and containing no plumbing, avoid the “time-consuming and expensive” process of obtaining a building permit to construct an ancillary structure in the backyard (Laneway Home, 2021). In essence, a glorified garden shed, the YardPod offers year-round physical distance from the primary dwelling unit, an optional gas or propane fireplace for added ambience, and the website practically guarantees added property value (Laneway Home, 2021). Similar to the YardPod, a modular construction company specializing in building bathrooms for apartment buildings began selling prefabricated “Home Office Studio (HOS) Pods”, one featuring a “pullout bed for potential guests and quarantines” (Grant, 2020). The HOS Pod is available in three sizes, the largest with an area of 96 square feet (8.9 square metres). While not explicitly stating the HOS Pod does not require a building permit, at less than 10 square meters (108 square feet) and containing no plumbing (Modeco, 2020), HOS Pods are also technically not a *Building* per the Ontario Building Code.

Despite similarities to the Tiny Shelter, Backyard Pods are off the city’s radar. Homeowners across Toronto erecting a Backyard Pod can circumvent the state regulatory framework, slipping into a jurisdictional grey area outside the regulations and the permitting process. Backyard Pods, like Tiny Shelters, are too small to be considered a *Building* yet potentially in contravention of applicable law—namely the zoning by-law, depending on listed uses for ancillary dwellings. However, without the inspections of the permitting process, a complaint from a neighbour triggers a city inspection, instituting “snitching...as a mechanism to bring absent regulators onsite...where state power is drawn upon to constrain the capacity of others” (Hilbrandt, 2019, p. 362), and only if the use becomes a nuisance. If not a permitted use, the structure could be removed and the owner fined, but this is contingent upon a complaint. Conversely, the Tiny Shelters public spaces are explicitly used as a sleeping area and are not as easily concealed as pods located in the rear yards of homeowners. Ultimately, state actors again function as mediators of formality for the built environment, since “determination for the requirement for a building permit is always ultimately the responsibility of the Chief Building Official” (Canadian Home, 2021).

Garden Suites

Related to backyard structures, in summer 2019 and shortly before the pandemic, City Planning launched a missing middle housing program, broadly referred to as Expanding Housing Options in Neighbourhoods (EHON) (City of Toronto, 2020d). Encapsulated in EHON are two backyard housing typologies—laneway suites and garden suites—hoped to gently increase density in established low-rise Neighbourhoods. Where affordability is concerned and understanding the ‘missing middle’ from Parolek’s (2016) definition, the renter class served by the additional rental units are predominantly middle-class earners, located between subsidized

housing and the private market. The city's current affordable laneway housing loan program is tied to the Canada Mortgage and Housing Corporations Average Market Rent. However, a studio apartment currently costs around \$1200 per month, unaffordable for people on social assistance—the economic reality of many unhoused people in Toronto. The additional rental units may arguably open the lower end of housing stock to lower-income populations, yet the reliance on the private market to provide gentle density and deeply affordable rentals is questionable. Additionally, relying on the private market to provide housing in backyards helps retrench the ownership model: those who own can leverage their land to generate more rental (surplus) value, in essence promoting small-scale landlords and increasing investment sites across the city's backyards.

Tiny House? Only if You Have a 'House'

Between Garden Suites and Backyard Pods, there is no shortage of options and state policy and planning provisions for private property owners to expand living space or create an income property. Meanwhile, Tiny Shelters remain a prohibited use on public property at risk of removal. Problematically, and in the words of one local politician, city property “is treated as a piece of private property in law” (Politician 1, personal communication, February 12, 2021). The local state, as the primary property rights holder, not only decides how park space is used, but simultaneously as the secondary property rights holder, can invoke its sovereign power to uphold its primary rights (Blomley, 2004). For those surviving in Tiny Shelters in city parks, the chances of ‘bumping up’ against state enforcement are high. However, homeowners who purchase and erect a Backyard Pod will likely not bump up against enforcement, even if the applicable zoning by-laws are contravened, unless a neighbour snitches and complains, thus deploying the state enforcement apparatus. Tiny House? Only if you have a house.

The Politics of Encampments: People, Power, and Rights

“Homelessness is a policy choice. And politicians like to deny that it’s a policy choice” (ESN 1, personal communication, January 22, 2021).

The following section considers, alongside the state production of informality discussed earlier, additional political and civil society actors. The state, when understood as an assemblage of actors and institutionalized practices, shapes, but is also shaped by the everyday urbanisms of tent encampment residents and their supporters and is contingent on local urban politics.

Encampment residents and portions of civil society, mainly social movements, advocacy groups, and activists, and at times, support from the public, constantly (re)negotiate the terms of urban informality, co-producing urban space by pushing the limits of the state’s enforcement regime, often toward moments of tolerance. However, countering supportive voices is opposition. Often, local politicians and councillors, the conduit between city staff and civil society, are implicated in the production of informality by upholding constituent demands to clear encampments.

The Urban Politics of Encampments

Despite City Council decisions based on not “enabling people to sleep outside” (ESN, 2020b), local politics actively creates the conditions for encampments to form. One local politician commented, “the local government doesn’t have the authority to actually solve the problem. We’re just left trying to manage the disaster, the crisis that happens” (Politician 1, personal communication, February 12, 2021). The statement is correct: as a ‘creature of the province,’ city staff and politicians are limited in legislative and monetary scope, particularly where social and affordable housing creation and operation are concerned. However, the “management of the disaster” is also a local political decision often entrenching informality. For example, repeated failure to fulfill policies to maintain emergency shelter occupancy at 90 percent capacity over the past ten years (Media 1, personal communication, February 9, 2021;

Press Progress, 2019) entrenches encampments. Recent city budgetary decisions allocating more funds to policing over social services and housing: “the police budget right now is the total cost of social services and libraries and all this stuff combined” (Advocate 3, January 28, 2021) entrenches encampments. A December 2020 motion by Councillor Perks to approach the federal government for rapid expropriation powers to secure vacant hotels for emergency shelters was voted down by “the majority of councillors, including the mayor” (Media 1, personal communication, February 9, 2021), thus entrenching encampments. Inaction and voting against expanding housing options for the unhoused exemplify City Council’s role in relegating the unhoused to informality.

The envisioning of normative park functions, local politics upholds the hegemonic assertion urban poverty is an incompatible use vis a vis middle-class leisure, congruent with beautification strategies and orderly uses of space historically associated with parks and the homogenization of society under the banner of liveability (Stevens, 2009). Throughout research and interviews, the local political responses gravitated around a particular vision for park space, summarized by one respondent: parks are where kids and adults “hang out...play checkers...have picnics...you can’t have a house in there” (Politician 4, personal communication, January 21, 2021). While City Council could vote beyond city staff recommendations and, for instance, halt clearances or formalize a space in parks for encampments, the group is split between “bigger picture thinkers” interested in solutions and those taking the stance “well, you know parks are for ‘park things’ and not for people to live” (Media 1, personal communication, February 9, 2021). Thus, a “total halt to clearing encampments” is not something one long-time city hall watcher “has seen any real momentum

build up for”, partially due to the firm city staff position, from divisions such as SSHA, against formalizing encampments (Media 1, personal communication, February 9, 2021).

The Politics of Formalization

Encampment formalization, according to the local politician respondents, is not an option under consideration. One respondent stated: “It simply has not come up as a real option” (Politician 4, personal communication, January 21, 2021). Another mentioned, “the goal...is not to codify the tent system, as they have in other places...that is not the intention...and I don’t think that is going to happen” (Politician 3, personal communication, February 8, 2021). Despite many councillors mentioning formalization not being on the table, two advocates mentioned one councillor interested in formalization. Councillor Wong-Tam “was actually pushing for that...we should have a designated encampment space” (Advocate 3, personal communication, January 28, 2021), the second stating Wong-Tam floated the idea of a “sanctioned site” (Advocate 2, personal communication, February 19, 2021). A city staff respondent shared in confidence an internal recommendation to “senior leadership” to create a “sanctioned space” for the short-term: “it would also allow us to streamline. Instead of having a tent in every city park, we could have a couple of places where we could concentrate the work and also concentrate our services...but at which point currently has not been endorsed by the city senior leadership” (City 1, personal communication, April 19, 2021). At this point, with clearances occurring across the city, it appears the recommendation for formalization is off the table.

Recognizing the need for systemic redressment of the encampment question, formalization raises questions around state order and control and resident wellbeing. In some cases, such as Portland’s Dignity Village, non-profit-led autonomous camps can provide interim housing and support (Herring, 2014). In other cases, state surveillance, co-optation, and order

and control policies create an atmosphere similar to the descriptions of most emergency shelters: authoritarian, paternalistic, infantilizing, and resembling military camps instead of interim housing, reifying seclusion and exclusion state policies (Herring, 2014). Other concerns raised by the advocates revolve around state surveillance: “City of Toronto presence isn’t very welcome” as a paternalistic entity associated with policing (ESN 1, personal communication, January 22, 2021). Another advocate had misgivings about a formalized space, stating “the bar [for homeless housing] is so low, to be like, ‘oh, let’s fund encampments outside that...are policed.’ The ones I’ve read about are not harm-reduction spaces. They’re fenced off. You can’t cook. There’s all kinds of surveillance...we’re just like...we can’t get behind that” (Advocate 2, personal communication, February 19, 2021). Another advocate respondent had similar concerns for harm reduction, “I can see the pros and cons about [formalization], but I think it is a very dehumanizing process...I think ethically I have issues with that...I don’t think it’s safe for everyone” (Advocate 3, personal communication, January 28, 2021).

Counterclaims to Space: Everyday Activism and Social Movements

Despite the unilateral transfer of power from the local state and politicians to the unhoused, there are instances of civil society “mobilizing...[power] in exchange” (Hilbrandt, 2019, p. 356). The pandemic makes clear the production and mediation of informality by the state, but also mediation of the state through the agency and insurgency of encampment residents and their advocates. Encampment residents, by virtue of occupying and claiming public space despite regulations stating otherwise, mediate state enforcement and policies from clearance to toleration. Activist and advocacy groups, who coalesce to take collective action against state policies limiting and regulating the use of public space, also mediate state and political action and actors.

Encampment Socio-Political Structure

The socio-political structure in Toronto's encampments, described by several advocates, provides a snapshot into the everyday experiences of encampment residents as they negotiate urban habitat. Many encampments, such as Trinity Bellwoods and Scadding Court, have self-appointed leaders. Trinity Bellwoods encampment Mayor Domenica Saxeida is "very open to being in the media..." (ESN 2, personal communication, January 19, 2021), spoke at an ESN Anti-Eviction Press Conference in late March, and to various media outlets about their experience living in the park during the pandemic. Similarly, in Scadding Court, "there is one person who is the organizer of a compound of tents and takes the initiative to get a bigger tarp and make a shelter over multiple tents...and make it one thing where they watch over each other", others are "proactive at building shelters" (ESN 2, personal communication, January 19, 2021). Other residents are less interested in making friends and prefer to stay anonymous. Social structure is also described as ephemeral, "constantly shifting, sometimes [those social structures] disintegrate and then rebuild, but not over the whole park...groups of 10, I would say" (ESN 2, personal communication, January 19, 2021). In Toronto's encampments, outspoken residents "[are] a minority of the people there. Most are just trying to survive...like they're angry, but they're not organized, really...they're just in a park in a tent" (ESN 2, personal communication, January 19, 2021). Instead, state power is mediated by social movements and advocacy groups.

Scaling Up: "The Activism of Rights" (Roy, 2003)

Approaching advocacy, activism, and housing from a human rights perspective was explained by a respondent as "helpful because...there are very clear guidelines around it...based in international law", thus not requiring qualification or persuasion: "it's actually the law we can point to...it doesn't require me convincing anyone that people who are on the street are

human...or a compassionate response....or me convincing you of my political view...these are legal obligations that have to inform our policy approaches” (Advocate 1, personal communication, March 9, 2021). Slowly, over the pandemic, advocacy groups consolidated around human rights. For example, in June 2021, sixteen advocacy groups joined in solidarity, issuing a joint response to a city staff report outlining the measures taken during the pandemic to provide additional space indoors. The response points out—referencing the national and provincial charter rights documents and the city’s right-based housing plan—how an interim city report “falls into the area of moral claim, versus action” (Toronto et al., 2021, p. 1). The response cites a comprehensive list of rights infractions and contraventions, including a lack of meaningful participation with encampment residents, the city’s refusal to explore options to encampment evictions, and the lack of water and washrooms. By early July, in another move of solidarity, over 200 organizations, including academics, musicians, and other civic leaders, signed *A Path Forward* (Toronto Drop-In Network, 2021a), essentially outlining the city’s need for a human rights compliant approach to encampments.

Social Movement Formation: Encampment Support Network

There are many groups in Toronto advocating for the poor, people who work tirelessly “to make visible what [the city] is trying to make invisible” (Advocate 2, personal communication, February 19, 2021). The focus here on the social movement Encampment Support Network (ESN) is due to its formation at the start of the pandemic to specifically provide outreach and support for the emerging encampments across the city. ESN formed in December 2020, out of protest against encampment clearances during the short-lived moratorium (Advocate 2, personal communication, February 19, 2021). Founded by Simone Schmidt, ESN quickly became a highly organized network of hundreds of outreach workers, providing basic

services, food, water, and resident education at six large encampments in prominent downtown city parks. Additionally, ESN publicly reports on the city's ongoing encampment response in monthly newsletters, and members bear witness to evictions. ESN respondents do not deny the encampments are challenging, but the mandate of ESN is to “try to be allies” (ESN 2, personal communication, January 19, 2021) and help people survive throughout the pandemic—particularly the winter months—and cope with the ever-present threat of eviction.

Encampment Support Network's (ESN) messaging often focuses on the relationship between colonialism, urban space, and real estate capital. The group's newsletters link increased and sustained homelessness in the city to rampant gentrification without the provision of affordable housing, where homelessness is a “policy choice” the local state makes by choosing to pay bylaw enforcement officers, police, and security guards over building housing or creating rental subsidies—effectively “prioritizing property development profit over people” (ESN, 2020c). Thus, ESN's messaging aligns with radical and collective claims to housing rights and ‘the right to the city’ (Harvey, 2013). Not to be confused with legal entitlement demands, radical housing advocates seek transformation to the current capitalist urban regime (August & Webber, 2019). ESN frequently calls on the city to expropriate vacant property (Brown, 2020), and the fact the city cannot rapidly expropriate property aside (Politician 1, personal communication, February 12, 2021; Politician 4, personal communication, January 21, 2021), the calls to appropriate space for its use-value—for living not for profit—align with the radical and transformative demands.

However, Encampment Support Network's (ESN) demands also hover between reform and revolution, operating “within the system” rather than calling for a complete “transformation” (Mayer & Boudreau, 2012, p. 280). ESN's demands include deeply affordable and supportive

housing, eviction moratoriums, ending the criminalization of poverty, and providing harm reduction services. An ESN respondent (ESN 2, personal communication, January 19, 2021) mentioned internal tensions around more radical forms of action:

“I think a few people have left over...disagreements with the larger group over how radical to be...someone was talking about squatting buildings and stuff like that. I think they left because they couldn’t get more people to get on board with that kind of action.”

The second ESN respondent mentioned knowing only graduate student volunteers: “I don’t know if radical is the word, but certainly [many volunteers] are informed and educated” (personal communication, January 22, 2021). While perhaps not always transformational, ESN creates community and builds relationships between the public and encampment residents. ESN operates under the mantra of being a good neighbour, extended to the unhoused people living in city parks, and continually calls attention to the very human trauma and suffering of living precariously, under constant surveillance and the threat of enforcement, searches, and eviction.

The Power of the Propertied

Civil society actors permeated urban politics and co-construct local state decisions (Hilbrandt, 2019, p. 364). In many cases, the political response mirrors the proportion of civil society perceived as constituents who actively lobby for the city to act: a position recently evidenced through internal city emails citing complaints as the basis for increased enforcement and clearances beginning in late May 2021 (Gibson, 2021d). Explained by a media respondent:

“In some ways, [Councillors] are sort of like weather vanes, that are going to do things based on the pressure they face from people...you cannot discount the very real messages they do get from a lot of their constituents saying ‘get those damn people out of our park...I need space to walk my dog...they exist, they absolutely influence things” (Media 1, personal communication, February 9, 2021).

Tellingly, when explaining the approach to encampment clearance, a councillor stated: “part of [that approach] is so other people can enjoy the space, and we are all cooped up in our homes now, and every square foot of outdoor space that is publicly owned should be used to the

best of its ability” (Politician 2, personal communication, February 22, 2021), prioritizing the needs and quality of life of the housed over the needs of the unhoused to survive, and situating the highest and best use of parks for middle-class leisure. An advocate mentioned the recent fencing of many parks downtown and the removal of benches, “all this is messaging that is sent in terms of who is welcomed in public spaces. It’s not a space for all publics, only some publics” (Advocate 3, personal communication, January 28, 2021).

One example recounted by two respondents speaks to the state selectivity flowing from the politics of an encounter between encampments and condominium residents. During the pandemic, a downtown outreach centre allowed unhoused people to camp on the rear yard of their property. However, gentrification over recent years has placed the centre under growing political pressure. One respondent noted, as “luxury condos went up and people moved in” the atmosphere shifted: “people who would call us to complain before, would write to the city to complain” (Advocate 3, personal communication, January 28, 2021). Incidentally, the centre’s encampment was first in line for spaces in the pandemic shelter-hotels. According to the other respondent, Wong-Tam “pulled strings” and “basically made it so Streets to Homes (S2H) could...jump through all the hoops and just offer [housing] to people” (Advocate 2, personal communication, February 19, 2021). The political will invoked to rehouse encampment residents explained by the first respondent:

“It’s not because they cared about us the most, it’s because we got the most complaints and it’s the wealthy areas...the places that are getting cleared are often ones that are more visible...and are getting the complaints...they’re going to appease...certain constituents before they satisfy others” (Advocate 3, personal communication, January 28, 2021).

The second respondent echoed this sentiment: “[Wong Tam] needed her problem solved...because everyone was complaining...all the neighbours” (Advocate 2, personal communication, February 19, 2021). The councillor did not respond to requests to be

interviewed, but their official website mentions the story, stating the actions taken to respond to resident complaints about the encampment (Poole, 2020).

The Right to Private (and Public) Property

At the crux of housing rights and the right to the city is the hegemony of property rights (Rolnik, 2019) and dominant liberal-economistic conceptions of property over other social and collective ideas (Straeheli & Mitchell, 2007). Human rights are often conflated with the “right to own property” (van der Berg, 2019) and liberal notions of freedom, ownership, and private property protectionism (Blomley, 2004; Rolnik, 2019). Private property ownership comes with a secondary relationship to the state, whereby the owner is the primary rights holder. Thus, private property holders have power over and outside the state (Blomley, 2004). Ironically, one respondent worried about the pockets of “private” space being created in public spaces by the unhoused, particularly those living in Tiny Shelters; the impetus to quickly clear rooted in the worry people would feel ownership over and defend these spaces and structures. However, claiming space on public property does not afford people the state protection extended to private property owners. The state is often invoked to enforce one person’s claim to ownership over another person’s trespass (Blomley, 2004), and currently, the state chooses to evict people off the land entrusted to them in the ‘public good’ over upholding encampment resident’s human rights and rights to housing.

An Empathetic Public?

During the pandemic, unprecedented mass support and empathy for tent encampments are attributed to a collective fear of COVID-19 and the understanding of the health threats associated with congregate spaces. Encampment Support Network and other advocacy groups quickly apply the pressure required to halt or delay the city’s clearance decisions, aided by outpourings of

public support on social media, the erection of lawn signs (see Fig. 8), and the staggering number of private donations ESN receives to continue operating and delivering, week after week, a running tally of supplies.

Figure 8

One of many Toronto houses posting signs in support of encampment residents and ESN.



Note: Photo by author.

However, one advocate questioned ongoing public interest and support when the pandemic ends, “it will be interesting to see what happens to the empathy for [unhoused] folks after vaccines roll out and whether people’s tolerance goes down” (Advocate 1, personal communication, March 9, 2021). A local councillor relayed a related anecdote: “I heard...someone who was very upset about modular housing... in their neighbourhood also was donating tents to the encampments” (Politician 3, personal communication, February 8, 2021), indicating homeless services are supported, but at-a-distance.

Politicizing Encampments

From the analysis above, social movements, more so than encampment residents themselves, have politicized the encampment issue, pressuring the city and local politicians to adapt its policies and regulations to meet the immediate needs of unhoused residents. Additionally, the informal dwelling practices of the unhoused, existing despite the city's best efforts to displace and dismantle, represent an insurgency: a claiming of urban space by resisting the power structures of the bureaucracy and civil society's ongoing nuisance complaints and political pressure. The pressure on the city and the salience of encampments is high due to the pandemic. However, the everyday urbanisms produced by tent encampment residents represent ongoing "quiet encroachments" (Hilbrandt, 2019, p. 355), punctuated at times by louder demands for urban space. Thus, keeping encampments political and salient are two critical aspects helping shift encampment policy from clearance to tolerance.

Housing Now: Intersections of Urban Development Processes, the State, and Informality

“Nothing entrenches encampments like a lack of housing” (Advocate 1, personal communication, March 9, 2021).

State retrenchment in social housing financing and policy simultaneously facilitated housing development by the private sector and exemplifies another way the state produces and entrenches informality, since building social and affordable housing is not always the primary concern of the private sector. This section explores the developer question and the political relationships and policy decisions enabling a certain type of development to prevail, namely private housing. While this section veers into globalization and urban neoliberalism territory, understandings of urban informality from the global southeast contribute to readings in the northwest: “If formality operates through the fixing of value...then informality operates through the constant negotiability of value” (AlSayyad & Roy, as cited in Marx & Kelling, 2019, p. 499). In the case of Toronto, the presence of encampments in parks and other public spaces conflict with a global image of the city as an investment site, with the potential to impact land value and its investment qualities. Removal of encampments from city parks, a partial function of nuisance complaints and modern planning imaginaries of ordered and separated uses of urban space collides with the exchange value of land and the commodification of park space, particularly when marketed as amenity spaces for incoming condominium developments.

The Developer Question

The shift at all levels of Canadian government toward austerity budgets slashing social services created a niche market for private development, with dire consequences for social housing provision. First, the private market, as explained by a local politician, “will never deliver affordable housing; it simply can’t and won’t” (Politician 1, personal communication, February

12, 2021). A developer respondent echoed the sentiment, stating the cost of land and construction is prohibitive to private development of affordable housing, “they just cannot do it” but also, “to a certain degree, won’t do it” (Developer 2, personal communication, February 11, 2021). Like most people living under capitalism, developers also “want to do something with their money...they need to have a return.” Second, developers in Ontario are used to riding the post-Keynes neoliberal wave of redevelopment and restructuring of housing markets, well-explained in an online interview with a local developer: “we rode a big wave from the late 90s, early 2000s to now, to be in real estate development...Wow! That was a great 20-year trajectory” (Wex, as cited in Breakhouse, 2021). The same developer lamented recent changes to local regulations:

“The reality is the vast majority of the increased costs relate to city charges...probably the biggest changes are [cities] using development to try and obtain many social goods...all that does is raise the price of units you have to charge on the market.”

Thus, the cost of social goods is downloaded from the developer to the purchaser, driving market prices higher and further stretching the limits of housing affordability.

Based on this logic, the state backed itself into a corner: transfer, devolution, and defunding of housing rendered the municipal, provincial, and national state dependent on private developers to provide social goods such as affordable housing. Simultaneously, private sector housing creation contributes to higher housing prices across the city, partially due to a scarcity of affordable housing the market is supposed to provide. Thus, supply-side arguments by private developers to continue building housing, when coupled with commodification and financialization of housing as a global asset class (Madden & Marcuse, 2016), drive prices higher and higher, a violent cycle for those with lower incomes. Additionally, reliance on the market to provide has, as one developer put it, transferred demand for state financing to the private sector: “we need government assistance because the developers have to be incented to

build [affordable housing] or else it's altruistic, and for that you need...the government or...foundations to help” (Developer 2, personal communication, February 11, 2021). Solving the crisis of housing, given the current condition, appears to require a degree of state financing for and outside what the market provides, coupled with support from philanthropic groups willing to donate all or a portion of the capital and operational costs of housing. As noted by several respondents, the federal and municipal levels of government are slowly re-entering the ‘business of housing,’ exemplified by the recent Canadian Mortgage and Housing Corporation Rapid Housing Initiative and the city's recent mobilization around modular housing. However, advocates criticize the ability for new and supportive housing to meet immediate housing needs—leaving informal encampments to fill the gaps.

Urban Development Politics

One lens to view development politics is through lobbying efforts for and by the development sector. One advocate respondent commented on “how intertwined politicians are with developers” (Advocate 2, personal communication, February 19, 2021). Many former councillors are lobbyists for developers, information obtained through publicly available datasets by a local political analyst and shared via a weekly subscription newsletter (personal communication, July 5, 2021). A developer respondent also commented on the development lobby’s power, well-positioned to fight back against what is deemed punitive measures by the state, “who’s going to win? You know who’s going to win those lobbying battles with money...[Councillors] are there trying to balance...the big loud lobbying developer community with the big loud actual people. They have to balance two big powerful groups...the people they represent and...the money” (Developer 1, personal communication, February 24, 2021). The

people City Councillors represent are understood from this quote as the status quo neighbour, not the unhoused person living in a tent in a local park.

Several councillors were vehemently opposed to any notion the city favours developers: “we are constantly fighting with developers at the appeal body and public hearings” (Politician 2, personal communication, February 22, 2021). One developer respondent explained the city’s relationship to development not being “in cahoots necessarily”, rather on parallel tracks of “following the money” under an urban neoliberal capitalist regime: “if the money stops, there is nothing to follow” (Developer 2, personal communication, February 11, 2021). Consequently, if forced to build affordable housing above profit margins, developers may back out of cities. One respondent explained there is “a deep [political] concern at doing anything that would make developers turn to another city, to choose to put their money, because [development] is such a huge tax base for the city and they don’t want to piss off any developers” (Advocate 1, personal communication, March 9, 2021).

However, both developers mentioned the need for increased state regulation of the development industry, particularly surrounding inclusionary zoning (IZ) percentages: “there are limits. If they said...50 percent? I think it’ll shut project downs. Five percent, people go like ‘ah...we will sort it out.’ But 50 percent is too punitive” (Developer 2, personal communication, February 11, 2021). Another developer mentioned IZ “has to happen,” should include smaller developments and not only buildings over 100 units, and the percentage should be higher, up to 20 percent: “It might hurt us right away...for a minute, and then everyone is going to adjust” (Developer 1, personal communication, February 24, 2021). Thus, despite any outcry over profit, the market can absorb the cost and adapt to increased affordable units in new projects.

When asked whether politicians or the mayor carry weight in deciding how development in the city is shaped, one councillor respondent offered an anecdote about Mayor Tory, Airbnb, and the IZ percentage currently being negotiated. The councillor recalled confronting Mayor Tory in a council session about investments through a Rogers' Family Trust into a small Airbnb company. The actual proportion of shares: "probably a fraction of what he actually owns" placed Tory in a conflict of interest and in a position to personally benefit from allowing Airbnb's to flourish, particularly given Airbnb's lobbying efforts at city hall. The same councillor suggested watching the debate at City Council over the final percentage of IZ: "you might see some people try to address concerns from developers by making that number a little bit lower than I think many would want" (Politician 2, personal communication, February 22, 2021). While the respondent does not explicitly state Mayor Tory allows capital interests to influence senior leadership decision-making, the allusion to business interests extended into politics by business and lobby connections is made apparent.

Incidental to conceptualizing encampments as an example of urban informality, one city staff member remarked on how the housing crisis "is a specific kind of housing crisis. We don't have a condo crisis...there certainly has been a way for developers to change the fabric of this city that's been acceptable to political leaders" (City 1, personal communication, April 19, 2021). Several respondents pointed out the booming construction and housing business, "there were no condos being built when I went to university in the early 2000s. Now you can't look up and not see five cranes" (Advocate 2, personal communication, February 19, 2021): the 'condofication' of the city linked to ongoing redevelopment and policies shifting development into the downtown core and other growth centres, redirecting urban development into specific areas across the region to curb sprawl (Lehrer & Wieditz, 2009a). Incidentally, what

condominiums lack in amenity are often individual yards and open green spaces. Instead, savvy marketers reference the “lush landscapes” of the city’s ravine system and green spaces (Donnelly, 2021). The relational geographies between developers, parks, public spaces, and informality are exemplified in a recent broker video for a new “iconic...luxury” development designed by a starchitect at a midtown Toronto intersection. The developer of the project explains, about tying the podium to the park expansion, “I’m imagining someone taking their dog down and walking right out the door and into this park” (Donnelly, 2021), or imagining a specific use of urban space by a specific person. New developments rely on urban liveability and community to sell units, such as parks, restaurants, ravines, and retail, not the presence of tent encampments.

The Ownership Model Crisis

Consequently, the housing crisis can also be understood as an ownership model crisis, related to the hegemony of a specific model of individualized housing (Blomley, 2004; Rolnik, 2019) provided by the private market through state-induced regulation and legislation (Harris, 2004)—and yet another way the state produces and mediates informality. Explained by one respondent:

“All our policy...is aimed at the impossible notion that everybody winds up owning her house...and a large class of people who don’t make it over that hurdle and are forgotten in our housing policy” (Politician 1, personal communication, February 12, 2021)

State housing policy, historically supportive of homeownership models provided by the private market over more social, collective, and decommodified forms of housing (Harris, 2004), directly impacts the number of unhoused people by reducing social housing options. Put another way, by an outreach volunteer: “homelessness is a policy choice, and that’s similar to what [you] talk about when you say informality is a state decision” (ESN 1, personal communication, January 22, 2021). By not providing adequate social assistance and housing, the absence of

deeply affordable private-sector options, alongside criminalizing living in public spaces, informality and homelessness are linked and mediated by the state. When the government and the state underwrite into its policies and its land-use planning the mortgage market, the ownership model of private property (Blomley, 2004), and economic growth hinging around real estate (i.e., commodified and financialized housing) (see Fig. 9), the urban poor will have few options other than living informally and cobbling together what is required for survival. Additionally, since the visibility of encampments and unhoused bodies are not included as condominium selling features, their presence in parks and other green spaces is non-negotiable to protect value fixing by the formal sector. In sum, encampments are a mode of informal settlement emanating from the state-market nexus in Toronto, a relational geography present yet hidden from investors, located somewhere off the planning maps.

Figure 9

A new condominium project near Bloor & Church Sts. in downtown Toronto.



Note: Photo by author.

Processes of Urbanization: Alternative Conceptions of Urban Informality

Why do you choose the term ‘Tent Cities?’ I would love a new term. And I think if you get to talk to some residents, I think that would be a great thing to ask them. What do you call your community? How do you define yourself and your community? I think those are good questions” (ESN 1, personal communication, January 22, 2021).

As evidenced throughout the previous sections, encampments in Toronto offer another contribution to the growing accounts of urban informality in the global northwest. Informality is not a condition confined to the global southeast nor a novel occurrence in global northwest cities. Toronto, one of the most “liveable” cities in the world (City of Toronto, n.d.a.) and in one of the world’s wealthiest nations, also has a history of urban informality: the dwelling practices and settlements of the urban poor, characterized by a legacy of intolerance by the state, politicians, and a proportion of civil society. Typically occurring in the city’s invisible and interstitial spaces, encampments were made increasingly visible during the pandemic after forming within several of the city’s largest parks. Currently, the city’s encampment tolerance is wavering, and a return to eviction and demolition is underway. In Toronto, as in cities of the global southeast, settlements occur without formal planning permissions, are made illegal primarily through legislation, where historically inherited municipal bylaws (Valverde, 2011) nonetheless function to informalize encampments. In Toronto, tent encampments continually (re)form and (re)negotiated in the ongoing struggle of residents to survive and socially reproduce in public space (Mitchell, 2021).

The case of Toronto is indicative of a “state governance...driven by heavy-handed eviction” (Hilbrandt, 2021, p. 20): despite instances of mediation, or state reshaping by the everyday practices of people, the institutional approach to encampments is eviction and demolition. Everyday governance, in this example, is less a mediated tolerance, but top-down oppression constantly reorganizing itself toward clearance eviction policy, under the auspices of

a Housing First approach. Toronto's informality is politically constructed and upheld by a massive, siloed (Harris, 2018), and "punitive" (Serpa & Ferreira, 2019) state bureaucracy, which is slow to change (Harris, 2018), and connected to—similar to informality in the southeast, despite different contexts—state policy focusing on private market housing solutions, ultimately creating a housing mismatch excluding of a proportion of urban dwellers. However, as the interviews suggest, there are tensions within the bureaucracy and local politicians (Hilbrandt, 2019). Off the record, state officials talk about formalizing a space for encampment residents. On the record, media reports and interviews from senior city staff uphold clearance policies. Similarly, councillors hardly waver from bringing people 'indoors' despite the constant pressure from activists and advocates to provide for basic human needs in the encampments. The state and local politicians converge around the point temporary shelter is only acceptable inside state-sanctioned or private buildings, not in encampments.

In Toronto, the state response to encampments is less co-produced or co-shaped by civil society negotiations. Instead, the state is inflexible in its regulatory strategies, thus an example of a more binary reading of informality. Toronto encampments exemplify the "suppression and protest" between state and members of civil society: less of a "quiet encroachment" (Hilbrandt, 2021, p. 19) than a 'loud revolt, particularly in the interventions of supportive social movements and advocacy groups. However, the state exercises its territorial flexibility when encampments are less visible, such as in the Don River Valley, not in the downtown parks frequented by middle-class residents or used in marketing material for the city and urban development. When viewed relationally, the state and its street-level bureaucrats and other enforcement actors are dynamic and open to 'everyday transformations' negotiated by civil society and within the state itself (Hilbrandt, 2019, 2021). However, viewed practically in Toronto, the agency, negotiation,

and resistance of state actors who may want to better conditions in encampments or mediate a space for formalization are overruled, potentially in fear of reprimand. One advocate respondent shared: “I’ve tried...to get people who see every day, what’s going on, to speak up...people are like ‘I can’t, I’ll get fired” (Advocate 2, personal communication, February 19, 2021). Similarly, two respondents from the city asked for anonymity, one over comments related to an internal push for encampment formalization and the other about the debate over Tiny Shelter safety.

The everyday lived experience for encampment residents is less negotiable or dynamic, fraught with an unyielding and internally fragmented state, coalescing largely around creating policies and upholding regulations around eviction and clearances thinly disguised as a Housing First approach. Internal state plurality around encampment response is debatable due to entrenched clearance policies despite whispers of formalization, but also in its refusal to transfer any power to those on the ground pushing to shift the rules in favour of encampment residents by, for instance, “strategically using its state of exception” (Roy, 2008, p. 153) to overturn, temporarily amend, or rewrite its Parks Bylaw and other bylaws and policies. Encampments are no less legally ambiguous or as negotiable and transformable than, for instance, allotment gardens in Berlin. However, Toronto encampments solidly remain transgressions (Hilbrandt, 2021, p. 25), with little policy movement during and after the pandemic. Instead, the state fits the definition of demolition (Ren, 2020, p. 16) and removal (Harris, 2018) described in the informality literature. Further, the social relations between the state and propertied citizens uphold a normative understanding of park space. Simply put, parks are ‘public’ spaces embedded with a set of rules and norms of a white middle-class constituency (Stevens, 2009), reflected and refracted by City Council, predominantly composed of white middle-class homeowners (Micallef, 2021a).

Currently, encampments in Toronto are a quasi-protest site, where some residents speak out and work with advocates and activists to elevate their everyday experiences while others struggle to survive. The right to the city is claimed by encampment residents, aided by their supporters, to remain in the city's public spaces despite legislation dictating otherwise, "reworking the...hegemony of property rights" to demand the "use rights of residents first" (Purcell, 2002, p. 103). However, Toronto's encampments are less a "return to the commons" (Lutz, 2015) than an attempt at safety during a global pandemic, away from the spread of COVID-19 in congregate shelter settings. Notwithstanding the pandemic, the safety of shelters cannot be dismissed as an anomaly during a time of global crisis: the pandemic is merely the tipping point of a systemic injustice exercised upon an entire demographic of society. The informal settlements throughout the city provide interim housing for many who, particularly during the pandemic, claim the city's offers are inadequate—especially congregate shelters. The rejection of the city's alternatives to encampments (congregate shelters, shelter hotels, etc.) can also be understood as a resistance to the "control of difference" by the homogenizing power of the state and the related white middle-class imaginations of public space (Mitchell, 2020, p. 199). Without meaningful state encampment response, activists and other members of civil society intervene to help maintain the appropriation of space by encampment residents (Purcell, 2002) by providing the outreach, basic services, and social supports—including lobbying local politicians and the public and keeping the issue salient—required to remain in place.

Decoding Urban Informality: Slum Discourse in Disguise?

Much of the city's opposition to encampments: public safety, civility, and sanitation are situated within slum discourse. A recent staff report refers to encampments as "unhealthy, unsafe" and illegal (City of Toronto, 2021f, p. 14). One specific phrase found in a city press

release state Tiny Shelters are “unsuitable for human habitation” (City of Toronto, 2021c), echoing the slum renewal mantra “unfit for human habitation” used to classify urban areas as “blighted” and outside the acceptable societal norms (Mayne, 2017, p. 71, 74). In a radio interview, press conference, and several news articles, Mayor Tory forcefully reiterates encampments are “unsafe, unhealthy, and illegal” (Casey, 2021). Throughout the interviews, city councillors and staff reiterated encampments and Tiny Shelters posed a threat to public safety and health, for encampment residents primarily, but also the surrounding neighbourhoods. Another respondent mentioned: “slums are a thing, right? And you see this happening here, you don’t even have to look that far” (Advocate 2, personal communication, February 19, 2021). Descriptions of tent encampments using slum discourse speaks to the societal disconnect—or not—with the histories of words commonly used to describe unfit urban conditions.

Thinking Through Elsewhere

Stereotypes associated with certain terms create a feedback loop continually perpetuating and reinforcing power structures in society (Marcuse, as cited in Mayne, 2017, p. 284)—by everyone, however incidentally, not only the elites. Thus, a good case exists to move beyond urban informality for tent encampments. To move the conceptual debate forward, scholars are turning to processes of urbanization. Brenner (2016) points out “the capitalist form of urbanization continues to produce contextually specific patterns of agglomeration” and “many urbanizations are possible...are collective political choices, a medium and product of power, imagination, struggle and experimentation” (p. 124, 126). For instance, the process of planetary urbanization refers to the subsumption of the hinterland to capitalist operational landscapes and is useful in its ability to account for large-scale changes to the planet under capitalism (Brenner, 2016). However, questions are raised over the concept's categorizations of smaller-scale

urbanizations, those located within the ‘rural’ and the multitudes of multi-scalar urbanizations unfolding in cities and across the planet. For instance, Roy (2016) conceptualizes urbanization as a complex, nuanced, and incomplete process, and putting names on or assigning morphological characteristics to any urbanization phenomenon is contestable. The specificity construed by naming the ‘urban’ also imbues an element of social construction onto the field, which can lead to an Othering often used to categorize space, infer state power onto territory, or separate what is ‘formal’ and what is not—often carrying political ramifications and realizations.

Connecting between Roy’s (2008) conceptions of urban informality and urbanization (2016) and Brenner’s (2016) conceptualization of capitalist urbanization processes are recent studies of southeastern cities. Informality is viewed, moving away from binary conceptions, as a mode of urbanization often coalescing from the bottom up. Mukhopadhyay et al. (2020) introduce the concept of *subaltern urbanization*, built upon, but also thinking beyond, planetary urbanization and the “subaltern urbanism” of ‘ordinary cities.’ The authors conceptualize the term by focusing on small settlements outside “the shadow” of the global cities of India, and the agency of smaller-scaled villages and their urban politics to connect to flows of global capital, often with little state intervention (p. 582). Similarly, Caldeira’s (2017) *peripheral urbanization* underscores the agency of residents who urbanize spaces “developed and regulated by others” (p. 5) as a pervasive mode of producing urban space found in many cities of—but not necessarily confined to—the southeast (p. 4). The process is characterized by the “auto-construction” of neighbourhoods by residents, an open-ended process with its own precarity and uneven development (p. 5). Space is created through interactions with the state, but outside ‘formal’ processes of planning, real estate, finance, and commodification (p. 3).

Streule et al. (2020) recently wrote on the concept of *popular urbanization*, to provide an analytical framework for urban processes “led by people...through social collectives, various forms of self-organization, and representing the engagement and labour of mostly poor and low-income people that has become an important part of everyday realities in many cities around the globe” (p. 655). Popular urbanization refers to “self-help housing strategies”, which sometimes require “persistence...to take hold...and become less precarious” with different pathways to “settling” or public land use—if the state is tolerant (p. 663). Such strategies represent the strength of the people to collectively create space and physically produce urban territory, which is not state, nor developer driven. However, the state does play a role, and one similar to the descriptions of urban informality in the literature, either “mediating, negotiating, actively supporting, silently tolerating, repressing, or demolishing” (p. 667). Additionally, the authors usefully position the process unfolding alongside other forms of urbanization, differentiating the term from the closely related concept of peripheral urbanization. Plotting urbanism is defined as the “piecemeal development” of urban space “plot by plot” where commodification and the market are key players, and mass housing urbanization, where the state intervenes for the interests of the developer (p. 659).

The alternative urbanizations discussed above provide solid arguments and conceptual terms and frameworks leading away from urban informality and toward processes of urbanization. A common thread between the approaches above is recentring the agency of the people, exemplified in Toronto by the dwelling practices of the unhoused across the city. Toronto’s encampments are auto-constructed by marginalized citizens, who, in the absence of state intervention and systemic neglect, create urban space for themselves. Theorizing alternatives to state production of urban informality, encampment (re)appearance represents a process of

urbanization unfolding relationally to other competing forms of urbanization in the city found in Streule et al.'s (2020) approach, such as the “condofication” of the downtown (Lehrer & Wieditz, 2009a) and the mass suburbanization of Toronto and its growing region (Keil, 2013). Popular urbanization is useful for conceptualizing tent encampments beyond a mode of urban informality and provides the framework for comparing their formation in cities across the world, occurring in different historical and political contexts.

As Brenner (2016) suggests, many places remain situated within a mode of production driving socioeconomic structure, political formations, and urban governance. In Toronto, the mode of production is capitalism. Thus, processes of capitalist urbanization are related to the production of urban informality in this context—see Ren (2020) for an account of urban informality in communist China with resounding similarities to urban informality in capitalist states. At the risk of writing against the theoretical framework of this Major Paper, without consideration of the political economy and an analysis of capitalist urban development processes, class formation, concentrations of wealth and power, and ultimately the exclusion of the urban poor from labour and housing markets, the encampment phenomenon itself becomes difficult to explain. Streule et al. (2020) overcome the capitalism hurdle by positioning popular urbanization alongside other modes of urbanization, taken here as parallel yet opposed modes, and one of which includes the market and commodification. However, demonstrating the agency to squat or auto-construct, and often in reaction to state and market forces (Michell, 2012), requires some explanation of why a portion of society is left outside the system, forced into self-help housing and modes of urbanization, and why others are not. Additionally, the word ‘popular’—despite its intended positive connotations and links to the terminology “used in Latin America since the late 1980s for the analysis of social dynamics in marginalized urban areas” (Streule et al., 2020, p.

3)—does not feel an apt term to describe encampments and their residents, all irony for urban politics aside.

Thinking through new propositions for urban informality by drawing on and extending the concepts above, perhaps there are more specific terms to describe encampment formation in cities similar to Toronto, but general enough to consider encampment formation in other parts of the world under political-economic structures favouring economic growth. One potential conception shifts the discursive power of the ‘creative’ prefix ascribed to neoliberal competitive city strategies and places it on the “real creative class in the globalized world economy...the poor” (Wilson & Keil, 2008, p. 842), and in the case of encampments, specifically the poor and unhoused. Creative urbanization, building upon popular urbanization, could specifically delineate the urbanization patterns of encampments and their residents. However, similar to popular urbanization, ‘creative’ sounds somewhat misleading, romanticizing or glamorizing the conditions of tent encampments or, at worst, suggesting creativity is an adequate solution to housing policy deficits. Additionally, the Tent City scholarship from the US suggests encampment formalization is often determined by private land ownership or state-sanctioned spaces (Herring, 2014; Herring & Lutz, 2015), not necessarily the agentic actions of the subaltern.

Tentification: A Specific Mode of Urbanization?

The ongoing process of ‘tentification’ in Toronto is conceptualized similarly to the many terms listed in the section above: a process originating from the bottom up and parallel to ongoing urban development processes yet differentiated by several context-specific factors. In the case of Toronto, state clearance policy restricts the formation of more permanent forms of housing and limits the organizational capacity of the people through continual destabilization.

Additionally, and similar to accounts of Tent Cities in the US, tents represent the primary housing typology. When living under the constant threat of displacement and forced relocation, the tent offers a lightweight, portable, easy to assemble, and inexpensive option for the unhoused, who are criminalized and chased from one public space to another, with limited access to social and affordable housing since the 1990s. Even formalized encampment spaces, such as Tent City 3 in Seattle, remain subject to relocation, causing the housing to primarily remain tents, tarps, and other impermanent objects (Baxter & Greenstone, 2019). Further, as discussed in an earlier section, tent manufacturers' labels relieve municipalities of any liability when incidents occur on public land, thus constituting a less-resisted form of precarious housing. Conversely, in the informal settlements of the southeast, structures “built overnight” often persist, tolerated by the state for lack of housing options, formalized and “upgraded”, and at times, “safeguarded” and protected (Lara, 2016).

Given the context of Toronto, a neoliberal, globalizing, capitalist city in the global northwest, tentification connects to subsequent shifts in urban planning and policies. Since the 1990s, state retrenchment in social housing and supports coupled with state-led gentrification and globalized redevelopment schemes simultaneously displace lower-income groups to (re)build urban space for middle-class consumption. In particular, changes to the inner-city impact unhoused populations in Toronto. Downtown areas contain a concentration of services, or the ‘zones of dependence’ where service providers are located and subsequently choose to locate (Dear and Wolch, as cited in Pakeman, 2014). Services include drop-in centres, public washrooms, proximity to work (i.e., panhandling spots), hospitals, and transit connections, or “all the things we take for granted if we have housing” (Advocate 2, personal communication, February 19). In particular, the socio-economic and cultural shifts attributed to new-build

gentrification, or the “condofication” of downtown Toronto and the influx of new residents (Lehrer & Wieditz, 2009a, p. 144) threaten access and location of homelessness services; the tensions between the incoming condominium dwellers and the unhoused exemplified in an earlier story about an outreach provider hosting an encampment in a gentrifying neighbourhood. Additionally, large-scale global investment into the rental housing market (August & Walks, 2018) coupled with local “missing middle” rental (re)developers backed by private equity firms (Developer 1, personal communication, February 24, 2021) transform the demographics and housing landscape of downtown areas. The flipside of complex gentrification processes is complex processes of displacement. At one end, a complete and sustained loss of housing leads to the tentification of urban areas.

Tentification, an outcome of displacement, occurs in the absence of housing, where people are either unable or unwilling to seek out space in the emergency shelter system. Self-organization and auto-construction (re)appear in tentified areas of the city, the synthesis of the dialectical relationship between the state, the market, and global flows of capital, on the one hand, and social movement formation, collective organizing, activism and advocacy, and the everyday resistance of encampment residents on the other. Put another way, tentification is “a nomadic and constant phenomenon, a shifting, blue-tarped shadow to the glass and steel... metropolis” (Mitchell, 2012, p. 66), a precarious mode of urbanization articulated in and through urban space, exemplified by scattered encampments across the city. Tentification, as an outcome of and a necessity for capitalist urban development processes, is also exceptionally durable. To explain, the urban development processes and resultant socio-economic transformations under globalizing, neoliberal policies are “homogenizing” (Lehrer & Wieditz, 2009a, p. 153), and yet are contingent upon difference (Mitchell, 2020, p. x). Tentification of the inner city, by “an ever-

growing number of poor”, is required for capitalism to “function well” (Mitchell, 2020, p. x). Thus, tentification persists as a mode of informal housing and a specific “form of sheltering in capitalism” (Mitchell, 2020, p. ix), the requisite and public manifestation of the structural position of the lower classes. Arguably, the process is also representative of “the condition of displaceability”, defined as “the state of being susceptible to involuntary distancing from...rights and resources” (Yiftachel, 2020, p. 155). In tentified areas of Toronto, residents live not only under the constant threat of violent eviction and nuisance complaints by neighbourhood residents but loss or relocation of services due to neighbourhood change (see Fig. 10).

Figure 10

Tentification vis a vis new-build condofication, near the intersection of Yonge and Bloor Sts.



Note: Photo by author.

Problematically, the visibility of tentification interferes with city policies focused on global capital investment and place-marketing strategies. In particular, the struggle to tentify public spaces clashes with city planning policies. For example, Toronto’s *Official Plan* policies

seek to “maintain and improve the public realm” and “enhance existing parks” in the city’s downtown core to attract investment and improve quality of life (City of Toronto, 2019c, p. 2-10). When coupled with criminalization and punitive measures to control visible poverty from the eyes of investment (Heroux, 2011; Wacquant, 2009), the city’s planning regime and urban renewal policies create a hostile urban environment for those without housing. Additionally, the state’s encampment policies of eviction and demolition further criminalize the dwelling practices of Toronto’s poor, pushing people to the fringes of urban space. Thus, tentification as a mode of urbanization resists visibility, a transient process of often short-lived encampments, increasingly yet temporarily visible in times of crisis, and rarely evolving beyond tents and tarps as a primary mode of shelter.

Methodologies, Propositions, and Westerncentrisms

Despite the arguments made above, and mindful of Hilbrandt’s propositions, urban informality persists—conceptually and practically—for this research on Toronto encampments. While there is merit in discussing the limitations of available concepts to describe urbanization phenomena in cities, and as Streule et al. (2020) well explain, terms like slum, subaltern urbanism, incremental urbanism, occupancy urbanism, insurgent citizenship, and urban informality, are all narrow, pejorative, overly context-specific, or project a dualism overshadowing complexity, yet not specific enough to define a “type of urbanization” (p. 656). However, for this analysis, the focus on the state versus the agency of the people fits the methodological approach and aligns with the theoretical framework. In this Major Paper, the focus is the state’s role in producing informality, similar to an institutional approach through its centring of the state, with secondary attention to the various actors—including encampment residents—on the ground. However, the relationality of this account transcends institutional

(what the state looks like) or functional (what the state does) accounts of the state, to include transformations of the state and its functions where encampments are concerned (Holgerson, 2013). Additionally, this account is not an ethnography of the encampment residents, and thus a partial account of their agency. Future studies might take an encampment-focused approach grounded in the transductive method of Streule et al. (2020) or Caldeira's (2017) transversal logics, the latter not unlike the relationality of the state explored in previous sections of this Major Paper.

For now, and as proposed by Mayne (2017) and McFarlane (2019), where “troubl[ing] at these terms” (p. 622) is concerned, attention is paid to how the term ‘urban informality’ is used; highlighting its nuance and not deployed in a derogatory or pejorative manner and understanding its limitations. Accounting for its limitations, in this case, required a stretch beyond the framework, into the depths of political economy, urban neoliberalism, and globalization, keeping in mind, as Simone (2019) states, “it’s not easy to stay outside capitalism” (p. 618), and as Roy (2009a) notes, “[informality] is a capitalist mode of production par excellence” (p. 826). The term, perhaps not as outwardly dynamic as those associated with ‘processes of urbanization,’ does not necessarily imply a static condition. Toronto encampments are transitory, fleeting from one space to another and constantly reappearing across the city. This Major Paper does not “abandon” the concept. Instead, the term is operationalized as a critique of the state in producing a particular urban condition, calling attention to the unequal power relations in society without labelling the unhoused as ‘informals’ or positioning informality as an “a priori” condition (Marx & Kelling, 2019, p. 498). Instead, the term is used to make clear the ongoing marginalization of Toronto’s unhoused population. Thus, the paper holds up the question raised by a respondent for future academic inquiry: “What do the people call their communities? How do they define

themselves and their community? I think those are good questions” (ESN 1, personal communication, January 22, 2021). Perhaps a new word is out there, to be defined by the community, and not by scholars.

Toward an Urbanism of Empathy: Propositions for Planning

“It’s in general people who don’t fit into society in general and where can they live? Like people, for many different reasons, can’t work at a job. What kinds of lives can those people have? I think it’s so interesting, what’s happening in our parks. It’s like every problem in our society is being refracted through it. It’s not any one thing. It’s everything.” (ESN 2, personal communication, January 19, 2021).

At this point, and even with novel propositions for encampments as a process of urbanization outside informality’s dualisms and the related slum discourses, the conditions of providing adequate housing and support for those experiencing homelessness remain largely unanswered. From the analysis thus far, several points appear clear. If the city continues clearances and demolishment without adequate housing options, tent encampments will continue to form across the city. If the city formalizes spaces for encampments, there is a high risk of surveillance and social control, not unlike what is found in the emergency shelter system. Additionally, if the city and civil society, in general, fail to recognize that in a capitalist system, a reserve labour army will remain and grow, particularly as the productive capital of cities like Toronto increasingly veers toward the exchange value of land and the fictitious capital of finance, over industry and manufacturing. The provision of housing is required, or tents and other structures will persist across the city, as they always have under this mode of production (Palmer & Heroux, 2016). With this understanding, the city should reframe its approach and move away from revanchist, law and order policies, whether inherited or produced, continually marginalizing and pushing people to the fringes of urban space. Developing a planning model and an alternative urbanism empathetic to a multitude of human experiences and differences is urgently required, keeping in mind, as one respondent pointed out, “these are not easy answers” (Politician 4, personal communication, January 21, 2021).

Propositions for Planning and Planners

Following Friedmann and Wolff's (1982) seminal advice for "progressive planners and urban scholars", the planning propositions offered here are meant as a "first step in actively effecting positive, progressive, and even radical social change" (Ren & Keil, 2018, p. xxviii). The understanding here is planning "links knowledge to action" and is a means to "address the needs of those without power" (Friedmann, 1987, p. 8), but also on a practical level, understanding the challenges planners face confronting the dominant power structures, such as employer expectations (Dobrucka, 2018, p. 235). Additionally, planning and planners must acknowledge urban informality as "an inevitable context of planning", since regulations are often incongruent with the "messiness of life" (Porter, 2011, p. 118), creating the "thresholds" from which informality emerges (Harris, 2018, p. 278). Further, given the above understanding planning "links knowledge to action" but also considering "knowledge is power" (Bacon, as cited in Flyvberg, 1996) and "power produces knowledge" (Flyvberg, 1998, p.36), asking what planning knowledges are mobilized is an important question.

Incorporating Southeast Planning Epistemologies

A view from the southeast "helps unsettle the taken for granted planning assumptions" (Watson, 2009, p. 2261) of the northwest's predominant planning framework. For instance, we can learn how southeast practices reconfigure planning into a "set of practices" including the "everyday practice" of a variety of people, who together, by "taking planning into their own hands...build democracy" (Miraftab, 2009, p. 41), and through the practice of "insurgent urbanization" produce the city (Holston, as cited in Miraftab, 2009, p. 41). Miraftab (2009) points out insurgency is not limited to actors outside the state. Rather, action is "insurgent if it is purposeful actions that aim to disrupt domineering relationships" including "destabilizing...a

strong status quo” and “imagining an alternative future” (p. 43). Alternative urbanisms are imaginable from inside the state, not only civil society (Friedmann, 2003, p. 9), by planners, politicians, or staff interested in reshaping urban space.

Planning is a “colonial tool” (Indigenous Planning Perspectives Task Force, 2019, p. 12), inherited here in Canada and upheld through an ongoing process of coloniality (Watson, 2016). To challenge the primary epistemological “coloniality of knowledges” rooted in “white spatial imaginaries”, planners can look to theory and practice in the post-colony (Roy, as cited in Bou Akar et al., 2021), where Canada intersects, as a settler-colonial nation. However, attention must be paid, as Roy cautioned at a recent planning conference, not to appropriate nor depoliticize decolonial planning; mindful taking a “view from the South” does not guarantee movement beyond structures of white theory. Further, decolonization cannot be conflated with diversification of knowledge. A true “decolonization” where land is returned to “the people” is not a typical planning outcome (Roy, as cited in Bou Akar et al., 2021). Without a seismic shift in society, decolonizing planning is a project and a process, not an end state currently reached. However, Miraftab (2009) notes of planning in the post-colony: “decolonial planning imaginations question why each plan needs to be about modernization and Western ideals” (p. 44), such as those found in Toronto’s planning regime. To critically plan means to “recognize the power struggle within which it is practiced” (Miraftab, 2009, p. 43) and to recognize the relationalities between modernity and colonialism, also exerted from the global level onto the urban (Watson, 2016, p. 36).

Related to colonialism, imported ideas about property and ownership permeate planning practice. With colonization came “power through ownership”, a new social relation to land, valuing exchange over use value (Krueckeberg, 1995, p. 303). Property is “fundamental to urban

development and planning” (Porter, 2011, p. 116) and remains “a central problem of planning” (Krueckeberg, 1995, p. 301). In its attention to land (i.e., property) planning resists alternative claims to space in its plans and on its maps (Porter, 2011). For instance, the encampments of the Don River Valley and other interstitial spaces are obscured on planning maps by varying shades of green hatches, and textually described in Toronto’s *Official Plan* as spaces for recreation and nature. However, planning and the everyday urbanisms of the unhoused are “intertwined” and relational (Hilbrandt, 2021, p. 77), despite being ‘outside’ the formal planning apparatus. Planners must recognize many “urban habitats”—the niches humans create to “nest” where we socially reproduce (Friedmann, 1998, p. 250)—exist outside the hegemony of private property ownership (Rolnik, 2019) and normative understandings of what constitutes white middle-class urbanism. There are everyday urbanisms ‘off the planning maps.’

Planners, whether consciously or not, walk a line between use and exchange, writing policies often valorizing the exchange value of urban land (Stein, 2019). Therefore, transitioning planning away from gentrification and urban renewal policies aimed at attracting and accumulating capital into a more socially democratic system is, without a doubt, challenging. Planning for a more equitable and ‘just city’ pushes up against the ‘growth machine’ (Molotch, 1976) and other pluralistic conceptions of urban regimes and coalitions (Stone, 1993). Growth propositions and strategies are normalized and unquestioned by the state and citizens alike, making it difficult for planners to “overcome powerful political agendas and interests” (Grooms & Frimpong Boamah, 2018, p. 221; Stein, 2019). A strategy for planners is to understand the political economy or “the rules of the game” and invert the power relations underpinning growth prioritization by politicizing planning: understanding “planning is politics, and planners who think its outside politics give even more power to those...who recognize that planning is

political” (Grooms & Frimpong Boamah, 2018, p. 226). Planners should not assume power is “ambivalent...nor rational” (Friedmann, 1998, p. 250) but instead embedded within the social relations of a particular political economy producing a particular urban form which, in Toronto, is uneven and socio-spatially polarized. Planners thus need to take part in, if not the lead the way, in imagining a different city (Friedmann & Wolff, 1982), especially in the wake of the pandemic (Hertel & Keil, 2020).

With planning considerations is the recognition of the limited tools planners hold to make meaningful change. While planning is not “reducible to simple tasks like zoning” (Alexander, 1992, p. 1), options for municipal planning often “rely heavily on zoning” (Ranasinghe & Valverde, 2006, p. 327). Zoning bylaws are “a key regulatory instrument” through which the city’s *Official Plan* is implemented and the primary instrument of Toronto planning (City of Toronto, 2019c, p. 4-1). However, land use law, in its ‘good faith’ mantra of ‘zoning for uses, not people’ likewise creates a legal situation where “land uses have no rights” and a planning process “resistant to democratization” through the privileging of property owners in public participation (Ranasinghe & Valverde, 2006, p. 327, 328). Thus, and in a similar situation to the Tiny Shelters and Backyard Pods, those without land (i.e., property) are excluded from shelter. With zoning as a less-than-perfect tool to create new housing options, finding novel avenues for negotiation is a planning imperative (Harris, 2018, p. 273). As noted by a media respondent, “the challenge is the transition...and the scale of the problem. [Housing] is not the solution for tomorrow” (Media 1, personal communication, February 9, 2021), recognizing that the city’s push to create more avenues for affordable housing—much needed and applauded actions—do not address the immediate needs of encampment residents, who also often require supportive and deeply affordable housing.

One quickly implementable planning intervention meeting the immediate needs of encampments is new zoning bylaws for interim land uses. For example, the City of Seattle's Municipal Code contains bylaws governing transitional encampments as an interim use, with specific guidelines for land owned or controlled by religious organizations and as a general use. Questionably, the general interim use includes the provision of a six-foot height privacy fence or alternative but similar form of screening (City of Seattle, n.d.a., n.d.b.), potentially a form of seclusion and exclusion mediated by the local state to keep the unhoused invisible (Herring, 2014; Herring & Lutz, 2015). However, other parts of the bylaw include providing water, sanitation, cooking facilities, and fire safety, and are a massive improvement over the Toronto encampment conditions and aligned with the city's rights-based housing plan. Another idea from Seattle's bylaw is convening an encampment resident group, understood as "experts in their own lives" to discuss ongoing improvements in the encampments, and for shelter in general. A similar shelter working group was voted down at council recently; however, perhaps a well-researched policy recommendation from a City Planning staff report could sway councillor votes, particularly with the understanding city staff reports and recommendations often carry without amendment, "suggest[ing] that the power centre at city hall is not the elected officials, but the civil service" (Owen et al., 2021). Explained by one media respondent: "[changes to encampment policy are] absolutely something [council] could vote on doing...with the support of a staff report...laying out the method to do that" (Media 1, personal communication, February 9, 2021).

Alternative Urbanisms and the Crisis of Care

A prospect for an alternative urbanism, particularly toward Toronto's unhoused and their dwelling practices, is shifting toward a "humane urbanism" through practices of "radical care"

(Miraftab, as cited in Balakrishnan et al., 2021). Radical care is emerging alongside the rise of “authoritarian right wing” governments and the threats posed to already marginalized people and entering into the everyday workings of “social and political movements” (Hobart & Kneese, 2020, p. 2). The concept, “broadly” referring to “relational discourses and practices between people, environments, and objects”, evokes feelings like “empathy, sympathy, or fellow feeling” with, not for, others and is a “critical survival strategy” under capitalism (Hobart & Kneese, 2020, p. 2). Capitalism’s “care problem” relates to its profit driven mode of production, the labour of care deemed “too expensive when market principles are applied to every aspect of daily life” (McGee, 2020, p. 41, p.42, 43). Unsurprisingly, the “neoliberal wellness ideology” deploys “individualized solutions to structural problems”, infusing the notion of self-care into common sense and taken-for-granted ideas of citizenship, a repositioning related to branding homelessness as a personal pathology, and obscuring the material and structural conditions producing the need for a self-care society (Hobart & Kneese, 2020, p. 4; Wacquant, 2009).

The crises of care can also “open spaces for political mobilization” (McGee, 2020, p. 58). For instance, the pandemic resulted in a crisis of care and inequality. Alongside stay-at-home and physical distancing orders came a crisis of the congregate emergency shelter system and an increase in encampments across Toronto. The city, married to its mandate of Housing First and clearance, did not provide adequate care for many of the city’s residents. Care, understood as “fundamental to social movements” (Hobart & Kneese, 2020, p. 2), was deployed by advocacy and faith-based groups. A prime example of care found is in Encampment Support Network’s mottos: “we need to take care of each other” and “be a good neighbour” (2020d). Similarly, other advocates work tirelessly to support marginalized people across the city, as exemplified by the Don Valley encampment outreach team. While care work should not replace the role of the state

in providing public goods and services, it is positioned to steer agents of the state toward transformational change, or at the very least, the incremental changes required to make everyday life more liveable for those at the margins. This is not to say the state does not ‘care’ nor aimed to devalue the outreach workers from Streets to Homes and other agencies, only that the dominant state approach documented throughout this paper is violent, traumatic, violates human rights, and is thus greatly improvable.

Toward an Urbanism of Empathy

From a theoretical planning standpoint, empathy planning, located on the intersection of radical care and radical planning, emerges as a novel concept for planning practice. Empathy planning is conceptualized as a theory *of* planning, in its attempt to frame what planning “ought to be”, shifting the discourse and values guiding planning practice, aiming to pinpoint what issues exist in the current planning models (Friedmann, 2003, p. 7, 9). Empathy planning, rooted in epistemologies of “social learning, dialogue, and mutual agreement”, alongside reflective, communicative, and collaborative planning (Friedmann, 2003, p. 8), is understood as never perfect, improvable through reflection, and places emphasis on an informed practice of care. Arguably, empathy planning is a vague, utopian, and normative prescriptive theory of planning based on the naïve hope state actors can be agents of transformation. However, planning without centring empathy, defined as “the ability to understand and share the feelings of another” (Oxford, 2021) or the willingness to “walk in another’s shoes” (Umemoto, 2001) is a planning praxis ill-equipped to encounter difference, alternative worldviews, or an “epistemology of multiplicity” considerate of many ways of knowing the world (Sandercock, 1997).

Rooted in the radical social mobilization tradition of planning, empathy planning is imagined as a tool to distribute social services from the contradictory position of encouraging

capital mobility while simultaneously “preventing it from eroding public life” (Friedmann, 1987, p. 11, 22, p. 30). Empathic planners recognize and plan with the contradictions of capitalism, alongside the everyday challenges of those kept outside the normative, hegemonic perceptions of urban citizenship, and within the grey areas of urban informality. Drawing inspiration from “social transformation through ordinary citizens” (Friedmann, 1987, p. 34) and “allying with social movements” (Friedmann, 1987, p. 9), planners might consult with groups like ESN, encampment residents, and other advocates, to move beyond a survivalist urbanism for the unhoused and toward something more humane. Empathy helps see the nuance in everyday life: the informalities and illegalities of survival. What planning renders illegal or invisible in the quest for a liveable city, often obscures and diminishes the dwelling practices and everyday lives of the unhoused. Understanding what is illegal for some is survival for others, planners could support and not condemn alternative urbanisms.

Empathy planning is imagined here as emanating from within state practice, where the oppositional power of the state is transformed and “outsiders” on the inside “swim against the stream” (Friedmann, 1987, p. 409) to guide land use policy from a holistic urban citizenship lens. Viewed relationally, the state is constantly mediated by outside forces (Hilbrandt, 2021; Jessop, 1999), including, but not limited to, the political and economic interests of the status quo middle class and capital. From a critical perspective, planning is not separate from civil society (Allmendinger, 2017, p. 79), and as a state activity, occupies a similarly mediated position. The same pressures placed on planning from the outside could theoretically emanate from or be articulated on the inside. Or, put another way, empathy planning holds the potential to fuse structural macro-realities with the “intentionalist” actions of a micro-politics informed by the everyday experiences of a wider range of actors (Allmendinger, 2017, p. 19). The line drawn

between civil society and the state is permeable and diffuse, and knowledge is constantly transported between the two entities. Civil society can be a site of democracy and resistance, where social movements form and push for change in a contextually specific location (Watson, 2016), but so too planning: “not one directional, open for struggle and resistance, and not always negative” (Watson, 2009, p. 2261).

Planning is held in constant tension between “conflicting rationalities”, such as the rationalities of the market and survival, or the rationalities of the formal and the informal. However, planners receive little advice on how to “support survival efforts” and thus write gentrification policies of displacement (Watson, 2009, p. 2266). Empathy and care are uniquely positioned to help planners internalize the circumstances of displacement, understand the condition of displaceability (Yiftachel, 2020), and rethink planning as a relational practice, constantly open to renegotiation. To start, since planners have a responsibility to “define and serve the interests of the public” (Ontario Professional Planners Institute, n.d.), planners should not assume the public is only composed of white and middle-class citizens or corporations and capital, always asking the question “for whom are we planning” (Alexander, 1992, p. 7). Empathy planning recognizes the potential for uneven socio-spatial realities without constant (re)negotiation and (re)positioning by planners. For instance, planners can identify modernization agendas and slum discourse and rework and reword urban policy. Safety, health, and aesthetic concerns should not be mediated by the state at the expense of marginalizing entire sections of a population already struggling and made vulnerable by the very systems empowering and enabling planners to work.

A critique of empathy planning is its ambiguity, less a specific planner role or planning model, but an interior position guiding the planning process. However, its focus on reflecting on

the “limits of bureaucratic command, identifying with the powers of the marginalized, engaging with conventions and norms” (Allmendinger, 2017, p. 137, 138), understanding the limits to capitalism, the uneven production of urban space, and the upholding of the status quo and the conditions required to accumulate capital helps planners better understand the nuances of practice and their position within the ‘forcefield.’ If planning is in part problem solving, working through problems with an empathic lens might better reveal the inequalities produced—often influenced by power imbalances (Allmendinger, 2017, p. 138). Further, urban poverty should not be viewed as a ‘problem to be solved’ rather a complex bundle of social relations requiring thoughtful attention and a change of course. Recognizing the gap between neoliberal and globalized planning policies and the response to the everyday urbanisms of the urban poor, planning from a position of care and empathy might better reach the subaltern of Toronto.

Going Up the River

Structurally, capitalism requires difference and a reserve labour army to survive (Mitchell, 2012, 2021), casting a proportion of people as “extra workers:” underemployed and “informal” to facilitate competition and keep the costs of labour reproduction down (Rolnik, 2019, p. 255). Many of the reserve labour army are also left without land or property ownership, work low-wage jobs, and are priced out of the housing market, with little option other than the precarity of self-built housing or, in Toronto, tent encampments. However, heard often in the interviews, many living in encampments, in addition to underemployment face a litany of issues including mental health, addiction, and racialization. Addressing the housing needs of unhoused people in Toronto is complex and multi-faceted. Housing is critical to stabilization, but the type of housing is important, with consideration for the preferences of unhoused people. Emergency shelters were agreed to save lives; however, in the words of one respondent, “a good day is when

we start shutting these shelters down” (Politician 4, personal communication, January 21, 2021). For many, adequate housing means social, supportive housing. Wrap around supports are often required for success: “someone to look in on them. Someone to make sure they’re eating, that they’re taking their meds, that they are cleaning” (Politician 4, personal communication, January 21, 2021).

Attempts to provide housing often focus on “second order” solutions: “people spend a lot of time figuring out the tent” without “going up the river” (Politician 4, personal communication, January 21, 2021) to address root causes of poverty and homelessness. Tracing the root causes of urban informality to societal structure in Toronto means connecting to a society structured by the capitalist mode of production, subject to the shifts, contradictions, and crisis, and relationally bound to a colonial history and a hegemony of private ownership models of property (Blomley, 2004; Rolnik, 2019; Roy, 2003). Moving beyond this societal framework, or at the very least confronting and empathizing with how it serves to systemically marginalize a proportion of the population, are requirements for transformational change. We might begin by recognizing the so-called housing ‘crisis’ and the crisis of the unhoused for what they are: “capitalism in full flower” (Mitchell, 2012, p. 66) working perfectly, unevenly, and continually to produce marginality.

Conclusion: Toronto the Good?

Today, the pandemic is winding down, the weather is warm, and parks are slowly but surely, being cleared of encampments. On May 19, 2021, city enforcement agents cleared an encampment near the downtown west waterfront: the fifth encampment cleared in a couple of weeks despite ongoing COVID-19 outbreaks in shelters (Gibson, 2021c). The clearance was met with resistance by supporters, but a team of police and city security guards, flanked by bulldozers, evicted the encampment residents. On June 22, 2021, the city deployed a “vulgar display of power” (Micallef, 2021b) to clear the encampments in Trinity Bellwoods park. The deployment of “dozens of police officers...some clad in paramilitary uniforms...drones, City of Toronto corporate security...and...more than a hundred private security guards” to relocate a “couple dozen” remaining encampment residents, was again met with resistance by supporters (Micallef, 2021b). Many former encampment sites in the downtown parks are now fenced off indefinitely for park remediation and grass rehabilitation. On July 14, 2021, Mayor Tory declined to bring *A Path Forward* and its rights-based approach to encampments to City Council as an agenda item, citing ongoing city “success” and “collaboration” in moving people out of “unhealthy, unsafe, and illegal” encampments (Toronto Drop-In Network, 2021a, 2021b). The state’s recent actions are a continuation of the trends described throughout this paper: the state’s policy for tent encampments, despite moments of tolerance, are of eviction, clearance, and demolition.

This Major Paper aimed to provide a detailed account of tent encampments as a mode of urban informality in the global northwest, and not a novel one. In this account of Toronto’s encampments, the position of the state vis a vis encampment residents and their advocates does not suggest a “constellation of consent” and negotiability (Hilbrandt, 2021, p. 136). Instead,

Toronto encampment residents face dispersions of dissent by a state producing informality through upholding its laws and regulations and rarely granting exceptions through policies of toleration and formalization (Roy, 2008, p. 149). Thus, as exemplified by the recent authoritative clearances described above, the city acts as “state ‘with muscles’” (Boudreau, as cited in Hilbrandt, 2021, p. 20). The unhoused of Toronto are criminalized, the punitive measures upheld by a neoliberal mayor and an urban politics of revanchism and capitalist growth, scaffolded by the discourse of threats to safety to encampment residents and the mantra parks must be “accessible for all” (City of Toronto, 2021a). Meanwhile, the “everyday resistance” of encampment residents and their advocates continues to unfold against eviction notices, pushing up against the “boundaries of tolerance” (Hilbrandt, 2021, p. 98) of the local state, but at this point, not strong enough to stop the clearances or bring the state to implement a human rights approach to the encampments.

The territorial flexibility of the state can create temporalities of tolerance, as exemplified in the brief pandemic encampment eviction moratorium and, despite its Parks Bylaw upheld in the courts, a refrain from clearance until spring 2021. However, the reprieve was short-lived, and formalization (Harris, 2018) and integration (Ren, 2020) are not current options for encampments. Instead, the city is keeping spaces open in shelter hotels for encampment residents and enforcing encampment evictions. If people refuse resettlement in the shelter hotels or other temporary housing options, the state proposes people “relocate elsewhere outside” (City of Toronto, 2021a): ‘elsewhere’ is an unnamed location, perhaps in the periphery, or out of sight and out of mind. The normalization of encampments in the Don Valley speaks to a mode of informality existing in a “relatively stable realm of tolerance (Hilbrandt, 2021). However, tolerance is not so much a product of negotiation by the encampment residents, but of a state

with few options to house people, allowing invisible encampments to exist relatively unbothered, absolving to a certain degree the state's responsibility to solve the broader issue of housing accessibility and affordability (Harris, 2018).

Following Hilbrandt's (2021) advice, this research is not a "search for similar practices elsewhere" but an addition to a nuanced discussion around urban informality in the global northwest, a reading of Toronto "through a more global lens" in an attempt at extending the current debates in the field and "making our conceptual language more adequate to describing the 21st Century city" (p. 143). Toronto, situated within the existing neoliberal urbanism literature and its revanchism, law and order policies, and gentrification planning strategies, is a globalizing city experiencing shifts in the political economy impacting its housing market and accessibility: toward financialization, commodification, and the (re)circulation of fictitious capital in the real estate market, the now primary productive engine of the political economy undergirded by the class structure and logic of capitalism. However, Toronto is complicated beyond any singular theory of the urban, or one firmly emplacing its everyday lived experiences within the tropes of a modernized and 'developed' city of northwest. As documented throughout this Major Paper, informal urban processes exist in the global northwest, and have existed, are not novel, and like southeastern cities, are nuanced and context-dependent, or in other words, "the North these days contains much of the South" (Comaroff & Comaroff, 2008, p. 18).

The recurring encampments in Toronto (see Fig. 11), perhaps further studied as a spatial and temporal process of urbanization representing the agency of people, are stark and historical signifiers of the uneven geographies and un-livability of a globalized economy and capitalist urban development processes, characterized by inter and intra-national competition for

investment, neoliberal state retreat and erosion, and disinvestment policies for social supports and housing.

Figure 11

The appearance of a second encampment site near Orphan's Park after clearances in downtown parks circa June 2021.



Note: Photo by author.

Today, as the city ramps up its affordable housing plans, it is doubling down on its surveillance and policing of former encampment spaces (City of Toronto, 2021f), driving poverty further underground, hidden from the shining veneer of the city. As the cracks appear, and the inevitable crisis of capital reappears and inequalities and encampments bubble up to the surface, they are quickly bulldozed back under by city politicians and administration alike. The state upholds a specific everyday urbanism, and one counter to the production of space in the city by the unhoused, seemingly ignoring any notion clearing encampments or state-provided alternatives may be unsafe. And yet, through processes of informal urbanization by the people, territory is collectively claimed by tent encampment residents who demand a right to the city,

with the support of social movements who continually stand up to realize this right. Watching the Orphan's Park encampments over the past year, grow, then disappear after a fire, only to reappear in early spring coincident with the downtown clearances, now joined by a second encampment to the southwest, provides an understanding encampments are a persistent mode of urban informality and an ongoing urbanization pattern of the unhoused of Toronto.

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Appendix A

Table of Interview Respondents

Anonymized Name	Date Interviewed	Role
Advocate 1	March 9, 2021	Housing, homelessness, and human rights expert
Advocate 2	February 19, 2021	Advocate, outreach worker
Advocate 3	January 28, 2021	Advocate, outreach worker
Advocate 4	January 25, 2021	Carpenter, Toronto Tiny Shelters
City 1	April 19, 2021	Anonymous
City 2	May 6, 2021	Anonymous
Developer 1	February 24, 2021	Rental developer
Developer 2	February 11, 2021	Multi-unit housing developer
ESN 1	January 22, 2021	Outreach volunteer, Encampment Support Network
ESN 2	January 19, 2021	Outreach volunteer, Encampment Support Network
Media 1	February 9, 2021	City Columnist, educator
Politician 1	February 12, 2021	City Councillor
Politician 2	February 22, 2021	City Councillor
Politician 3	February 8, 2021	City Councillor
Politician 4	January 21, 2021	Former City Councillor

Table of Email Respondents

City 3	n/a	Toronto Media
City 4	n/a	City Clerk's Office

Appendix B

City Website with Human Rights Revisions

Encampment Outreach & Response

The City of Toronto has a approach to helping individuals in encampments that focuses on:

- the safety of those living in encampments
- working with partners to provide essential supports, focusing on health and wellbeing
- building trusting relationships to support the transition to indoor settings
- providing access to safer, indoor spaces including shelter and housing

Encampments are only cleared once everyone has been offered safer, inside space, and notice has been provided with time to go through belongings.

Addressing homelessness, including encampments, is a complex social issue. It requires all levels of government, community agencies and other stakeholders to work together to provide public, social and health-related supports.

Figure C1. Circa February 2021, the first sentence of the city’s *Encampment Outreach and Support* website stated, “the City of Toronto has *a human rights approach* to encampments” updated by early March 2021, to state “the City of Toronto has *a approach* to encampments”.

Encampment Outreach & Response

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Addressing homelessness, including encampments, is a complex social issue. It requires all levels of government, community agencies and other stakeholders to work together to provide public, social and health-related supports.

Figure C2. After an email in early April to city media inquiring about the removal of human rights from the first sentence and the grammatical error, the website was later updated. The two events are likely unrelated.

In addition, a separate city website, *Encampment Safety and Clearing Protocols*, also removed a mention of a rights-based approach to encampments. When explaining the different divisions involved in the “Cleaning, Clearing and Enforcement” of encampments, a sentence stating “uses housing as a human right approach to engage people staying outside” was later replaced and revised to remove the human rights approach.