Private Market Solutions to Private Market-Induced Problems: The Limits of Inclusionary Zoning in Toronto

By: Nigel Carvalho

Supervised by:
Luisa Sotomayor

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Abstract

The City of Toronto is experiencing a well-known crisis in housing affordability. The municipality has increasingly failed to provide housing that is affordable to its low- and middle-income residents amidst rapid growth in population size and construction activity. Condominium development has vastly outnumbered new purpose-built rental development in recent decades while existing affordable units are lost to urban revitalization projects and financialized landlords.

The City has been negotiating Official Plan and Zoning By-law amendments to allow for inclusionary zoning, an affordable housing strategy that has been implemented in over one thousand jurisdictions globally. These changes will mandate that developments in specified areas of the city include a percentage of affordable units. Inclusionary zoning policies are highly variable and involve careful consideration of the unique local contexts in which they are implemented. This paper examines the potential of inclusionary zoning in Toronto and the role of power in the design process through an investigation of the city's local housing market and history of affordable housing, interviews with various stakeholders to understand their competing perspectives and demands, and a comparative policy analysis of Toronto's proposed framework with those of other jurisdictions.

With implementation scheduled to begin in January 2022, inclusionary zoning could hold immense implications for Toronto's housing market and residents. While this research ultimately supports the City of Toronto's use of this policy tool, its effectiveness is found to be severely limited by a firm reliance on the private development sector, neoliberal capitalist market logics, and colonial ideologies underlying the problem of inequitable access to housing that it seeks to rectify. Deeper changes in systems of Canadian housing provision at all levels of government including transformative interventions in Toronto's urban planning status quo are found to be necessary if housing unaffordability is to be adequately addressed in the city.

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I am deeply inspired by all movements and communities, big or small, fighting for housing, environmental, and racial justice (ultimately all one and the same, really) in the face of the relentless oppressive systems we have all inherited. I thank them as well for the continual reminder that transformation is possible.

Foreword

This major research project fulfills the requirements set forth by the Masters of Environmental Studies (MES) degree with a specialization in Planning. It explores affordable housing, market housing, critical urban theory, development, housing advocacy, policy, and design. Three of objectives outlined in my Plan of Study (POS) are:

1. To understand the social policies, key actors, and ideologies influencing the housing crisis and rapid gentrification occurring in Toronto and globally.
2. To develop a better understanding of the inseparability of race and land as well as the importance of anti-racist and decolonial discourse in environmental justice.
3. To develop an understanding of how municipal politics operate and how they can be navigated to facilitate change.

The three areas of concentration of my POS are 1) Critical Urban Planning, 2) Urban Justice and Social Equity, and 3) Sustainable Transitions. This major paper engages with the first two areas explicitly while the last falls outside of its scope. However, through my additional MES coursework I have demonstrated that market-oriented sustainability measures tend to co-opt environmental movements in the pursuit of profit at the expense of low income and racialized communities. This critique aligns with my paper's interrogation of affordable housing provision under neoliberal capitalism. Similarly, community-oriented environmental initiatives with public investments are integral to just and effective sustainable transitions.

Throughout my time in the MES Program I learned four key lessons:
Lesson 1: More funding is required from all three levels of government to alleviate housing crises in Toronto and beyond.
Lesson 2: Federal, provincial, and municipal governance structures place heavy limitations on the autonomy of both municipalities and their individual neighbourhoods to address the needs of residents, severely weakening urban democracy.
Lesson 3: Colonial ideology exists at the core of inequality in "Canada" – attention to Indigenous sovereignty by progressive social movements is paramount if they are to achieve not only moral legitimacy but solutions to the actual causes of their concerns.
Lesson 4: Social and environmental policy solutions must be context-specific; their success is dependent on their capacity to meaningfully incorporate the needs and demands of local communities, especially those that are low income and/or racialized.

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Introduction

Housing has been a subject of Canadian policy concern for decades, but minimal success has been achieved in making housing affordable and accessible for many residents of rapidly growing cities. Housing is complicated by its increasing link to global financial markets paired with competing conceptualizations of housing as both an economic asset and shelter (Conway, 1999). The provision of affordable housing requires strong political and financial commitments from all levels of government, but cuts in federal and provincial funding and support since the 1990s has placed the responsibility of housing provision onto municipalities that, due to constrained options, regularly turn to local planning tools and policy interventions for solutions (Hackworth & Moriah, 2006). As such, inclusionary zoning has emerged as one popular planning tool implemented at the municipal level to address housing unaffordability in cities.

Inclusionary Zoning (IZ) refers to a planning policy that mandates or encourages a share of the total units in new privately-built developments to be designated as affordable. The common narrative of inclusionary housing portrays these practices to be an effective means of providing affordable housing, making affordable housing available widely across different cities and in numerous neighbourhoods, and providing a greater variety and diversity of affordable housing. While IZ could be an important step towards securing housing for a percentage of middle- and low-income families, this planning tool is implemented in a highly divergent manner across diverse urban contexts with varying results, often drawing on limited research-based evidence. Crucially, it is affected significantly by its reliance on the private sector.

In 2019 the City of Toronto began developing IZ policy directions for consideration in the amendments of the city's Official Plan and Zoning By-laws as a part of HousingTO 2020-2030 Action Plan. Toronto is in desperate need of changes to promote the construction of affordable housing, with only about 2% of the 230,000 new units built or approved in the last five years having rents below average market rents for the city (City of Toronto, 2020d). During this same period about 80,000 new condominium units have been completed compared to 4,500 purpose built rental units (City of Toronto, 2019e). This disparity is exacerbated by average rental costs that have increased at double the rate of incomes in the city over the last 20 years (Canadian Housing Mortgage Corporation, 2021; Statistics Canada, 2021c). At the beginning of 2021, 79,332 households were on the centralized wait list for subsidized housing (City of Toronto, 2021b). The crisis in housing unaffordability is experienced most acutely by Black, Indigenous, racialized, and low-income tenants who are disproportionately spending more than half of their income on rent, amassing rental arrears, and served eviction notices (Social Planning Toronto, 2020; Leon & Iveniuk, 2020). Facing these challenges, the City states the intended IZ policy outcomes are to increase the affordable housing supply, encourage market housing development, and create more inclusive and equitable communities (City of Toronto, 2020f).

IZ has been mobilized by the City to counter the loss of affordable housing at unprecedented rates as the development industry and financialized landlords stand to make increasingly greater profits through evictions and gentrifying development projects. With a staggering 194,000 housing units currently proposed and under review at the City, a well-designed IZ policy could greatly increase the provision of affordable ownership and rental housing that is accessible to low- and middle-income groups while maintaining housing costs for market rate consumers. With government cutbacks in funding for social and affordable housing, IZ is appealing as it relies on private developers to provide a portion of affordable housing within their new build projects while relieving the burden on already underfunded municipal bodies to provide public housing. Nonetheless, the extreme reliance on private sector development to produce the type of housing that is needed to meet the current gap raises a number of concerns: first, the mixed income development inherent in IZ holds well-documented implications for gentrification and the livelihoods of low-income tenants; second, IZ perpetuates the lack of diversity in the city's housing stock already established through the predominance of condominium development; and third, the amount of affordable housing required in Toronto will be difficult to achieve because the maintenance of developer profits is required for housing development to continue and is prioritized as a result.

This paper first takes us back to more fundamental questions about housing as private property from the perspective of racial capitalism and builds on insights from policy mobility theory and critiques of the neoliberalization and financialization of housing. From this view, I provide a critical and comparative assessment of Toronto's proposed IZ policies being negotiated by the Ontario government and the City of Toronto. At the time of writing, implementation of IZ is expected to begin in January 2022. The purpose of this paper is to evaluate the intended and unintended policy outcomes and implications of practicing IZ in Toronto, provide recommendations, and interrogate the adequacy of the proposed policy framework to benefit all Toronto residents equitably. This research contributes to existing IZ literature through increasing understandings of the role of power in the IZ policy design process, situating IZ within broader struggles for justice, and discerning the extent to which the inclusion implied in IZ is realizable and represents a meaningful departure from exclusionary zoning practices.

What is Inclusionary Zoning?

IZ refers to a zoning regulation or land use ordinance that require or encourage developers to include affordable rental or ownership suites within new market-rate residential developments as a condition for development approval. IZ intends to provide housing for low- and moderate-income households who would otherwise be unable to afford it and has been implemented to some capacity in an estimated 866 jurisdictions including Montréal and Vancouver, two major Canadian cities (Thaden and Wang 2017; August & Tolfo, 2018). In the US, IZ is primarily used for the provision of workforce housing whereas in Canada IZ has been more focused on meeting the needs of low-income residents through the provision of social housing or more deeply affordable units (Mah, 2009).

IZ was first implemented during the 1960s in the United States in response to exclusionary suburban zoning practices that segregated racial minorities and low-income populations from other communities. It was initially used as a planning tool for social integration that provided moderately-priced workforce housing within middle-class communities for those who had been excluded historically (Benson, 2010; August & Tolfo, 2019). Through the 1980s and 90s, American municipal governments expanded the scope of IZ to become an economic tool for housing provision in contexts where dwindling federal funding for affordable housing had resulted in a supply that failed to keep up with demand (Benson, 2010; Porter, 2008). Still, social and economic integration remains a common stated goal in IZ discourse.

Despite the growing popularity of IZ, its impacts remain highly contested by advocates, developers, and academics. Housing advocates generally view IZ favorably for its potential to produce affordable units. Opponents point to the potential for market suppression, rising costs for market-rate renters and buyers, and its possibility of halting development altogether. Meanwhile, many researchers argue that IZ's impact on both delivering affordability and the housing market have been exaggerated and not in direct opposition, emphasizing that local policy design and market characteristics contribute strongly to IZ outcomes (Thaden and Wang 2017; August, 2018). The following section describes the components involved in any individual IZ policy framework, and how these diverse factors shape localized outcomes.

Components of Inclusionary Zoning

Inclusionary programs are immensely varied across jurisdictions, as municipalities tailor IZ components to fit the housing needs and market conditions of their local contexts. Below are the key elements involved in IZ that are negotiated for each individual policy frameworks.

Threshold Size & Geographical Scope

IZ policies and regulations are typically applied only to new rental and ownership residential developments but the requirement varies depending on the minimum size of development by which it is triggered. Threshold size, or minimum project size, typically varies between 10 to over 200 units, though in some US jurisdictions, the programs apply to all new residential developments.

IZ is often implemented citywide, but policies may be selected to restrict implementation to smaller regions. Set aside rates vary geographically within individual jurisdictions with some policies mandating different rates depending on the perceived capacity of the market of a given municipality while others are applied evenly citywide (Thaden & Wang, 2017; Drdla, 2016).

Mandatory vs. Voluntary

IZ programs can be mandatory, requiring that developments include affordable housing as a condition for their approval, or voluntary, where developers are offered optional incentives in exchange for the provision of affordable units. Voluntary, or incentive-based programs can be enticing to municipalities as “they are less likely to generate developer opposition and legal challenges than mandatory programs,” (Drdla, 1999) but it is widely accepted that mandatory programs tend to produce more affordable units (Brunick et al., 2004). Jurisdictions that have found relative success with voluntary programs involved particularly committed and sophisticated city staff (Calavita & Grimes, 1998) and broader policies like growth limitations to make their programs appealing to developers (CCRH & NHANC, 2003; Brunick et al., 2004; Mukhija et al. 2010).

Set Aside Rates

The minimum proportion of space that developers are required to designate as affordable within their new developments is referred to as the set aside rate, which is measured in percentage of either residential units or gross floor area (GFA). Different IZ set aside rates can be applied to different portions of a development where one rate may be used for as-of-right density while another is used for any additional permitted density (Hickey et al., 2014; Thaden & Wang, 2017). Set aside rates tend to be more politicized than other IZ components as they arguably have the most significant impact on land economics, developer profits, and the amount of affordable units produced (Anderson, 2003).

Definition of Affordable

How affordability is defined also significantly impacts profit margins, the income group for which IZ can address, and the additional government funding that may be required to achieve affordability targets. Jurisdictions measure affordability based on either market rents or incomes.

Affordability Period

The length of time that the affordable units in a development are set to remain affordable is the affordability period. This period generally lasts 10-35 years, with some programs requiring affordability for 99 years or in perpetuity (Gladki & Pomeroy, 2007; Porter, 2004). A 2016 study of 273 IZ programs in the US found that roughly 90% used affordability periods of 30 years or greater (Thaden & Wang, 2017). A short affordability period can undermine the intended purpose of IZ as affordable housing is lost soon after it is built.

The affordability periods of ownership units are generally shorter than those of rental units and more complex as units are subject to mortgage rates and market influences (Mah, 2009;

Gladki and Pomeroy, 2007). It is considered important that owners of affordable suites can access equity to encourage the initial purchase, ensure proper maintenance of the property, and allow buyers to participate in the housing market (Drdla, 1999). Resale price agreements vary across programs but usually involve profit sharing between owners and municipalities (Mah, 2009).

Developer Incentives

Incentives are provided to developers to offset or compensate for the revenue losses associated with IZ to avoid the legal challenges of the "taking" issue and the passing down of costs to market rate consumers (Kautz, 2002; Tang & McIver, 2019). Density bonusing is the most popular developer incentive in the US (Mah, 2009). In Toronto, this has been done using Section 37 of the Planning Act which provides height and density bonusing in exchange for community benefits which can include affordable housing, however, the Community Benefits Agreement will be replacing Section 37 in IZ areas (discussed in section 1.2.3). Other forms of incentives include reduced parking or parkland dedication requirements, fast tracked approvals, waived or reduced permit, development, and impact fees or taxes, and direct subsidies.

Off-Site Construction and In-Lieu Payments

Some IZ frameworks authorize developers to produce affordable housing units on land or in buildings other than those that are the subject of the development application, this is known as off-site construction. IZ frameworks may also permit cash in-lieu payments towards municipal funds that are directed to rental subsidies or new affordable construction, which tends to be preferred by developers as this removes the uncertainty associated with the marketing and managing of mixed-income housing development (Porter, 2004; Mah, 2009). In-lieu fees and off-site construction can be effective and suitable alternatives to building inclusionary units in areas that are not economically feasible due to high land costs or areas that lack adequate transit services (Porter & Davidson, 2009; Porter, 2004).

Administration and Monitoring

IZ programs require effective, well-funded administration and oversight to achieve success, otherwise the affordability of units achieved by IZ may be lost through illegal sales, foreclosures, or poor management by overworked staff (Benson, 2010; Mah, 2009).

Research Questions

The following research questions were established to guide the selection of literature, key stakeholders, and interview questions for this major paper:

- What are the potential intended and unintended policy outcomes of implementing inclusionary zoning in Toronto?
- What income groups would affordable IZ units be accessible to?
- Who would bear the costs (both social and economic) of IZ?
- How receptive are developers in Toronto to the proposed amendments? What strategies could be used to circumvent them?
- How much influence did various stakeholders have in shaping Toronto's current and previous IZ policy framework?
- How effective has IZ been at securing affordable housing in other contexts?
- How are mixed-income development through IZ implicated in gentrification?

Methodology

This paper uses a mixed methods approach involving a 1) literature review, 2) analysis of online publications by housing advocates, developers, and the city, 3) interviews with housing advocates, developers, and relevant government workers, and 4) observations of webinars and recorded community consultations. Additionally, case studies were conducted to demonstrate the diversity in IZ policy design across jurisdictions, their effectiveness, and the context-specificity of IZ. The information gathered here was incorporated into a policy analysis of critical discussion of Toronto's proposed IZ policies to determine the potential impacts on communities of various socioeconomic positions as well as the development community.

The literature review involved a deep dive into IZ literature examining the variations that are used across different municipalities and the factors that determine the viability and success of IZ implementation. Further, this review covers literature related to the history of housing affordability in Toronto and the City's previous attempt at implementing inclusionary zoning.

This work takes an inductive approach to the interviewing process in which knowledge is co-produced between myself and the participants. Interviews were conducted over Zoom, recorded, and then coded following their completion. Interviewees were selected based on roles that are already in the public eye and those who have been commenting on the issue or hold positions that will inform or be impacted by IZ policies once they are undertaken by the City. Snowball sampling was used as I conducted interviews until data saturation. Interviews will followed ethical guidelines for human participants.

Due to the rise in prominence of webinars following the onset of COVID-19 lockdowns in March 2020, significant research was also gathered by observing online events. The webinars cited in this research (Appendix, Table. 5) were primarily held by community organizations with some led by the City of Toronto and developers as well. With consideration for lower relative capacity of housing advocacy organizations in the city I opted to obtain more of these perspectives through local housing town halls and advocacy events which is reflected in their smaller presence in the List of Interviewees (Appendix ?). This decision was ultimately made following the cancellation of two interviews with community advocates due to work and family obligations.

This research is inseparable from my social position as a white middle-class settler; having lived in three major Canadian cities, I am implicated in processes of gentrification of low income communities and colonization of multiple unceded Indigenous territories. I recognize that my involvement in this research holds the potential to harm communities actively marginalized by the state and necessarily reifies power dynamics that place them as the object of academic discussion and knowledge extraction to the benefit of researchers. In addition to passing the ethics review mandated by York University, I have subscribed to provide ongoing monetary donations to two housing advocacy organizations discussed in this paper, amounts that I intend to increase if and when I secure employment post-graduation. Further, with a desire to apply praxis to my work, throughout this writing process I have volunteered time to several phone banking sessions organized by Progress Toronto to inform Toronto residents of IZ and encourage their support of stronger policies.

1 — Commodifying Land & Shelter: Can the Agents of Housing Inequality Foster Adequate Housing Solutions?

> "It is the people of Toronto that will change the city,
> these rich people are not going to move a finger for us."
> - Alejandra Ruiz-Vargas (Webinar, June 22 2021)

The promise of inclusionary zoning, at its core, is that by increasing the affordable housing supply through its mandatory inclusion in new private sector housing developments the City of Toronto will foster "more inclusive, complete, and equitable communities" (City of Toronto, 2021a). The term "inclusionary" is a powerful one that invokes many things for different communities and individuals of varying socioeconomic positions, especially in this highly stratified urban context in which political power and influence routinely marginalize residents in favour of capital. IZ's reliance on private developers to promote inclusion limits the level and type of inclusion in numerous and detrimental ways given that it can only be delivered at large scales and through social mixing. The emphasis on inclusion inherent in IZ within this context opens up questions of what and who is the target of these inclusionary practices and to what extent the form of inclusion through private development and market mechanisms IZ provides should be viewed as contributing to an equitable city.

To assess the potentials and limitations of Toronto's proposed IZ policy framework it is essential to investigate the historical ideologies that inform our dominant understandings of housing as a commodity and shape housing policy interventions that have produced the need for this policy instrument today. To better interrogate why IZ has been mobilized to address Toronto's housing crisis, this section explores how, principally, Canadian housing policy embodies the private property ownership model established through frontier capitalism and how this relationship informs the financialization and "condoization" of housing. I argue that ideologies of colonization and private property remain central to the City's housing framework, with crises of housing unaffordability and gentrification representing a new iteration of an ongoing struggle over land access. Critical planning theories are then observed to provide support for the following analyses of IZ that explain why it is an appealing policy choice for the city of Toronto as well as the potential and limitations of social inclusion through zoning in a neoliberal private market-driven housing landscape.

Colonization, Private Property, & the Financialization of Housing

The project of urban planning in Canada, was and continues to be a colonial project. The designation of private property remains integral to the expansion of the settler state and inextricable from modern conflicts over land, property, and housing. Owen Toews' (2018) states that "despite popular mythology, the frontier is not the spontaneous product of enterprising settlers but of intense, prior public expenditure to make a capitalist market possible." (p. 38). To advance as broadly as it has, settler colonialism in Canada relies on the construction of a racial hierarchy to justify the dispossession, subsequent privatization, and commodification of Indigenous land that shattered existing ways of life to secure profits for capitalist elites. Dene scholar Glen Coultard (2014) describes how the initial dispossession of Turtle Island by colonists was rationalized through treating the land as *terra nullius*, "the racist legal fiction that declared Indigenous peoples too 'primitive' to bear rights to land and sovereignty [...], thus rendering their territories legally 'empty' and therefore open for colonial settlement and development (p. 175)." In Red River, prior to the colonization of what is now known as Winnipeg during the 19th century, Indigenous property rights were determined through verbal agreements that made land freely available for hunting and agriculture so workers owned their own means of production (Toews, 2018. p. 33). The ownership model used by colonizers, which views common property as "no property," conceptualized these prior modes of property distribution illegible, serving as one moral justification for the containment of Indigenous people on reserves so that their land could be allocated to settlers from Europe (Blomley, 2004, p. 9). This apartheid of Indigenous people was deemed an "economic necessity" by colonizers who saw Indigenous ways of life as incompatible with the coming private property regime intended to exploit the land for agricultural and industrial capital accumulation (Toews, 2018, pp. 50-51). The settler-colonial declaration that land must be privately owned by individuals so it can function most efficiently within capitalist markets is strikingly similar to the framing of the highest and best use of urban land today.

In Unsettling The City, Nicholas Blomley (2004) demonstrates how the ownership model, the lens through which property is dominantly viewed, frames property as merely a relationship between the owner and their property. This model is maintained through moral claims that private ownership fosters "responsible citizenship and highest and best use of the land" and rejects the broader relationships that property owners necessarily have with, for example, people who live on their property or how the surrounding neighbourhood is impacted by property owners' decisions regarding the use of their land (pp. xiv, 80). The ownership model is rooted in Lockean theory which predicates the state-individual relationship on the protection of individual property (Hamil, 2018). Property rights are negative rights, that is, a right not to be subjected to an action of another person or group, which the Canadian Charter of Rights and Freedoms primarily privileges over positive rights, the right to the possession of the power and resources to fulfil one's own potential (Hamil, 2018). Property rights privilege the economic rights of landowners and frame contestations made by those without property advocating for better housing access as a rights infringement (Ranasinghe and Valverde, 2006; Blomley, 2004; Harvey, 2012; Hamil, 2018). This legal dynamic in combination with the dominance of highest and best use of land in capitalist planning regimes results in increasingly privatized housing stocks that positions housing as a commodity.

Contrary to the private property ownership model, the very institution of property is collectively agreed upon and requires the recognition of various social actors, including planners, to exist and is therefore socially constructed. This is revealed by the existence of urban planning tools, like zoning for example, that inherently contradict the ownership model as they limit how property owners can use, develop, or landscape their property (Blomley, 2004, pg. 7-13). Being socially constructed, property must rely on enactments, both practical and discursive, that seek to persuade the validity of a claim to property and ultimately reflect what we believe property "ought to be" (2004, pp. 1-3, 50-52). Property owners enact property normatively through acts such as fencing off a space or hiring security, acts justified through the ownership model's dominance which posits the highest and best value of land as sites of investment for accumulation for individual capitalists as well as municipalities through taxation (Harvey, 1978). Blomley asserts that property is also enacted through actions or stories that make claims to space based on social, political, and historical relations that challenge the ownership model (Blomley, 2004). Establishing how the dominance of the private property model of ownership has led to historical injustices that persist today, in only slightly more covert ways, allows us to observe whether interventions into urban housing crises represent enactments that either subvert or reify normative understandings of property.

The framing of housing as a commodity produces competing understandings of its use value, such as a home, while prioritizing its exchange value, as a commodity for sale. These competing understandings of housing heavily inform arguments surrounding IZ as housing advocates and private developers promote their own perception of its use value. The Appraisal Institute of Canada defines the term highest and best use as "the reasonably probable and legal use of property, that is physically possible, appropriately supported, and financially feasible, and that results in the highest value," but how is value in the case of land and housing defined? The use value of a commodity is determined by the needs and wants of those who consume it and the utility produced by the commodity through its consumption, with the use value of property coming from its ability to satisfy the needs of the land user (Pivo, 1984). Housing, in terms of its social and qualitative aspects, has a high use value as it provides shelter that is essential to life, however, systems that allow housing to be converted into capital "blurs the distinction between use value and exchange value (Brunelli, 2001, p. 5; Conway, 2000)." The exchange value of land is realized when it is sold or rented on the market in exchange for capital by homeowners, realtors, landlords, developers, and financial institutions (Pivo, 1984). When the desire of a land user is the pursuit of capital, the use value of land, and therefore housing, becomes inseparable from capital accumulation and its use value as a shelter is put in competition with capital interests. These dominant understandings of property shape the prevalence of accumulation and class struggle in property development under capitalism that produce housing crises, which are exacerbated by the neoliberalization and financialization of the housing market (Harvey, 1978).

With housing representing this unique and paradoxical commodity, financialization bolsters these tensions as housing becomes increasingly invested in as a commodity for trading on global markets by investors who are generally unconcerned with local residents' incomes or housing preferences. Financialization is defined by Aalbers (2016, p. 2) as "the increasing dominance of financial actors, markets, practices, measurements and narratives, at various scales, resulting in a structural transformation of economies, firms (including financial institutions), states and households." The rise of real estate markets as a new method of moving surplus capital with urban land, with their markets often comprising 40% of all municipal economic activity, and the role of cities as sites to absorb surplus capital are indicative of financialization and the creation of what Samuel Stein (2019) refers to as the real estate state (Slater, 2018). In housing, financialization manifests in a variety of forms that include corporate landlords purchasing large portfolios of affordable rental buildings in neighbourhoods to collectively raise rents (August & Walks, 2018), the upgrading of rental housing by financial investors to extract profits (Fields & Uffer, 2016), homes that remain empty as investors wait until vacant property can be sold at the highest price (Cashmore, 2015), and the 2007 subprime mortgage catastrophe that shocked economies across the globe (Rolnik, 2013).

The financialization of housing has been enabled by neoliberal state policies that disinvest from social housing production while weakening rental protections and rent controls. Neoliberal ideology centers individual responsibility that should be unburdened by rules and collective responsibilities, the market as the primary means for individuals to exercise their utility, and the notion that state interventions interfering with individual autonomy or market relations will inevitably lead to an autocracy, a centralized governing body with absolute power (Hacksworth & Moriah, 2006). Through neoliberalism, market-based and technocratic rationalities increase the prominence of the private sector, usually at the expense of the public sector, contributing to the privatization of public services, a shrinking public housing stock, increased land speculation, and the financialization of housing (Mendinger & Haughton, 2013; Zhang & He, 2018; Arrigoitia, 2018). In cases where municipalities seek to meaningfully address these concerns, their effectiveness is limited when higher tiers of government hold neoliberal values (Morris, 2021). The combination of reductions in state-funding for housing and the growth of increasingly lucrative private housing markets has furthered socio-economic inequalities at local and global levels, contributing to the growth of gentrification and condo-ism in cities worldwide.

Gentrification & Condo-ism

Gentrification has been dependent on laissez-faire neoliberal policies and become a global business model with urban planning as a primary tool for the social control that allows the upper class to benefit financially from the violent displacement and erasure of racialized and working-class people from their neighbourhoods (Yiftachel, 1998, p. 397; Rutland, 2018, p. 4; Zhang & He, 2018). City officials actively produce rent gaps whereby land in financially disinvested neighbourhoods can be purchased cheaply by developers who, with the help of municipal “revitalization” programs, can then sell or rent their newly constructed units at far higher prices to more affluent residents (Slater, 2018). This phenomenon is both a new iteration and extension of redlining and urban renewal, two equally harmful prior federal programs in the U.S. and Canada (Stein, 2019, pp. 43-45; Moskowitz, 2017, pp. 188-197). Further, gentrification can be understood as treating urban space as *urbs nullius*, the "next frontier" for colonization, and it has been argued that planners' complacency in harmful local planning projects both legitimate settler-colonial property claims and implicate planners in broader struggles over space through more explicit, imperialist violence (Coultard, 2014, pp. 175-176; Dorries, 2017; Roy, 2006, pp. 12-14).

The residential displacement central to gentrifying processes is commonly justified by placing blame on long term, lower income residents for the decline of neighborhoods that have been subjected to municipal disinvestment. Property management companies contribute to the creation and subsequent exploitation of rent gaps through both direct and indirect forms of displacement. Financialized landlords facilitate direct displacement through squeezing revenue from low-income tenants by way of rent increases while accruing savings through neglecting to upkeep their buildings and eventually upgrading these homes into luxury buildings or suites when tenants are forced to relocate (August & Walks, 2018). Meanwhile, indirect displacement, which is most relevant in the case of IZ, involves new-build gentrification, the construction of luxury properties near older rental properties until rents increases and the social discomfort imposed by the presence of gentrifiers combine to force the relocation of preexisting tenants (Davidson, 2018). Focusing blame on residents rather than financialized landlords producing these conditions allows gentrifying projects like urban revitalization or mixed-income developments, many of which will be zoned for inclusionary units in Toronto, to be framed as a inevitable, benevolent, and even beneficial for those who become alienated as a result (August, 2014; Arrigoitia, 2018) As Coultard (2014) suggests with *urbs nullius*, this type of racist (and more recently classist) justification for furthering the interests of capitalists reproduced the same logic deployed by European colonizers before them.

Social mixing and the development of mixed-income communities has been a central goal of IZ since its onset, interrogating the validity of social mixing and its homogenizing tendencies is integral to discussions of IZ because it exclusively produces mixed-income projects. Social mixing is founded on the notion that placing people of diverse class and race in closer proximity and injecting disinvested areas with affluent individuals and market-rate housing will lead to upward mobility for poorer communities, reduce class-oriented tensions and segregation, and foster accessible and affordable housing (Davidson, 2018; Fernández

Arrigoitia, 2018a; Bolt et al., 2010). However, mixed-income redevelopments have been shown to allow affluent residents to use their social capital to shape neighbourhoods in their own image, increase policing of racialized residents, and heighten displacement pressures (August, 2014; Davidson, 2018; Fernández Arrigoitia, 2018a). Adding evidence to these claims, social mixing is hardly used to promote the movement of lower income residents into wealthier, well-resourced neighbourhoods that are likely as socially homogeneous as the low-income neighbourhoods that are subject to social mixing policies and programs; the one-sided application of this strategy is indicative of its primary use - to spread middle-class norms and consumption patterns to economically disenfranchised areas, boosting local tax bases and land values (Bridge et al. 2011). For these reasons, social mixing is widely criticized for ignoring the actual causes of poverty and assigning value to white middle-class cultural norms above others, framing the violence and of gentrification as a benevolent urban strategy (August, 2014).

As displacement ravages Toronto's working class communities, their culture, arts, heritage, and ethnic diversity are commodified and leveraged by developers to sell their products to investors and subsequent renters locally and overseas, effectively exploiting generations of the cultural life of long term Toronto residents for profit. This is well-evidenced in Toronto's Culture Plan for the Creative City which promotes Toronto's cultural capital as a major marketing strategy that is to be achieved through reurbanisation (Lehrer & Wieditz, 2009). Kern (2016) shows how select pieces of existing or historical cultures of neighbourhoods are appropriated through processes of gentrification into new, upgraded, and often class-specific aesthetics and lifestyles centered around consumption which alienate existing residents. Not only do the working class and often immigrant populations responsible for producing much of Toronto's cultural capital reap no economic benefits, development intensification in their neighbourhoods generated from the commodification of their cultures contributes to their eventual displacement.

Public policy has increasingly been organized around the promotion of condominium development over other housing alternatives, shifting the city's urban tenure structure while heightening new-build gentrification pressures and the prioritization of homeownership. Although condominiums are often understood colloquially as buildings possessing a specific clean and glass-walled aesthetic, they represent a form of tenure characterized by a "double ownership" of buyers of individual units and shared ownership of the common property external to the units (Harris, 2011; Rosen & Walks, 2015). This new form of tenure marks a significant shift because it permits the ownership of single apartments in multi-unit buildings, facilitating a change in urban tenure structure in which high density neighbourhoods and high rise apartments typically characterized by renters now house a growing mix of homeowners (Kern, 2007; Lees, 1994). Although many condominium units are rented out by their respective owners and therefore contribute a portion of new rental housing, condominium units have higher rents than non-condo private rental units and the increase in owner-occupied suites associated with the growth of condominiums has significantly outweighed the portion of new rentals they provide in Toronto overall (Walks et al., 2021). These gentrifying phenomena are exacerbated by density bonuses often provided to condominium developers in exchange for public benefits, resulting in greater intensification of historically working class downtown neighborhoods (Rosen & Walks, 2015).

Condi-ism refers to "an interlocking nexus of political and economic agendas regarding urban economic development, a planning philosophy that favors intensification, downtown living, and densification, and the cultural promotion of high-rise living as both sophisticated and environmentally friendly" (Rosen & Walks, 2015, p. 299). The condoization of Toronto's housing stock to a combination is attributed to three factors: deindustrialization and the subsequent rise of financial and creative industries located in Toronto's downtown core, provincial and municipal planning legislation that adhere to a philosophy of density as sustainability, and the profit motives of developers (Rosen & Walks, 2015). IZ set asides rates determine the number of affordable units in new developments based on percentages of GFA, making the effectiveness of IZ dependent on skyrise construction. From this perspective, IZ policies represent the continuation of the city's embracing of condo-ism as they rely on leveraging density increases to maintain developers' profit margins to accommodate for losses in the provision of affordable suites.

City planning seeks to remedy issues of affordable housing access that global capitalism creates while operating with little capacity or opportunities for partnership outside of the private sector. These large issues - housing financialization, neoliberal state policies, rapid gentrification, condo-ism, and the supremacy of the private property model of ownership - all dictate policy responses by local governments, with IZ representing one of few tools at their disposal.

Policy Mobilities, Planning, & Inclusionary Zoning under Neoliberalism

Theories of urban policy mobility, which broach how cities are relationally constructed through the transference of policy models, are very significant to IZ. IZ policy frameworks have been rigorously studied and reproduced variably in hundreds of cities, all with their own distinct IZ frameworks and unique local contexts. In Fast Policy, Peck & Theodore (2015) illustrate how discourses of "best practices," knowledge transfer, and the importation of expertise have increasingly pervaded policy-making decisions as a means of shortening learning curves, fast-tracking decision-making, and building comfort around new policy solutions as they are evidenced to be successful elsewhere. This importation and localization of urban policy is often crisis-driven, as is the case with Toronto's unaffordability crisis, and is commonly associated with new-build gentrification, a common outcome of IZ (Peck & Theodore, 2015; Davidson, 2018). The institutional and technical characteristics of original designs are altered significantly as they travel, yielding considerably different results dependent on the local politics, governance, socioeconomic structures, and planning cultures of the context of which they have been imported to, while often losing their more progressive or celebrated qualities when imported to neoliberal settings (Peck & Theodore, 2015; Hamedinger, 2014).

Expanding on this mode of theorizing policy, McKenzie (2017) emphasizes the role of affect in moving us to collectively and individually accept, champion, or resist the movement of certain policies by highlighting how dominant "structures of feeling" that exist during a given period shape social interactions, including policy development (p.192). Affect and policy mobilities theorists both attest that precarity, "a sense of constant low-level crisis" is central to contemporary life under neoliberal capitalism, which results in affective symptoms of "fear, competitiveness, risk, resignation, anomie, nostalgia, [and a] false optimism" that may spur us to adapt to feelings insecurity as well as accept potentially inadequate solutions that promise relief from these conditions (McKenzie, 2017, p. 192; Berlant, 2011; Neilson & Rossiter, 2008). As IZ is promoted as a tool to address a housing market in serious crisis, the role of affect in Toronto's IZ discourse and policy decisions should not be understated.

The perception of "land use" (of which zoning is a part) as the primary role of urban planning obscures the profound role that planners play in protecting property rights and facilitating capitalism through the development and regulation of markets. Land use is normatively framed as being mostly concerned with objective physical characteristics and land parcels, neutralizing the role that interactions between planners and landowners or developers have always played in the (re)production of markets and their social outcomes as well as the political power relations inherent to private property ownership model (Wideman & Lombardo, 2019; Adams & Tiesdell, 2010; Blomley, 2014; Valverde, 2011). Following Needham's (2000) assertion that "in most cases spatial planning is an intervention in, or an influencing of, the creation and use of the physical environment *by others*," adherence to a depoliticized conceptualization of land use as ostensibly neutral enables planners that transform physical space in the interest of power and wealth (p. 443 emphasis added; Adams & Tiesdell, 2010, Stein, 2019). Zoning law, similarly, governs the use of spaces, not people, and has largely been an agent of explicit and implicit social injustice, yet zoning tools are often leveraged as the municipalities' main avenue to address social justice concerns (Ranasinghe and Valverde, 2006; Blomley, 2004). With this in mind, the decision to implement IZ as a remedy for the failures of and injustice produced by capitalism through the selective mobilization of best practices from other contexts runs the risk of diluting this variably effective and complex policy tool in the case that less progressive IZ components and thresholds are implemented by the city.

While IZ inevitably produces some below market-rate housing, regardless of particular thresholds and context, it necessarily strengthens cities' reliance on the private development industry to solve a problem that is produced by a dependence on this industry while, in some cases, managing dissent towards it. Zoning variance is a flexible planning mechanism with a history of being deployed to maintain or alter social order, relied on as "safety valve" for otherwise rigid zoning controls (Wideman & Lombardo, 2019, p. 6). Stein (2017) asserts that IZ, a form of zoning variance, can disguise neoliberal policies through progressive rhetoric. In the case of North Brooklyn, the implementation of IZ had the effect of replacing resistance to gentrification by non-profit organizations with service provision for tenants accessing affordable suites, and ultimately "sought to manage--rather than prevent--tenant displacement" through "mechanisms of consent and control" (Stabrowski, 2015, pp. 1122,1131). For Leffers & Wekerle (2019), state-sanctioned mechanisms that "construe developers as partners and stakeholders in large scale urban policy processes" may be demonstrative of "strategically, and through ostensibly legitimate processes, privileg[ing] the interests of land developers over other actors and interests (p. 319)." While these authors speak more closely to tokenistic consultation processes, this perspective is instructive as it reveals how IZ (and the years of community consultations it has involved) may serve as an attempt to pacify Toronto residents' justified anger towards the existing housing market and condo boom while positing the city's unbridled promotion of private development as a solution to, as opposed to the cause of, this crisis.

Cities are under enormous pressures within neoliberal capitalism to provide housing to residents while competing internationally in an economic system that rewards landlords for evicting tenants and landlords for leaving their properties vacant. Urban planners are clear agents in development processes plagued by housing unaffordability and often serve to reify dominant understandings of property that contribute to housing crises even as they deploy benevolent and novel uses of planning tools. The decision to mobilize IZ to address Toronto's housing crisis, the city is opting to fully embrace the logics of condo-ism like many global cities have, intervening in a manner that does little to contest the market forces that serve as the foundation of the problem.

2 — Research Context: History of Affordable Housing in Toronto, Programs & Policy from 1935 to present

Before examining Toronto's proposed IZ policies a detailed analysis of affordable housing in Canada historically is required as well as a look at the relevant affordable housing policies and programs that exist today. Beginning with Canada's first housing policies, this section outlines the city's history of affordable housing to present.

Canadian Housing Policy & Housing Affordability in Toronto (1935-1994)

The Great Depression (1929 - 1933) saw the Canadian government take its first active role in addressing market inefficiencies with interventions centered on homeownership. The Dominion Housing Act (DHA), 1935 prioritized homeownership through allocating the insurance of home mortgages to buyers and builders of new homes and permitting financing for home ownership or rental tenure, but mortgage applications were mostly completed by private households for owner occupation (Belec, 1997). These efforts were combined with tax expenditures provided to homeowners, contributing to the normalization of homeownership in Canada and binding housing provision with the ideals of individual consumption (Hulchanski, 1982).

As the federal government sought to develop a large-scale housing industry in response to the social and economic pressures that followed the end of WW2, Canada also saw its very first provision of social housing occur in Toronto during the late 1940s. National housing programs emphasized the construction of single detached owner-occupied housing for middle-income families as a part of a postwar economic reconstruction strategy, assuming that lower income residents would occupy older, cheaper housing as the middle-class moved to the suburbs. However, in Toronto, these housing programs failed to meet the high housing demand accumulated through the 1930s and 1940s and that had been exacerbated by returning war veterans (Carroll & Jones, 2000; Bacher, 1993). Social reformers in Toronto, supported by the "considerable social idealism about a better world at the end of the Second World War," successfully persuaded the municipal government and affluent property owners that higher taxes were necessary to house lower income Torontonians (Bacher, 1993, p. 10). The majority of social housing in Canada continued to be constructed in the Toronto area throughout the 1950’s (Bacher, 1993).

Carroll & Jones (2000) define 1968-78 as the social development era in Canadian housing policy in which an abundance of homeownership and rental assistance programs were implemented federally to accommodate the needs, values, and high expectations of the baby boomer generation. The National Housing Act was amended once more in 1964 to allow for a direct relationship between the federal government and provinces or municipalities in an effort to promote province-building and because the complicated multi-level government structure was blamed for unsatisfactory volumes of housing production (Carroll & Jones, 2000; Bacher, 1993). In Ontario, this led to the establishment of the Ontario Housing Corporation (OHC) that rapidly expanded public housing in the province, occasionally spending 100% of the annual federal social housing budget (Bacher, 1993). During the 1970's to the 1990's, the use of federal and provincial funding to transfer private multi-unit rental buildings to non-profit rental housing providers or co-operative ownership was common in Toronto. The 4,100 well-maintained affordable units owned by the Co-operative Housing Federation of Toronto that house over 10,000 residents and are representative of this legacy of rental conversation that has not been replicated since this period (Goldstein, 2020). While this period marked the peak of social housing provision in both Ontario and Canada more broadly, senior levels of government routinely thwarted the City of Toronto’s commitments to social housing, even after introducing legislation to permit it, through discouraging policies that benefited developers and entrepreneurs (Bacher, 1993).

The end of federal land banking in 1978 signaled a switch in Canada from an emphasis on building to an emphasis on financial restraint with federal programs and spending rapidly reduced and the role of program delivery increasingly passed down to the provincial and municipal levels. By 1994, federal funding for housing ceased entirely, aside from pre-existing agreements (Bacher, 1993 Carroll & Jones, 2000).

The Neoliberalization & Financialization of Housing in Toronto (1994-present)

The pressing need for new measures, like IZ, to secure affordable housing in Toronto can be attributed, in large part, to the neoliberalization of the city's governance since the early 1990s and the continued downloading of the responsibility of affordable housing from the federal and provincial governments onto municipalities (Hackworth & Moriah, 2006). Neoliberalization and funding cuts by senior levels of government have resulted from the growth of a private market ideology justified by an emphasis on the poor quality and insufficient volume of affordable housing produced under government programs while, crucially, ignoring past decades of institutional barriers responsible for this (Carroll & Jones, 2000).

Canada's governance structure has influenced the weakening of municipal housing strategies in Toronto by senior levels of government historically, even as responsibility for housing provision has been downloaded to municipalities. Here, the federal and provincial governments are constitutionally recognized, experiencing nearly equal status, while municipalities are deemed third level governments and often referred to notoriously as "creatures of the province" by city staff and scholars (Keil, 2002, p. 578). As is the case of the Landlord and Tenant Act through which rental legislation is governed solely by the province. Despite the claims of neoliberal thinkers that reductions in state interventions result in greater autonomy, for Toronto and other Canadian municipalities, the downloading responsibility has not come with the downloading of autonomy within a governance structure that requires municipal decisions, like housing strategies, to receive provincial approval (Hacksworth & Moriah, 2006).

In Ontario, neoliberal social policy took hold following the 1995 election of Conservative Premier Mike Harris who ran on a platform of neoliberal reform touted as the "common sense revolution." Common sense governance in Toronto, for Harris, was highly entrepreneurial, implementing neoliberal policies that reorganized provincial and municipal services and cut taxes and revenues to municipalities while emphasizing integration into global markets (Hacksworth & Moriah, 2006; Keil, 2002). This vision was realized through the 1998 amalgamation of Metro Toronto's six municipalities, Metro Toronto, Etobicoke, Scarborough, York, East York, North York, into The City of Toronto. Amalgamation is described by Kipfer & Keil (2002) as an opportunity to restructure city governance in alignment with corporate management principles through the integration of real estate interests into policy, centralize financial controls, weaken local democracies, and ultimately promote the transformation of Toronto into a competitive global city. Vacancy decontrol was passed under Harris through the ironically titled Tenant Protection Act, 1997, permitting unrestrained rent increases on vacant units which incentivized landlords to evict and replace tenants paying low rents with wealthier rents (August & Walks, 2018; Slater, 2004). The Act also allowed landlords to raise the rents of existing tenants to cover maintenance expenses by applying for Above Guideline Increases (AGIs) (Mahoney, 2001). Rent decontrol was and continues to be justified by claims that tenant protections deter developers from building purpose-built rental, but this claim is disproven when we consider that less than 9% of all new housing units built in Ontario from 1990-2017. Stripped of financial support from higher level governments, the newly amalgamated City of Toronto lacked both the revenue capacity and legal authority to maintain existing housing infrastructure, provide new services, and accommodate for additional growth on its own (Hale, 2018). This financial deficit was then leveraged as a key argument for enhancing the influence of the private sector, particularly the property development industry, in Toronto's ongoing economic development strategies and planning policies (Lehrer & Wieditz, 2009)

Neoliberal state policies that promote gentrification and the proliferation of financialized landlords, private equity funds, and real estate investment trusts in the city have led to tragic outcomes (August & Walks, 2018; Slater, 2018; Hulchanski, 2010; Walks & Maaranen, 2008). Toronto has become one of the most unaffordable cities to live globally with only about 2% of the 230,000 new units built or approved in the last five years having below average market rents (City of Toronto, 2020d; Wetzstein, 2017). Over the last decade of tightening austerity measures Toronto has seen its social housing waitlist grow by 51.9%, the waitlist for supportive housing almost quadruple, and over half of tenant households now paying 30% or more of their income on shelter (Wilson, 2020, pp. 5-10). The perils of Toronto's housing market are not limited to renters with the average residential price in the GTA increasing by approximately 150% between 2005-2018, costing the average Toronto homebuyer 66% of their household income to cover mortgage payments, property taxes, and utilities (Canadian Real Estate Association, 2019; RBC Economic Research, 2019). It is now estimated that a new unit of housing costs $150,000 on average in Canada, with costs in Toronto being much higher, which deepens the financialization of housing as municipalities must rely increasingly on private developers to cover the capital expenses of affordable units (Federation of Canadian

Municipalities, 2016, p. 13; Zhang, 2020). The pervasiveness of neoliberalism has led to the de-regulation of the housing industry and privatization of social services and welfare interventions, which has devastated the housing market in Toronto while framing the resulting hardships faced by residents as individual failures.

Within this context, condominiums have become a growing feature of Toronto's housing stock. In 1981 there were 66,610 condominium units across Toronto, representing roughly 2% of the housing stock. In 2011, and following the passage of the Condominium Act, 1968, condominiums represented 18% of all dwelling units and 20% of all owner-occupied suites (Rosen & Walks, 2015). Within more recent decades, the majority condominiums have been constructed in the downtown core with 86.5% of all new units there holding condominium tenure (Rosen & Walks, 2015). The success of private market sales combined with the lack of federal and provincial support for housing provision has, in part, led the city to embrace private market fueled condo-ism as a means of providing affordable housing through Section 37 agreements and, now, IZ.

Current Housing Programs & Policies

Following decades of rollbacks, the federal and provincial governments have recently returned to the procurement of affordable housing through a handful of programs and policies. All three levels of government have developed programs to address the unaffordability crisis in Toronto but, as Zhang (2020) demonstrates, the majority of their policies are market-oriented, imply financialized rationales and ideologies, and mainly target moderate-income households.

Federal

The federal government's affordable housing programs are managed by Canada Mortgage and Housing Corporation (CMHC), a state-owned Crown corporation and national housing agency. In 2017, CMHC launched the National Housing Strategy which initiated a CA$15.8 billion National Housing Co-Investment Fund to provide low-cost and forgivable loans for the construction, repair, and revitalization of mixed-income, mixed-tenure, mixed-use affordable housing. Of this funding, CA$11.2 billion is low interest loans and CA$4.7 billion is financial contributions. Successful applicants to this program require additional funding from another level of government to ensure the coordination of investments (Government of Canada, 2017, p.13). The National Housing Strategy offers another program, The Rental Construction Financing Initiative, which offers 3.75 billion dollars in low-cost loans between 2017-2021 to support rental housing construction geared towards “middle-class families living in expensive housing markets (Canadian Housing Mortgage Corporation, 2020).” Additionally, the now-expired $200 million Affordable Housing Innovation Fund supported the development of innovative approaches to affordable housing in the search of "unique ideas" that would "reduce reliance on long-term government subsidies," aligning with Zhang’s (2020) illustration of National Housing Strategy as a federal investment in financial innovations, not housing, to further delegate affordable housing provision to the financial market (Canadian Housing Mortgage Corporation, 2018).

Provincial

IZ is a piece of provincial legislation that continues the trend of developer reliance as well as, depending on the level of affordability that is selecting, targeting middle-income households. Currently the provincial government legislates that municipalities use Section 37 to secure community benefits which can include affordable housing, but it will only be applicable outside of inclusionary zoned developments once IZ is implemented.

Section 37 Agreements (1990)

Section 37 of the Ontario Planning Act permits municipalities to pass a by-law authorizing height and density bonuses for developers in exchange for financial contributions towards community benefits on a quid pro quo basis. Community benefits accrued through Section 37 promote the objectives of the Official Plan and may include public art, parkland provision or improvements, recreation or childcare centres, heritage preservation, non-profit spaces, streetscapes, transit improvements, and purpose built rental or affordable housing (City of Toronto, 2014). Density bonusing has been embraced by local politicians and city planners fraught with a lack of public resources as a strategy for harnessing public benefits from the abundance of private development occurring in Toronto. However, this practice has been criticized for a lack of consensus around its proper use.

Agreements under Section 37 are made on a case-by-case basis which has resulted in inconsistent use in what has been deemed “let's make a deal” planning (Garret, 2012; Devine

& Sliwa, 2008). There is little agreement on what exactly Section 37 should be used for, but in practice community benefits are rationalized as compensation for the negative impacts of development and added density which has been criticized for routinely producing public art or park space with no geographical boundaries that ultimately function to raise the property values of developers (Moore, 2013; Mah, 2009; Lehrer & Wieditz, 2009).

Section 37 has rarely been leveraged to produce affordable housing, but the city's new focus on public-private partnerships has seen notable departures from this tendency through projects including the Bloor-Dufferin and Mirvish Village redevelopments which saw municipal planners secure affordable units as part of the developer's Section 37 agreements within or near their development (City of Toronto, 2019c).

The City is currently transitioning from Section 37 to the Community Benefits Framework - O Reg 509/20 - the impacts of the resulting changes remain to be seen.

Municipal

Municipal housing programs in Toronto focus on providing financial incentives or public land to developers in exchange for their inclusion of affordable units in their developments.

Open Door Program: 2016 to present

The Open Door Program was approved by Toronto City Council in 2015 to assist the City in achieving the goals of its Affordable Housing Action Plan 2010-2020. The program provides municipal funding, fee and property tax relief, fast-tracking of planning approvals, and surplus public land to accelerate affordable housing construction by private and non-profit developers on a voluntary basis. As of 2020, projects are eligible for the program if they include a minimum of 50% GFA comprising affordable housing, a minimum 40 year affordability period, and follow the City's requirements for tenant selection, income verification, reporting, and administration of affordable rental homes. Capital funding offered by the City, an amount of $10 million for the 2020 year, is from its own general fund (City of Toronto, 2017). Therefore, the Open Door Program does not rely on financial markets for funding, but does sometimes rely on the construction of private developments that include affordable units.

The 2020 Open Door Program application process identified eight 15 projects which the City recommended for fee waivers, tax, exemptions and funding. Together, these projects are set to produce 951 affordable units with 361 of them remaining affordable for 40 years, 426 for 50 years, and 184 for 99 years. Of the 4 projects with a 99 year affordability period, 3 are non-profit developers and 1, with 50 units is not identifiable and may be non-profit as well (City of Toronto, 2019b).

Since its inception the program has been criticized for failing to meet its target of creating 1000 new affordable rental homes annually, providing benefits to developers and little for tenants, and only "chipping away" at a large and expensive problem that requires greater provincial and federal contributions (CBC, 2019). Of particular concern is the use of 80% AMR rents to define affordability, which is not affordable to many Torontonians, and the inclusion of projects that have only pre-qualified for the program in its official counts of newly constructed units, obscuring perceptions of its successes (Pagliaro, 2018; Pagliaro & Mathieu, 2017).

Following the implementation of IZ in Toronto, it is intended that Open Door funding will be layered onto IZ as a means of achieving affordable units above the minimum requirements, secured through the program's Contribution Agreement (Ono, pers. comm., March 15 2021).

Housing Now

The Housing Now Initiative, also a component of the Housing TO Action Plan, was approved by City Council on December 13, 2018 with the intention of constructing affordable housing in mixed-income, mixed-use, transit-oriented communities on publicly owned sites that would otherwise be sold at market price for private condominium development. The overall development targets state that these sites must include one-third affordable units priced at 80% AMR for 99 years (City of Toronto, 2019a).

Phase One of the plan, launched in 2019, activated 11 publicly owned sites to deliver roughly 10,326 new homes including 7,833 purpose-built rental units of which approximately 3900 will be designated affordable (CreateTO, n.d.). Phase Two, approved on May 28, 2020, is set to activate 7 sites to create between 14,555 and 1,710 residential units including at least 1,060 purpose built rentals that will be affordable to households earning between $21,000 to $56,000 annually (City of Toronto, 2020a).

The development of this land will not be done by the City and public ownership will only be retained for affordable suites after the sites are purchased by developers. The initiative includes a $1-million dollar Non-profit Housing Capacity fund to support the participation of non-profit organizations in the market offering process of Housing Now sites and their long-term management of affordable rental units (City of Toronto, 2019a).

Toronto's Inclusionary Zoning Story (2016-present)

"IZ [in Toronto] is a story of lost opportunity."
– Mike Layton (Webinar, April 28 2021)

The IZ policies currently being negotiated at the City and that serve as the focus of this paper represent Toronto's second attempt at implementing IZ to secure affordable housing. IZ has been discussed at the City for nearly two decades with City Council adopting a position that the Province should amend the Planning Act to include IZ powers in July 2004, and twice more in response to both the draft and proposed *Growth Plan* in 2005. The City's Housing Opportunities Toronto Action Plan 2010-2020 adopted by City Council in August 2009 also contains a recommendation that the provincial government provide the City with powers to implement IZ (Wellesley Institute, 2010a). At the provincial level, bills in support of IZ were introduced seven times between 2006 and 2014, beginning with former Ontario NDP MPP Cheri DiNovo. ACORN Toronto, an influential housing advocacy group that remains at the forefront of advocating for IZ in the City today, released their "Inclusionary Zoning in Toronto" report in 2008 (Ruiz, Webinar, April 13 2021). However, these recurring calls to implement this popular affordable housing tool were routinely dismissed at the Province. Toronto's IZ story illuminates how as responsibility for providing public services has been downloaded onto municipalities, municipalities have not experienced greater control over their own housing strategies.

In 2016, the Ontario Liberals passed Bill 7, Promoting Affordable Housing Act, 2016, as part of their Fair Housing Plan. This bill proposed amendments to the Planning Act along with other legislation with the stated intention of allowing municipalities to implement IZ, giving them the authority to require developers to include affordable units in their new developments (Ontario Municipal Affairs and Housing, 2016). Following the release of more detailed regulations in December 2017, affordable housing advocates and several city councillors saw these IZ policies as inadequate to address Toronto's housing crisis and exemplary of the provincial government "giving in to developers" (Crawley, 2018). The draft IZ policies were criticized for requiring that only 5-10% of units or gross floor area of new developments be designated as affordable, excluding rental housing entirely, a meager 20 to 30 year affordability period, and requiring municipalities to pay 40% of the difference between the sale price and the market rate of affordable suites. The province recommended that municipalities pay for this 40% cost share through waivers or reductions in planning application fees, reductions in parking requirements, and exemptions for parkland contribution requirements and from development charges. City staff found that using these tools to accommodate a cost share of 40% would cost taxpayers an estimated $110,000 to $158,000 per affordable unit as IZ would be placed in competition with the provision of transit, parks, and community services that relied on funding from development fees (City of Toronto, 2018a).

The following weeks in Toronto saw a successful protest organized by ACORN that won housing activists a meeting with Ontario's Ministry of Housing as well as City Council's response to the Province's draft IZ regulation (ACORN, 2018). This response recommended greater municipal flexibility and oversight in establishing an IZ framework to best address local needs and an explicit inclusion of rental housing (City of Toronto, 2018b). In April, IZ regulation under the Planning Act was enacted and celebrated by affordable housing advocates for empowering municipalities to assess their specific local needs and influence the development of the Official Plan's IZ policies (GlobalNewsWire, 2018). However, the progress made by the City of Toronto and housing advocates to make substantial gains in affordable housing provision through IZ was upended with a change in provincial government only months later.

With the passing of Bill 108, More Homes, More Choice Act, 2019, Doug Ford's Conservative provincial government enacted several changes to the Planning Act, including legislation to limit IZ. The bill was criticized for exclusively benefiting developers under the guise that reducing their development charges and approval times would trickle down into cost savings for tenants or homebuyers (Raza, 2019). For those who had advocated for the hard won IZ policies under the Liberals, Bill 108 represented a loss for many reasons but perhaps most significantly through mandating that IZ would no longer apply to all new construction but only to buildings within 500-800 metres of Priority Major Transit Station Areas (PMTSAs). It was now necessary for the city to delay the implementation of IZ to undergo a second set of public consultations and policy debates with the new provincial government as well as a lengthy PMTSA delineation process requiring the completion of individual Municipal Comprehensive Reviews (MCRS) for every major transit hub to ensure their conformity with the *Growth Plan* before IZ could be applied. Not only would this significantly limit the scope of IZ and therefore the volume of affordable housing it could provide, it was feared that the new proposal would set back the process another two years, which it did (Brasuell, 2019).

Consultations on the second set of IZ policies proposed by the Conservative provincial government were held between April 2019 and December 2020 to develop draft policies for City Council to consider in the following year. The new draft includes extending the affordability period to 99 years, set aside rates of 5-10% and 3-5% of GFA in homeownership and rental buildings respectively, variance in set aside rates depending on if a development is located in areas deemed strong or moderate market, and, perhaps most significantly, a new definition of of affordable (City of Toronto, 2021c).

Since the release of this draft policy, advocates have begun organizing a movement to push for stronger inclusionary zoning policies in preparation of City Council's consideration of the final IZ policy and new definition of affordability in June 2021. At the time of writing, ACORN Toronto, Parkdale People's Economy, and Social Planning Toronto are organizing through community town hall webinars, phone banking, and flyering for IZ policies with minimum set aside rates of 20-30%, affordability in perpetuity, and citywide application through the removal of PMTSA limitations. Their advocacy contests developers' claims that "they can't afford to set aside units at affordable rates in the booming condo market" and the policy framework's implicit guarantee that developers must maintain 15% minimum profit margins, secured at the expense of low and moderate income Torontonians (ACORN, 2021b).

IZ is presented as a policy tool to produce some affordable housing in Toronto, a city with a housing market consisting of significant government disinvestment and predominantly private market development. Municipal housing policy and planning attempts to grapple with the contradictions inherent in housing, that is treated simultaneously as shelter and a commodity, by regulating the extent to which private entities can shape the housing stock to entirely reflect the latter use. However, the legal foundations of property in Canada that persist in valuing private ownership as morally and economically superior, place renters and below market homebuyers as secondary to developers, framing any housing they receive, regardless of quality, preference, or location, as generous. The City of Toronto's decision to mobilize IZ to address the housing crisis illustrates that the private sector is seen as the only way to address the crisis given Toronto's current housing market dynamics while reproducing and strengthening the logics that produced this limitation in the first place.

3 — Inclusionary Zoning in Practice

The City of Toronto's IZ policy design process aligns with trends in neoliberal planning characterized by the mobilization of policy by way of jurisdictional scans and assessments of best practices in other locales. This approach to policy-making is identified as central to the City's policy design process for IZ in staff reports and webinars in which city staff cite many, mostly American, examples of IZ elsewhere to rationalize the City's proposal. Policy mobility of this kind is used by governing bodies to save time in the design policy process, improve the predictability of outcomes, and manage the concerns of stakeholders. Housing advocates in Toronto have also leveraged this strategy to persuade the City to strengthen their proposal with ACORN's (2019) report entitled *Inclusionary Zoning: Best Practice* serving as one key example.

The potential for this mobilization of policy to shorten policy design timelines and build stakeholder buy-in is largely indisputable, but the simplification this process entails can obfuscate findings and legitimize claims that lack the depth of certainty they imply. Many IZ components are easily identifiable and numeric in nature, such as set aside percentages, making comparative conclusions across jurisdictions rather straightforward. However, contextual divergences - such as housing market conditions, the implications of respective population sizes, political will, systems of governance, and the unique historical decisions that produce local housing crises - are each incredibly influential in IZ's varied outcomes but are difficult to summarize in a policy brief.

This section investigates the shifting policies adopted in three jurisdictions outside of Ontario to inform an analysis of those currently being proposed by the City of Toronto. While this form of comparative analysis potentially reproduces problems for which policy mobilities are criticized, this seeks to provide a deeper analysis than is often produced through comparisons of IZ's more visible components. Further, it demonstrates the commonly disregarded inadequacy of policy mobilization if it fails to account for the subjective nature of local contexts that possess their own intricacies and histories.

Three Case Studies: Variegated Policy Design and Contexts

These short case studies illustrate the diversity of inclusionary programs that exist across jurisdictions and to inform the analysis of Toronto's proposed policies and highlight how these policies might be strengthened. Vancouver and Montréal were selected as they represent the longest standing inclusionary programs in Canada that have both taken highly different approaches despite being subject to the same federal system. San Francisco represents one of the most expensive housing markets globally and possesses a robust, 20 decade old IZ program proven capable of developing long term affordable housing while alleviating the cost burden of developers, making an analysis of its effectiveness useful for studying the Toronto context. Additionally, these cities represent three of the seven included in the City of Toronto's jurisdictional scan attached to the IZ policy directions adopted by City Council on May 28, 2019 (City of Toronto, 2019h).

	Vancouver	**Montréal**	**San Francisco**	**Toronto (proposed)**
Implementation Date	1988	2005	2002	2022
Mandatory/Voluntary	Mandatory/ Voluntary	Mandatory	Mandatory	Mandatory
Threshold Size	200 units	200 units	10 units	140 units Downtown and central waterfront: 100 units
Unit set aside Rate	20-30%, half containing 2+ bedrooms	10-20%, with a 1/4 of affordable GFA as family housing	On-site: 12-20% Off-site: 20-33%	Condominiums: 5-10% Rentals: 2-5%
Affordability Period	60 years	30 years	Perpetuity	99 years
Income Target	Households who spend <30% of gross income on housing	Households, earning <120% of the regional median income	Rentals: 55%-110% of AMI Ownership: 80-130% AMI	30% of gross household income

Applicable Developments	Private land developments applying for residential rezoning	Public and private land developments needing major changes to zoning	Developments needing rezoning and as of-right developments over 25 units in size	New developments within PMTSAs
Developer Incentives	Density bonusing; Comprehensive development zones; Expedited permit processing; development cost levies waived for affordable units; waive or reduce parking requirements	Financial aid may be provided to developers creating affordable housing within large projects	Density bonus to comply with state law. Tax credits for onsite units meeting minimum sizes	Density bonuses provided only for developments that exceed minimum requirements

Table 1. IZ components adopted in the three case study cities and those proposed by the City of Toronto (Elaborated by author)

	Vancouver	**Montréal**	**San Francisco**	**Toronto**
Vacancy Rates (%), 2018-2020[1,2]	2018: 1.0 2019: 1.1 2020: 2.6	2.6 1.9 2.6	4.1 3.5 N/A	1.1 1.5 3.4
Gross Area Median Income (AMI), 2016[3,4]	$72,585	$61,747	$140,578 CAD	78,378
Average Rent - Bachelor, 2018- 2020[5,2]	2018: $1,230 2019: $1,269 2020: $1,331	$645 $655 $705	$1,566 CAD* $1,634 CAD* N/A	$1,081 $1,142 $1,204
Average Rent - 1 Bedroom, 2018- 2020[5,2]	2018: $1,306 2019: $1,382 2020: $1,415	$720 $754 $820	$2,442 CAD* $2,506 CAD* N/A	$1,261 $1,361 $1,421
Average Rent - 2 Bedroom, 2018- 2020[5,2]	2018: $1,652 2019: $1,752 2020: $1,799	$851 $884 $936	$2,749 CAD* $2,892 CAD* N/A	$1,468 $1,563 $1,637

Table 2. Housing market conditions in the three case studies and Toronto

1 Statistics Canada, 2021b
2 United States Census Bureau, 2019a
3 CMHC, 2016
4 United States Census Bureau, 2019b
5 Statistics Canada, 2021a
* The United States Census Bureau measures rents using median gross rents, not averages

Vancouver, British Columbia: 20% Core Need Housing Policy

In 1988, the City of Vancouver introduced the '20% core need housing policy' with the purpose of ensuring that housing affordable to low- and modest-income households would be available in all new neighbourhoods. *S. 565.1* of the Vancouver Charter authorizes the City to permit high density in exchange for amenities and affordable housing, allowing the City to negotiate with developers for affordable units (Mah & Hackworth, 2011). Vancouver's policy was designed to take advantage of large industrial lands that became available as the city shifted to a service-based economy and the substantial growth and associated rising house prices that created a strong demand for building housing at higher-densities (Wellesley Institute, 2010b). For these reasons, Vancouver's policy is unique to its context of surplus industrial lands at the time of its inception, requiring that private land developments apply for residential rezoning of developments of over 200 units to set aside land for affordable housing to be financed using funds from higher levels of government.

The 20% policy targets low-income residents, or "core need households" defined as households that would otherwise spend over 30% of their gross income on housing, opting for an income-based definition of affordability. Units are leased to non-profit organizations for the length of the 60 year affordability period who work in partnership with developers to apply for government funding for construction (Wellesley Institute, 2010b). While this IZ framework may be considered mandatory, developers are aware that they are unlikely to receive necessary development approvals if they do not agree and that BC's provincial planning board is likely to favour the city's decision on the matter (Mah, 2009). Negotiations are done on a case-by-case basis, which has the benefit of individually tailoring solutions to ensure that land secured for affordable units is not left undeveloped, but this can be time-consuming and labour intensive (Mah & Hackworth, 2011; Chang, 2009). This housing strategy was more effective initially as it relied on funding from the federal and provincial governments to purchase sites provided by developers at below-market rates. The end of federal funding for housing in 1993 and inconsistent provincial funding the City of Vancouver has resulted in far less than 20% set asides being achieved. The city was forced to become flexible in its goal of 20% affordable inclusion and accept in-lieu payments to ensure that some affordable units were built (Gray & Ramsay 2002; Mah & Hackworth, 2011).

Vancouver's policy framework differs from more conventional approaches to IZ in several ways. It requires private developers to provide development sites at reduced costs rather than providing affordable units. This was made possible by funding received from higher levels of government at the time that would pay for the construction of affordable units, which also sits in contrast with most IZ programs. Unlike most IZ policy frameworks that mandate affordable units within new developments, the nature of off-site affordable developments means that affordable housing will be distant from market-rate housing, therefore not promoting social mixing through mixed-income development. Lastly, the policy applies only to certain designated sites whereas IZ is typically applied to all new developments of a particular size (Wellesley Institute, 2010b).

In 2018, Vancouver City Council approved the Affordable Housing Delivery and Financial Strategy which increased IZ requirements in the city, taking a more conventional approach to IZ through a reliance on the price reduction achieved through density bonuses in the development approval process to fund affordable units. Under the new policies, sustainable large developments (sites that exceed 2 acres in size) are required to set aside a minimum of 30% GFA for affordable housing. This number expands on the 20% social housing established through the initial 20% policy, adding that developments must also include 10% for moderate income households, defined as households with annual incomes between $30,000 to $80,000. Under the new strategy, the City has a goal of creating 4200 new inclusionary housing units from 2018 - 2028 (City of Vancouver, 2018b).

Inclusionary projects in Vancouver's historically low income, rapidly gentrifying Downtown Eastside (DTES) neighbourhood function differently than those in the rest of the city due to deep affordability requirements in the DTES Plan. The plan's 60/40 rental-only policy stipulates that all new rezoned developments in the area be composed of 60% percent social housing and 40% market rental units (City of Vancouver, 2018a). While promising in theory, housing advocates have pointed to how weak affordability definitions mean that only 20% of the supposed social housing is actually affordable to the area's low income community. Further, advocates have expressed concern over the social mixing implied in the plan (Megaphone Magazine, 2014). Karen Ward, a low income resident of The Woodward's mixed income development in the DTES aptly captures the "very alienating" reality of social mixing in an interview with The Tyee, stating that "it's based on the bizarre theory that if you put enough rich people in with the poor people, the poor people will start to act like rich people (Ball, 2015)."

Montréal, Québec: Strategy for Inclusion of Affordable Housing

The City of Montréal's "strategy for inclusion of affordable housing in residential projects" was adopted in 2005 to provide for a mix of different income brackets in all new large housing developments through facilitating social housing and affordable first-time homeownership development (Habiter Montréal, 2005). Montréal's inclusionary program was designed to function within the city's two-tier government framework in which the City of Montréal is responsible for housing development and its 19 boroughs, each with its own local council and mayor, responsible for local planning and development approval. For this reason, the program is dubbed by the city as voluntary but is generally understood to be mandatory by its boroughs (Wellesley Institute, 2009a; Mah & Hackworth, 2011).

The strategy states that developments of 200 units or more provide a minimum of 15% social housing and 15% affordable rental or ownership units and applies to lands owned by private, non-profit, or public bodies. However, framed as a guideline, implementation is subject to the local conditions and discretion of individual boroughs, each with variations in their components. The affordable housing requirement is triggered upon the application either for major changes to the approved master plan or zoning provisions, such as residential zoning or increases to height or density, or for public investment in basic infrastructure or environmental improvements. In terms of affordability levels, the strategy targets households earning less than 120% of the regional median income (Habiter Montréal, 2005).

Montréal's inclusionary strategy differs from IZ programs in some notable ways. Like Vancouver's 20% policy, Montréal's strategy produces off-site, rather than socially mixed, affordable developments. Also similar, this strategy requires developers to provide land for affordable units at a reduced cost while their construction is funded by federal, provincial, but also local governments. The 200 unit threshold size and ownership affordability target of 120% AMI are both particularly high compared to most programs that apply IZ to much smaller developments and produce below-market affordable ownership housing. Due to the reliance on often marginal government funding, the price reductions that typically allow IZ policies to control the affordability and resale restrictions of Montréal's affordable ownership units is lacking (Wellesley, 2009a).

In January 2021, the City of Montréal adopted its 20-20-20 bylaw which features stronger inclusionary policies than its early strategy. This new bylaw, which came into force in April 2021, requires large new residential developments in certain "affordable zones" to contain 20% social housing, 20% affordable housing, and 20% family housing with a minimum of three bedrooms. The bylaw applies to all residential projects of 450m2 in each of the city's boroughs (Arquin, A., Pignoly, A. & Godin, J., 2020). The City estimates that 600 new social housing units will be produced annually under the new bylaw (McKenna, 2021).

San Francisco, California: Inclusionary Affordable Housing Program

San Francisco adopted its first IZ program - the Inclusionary Affordable Housing Program - in 1992, which was strengthened in 2002 in response to the inadequate levels of affordable housing produced by the program over its first decade and amended again in 2006 and 2007. Initial failures are attributed to its initial adoption as a policy, not an ordinance, which left much open for negotiation as well as its application that was limited only to developments that underwent zoning amendment or comprehensive development approval processes (Wellesley, 2009b). California state law had been supportive of inclusionary practices for decades prior and already required that cities provide density bonuses to developers seeking to build affordable units, contain strategies for providing housing for all income groups in their long-term development plans, and subsidize affordable housing using taxes collected from redeveloped areas (Schuetz, Meltzer, & Been, 2009).

San Francisco offers government funding for units for below market rate developments, which is considered to play a key role in City's capacity to avoid rising market housing costs (Schneider, 2018). Additionally, the program offers developer incentives through density bonusing to secure affordable housing using both local and state programs. IZ in San Francisco applies to all new developments that are 25 units or more in size. (City and County of San Francisco, 2018)

Affordability targets are income-based; on-site ownership units must be affordable to households earning less than 120% of the local AMI, 60% for rentals. Off-site developments must generally be constructed within one mile of market units, although the program allows for one quarter of off-site units to be located farther away annually. One particularly strong facet of San Francisco's program is its affordability period that requires that units to remain affordable in perpetuity.

In 2016, San Francisco residents voted in favour of Proposition C, to substantially increase the city's IZ unit set aside requirements, although the final legislation adopted by the San Francisco Board of Supervisors is weaker than what was proposed to voters. Current legislation requires that new as-of-right developments with 25 housing units or greater set aside 18-20% (up from 15-18% since 2006) of units as affordable onsite, construct 30-33% percent of the total units offsite, or pay in-lieu fees equivalent to the cost of 30-33% (up from 20%) of the units to for the city to construct offsite (Wang, 2017). The percentage ranges are used to account for differences in as-of-right developments, which require lower set aside rates, and developments receiving economically beneficial planning approvals, such as density bonusing (Wellesley Institute, 2009b).

Even with relatively high set aside rates and a low minimum unit threshold San Francisco's IZ program has proven to be fairly successful while avoiding negative impacts on market housing prices. A 2010 study found that most jurisdictions in San Francisco's Bay Area reported between 100 and 500 units resulting from IZ, and two were reported to have over 1,000 (Meltzer & Schuetz, 2010). Calavita & Mallach's (2013) study IZ's impacts on housing values found little "impact on housing production or prices, suggesting that it is possible to develop inclusionary programs that don't impact market prices."

Policy Analysis: Toronto's Inclusionary Zoning Proposal

IZ is authorized in Toronto through *s.16(4)-16(13)*, introduced in 2016, and Regulation 232/18, from 2018, of Ontario's Planning Act. This legislation outlines how the use of IZ will be permitted and restricted at the municipal level. The Planning Act allows municipalities to implement their own IZ frameworks informed by assessment reports that analyze housing need as well as financial viability within a given municipality that are updated every five years. Municipalities seeking to implement this planning tool must update their respective OPs to include IZ policies that describe the following:

- The minimum size of development for which IZ would be required;
- Required number of units or gross floor area of affordable housing;
- Range of housing types and sizes that would be authorized as affordable housing units;
- Range of incomes for which units must be affordable;
- How the price/rent is determined; and
- The conditions under which permission would be granted for off-site IZ dedication (Ontario, 2021).

On September 22, 2020, the City of Toronto's Planning and Housing Committee considered a report of the draft Official Plan and Zoning By-law amendments for IZ, the most recent iteration of the City's proposed IZ policy directions following the passing of Bill 108 (City of Toronto, 2020b). The stated goals of these amendments are threefold: to increase the supply of affordable housing; more inclusive, complete and equitable communities; and continue to encourage market housing development by supporting a diverse range of housing supply (City of Toronto, 2020f). The report recommended that the draft amendments be endorsed as a basis for the second phase of public and stakeholder consultation which began shortly after. The second phase of public engagement involved 5 pre-engagement interviews, 80 attendees at 4 public meetings, DIY workshops with over 130 participants, the completion of 475 online surveys, and 15 stakeholder meetings (City of Toronto, 2021c).

After receiving input from stakeholders, the current draft policies were produced for consideration at the City Council in the first half of 2021, which was pushed to September of the same year. The key elements of the draft policy under consideration are as follows:

- Extending the affordability period to 99 years;
- Affordability is determined based on proposed new definitions of affordable, with a

portion of units to be secured at deeper levels of affordability;

- Unit set aside is 5-10% of the total residential gross floor area of a condominium development and 3-5% for a purpose-built rental development;
- IZ will apply to developments that contain 140 residential units and over 8,000 square metres of residential GFA. For areas within the Downtown Secondary Plan or Central Waterfront IZ will apply to developments containing 100 residential units and over 10,000 square metres of residential GFA;
- Policies apply to protected major transit station areas (PMTSAs) located within a strong or moderate market area;
- Alternate offsite options are available at the discretion of the City provided that the affordable units are available for occupancy prior to the proposed development and are in proximity to the proposed development
- Developer incentives will not be provided for affordable units, but density bonuses may be available for developments that choose to exceed minimum requirements of affordable units (City of Toronto, 2021a).

99 Year Affordability Period

In Toronto, it has been proposed that units subject to IZ remain affordable for a span of 99 years. This decision was made due to legal constraints existing in Ontario that prevent affordability being secured in perpetuity. In this context, 99 years is commonly used as a placeholder for perpetual and it is intended that affordability will be renegotiated at the end of the 99 years (Ono, pers. comm., March 15, 2021).

Developers tend to sit in two camps in regards to affordability periods - those that favour affordability in perpetuity with lower set aside rates and those that prefer the ability to use a reversionary value basis to calculate the length of time that they could regain losses of IZ that involves shorter affordability periods with higher set aside rates (Conway, pers. comm., May 6 2021).

In a webinar hosted by the Affordable Housing Challenge Project, ACORN organizer Alejandra Ruiz-Vargas (Webinar, April 13 2021) expressed that from the perspective of ACORN organizers any less than perpetual affordability merely “passes the [housing crisis] onto their grandchildren." Through their rejection of a 99 year affordability period these organizers are pushing for intergenerational change, asserting that through IZ policy Ontario can advocate for housing that remains affordable for future generations too.

Income-Based Definition of Affordable

Perhaps the strongest component of Toronto's framework is the City's new proposed income-based definition of affordable. Income-based metrics of affordability use the area median income (AMI) to set affordable rents that target residents at a specific percentage of that income. The new income-based definition of affordable housing has been proposed in support of Action 52 of the HousingTO 2020-2030 Action Plan, which calls for a definition based on 30% of household gross income in the delivery of new affordable housing, consistent with the federal definition (City of Toronto, 2019e; CMHC, 2018). Today, according to ACORN Toronto (2021a), almost half of tenant households are spending 30% of their income on housing with over 20% of tenants spending over 50%. This new definition sets affordable rents for bachelor units at not more than 30% of gross household income for households earning between the 20th and 50th percentile income for one-person renter households. For all other unit types, the range is based on the 30th and 60th percentile income (City of Toronto, 2020c).

Unit Type	Current Definition	Minimum Household Income (Affordable Rent)	Maximum Household Income (Affordable Rent)
Bachelor	$45,920 ($1,148)	$15,269 ($382)	$32,232 ($806)
1-bedroom	$53,960 ($1,374)	$19,649 ($491)	$43,244 ($1,081)
2-bedroom	$63,640 ($1,591)	$36,871 ($922)	$63,640 ($1,591)
3-bedroom	$70,360 ($1,759)	$41,542 ($1,038)	$70,360 ($1,759)

Table 3: Proposed household incomes and affordable rents (City of Toronto, 2020c)

Toronto's current definition of affordable is market-based. Generally 100% of Toronto's AMR is while the City's Open Door Program deems units rented at 80% of AMR to be affordable

(City of Toronto, 2018c). Operating under the more common percentage, monthly rents of $1,374 for a one-bedroom apartment and $1,591 for a two-bedroom apartment are deemed affordable (City of Toronto, 2020c). Measures of affordability based on AMR are criticized for having no connection to incomes and therefore failing to reflect what populations can afford, especially in contexts where average rents increase annually as wages stagnant (Toronto ACORN, 2019).

Income-based definitions of affordable, which are more common in the US and are already used in both Montréal and Vancouver, are beneficial as they are connected to what residents can afford to pay, as opposed to AMR-based definitions which only indicate where in the spectrum of current rents the new units happen to fall. While the new AMI definition is welcomed by housing advocates, this model is not without room for criticism. Median incomes can become heavily skewed depending on the geographical scope of the data collected and ignore the reality that different neighbourhoods necessarily hold different income levels. Additionally, as an area becomes less affordable its residents necessarily become wealthier overall, gradually increasing the median income of households.

The new definition of affordable can be still seen to leave many residents behind when the federal affordability metric endorsed in the HousingTO 2020-2030 Action Plan is considered. For example, while the cost of a 1 bedroom unit is set at above $1000 under the new definition, minimum wage earners in Ontario or those receiving support from Ontario Disability Support Program (ODSP) or Ontario Works (OW) should be required to spend only $731, $497, and $390 on housing respectively for affordability to be aligned with the 30% of gross household income metric. Interestingly, for ownership units, 2 and 3 bedroom units are more expensive under the new definition. This new income-based definition of affordable is considered a success achieved on behalf of housing advocacy, although advocates tend to agree that it does not significantly meet the needs of lower income residents (Webinar, April 13 2021; Webinar, June 22 2021).

While Toronto's new definition of affordable is a strong improvement, determining the pricing of affordable housing based on both AMR and AMI means that the price of affordable units will likely increase over time and continue to price the city’s lowest wage earners and most vulnerable residents out of living affordably.

Protected Major Transit Station Areas (PMTSAs)

IZ is often implemented citywide but policies may be selected to restrict implementation to smaller regions. This is the case in Toronto where IZ will only be applied in designated Priority Major Transit Station Areas (PMTSAs) due to the provincial mandate. The delineation of PMTSAs is lengthy process involving a small team of city staff but June 2022 has been set as the official deadline to bring the OP and neighbourhood plans into conformity with the provincial *Growth Plan* (Ono, pers. comm., March 15 2021; Senior Planner, pers. comm., March 16 2021).

An interviewee working at Ontario’s Ministry of Municipal Affairs & Housing explained the province’s rationale behind the PMTSA decision as reflective of the province’s desire to ensure new infrastructure investments make linkages between land use and transportation (pers. comm., May 18 2021). In the interest of aligning with IZ’s philosophy of inclusive, diversified neighbourhoods, the intention of mandating that IZ apply to PMTSAs is to act as “a bit of an equalizer” that makes transit more available to those that cannot afford cars and live in suburbs who would walk far to access transit services. Additionally, this particpant explains, density around transit hubs supports investments into transit as it is difficult to fund routes with low levels of ridership, a greater issue in low density suburban regions. Overall the decision is about making transit available to low-income residents while ensuring that transit investments be made in areas outside of the Downtown core.

Ontario’s *Growth Plan* describes Major Transit Areas (MTSAs) as areas within a 500-800 metre radius of transit station. These areas are intended for high density, mixed-use development with access to amenities, housing, and jobs (Ontario, 2020). Prior to implementing IZ municipalities are required under the Planning Act to designate PMTSAs, a subset of MTSAs that include individual OP policies that cover the minimum number of residents and jobs per hectare, permitted land uses in the MTSA, and minimum densities for buildings in the area. The city of Toronto is currently in the process of delineating over 180 MTSAs by July 1, 2022, many of which will be delineated as PMTSAs and subject to the City's IZ framework (City of Toronto, 2020b).

This policy decision aligns with Ontario's promotion of urban intensification through the 2020 *Growth Plan* and 2005 *Places to Grow Act and Greenbelt Act* legislation while limiting IZ’s effectiveness. The latter two pieces of legislation aimed to redirect growth to more dense urban centers and slow down rural development, underscoring that growth should occur in support of improved global competitiveness and sustaining the natural environment. This represents what Quastel, Moos, and Lynch (2012) refer to as the sustainability-as-density model of urbanism in which higher density owner-occupied development is promoted in the interests of sustainability and anti-sprawl initiatives. While a deep interrogation of urban environmentalism is beyond the scope of this paper, the reliance on legislation rooted in sustainability to justify the limitations on IZ's geographical scope represent a IZ policy choice that conspicuously favours developers and growing condo-ism at the expense of greater affordable housing provision. Many rapidly gentrifying Toronto neighbourhoods are left out of IZ's scope due to PMTSA limitations that are intended to direct growth towards urban centres, despite the reality that they are already experiencing rapid intensification and displacement pressures. Importantly, excluding these highly profitable neighbourhoods from IZ may result in heightened gentrification pressures as surrounding areas that are subject to IZ become relatively less profitable to developers.

Varying Set Aside Rates for Strong and Moderate Market Areas

In addition to the geographic restrictions imposed through IZ's application being limited to PMTSAs, Toronto's proposal is also limited by set aside rates that differ depending on whether an area has been deemed a strong or moderate market area. The intention of differentiating strong and moderate market areas is to ensure that an area has the capacity to absorb IZ requirements while maintaining development viability. Market areas are determined using various indicators including new prices, resale prices, and price escalation for condominium units, new rental prices, intensity of development activity measured by the number of approved and proposed units, and results of the financial viability analysis (City of Toronto, 2020b). Overall, strong and moderate market areas are generally those with the highest number of households spending 50% or more of their incomes towards rent and IZ is considered feasible because profit margins of 15% for developers and 10% for landowners are maintained (City of Toronto, 2020b; City of Toronto, 2019f).

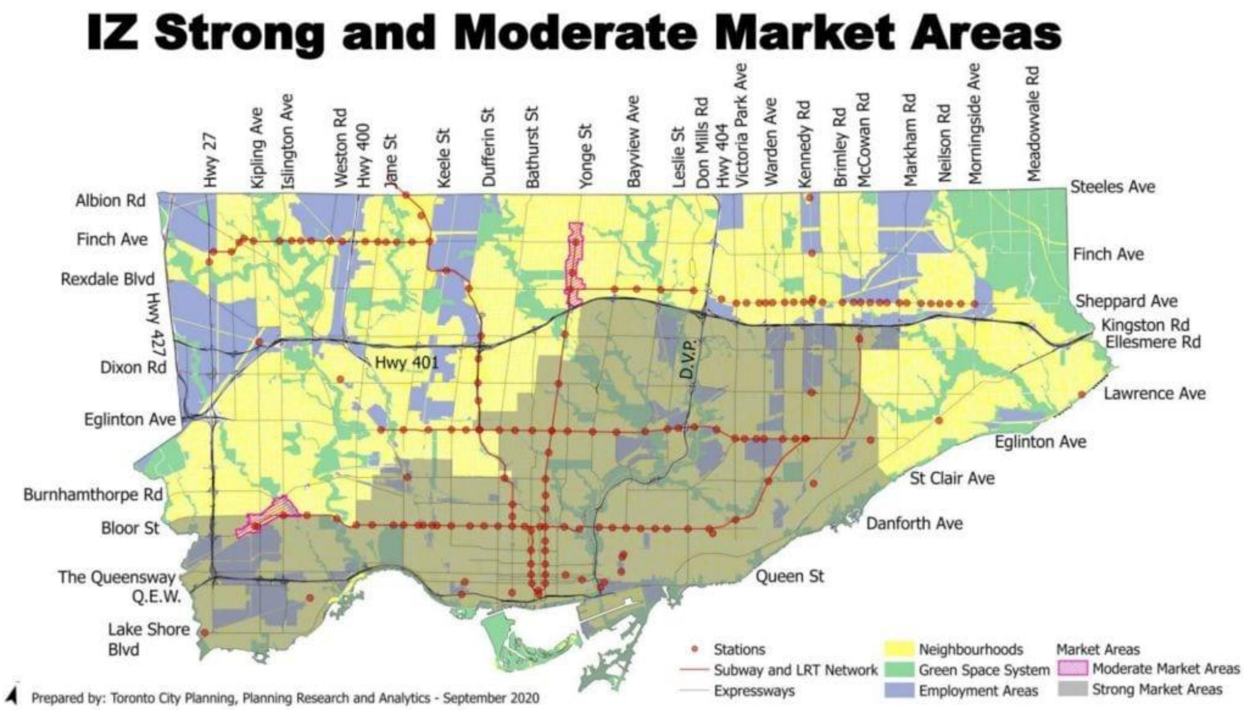

Figure 1. IZ strong and moderate market areas in Toronto (City of Toronto, 2019d)

For ownership developments, Toronto’s policies feature set aside rates of 10% of total residential GFA in strong market areas and 5% in moderate market areas. For purpose-built rental developments, set aside rates of 5% or 3% of total residential GFA will be applied to strong market areas and moderate market areas respectively.

Set aside rates are widely varied across jurisdictions. In 2019, the average set aside rate in the US was 16%, with 29% of the country's IZ programs using rates of 20% or more and fewer than 10% of programs using rates below 5% (Wang & Balachandran, 2021). Canadian IZ programs tend to use higher set aside rates (Mah, 2009). As the above case studies reveal, Vancouver aims for rates of 20-30% depending on project type and the new Montréal “20-20-20” by-law requires large new residential developments in certain “affordable zones" to contain 20% social housing, 20% affordable housing, and 20% family housing with a minimum of three bedrooms (Housing Vancouver, 2017, Arquin, A., Pignoly, A. & Godin, J., 2020).

Conclusion

The preceding three case studies and analysis of Toronto's own proposal illustrate the high variability of IZ policies that can be produced as knowledge and best practices imported to a new jurisdiction. Governments have the flexibility to tailor policy frameworks to the specificities of their local contexts but how those needs are determined heavily impacts the choices that are made. Example of IZ in other jurisdictions are used by the City of Toronto to demonstrate the potential success IZ could have in Toronto, but the policy levers selected are noticeably weaker than those in these case studies.

In regard to developer incentives and government funding, all three case studies take a less conventional approach to IZ. In Vancouver, their IZ program was the most effective when paired with funding from senior levels of government that allowed for higher set aside rates to be pursued, although to varying degrees of success. San Francisco's success is partly attributed to government funding that is provided to secure below market units. While the lack of incentives proposed in Toronto's framework intends to place financial expenses on developers, a decision that is praised by some advocates, the case of San Francisco suggests that a greater level of affordable housing provision may be possible if additional government funding were made available.

San Francisco, like many other American cities, have much greater autonomy than Canadian cities that are constrained by what provincial governments will allow. Additionally, operating in a state that has been supportive of inclusionary practices and allows municipalities to design IZ policies without oversight from higher levels of government means that San Francisco can select its policies more appropriately as well as adapt more easily to changes in the housing market. The stronger political will and the less restrictive governance system relative to those of Canadian municipalities suggests that San Francisco has a greater ability to review and revise its IZ policies over time in the absence of regulatory roadblocks often imposed by provincial governments.

The next section of this paper offers a more nuanced interrogation of Toronto's IZ policy choices than is often permitted in public discussions which tend to emphasize IZ policy levers above the local intricacies of cities. The proceeding debates surrounding the potentials of IZ in Toronto illustrate how disagreement regarding the adequacy of and justifications behind the proposal are, in some ways, indicative of this tendency. As the following interviews reveal, Toronto's proposal is informed by the political will, governance structure, market dynamics, and planning culture that are unique to its context.

4 — Views and Debates on Inclusionary Zoning in Toronto

As Toronto's long-standing history of IZ enters its next prominent chapter, of implementation at last, debates are escalating with two opposing sides - those representing the development community and housing advocates - seeking to persuade council members of what they perceive as the strongest IZ framework prior to the September vote.

Despite the inclusivity implied in its name and the City's stated IZ goals, neither side views Toronto's proposed OP and By-law amendments as inherently inclusive. Both point to the potential harm such changes will cause to their respective interests if the proposed policies are not significantly altered prior to their implementation. In a June 2021 report by the Building Industry and Land Development Association (BILD), a prominent representative of Toronto's development community, the authors call the City's IZ proposal "inclusionary" in "name only, not function" due to its supposed cost imposition on both developers and new homeowners (BILD, 2021). At the same time, housing advocates like Regini David of Power in Community Scarborough claim that "the current staff recommendations do not respond to the realities of many tenants and *exclude them* from accessing inclusionary suites" (Webinar, June 22 2021, emphasis added) These statements highlight that neither housing advocates nor developers perceive Toronto's proposed IZ framework as adequate to address the city's crisis in housing unaffordability or fulfil its promises of inclusivity.

The following subsections are framed by the perspectives shared by participants who contributed to my research through personal interviews as well as findings from IZ-related webinars. In some cases, these views are supplemented by academic sources, official reports, and news media to illustrate the concerns of participants more robustly. Participants include urban planners (3), city councillors (2), housing advocates (2), developers (3), a provincial employee, and several webinar speakers (see pg. 80-81 for complete lists of interviewees and attended webinars). Here, I outline seven themes that emerged from this research: key drivers of unaffordability in Toronto, municipal autonomy, ensuring development continues, income groups addressed, mixed income development, and the economics of IZ. A deeper interrogation of these debates and their influence on Toronto's IZ proposal is presented in section 5, the next section of this paper.

Key Drivers of Unaffordability in Toronto

"It's an amazing place to live, everybody wants to live or work in the City of Toronto. It's as simple as that. We're a victim of our own success." - Mark Conway (pers. comm., May 6, 2021)

"Centralized ownership of large numbers of units that are able to drive their rent collectively up that, over time, has resulted in the commodification of rental housing."
- Mike Layton (pers. comm., March 23, 2021)

"It's just politics, period." - Jed Kilbourne (pers. comm, May 28, 2021)

How the crisis of unaffordability is defined greatly impacts the solutions that will be pursued at the municipal level. The key drivers of unaffordability described by interviewees and at webinars are broad with opinions that are oftentimes noticeably distinct when addressed by those focused on housing development or advocacy. The key drivers discussed tend to relate to either housing supply and tenure or the financialization and commodification of housing.

Most interview participants view supply as a factor contributing to unaffordability in Toronto, although advocates believe that this reality is typically overemphasized. For some, Toronto is seen as victim of its own success, making the driver of unaffordability as simple as supply and demand. This is described by Mark Conway, who works as president at N. Barry Lyons Consultants Limited (NBLC), as resulting from limitations on construction capacity, evidenced by the Toronto market having produced about 40,000 units per year consistently for the last 20 years (pers. comm., May 6 2021). Jeff Evenson, vice president at Options for Homes, states that close to 400,000 more people are likely to migrate to Toronto than the *Growth Plan* projection (pers. comm., May 11 2021). Related to construction, the rising costs of concrete and steel contribute to the hard costs of construction and therefore housing costs as well. These intersecting factors mean that "developers can't keep up with the demand of people wanting to live in vibrant urban centres" (Di Mascio, pers. comm., May 20 2021).

Second to supply issues, the lack of investments in affordable housing by senior levels of government and the subsequent construction of very little to zero new affordable housing in recent decades is viewed as another primary driver of unaffordability by participants. Greater provision of purpose-built rental is seen as an important part of creating an affordable city, but achieving this without a greater amount of public investment is a difficult task. For Pino Di Mascio, head of impact strategy and delivery at Dream Unlimited and former urban planner at Urban Strategies, is a “mismatch” of housing that is being produced with a very large supply of housing at higher income brackets and massive shortage at lower ones, a stark change from the 50/50 split of homeownership and purpose-built rental construction that existed prior to the condo boom of recent decades (pers. comm., May 20 2021). This is attributed to the lack of government programing and financing incentives, which he believes is fueled by a lack of cultural acceptance of rental housing as “a good form of housing” and promotion of homeownership for asset-building. From this perspective, a big shift towards more rental housing overall in the city, and external to IZ, rental housing can attend to both ends of the housing spectrum.

The financialization of housing is seen as a primary cause of housing unaffordability, both in Toronto and globally, by participants oriented towards housing advocacy, all of whom expressed the issue implicitly and explicitly in a variety of ways. Symptoms of housing financialization include upscaling and renovations, thousands of AirBnbs in the city, empty investment units, NIMBYism towards renters, and the growth of real estate investment trusts. Mike Layton, city councillor for Ward 11-University-Rosedale, claims that unaffordability in Toronto “is not really a supply [or] scarcity issue as much as it's about collective power to shift the market to a higher bracket” through the centralized ownership of large numbers of units (pers. comm., March 23 2021). Mercedes Sharpe-Zayas, the planning coordinator for Parkdale People’s Economy, also blames exclusionary tactics that planning is complicit in through zoning decisions, developments approvals, and what constitutes “good planning.” Planning does not provide “clear mechanisms to ensure that there is any ability for affordability to take place [and] as long as we continue to see housing as a commodity we're not going to actually see the access to housing that many of us in our hearts and in our lives actually need to see” (pers. comm., May 25 2021).

According to Jed Kilbourne, director of development planning at Waterfront Toronto representing his own views, “gentrification just happens to be a manifestation of an economic system that doesn't actually look after [housing]” with key drivers of unaffordability being more accurately attributed to abysmal provincial increases in minimum wage and a political climate in which politicians cannot successfully run for office on progressive platforms like increasing property tax increases to fund affordable housing.

While more developer-centric participants are quick to equate the unaffordability of housing in Toronto with supply and demand factors, those who are positioned in closer proximity to lower income residents point to much broader political, economic, and social causes. Evenson summarizes this astutely through his claim that creating more supply would “maybe house more people [but] as long as there's one person who doesn't have a home, essentially, then the rest can be up here because somebody will want the home” (pers. comm., May 11 2021).

Municipal Autonomy

> “The provincial government makes a lot more time for developers and what makes them money than it does for ideas put forward by Toronto or the needs of those who are struggling.” - Mike Layton (Webinar, April 28 2021)

> “I'm sure there's never been a government that's been more generous to the development community than this one.” - Brad Bradford (pers.comm., April 15 2021)

Discussions of IZ describe the policy design process as being plagued by strict provincial oversight that has placed unnecessary and detrimental limitations on the strength of the policy levers being negotiated. These grievances are shared by all participants regardless of the sector they represent.

A primary limitation on the proposed amendments is the powerful and overarching authority of the Ontario government to ultimately decide if the City of Toronto’s IZ proposal is accepted. Even if City Council voted in favour of stronger policy levers like those demanded by housing advocates, there is always a chance that the Local Planning Appeal Tribunal (LPAT), an independent adjudicative provincial tribunal that conducts hearings on land use planning issues, will reject them. This likelihood of this occurring increases as the strength of the policies does.

The use of PMTSAs will considerably limit the impact of IZ overall and serves as a clear example of the lack of municipal autonomy involved in the design of Toronto's IZ policies. All participants besides the one interviewee from the province either did not support the decision or were unclear on the reasoning behind it, or both. According to Christine Ono, the senior planner leading IZ at the City of Toronto, the City has been advocating for the ability to implement IZ outside of PMTSAs because their analysis shows it could be viable in other areas (pers. comm., March 15 2021). While the City province would suggest that other parts of the city would not be able to bear the costs of IZ, Brad Bradford, city councillor for Ward 19- Beaches-East York, suggests that this "hasn't been the case in the Toronto market for many years now" (pers. comm., April 15 2021). A city planner interviewed attributes the PMTSA mandate, as well as countless planning changes and density increases, to the heavy lobbying accepted by the provincial government on behalf of developers. Delaying IZ announcements as long as possible is the only strategic measure the City can take to reduce lobbying (City Planner, pers. comm., March 16 2021). This speaks volumes of the disastrous level of autonomy the City has under the current provincial government.

Housing advocates remain hopeful that in the future a new provincial government will permit changes to the IZ policies adopted later this year. As discussed in the previous section, the IZ policies put forward by the previous Liberal government did grant municipalities the power to assess where it is feasible to apply IZ policies, but *Bill 10*8 circumscribed specific areas. Despite Parkdale falling outside of any PMTSA, Sharpe-Zayas is supportive of this "city-based movement" because IZ "should ultimately change over time [and] could be reinstituted across the city" with new provincial powers (pers. comm., 2021). Echoing this sentiment, Layton views the role of the city as "continuously improving IZ policies going forward (pers. comm., 2021)."

Ensuring Development Continues: How Strict is Too Strict?

> "Much to the chagrin of a professional planner, zoning doesn't actually control everything."
>
> - Jed Kilbourne (pers. comm., May 28 2021)

> "I think that's a myth being put forward by the development industry. The ways that inclusionary zoning is currently being constituted [...] is falling into that narrative."
> - Mercedes Sharpe-Zayas (pers. comm. May 25 2021)

> "Let's just get started and create a set aside rate that's very low, that's not controversial, and get it going." - Mark Conway (pers. comm., May 6 2021)

The possibility of development discontinuing following the implementation of mandatory IZ policies, especially if they are too strong, is a central concern in IZ literature. If developers were unable or unwilling to produce new housing that includes the amount and depth of affordability required, this would necessarily deepen the housing crisis as even the provision of new market housing would cease and greater intensification pressures could be placed on suburbs or low income neighbourhoods outside of PMTSAs. Despite the prominence of this argument, none of the participants of this study saw this as a possibility when considering the policies proposed at the City of Toronto and the city's real estate market. Therefore, debates are centered more on the selection of policy levers that will either garner faster acceptance from the province and developers or provide the greatest supply of affordable housing possible.

While Toronto's proposal was not seen to hold the potential of halting development by participants as it stands, several shared concerns that more stringent policies could "shock the market," slowing down housing production with the possibility of halting it altogether. The market may be shocked by the swift introduction of high set aside rates that take the market by surprise and without time to adjust. This is "a very delicate balance" because if IZ were to surprise developers, their developments could become unfeasible and they may raise the price of already purchased market units (Conway, pers. comm., May 6 2021). Echoing a common concern in IZ literature and claims made at developer webinars, Di Mascio shares that in the absence of "a level geographical playing field" developers may take their construction elsewhere, while advocates tend to reject such concerns as there is not a comparable city nearby to which developers can relocate (pers. comm., May 20 2021). Land values also drop when IZ is set too high which could prompt landowners to hold onto their land in anticipation of eventual upward price fluctuation, slowing down housing production. Jeanhy Shim, representing concerns of developers in a webinar on behalf of Housing Lab, expressed that the application of IZ as a “blunt instrument” without site-specific flexibility or consideration for the potential of the market softening may cause problems in the future (Webinar, February 23 2021). The use of strong and moderate areas with varying set aside rates is the main mechanism being implemented to avoid shocking the market as well as the proposed transition period whereby IZ will not apply to development applications submitted prior to January 2021 (Ono, pers. comm., March 15 2021).

To manage the concerns of developers and mitigate the possibility of slowed development, Conway recommends getting started with “very low”, “not controversial” set aside rates which he rationalizes through the thousands of affordable units and well-practiced development industry we would have today if this had been done decades ago. Annual reports could be used to assess the market impacts and determine updated set aside rates (pers. comm., May 6 2021). In contrast, housing advocates point to the losses in affordable housing that would exist had IZ been implemented earlier as grounds for stronger set asides. However idealistic, developers demonstrate a clear detachment from the struggle being faced by low income residents who insist on strong set asides after actively organizing for IZ as the housing crisis has deepened for years. After the tremendous amount of government stalling and activist dedication involved in getting IZ to this point, it is unsurprising that advocates are calling for strong policies upfront rather than relying on the possibility of annual tweaks to the policies.

Narratives centered on the possibility of discontinued development have led to the use of strong and moderate market areas, but this may have harmful unintended outcomes. Sharpe-Zayas recognizes that with this application of IZ “you're just going to see a rush happening towards ‘low market areas,’ which [...] is a huge driver of gentrification and displacement.” From this perspective, policy decisions that are largely market-focused can be seen as doing so as the expense of residents (pers. comm., May 25 2021).

Those that firmly believe in the continuation of development under IZ cite the additional density permitted through IZ, that all the land in Toronto is already owned, and that, in actuality, all of the GTA is a strong market area experiencing “enormous development pressures” as their reasoning. While Kilbourne declares that global markets have far greater control over the Toronto market than zoning or housing policy, but margins may shift enough to discourage smaller scale developers (pers. comm., May 28 2021). In the improbable instance that numerous projects are deemed infeasible by developers, Layton suggests that "maybe 15% isn't realistic" and that they reconsider their expected profit margins (pers. comm., March 23 2021).

Providing Predictability

"Land economics is all about certainty. The more certain you are, the better things work out typically." - Mark Conway (pers. comm., May 6 2021)

"The fact that we can bake [affordable housing] into every development now, not just one-off housing, but every development within an MTSA. That is very powerful."
- Brad Bradford (pers. comm, April 15 2021)

"The city is essentially de-risking [developers'] projects through IZ, so developers should accept a greater amount of affordability." - Mike Layton (pers. comm., March 23 2021)

Predictability and consistency of IZ is commonly cited in literature as imperative to its success and research participants agree with this sentiment. While those in the development community express some concern over how the introduction of IZ in Toronto could harm developers, advocates insist that the benefits this predictability provides to developers should inform stronger policies. Housing advocates in this research also discuss some often overlooked impacts that consistent affordable housing inclusion under IZ may have on their own capacities to negotiate with developers.

Transparent zoning regulations are appealing to developers so that they can calculate accurate pricing in their proformas, making IZ policies that provide greater cost certainty essential for developer support. In addition to eliminating the uncertainty associated with municipal rezoning, IZ also avoids the uncertainty that comes with sending applications to the LPAT. Because this added certainty lessens the financial risk of development, Layton believes that "developers should accept a greater amount of affordability" (pers. comm., March 23 2021).

Participants contrasted the consistency provided by IZ with the use of Section 37 or the new Community Benefits Charge for the provision of affordable housing. These latter methods are considered problematic because the high cost of housing provision, especially in comparison to the price of other forms of community benefits, makes it difficult to routinely secure affordable units. However, Layton insists that “a moving target can be better.” Once implemented, it will be difficult to negotiate for more than the IZ minimum' requirements of IZ and “we will also have removed the creativity that we got under some developments.” Layton has used these planning tools to secure affordable housing in new buildings at higher rates than the proposed IZ set asides including a recent 12% affordable inclusion in a purpose-built rental development that is located, notably, outside of a PMTSA (pers. comm., March 23 2021).

In some ways, the consistency of IZ is also beneficial to Toronto’s low income tenants and housing advocates. Sharpe-Zayas describes the “demoralizing” nature of attending public consultations with little accountability to community concerns, especially when the primary concern is affordability, as her primary reason for supporting IZ. A mandatory, comprehensive public tool is appealing as it avoids the “exhausting” process of community members “fighting constant one-off battles at different developments, trying to just make a single developer understand why it's necessary to provide affordable housing (pers. comm., May 25 2021).

Income Groups Addressed

> “[The new definition] is still unaffordable for so many people, but at the very least it is less rent than it used to be defined as.” - Mercedes Sharpe-Zayas (pers. comm., May 25 2021)

> “IZ provides a certain depth of affordability but you will always need government funding for deeply affordable units.” - Mike Layton (pers. comm., March 23 2021)

The new definition of affordable that will apply to Toronto’s IZ units has resulted in a heightened focus on the income groups the City’s policies seek to address. Overall, participants feel the City is still only capable of achieving middle-income housing through IZ, with housing advocates insisting that levels of affordability remain insufficient.

According to Ono, Toronto's policy framework is for people who earn too much to be eligible for social housing, but too little to afford market rate, or those earning between $30,000-70,000 annually. In addition to the changing definition, the City of Toronto plans to invest 8.5 billion dollars into affordable housing over next 10 years to develop 40K units, many with deeper affordability (Ono, Webinar, November 5 2021).

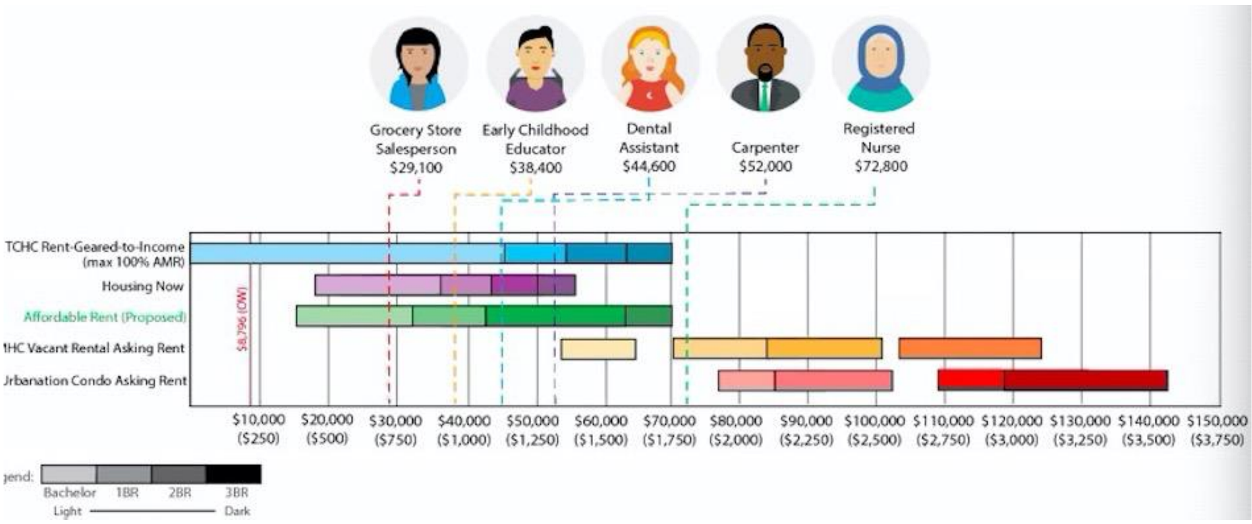

Figure 2. Income groups addressed by the affordability levels of various City of Toronto programs (Ono, Webinar, November 5 2021)

Research participants agree that without financial investments, primarily from senior levels of government, deeper affordability is difficult, if not impossible, to achieve. There is a "trade off" between a greater number of affordable units or deeper subsidy for those units, Di Mascio aptly summarizes, "there's no way you can have both" (pers. comm., May 20 2021).

IZ holds the potential of a "reverse trickle-down" in which as more units affordable to middle-income earners are created, units with lower rents that they would otherwise occupy become available to lower income residents who need them. While this is a novel idea of how IZ could result in a greater diversity in housing costs, this "only works if you establish rent controls" first (Kilbourne, pers. comm., May 28 2021). In a related sentiment, Anna Kay Brown from the Jane-Finch Housing Coalition highlights that in the face of increasing renovictions, land values, and gentrification pressures spurred by the Metrolinx' forthcoming Eglinton Crosstown LRT, "if [IZ] is not done correctly it does not benefit those who truly need it" (Webinar, June 22 2021).

Pino Di Mascio (pers. comm., May 20 2021), who views the potential of IZ as ultimately too marginal to address lower income tenants, advocates for layering other methods of affordable housing provision with IZ as a minimum amount. According to him, it is much easier to cross-subsidize rental units. Mortgage rates as low as 1% incentivize homeownership development and have created an investment philosophy where short term investment in condominiums are favoured over longer term investments in rental buildings. Although owners of rental buildings accrue profits over longer periods of time, he says, they make more lucrative investments as they do not decline in value as rapidly as condominium units. In conclusion, he believes that increasing housing access for lower income residents depends on government programing, not zoning policies, that makes long-term capital into the housing market more desirable to developers.

While housing advocates at Social Planning Toronto and Parkdale People's Economy consider the new definition of affordability to be one of the primary wins achieved through community organizing, it is still considered unaffordable to many and "continues to be set in a middle-income territory" (Ponnambalam, Webinar, April 28 2021). Further, some speakers highlight the need for AMIs scaled to the neighbourhood level so that affordability better reflect the incomes of localized communities in such an economically stratified city (Marshals, Webinar, June 22 2021; David, Webinar, June 22 2021; Sharpe-Zayas, Webinar, June 22 2021). Speaking to her experience consulting low income residents on the City's IZ proposal, Sharpe-Zayas says "the last thing people whose lives are at risk, who are truly at risk of housing insecurity, want to be hearing is that a percentage of an offset of this specific area is going to be potentially affordable at a rate that you can't even afford" (pers. comm., May 25 2021).

Social Integration & Mixed income Development

"Without the right economic conditions, no amount of mixing and diversity will lead to better opportunities." - Arrigoitia, F. M. (2018)

When prompted to discuss the potential intended and unintended implications of the social mixing inherent in IZ and its goals, the perspectives of interviewees ranged from deep concern for low income residents and heightened gentrification to the belief that social integration provides economic benefits that the municipality is unable to provide otherwise.

Wilson (1987; 1996), a prominent voice in early poverty deconcentration literature, argued that marginalized residents living in isolated neighbourhoods of concentrated poverty suffer from constrained opportunities and lack of access to upward mobility associated with middle-class social networks. Research associates concentrated poverty and racial segregation with undesirable neighbourhoods as they foster poor-quality services, spatial distance from employment, the presence of violence and crime, and lower educational attainment (Ellen & Turner, 1997; Goldsmith, 2009; Jencks and Mayer, 1990).

As neighbourhoods subject to IZ become denser and more affluent residents able to afford market rents outnumber the small percentage of new tenants paying affordable rents, surrounding rents and other living expenses such as groceries are suspected to rise. In the absence of rent controls, Layton explains, “it’s not really possible to avoid rents going up [but] if we don't build new units, we're going to lose affordable units in neighborhoods” (pers. comm., March 23 2021). From this perspective, rather than increasing the supply of total affordable units in Toronto, IZ more accurately replaces the existence of a portion of affordable units that are inevitably lost to gentrification.

Housing advocates express that, contrary to the social benefits afforded to low income residents often boasted by proponents of IZ and social mixing, without thoughtful implementation this form of social integration can have harmful outcomes. Mixed income developments, despite being a great objective, can lead to overpolicing and social stigma within those buildings for tenants located on the “poor floor” or in affordable units (Kilbourne, pers. comm., May 28 2021). While these issues are described as class-based, they can end up being racialized. Sharpe-Zayas refers to the isolation experienced through these “terrible microcosms of already segregation-based housing” as “segregation at the building level” (pers. comm., May 25 2021). Building-level segregation is largely ignored in IZ literature that analyses social integration quantitatively by observing proximities of households of varied incomes and race at the neighbourhood scale, which fails to understand “how segregation is felt” (Sharpe-Zayas, pers. comm., May 25 2021). Kilbourne, recalling his previous work for TCHC, describes the social damage caused by building-level segregation in his recollection of Regent Park residents who felt a “loss of community of care amongst existing social housing residents" following its revitalization (pers. comm., May 28 2021). This lack of the positive cross-class interactions boasted by social mixing proponents has been reported elsewhere, long-term Regent Park residents have described class differences as contributing to an "us vs. them" dynamic and compared the revitalization process to colonization (Bucerius et al., 2017).

These participants recommend intentionality in the creation of mixed income buildings and communities, stressing the role that the management of affordable suites plays in their social outcomes. Management of affordable units by nonprofit and social housing providers, with the help of the City in building their capacity to do so, is preferred to management performed by private developers who would likely provide exclusionary service to low income tenants. The major problem with social mixing through IZ is that it is a "prescriptive and enforced" method of mixed-income housing that "pulls from the very same tactics and tools [of revitalization] that undermine low income residents' right to self-determination," according to Sharpe-Zayas (pers. comm., May 25 2021). For her, housing cooperatives represent a distinct alternative form of mixed income communities because they house residents of various income groups who desire to live in an arrangement where costs are equalized, rather than an arrangement that is forced upon them. Still, income segregation through 100% deeply subsidized buildings is also considered "a hugely dangerous place to go" in the absence of community investments provided by either governments or developers (Layton, pers. comm., March 23 2021). While this concern is legitimate, these very processes of ongoing government disinvestment and growing reliance on private developers have produced conditions for exclusionary development and severe reduction of the autonomy and agency of community members to live where and how they please.

The Economics of Inclusionary Zoning: Who Bears the Cost?

> "We don't mind if [developers] make money, but they need to start to care about Torontonians." - Alejandra Ruiz Vargas (Webinar, June 22 2021)

With the very existence of IZ implementation depending almost entirely on the willingness and ability of developers to participate, how an IZ regulatory framework will impact the housing market and who bears the cost of IZ is perhaps the most widely discussed and debated facet of IZ policy both by stakeholders in Toronto and in IZ literature more broadly. The profitability of housing development is directly affected by the specifics of each IZ component, making who will pay for the price reductions of affordable units a primary concern. Discussions of the economics of IZ revolve around how the potential cost burdens associated with IZ might be distributed between developers, market rate buyers and renters, landowners, and the municipal government.

Conclusions from Clapp's (1981) early theoretical modelling that affordable housing mandates would distort the market, prevent the maintenance of developer's desired rate of return, and ultimately encourage the relocation of development to other areas remains a strong concern today. In this case additional pressure would be placed on an already limited housing supply and drive up housing prices and rental costs, defeating the intended purpose of IZ. It is believed that developers will continue to develop only in situations where the cost burden of including affordable units can be passed forward, onto market rate buyers, or backwards, to landowners (Read, 2009). Ultimately, which of these groups bears the costs and the extent of these costs depends on program design and housing market conditions.

IZ literature suggests that where developers choose to increase the price of market rate condominiums, passing the cost burden onto buyers, overall housing prices in cities implementing IZ will be pushed upward. In weaker housing markets where market participants are less likely or unable to absorb increased costs, the cost burden is expected to fall on landowners as developers collectively place lower bids on land to account for projected revenue losses (Read, 2009). Figure 3 indicates the necessary conditions under which development can occur, all of which are important to this discussion.

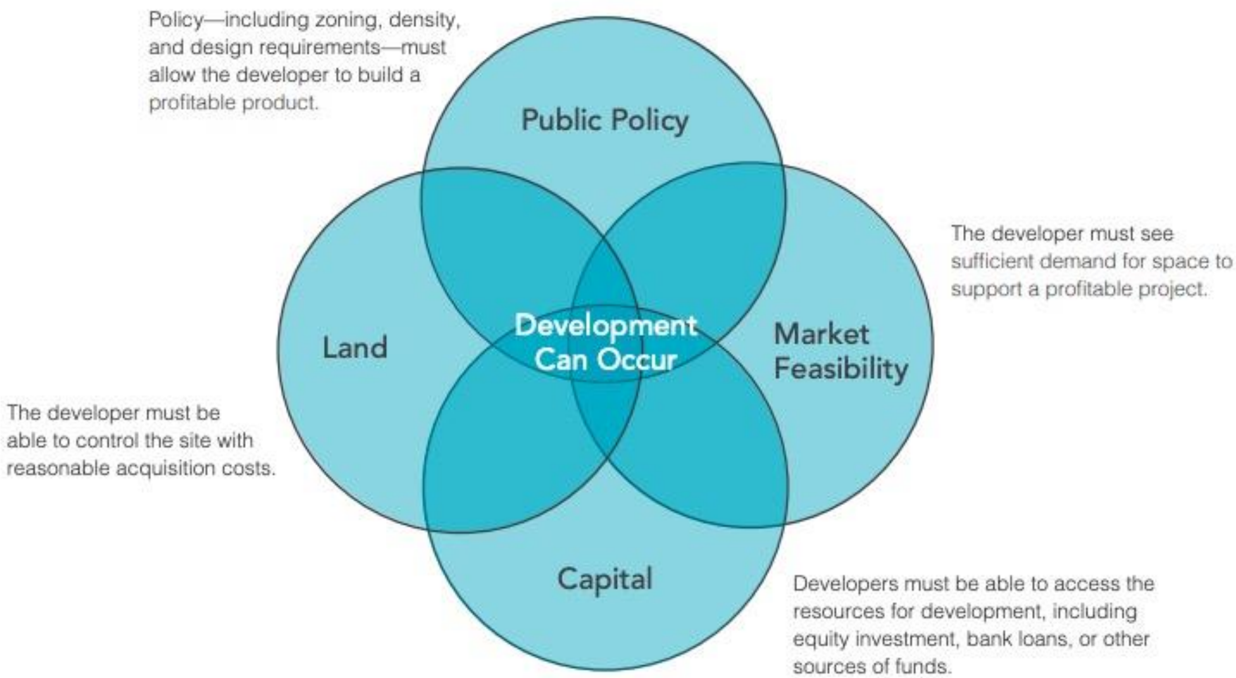

Figure 3. Venn diagram illustrating the intersecting factors that determine development feasibility (Williams et al., 2016)

Several interviewees believe that the cost burdens would be passed backwards onto landowners in Toronto's current housing market. Land values are considered to be the most independent variable by these participants. Land values, especially those downtown and in PMTSAs, are described as having risen greatly due public investments in transit infrastructure and amenities, positioning landowners with the ability to accept cost burdens. As put by Conway, these landowners actually hold a responsibility to bear these costs, stating that "we want them to make some money [but] we don't think it's fair that they make many, many millions of dollars just because they're fortunate to be in a downtown location without the public sector getting their fair share of the impact of that [publicly funded] development covered" (pers. comm., May 6 2021). Ono, who has extensively researched who bears the cost of IZ for the City, rationalizes the likelihood that costs will be passed to landowners through the predictability afforded to developers in the proposed policies that allows them to simply bid less for land according to their proformas (Webinar, April 13 2021).

Stakeholders working in development and planning are confident that all, if not a significant portion, of the cost burden could be passed forward to market rate home buyers and renters. Here, IZ is largely interpreted as a cross-subsidy in which affordable units are subsidized by greater costs to new market rate homeowners due buildings possessing a static amount of developable floor area. However, this could be overcome by a shift to the provision of even smaller units (Schuetz, Webinar, February 23 2021).

The cross-subsidy narrative has been deployed by the development community in Toronto to leverage support for weaker IZ policies. In June 2021, the month that City Council was initially set to vote on Toronto's proposed framework, several popular Toronto news outlets released articles that painted the new OP and By-law amendments as flawed (Smith, June 15, 2021; Gismondi, June 18, 2021; Wilkes, June 25, 2021; Wilkes, June 28, 2021). The articles cited a BILD (2021) report released the same month. Their report highlights that despite relatively low set aside rates Toronto's approach will essentially require new homeowners to subsidize affordable units with an additional $65,000 and $116,000 per unit because the new affordability definition is not paired with any potential offsets, incentives, or density bonuses for IZ units. According to the report, these "market distortions" will result in many projects becoming financially non-viable as they negatively impact availability and affordability for new home buyers.

Contrary to these views, stakeholders at the City commend the policy tool primarily because "IZ not based on the notion of cross-subsidization" (Bradford, pers. comm., April 15 2021). Ono believes firmly that IZ will have no significant impact on housing rental or ownership costs because condo buyers will have the ability to purchase units in other nearby condominiums in the event that developers attempt to overcharge (pers. Comm., March 15 2021).

In an insightful and uncommon prediction of IZ outcomes, Evenson interprets Toronto's condominium-laden housing market as unique in comparison to the rental markets found in the majority of North American jurisdictions that have imposed IZ. "The game in Toronto is completely different" and this intrinsic difference may result in both developer and landowner profits remaining untouched as international investors hold the capacity to continue purchasing units at market rates, ultimately passing costs to the city's renter population who will occupy them (pers. comm., May 11 2021).

The absence of developer incentives in Toronto's IZ framework means that the policies come at no financial expense to the City unless individual negotiations are made with developers seeking to exceed minimum requirements. Housing advocates at Social Planning Toronto cite this as another major achievement of community organizing through the consultation period as it mandates that developers, not taxpayers, fund affordable housing (Ponnambalam, Webinar, April 28 2021). Governments should play a role in "redistributing wealth from those who are making big profits," according to Layton and, as Sharpe Zayas states, "developers are currently profiting to no avail off of communities and […] their developments" (pers. comm., March 23 2021; pers. comm., May 25 2021). However, as these and other participants from all sectors note, importantly, the provision of housing by developers should not serve as a replacement for governments investing in communities. Government investments in affordable housing are seen as necessary for both greater affordable housing provision and deeper subsidy. Additionally, investments or subsidies are described as integral to achieving accountability for low income tenants living in mixed income developments as government involvement improves community organizations' access to managerial roles (Sharpe-Zayas, pers. comm., May 25 2021).

IZ is frequently framed as impacting the profits of developers by both housing advocates, who see it as the reclamation of profits that are owed to communities following decades of inequitable development, and developers, who frame the IZ as a form of unjustified "taking" or taxation. Despite these prominent claims, both IZ literature and the opinions of stakeholders observed through this research suggest that impacts on developers' profits are, at best, marginal. The effectiveness of IZ is well summarized by one interviewee who asserts that IZ "is not the pillaging of the development sector and we can't find examples of state or local governments just raking in the units. It's always been said that it is a modest yield" (Provincial Employee, pers. comm., May 18 2021). The existence of consistently applied upzoning through IZ means that there is little room for lost developer profits, but developers may bemoan the loss of upzoning through *s.37* that currently permits higher profit margins (Layton, pers. comm., March 23 2021; Mah, 2009) The only circumstance in which IZ would impose serious profit loss for developers identified by participants was if they were unprepared for its implementation, but the City's transition period effectively protects developers from losing profits from land they have already purchased.

While housing advocates desire IZ policies that will impose conditions in which new affordable housing is funded out of developer's pockets, power of the private development community in Toronto and the City's deeply entrenched market-oriented housing system suggest otherwise.

The City's official studies of IZ's feasibility all center economic impacts of IZ, paying little attention to the social toll that new development will have on communities because any provision of affordable housing is deemed favourable in contrast to the state of housing today. Developers have an assumed rate of return and well-documented ability to push cost burdens backwards, forwards, or both. When this is paired with Toronto's extreme demand for new housing it is difficult to imagine that the implementation of the City's current proposed IZ framework could force developers to accept any significant cost burdens. In the event that housing advocacy prevails against the developer lobby at the municipal level, persuading City Council to adopt policies that better reflect the needs of residents, most participants agree that these policies would be rejected at the LPAT. This reality indicates that IZ will likely fail to deliver the inclusion it implies because Canada's governance structure has and continues to empower and prioritize private land development and capital accumulation over access to housing for its residents.

5 — Discussion

"A neighbourhood should not be treated as a market for development, it's where the home is." - Regini David, Power in Community Scarborough (Webinar, June 22, 2021)

IZ debates are most often framed as a conflict between developers and residents, but this research suggests that, while developers' role in producing housing crises is undeniable, the government creates conditions for development to occur in the destructive manner being witnessed in Toronto. Developers, as well as banks, brokers and investors, are the ultimate beneficiaries of government disinvestment from affordable housing and neighbourhoods as well as the subsequent promotion of revitalization and gentrification to remedy the problems they produce. However, these actors are not responsible for ensuring that effective public policy is set; developers follow those that are outlined by the City. Housing advocates call for stricter IZ policies on the grounds that developers are responsible to Torontonians and the creation of an equitable city, but a private market-driven capitalist housing framework renders this responsibility intangible. This is not to say that housing advocates are unaware of this reality, because they absolutely are aware, but adhering to neoliberal housing solutions like IZ that overemphasize the role of developers effectively absolves the government of responsibility while understating its power.

The tendency to focus on enabling private markets to solve social policy problems is understandable in an urban setting characterized by the proliferation of expensive high rise condominiums amidst a deepening housing crisis. These optics place developers front and center and can lead to assumptions that the development industry itself is the primary cause of housing unaffordability in the city. This paired with the elevated feelings of fear and precarity experienced by Toronto residents can be interpreted as producing both a focused disdain towards developers and a false sense of optimism in IZ as a remedy for a housing crisis that is enabled by a number of less conspicuous dynamics. Research interviews found that, while municipalities are complicit, the lack of municipal autonomy to address the housing crisis is suppressed astoundingly by senior levels of government. Despite the neoliberal ideology held by Canadian governments which claims that markets unburdened by rules and collective responsibilities increases autonomy, municipalities have not been afforded the autonomy necessary to practice appropriate community planning or effective municipal public housing programs. This lack of municipal autonomy is devastating in the wake of senior governments' financial divestment from cities and their housing stocks based on neoliberal justifications. Amidst this dynamic, the creativity and innovation that Toronto's city staff and housing advocates might use to foster solutions to the unaffordability problem is dangerously narrow. For example, instituting rent controls and minimum wage increases may have exceptional impacts on affordable housing accessibility and preservation but fall outside of municipal purview. The lack of revenue tools afforded to the City of Toronto paired with exorbitant land and construction costs means that zoning tools like IZ have become the primary avenue for the City to secure affordable housing.

Exclusionary zoning practices that have and continue to successfully designate what, and ultimately who, is allowable on land would suggest that zoning holds inherent transformative potential, but IZ demonstrates that zoning is more productive in the service of capital than social equity. Toronto's acutely harmful top-down planning regime of the 20th century deployed actively racist and exclusionary zoning to produce urban segregation and contribute to wealth inequality as wealthier classes profited from land development. IZ implies a reversal of these practices through which zoning can undo some of the damage caused by the City's exclusionary history. The City's use of extensive public consultations that influenced key additions to the proposal is indicative of a shift in planning culture in the city. However, capitalist housing development makes the guarantee of profits indisputable regardless of the zoning practices that are used and the equitable intentions they claim. The logics of private property and private market orientation that frame Toronto's IZ debates invoke an ahistorical perspective that effectively ignores the reality of racial capitalism that has afforded developers and their beneficiaries their position to profit from housing development. Wealth and power have been concentrated into the hands of a relatively small number of actors, permitting their authority over private market-oriented housing solutions like IZ and, consequentially, heavy influence over the future of Toronto's residents and the city itself. Exclusionary zoning practices that built Toronto were fuelled by profit accumulation that IZ seeks to limit, but the extent of the inclusion it can provide is ineluctably dictated by the profits that underlie the construction of housing and those who possess the capital to construct it.

IZ's reliance on the private sector to create affordable units means that several policy levers under negotiation are forced into competition with one another. This strict reliance due to an absence of government investment means that the strength of Toronto's IZ policy framework is inevitably connected to and limited by developers' profit margins. While advocates call simultaneously for perpetual affordability, higher set aside rates, and deeper levels of affordability, the reality is that the strengthening of any of these individual components places a larger cost burden on developments so that one must only be raised at the expense of another. This challenge represents the crux of the potential of IZ in Toronto as the social benefits it chases are chiefly and consistently overshadowed by concerns of who will bear the financial costs (or, perhaps more accurately, how developers will not) so that development continues.

Rather than being of benefit to low-income residents in the ways that social integration literature suggests, social mixing and IZ itself more accurately depict the best the City is able to provide to these residents while adhering to neoliberal market dynamics. IZ captures land value resulting from public investments in infrastructure through securing community benefits in the form of some affordable housing but with one of Toronto's IZ goals being the creation of inclusive communities, the social impacts of mixed income development have not been adequately addressed. The harm and erasure entailed in the transformation of communities that have been home to racialized and low-income residents for decades into condo-ized landscapes of white middle-class consumption are certain. Further, the variety in housing typologies necessary to reflect the needs of the heterogeneous households living in Toronto is also acutely ignored by IZ through which all new affordable housing is expected to take the form of highrise condominiums. While it may be alluring to perceive zoning as holding the potential to be inclusionary, this research finds that urban planning tools do not possess the capacity to meaningfully confront the failures of capitalism on their own. The reality that the colonization of Turtle Island marks Canada's first project in land development and planning is instructive here; these tools were designed for the purpose of capital accumulation and land theft.

Unsurprisingly, Indigenous communities and sovereignty are entirely absent from discussions of how IZ in Toronto relates to the City's equity and inclusion goals. While this is also reflective of broader settler state motivations, to do so would undermine the foundation of IZ and its reliance on *urbs nullius* which devalues communities that do not own their land in the terms dictated by the private property model of ownership (Coultard, 2014). The mixed income developments that IZ policies produce, that redevelop entire communities to include a small portion of lower income residents, expose a clear lack of community autonomy as well as their perceived disposability in the eyes of those in power. Despite improving the situation somewhat, IZ will contribute to the ongoing violent gentrification and subjugation of marginalized residents and their communities, replicating the colonial ideology on which Toronto was founded.

IZ is an appealing policy choice for the City to mobilize instead of more transformative options precisely because it does not challenge the private ownership model and the dependency on private developers this model has produced. IZ ultimately provides some workforce housing for those employed to provide services for the growing creative and financial class in the city. From this perspective, IZ can be seen as desirable not merely because it houses some low to middle-income residents but because these people serve as necessary infrastructure that supports the more monied individuals the City actively seeks to attract. Policy mobility theorists suggest that one key reason for the importation of well-established urban policy from other jurisdictions is garner collective acceptance. The broad application of IZ does make outright refusal by developers difficult, but the popularity of this policy tool speaks to its capacity to be shaped in the interests of power. through the policy design process. IZ has not disrupted the highly financialized housing status quo in jurisdictions where it has been implemented, and it was never intended to, despite the reality that the commodification of housing serves as a primary driver of housing unaffordability in the vast majority of large cities.

As Toronto's debates in IZ have made clear, IZ does not address the key drivers of unaffordability in Toronto which research participants identify as a severe lack of government investments in housing, both the ideological and material promotion of homeownership over renting, construction capacity limits amidst amassing population growth, the loss of existing affordable housing due to the collective power of financialized landlords, and, ultimately, the commodification of housing. IZ necessarily promotes homeownership due to the upward trend of condominium production that will relegate the majority of IZ units as homeownership, articulated positively by the City as allowing residents who would otherwise be locked out of the housing market to participate in asset-building through their home. Not only does this reinforce the exchange value of housing over its use as shelter, it ignores the reality that the city's renters are in greater need with 46.8% of renters living in unaffordable housing compared to 27.4% of homeowners (City of Toronto, 2020d). Paired with the potential for the costs of IZ to be passed forward onto market rate buyers, largely composed of investors in Toronto's market, IZ may be of even greater detriment to the renter population if these costs are passed on further in the form of higher asking rents. Additionally, IZ aligns with the federal and provincial governments' neoliberal trend towards delegating housing provision to the financial market, fortifying their reluctance to provide financial investments of their own.

The answer to whether IZ in Toronto holds the potential to alleviate the crisis of housing unaffordability depends on what we deem as successful. Regardless of the final policies that are adopted by City Council and are hopefully "balanced" enough to receive LPAT approval later, the provision of affordable housing through IZ will be marginal at best. A cynical perspective of IZ would say that IZ could launder the reputation of the development industry that comes to be perceived as benevolent in its provision of more housing accessible to middle-income tenants and homeowners. Increased access to affordable housing by these city residents who hold greater political and social capital to facilitate change may be perceived as a loss to a growing housing movement. Further, IZ may be perceived as the federal and provincial governments' doubling down on their divestment from housing, solidifying the trend towards passing its responsibility to provide adequate housing onto private developers. However, given the city's projected growth and the marginal gains that are possible through IZ, the discussion of unaffordability in Toronto is far from over.

Government financial investments, primarily at the federal and provincial level, are imperative if the provision of affordable housing is to come even close to meeting Toronto's demand, and the finances do exist. Put best by Paul Taylor, community activist and executive director at FoodShare Toronto, "if there's one thing the pandemic has taught us it's that climate change, the housing crisis and poverty have never been considered emergencies" (Taylor, 2021). The COVID-19 pandemic illuminated that the federal government holds the financial capacity to intervene in the presence of a crisis. It also holds the capacity to raise taxes on the wealthiest members of Canadian society and redistribute his revenue to the communities from which they profit, an argument that falls outside the scope of this essay. Ultimately, the finances to support the provision of affordable housing in Toronto, and elsewhere, exist and our governments choose to finance what reflects their values, which have the potential to shift. One can hope that the aftermath of the ongoing pandemic will inspire a social idealism similar to what followed the second world war. In the 1940s, this shift set the grounds for housing advocates to persuade governments and taxpayers to support low-income tenants, spurring the largest provision of affordable housing in Toronto's history.

IZ is no longer perceived as a "silver bullet" for addressing housing crises as it was in the past, and neither housing advocates nor city staff in Toronto view it as such. The majority research interviewees agree that IZ should already exist as a bare minimum, and should have for many years. The conclusion of a decades-long process pushing for IZ should be celebrated for the affordability it will provide and because it will no longer preoccupy these groups with a policy tool that ultimately maintains the status quo as it does not call the market-orientation of the City's housing provision into question.

At an affordable housing town hall organized by ACORN Toronto, Social Planning Toronto, and Progress Toronto in June, one speaker asserted that "IZ is part of a larger shift towards social transformation," underscoring this paper's key argument that a deep overhaul of Canada's governance structure and economic framework is required if Toronto's housing crisis is to be adequately addressed (Ponnambalam, Webinar, April 28 2021). Under neoliberal capitalism, IZ cannot adequately address crises in housing unaffordability but because governments "aren't about to go and nationalize the housing sector in the next year or two," IZ serves as one piece of a larger puzzle towards deeper transformation (Layton, pers. comm., March 23 2021). IZ in Toronto is, at best, an exercise in harm reduction and, at worst, a deeper solidification of the violent and predatory housing status quo. This research suggests that IZ is simply one policy tool that can be strengthened in the future and that represents a modest gain for affordable housing. This must function alongside the pursuit of broader, more transformative shifts towards decommodified approaches to housing provision if significant gains in housing access or meaningful inclusion are to be realized. Until established perceptions of housing as an asset and its subsequent financialization is reckoned with, it is hard to imagine how any amount of new so-called affordable housing can sufficiently address housing unaffordability in Toronto.

Recommendations

Making recommendations to the City of Toronto regarding its proposed IZ framework is complicated by its private market orientation in which its components are placed in competition with each other and the reality that dramatically bolder policies than are currently being proposed may be rejected at the LPAT by the Conservative provincial government. Therefore my recommendations operate within the limitations imposed by these current governance and economic systems. These recommendations are divided into three sections: first, recommendations to the City beginning with those explicitly related to IZ that are followed by recommendations related to affordable housing provision more broadly; second, recommendations for housing advocates in Toronto; and finally, suggestions for further research.

Recommendations for the City of Toronto

#1: Adopt inclusionary zoning Official Plan and By-law amendments that reflect the demands of Toronto's housing advocates

ACORN Toronto, a tenant rights organization that has been fighting for inclusionary zoning for decades, have recently partnered with Progress Toronto, Social Planning Toronto, and Parkdale People's Economy on a campaign to demand strong inclusionary zoning in the city. Their demands are for a minimum 20-30% of all new residential developments with 60 or more units be set aside for permanently affordable rental housing, affordable units to be kept affordable in perpetuity, and IZ to be applied to all parts of Toronto. Their rationale aligns with the findings of this research, that the current proposal will not address the housing crisis and is far below what is feasible.

#2: Localized neighbourhood AMIs

While the shift from a market-based measure of affordability to an income-based one in the new proposed definition of affordable is a strong step forward, including localized neighbourhood AMIs would improve its impact for low-income tenants. As an area becomes less affordable its residents become wealthier, boosting its AMI. Producing separate AMIs of smaller geographical scopes would better reflect the realities of various neighbourhoods as these AMIs would be less heavily skewed by increases in the city's incomes overall.

#3: Permit the provision of off-site affordable developments through inclusionary zoning

This research has thoroughly described the harmful social impacts and building-level segregation experienced by low-income and marginalized tenants living in mixed-income developments, impacts that affordable off-site housing developments have the potential to alleviate. Many jurisdictions, including the three case studies here, permit the provision of affordable housing off-site. If social and economic segregation are of concern here, limitations could be set on the allowable distance between buildings with market rate and affordable units.

#4: Affordable units should be managed by non-profit organizations

Related to the previous recommendation, research participants stressed the importance of governance in the social outcomes of those occupying affordable units in mixed-income developments. It is recommended that affordable units be governed by non-profit or social housing providers as they are interpreted as showing greater consideration towards the needs of these tenants than standard building managers or condominium boards.

#5: Determine set aside rate increases in advance to be phased in over time

The City of Toronto and the development community have stated concerns that the implementation of an IZ framework may shock the market, especially if it is particularly strong. Other jurisdictions, including San Francisco, have used a phased approach to the introduction of set aside rates over time to provide predictability for developers as they adapt to new policy mandates. Rather than simply selecting relatively low rates to address these concerns, the City should include predetermined annual set aside rate increases which would ensure both that development is not halted by IZ and that a more adequate number of affordable housing provision is guaranteed.

#6: Develop an impact assessment strategy to streamline updates to the inclusionary zoning framework

The impacts of IZ should be assessed regularly, similarily to the provincially mandated Municipal Comprehensive Reviews conducted for each MTSA every 5 years to prove *Growth Plan* conformity. This research has identified that City Planning staff are already overburdened by the MCR process, making capacity building through the hiring of additional staff integral if such a strategy is to be successful. The impact assessment would not only identify changes in the feasibility for IZ in MTSAs, shifting their strong or low market delineation over time, but should broaden the scope of IZ to incorporate areas outside of PMTSAs in which intensification will heighten following its implementation.

#7: Implement a stronger Vacancy Tax

While it is difficult to make a precise estimate of the amount of vacant housing in Toronto, a recent City report suggests that between 9,000 and 27,000 units are sitting vacant (City of Toronto, 2020e). The City has proposed a 1% tax on the value of vacant home's values to address this. Comparatively, the City of Vancouver has collected over $60 million in revenue from its own vacancy tax which has been raised from 1% from 2018 to 3% in 2020 following a 25% decline in vacant properties (Withers & Tabasinejad, 2021). If Vancouver's example is instructive, a higher vacancy tax will not spur most homeowners to rent their properties, but funding from these taxes could be used to fund the provision of more affordable units or deeper levels of affordability within IZ developments. With the City's report indicating that a 3% vacancy tax could generate upwards of $190 million annually, the benefits of layering a bolder vacancy tax with IZ and other affordable housing initiatives would be highly influential.

#8: Develop strategies for the low-interest financing of affordable rental construction at rates that are less than or equal to those of condominium construction

The surge in condominium development is, in part, a product of the risk associated with developing purpose-built rental in comparison to condominiums that can access financing with interest rates as low as 1%. When paired with the long-term investment inherent in owning a rental building, this risk is unappealing to developers who then opt to produce condominiums that are sold shortly after construction. While this does not guarantee affordability, purpose-built rental units tend to be relatively more affordable than condominium rentals, making market reorientation towards purpose-built construction a strong and necessary component for addressing housing unaffordability.

#9: Defund the police and invest in affordable housing

The Toronto Police Service represents the City's largest expense with a $1.22 billion budget in 2021. In the wake of mass calls to defund the TPS and invest in communities from 2020, including investments in affordable housing, we instead witnessed their budget increase in the name of reform. This was followed by the violent criminalization of poverty in 2021 in which hundreds of police and security were deployed to evict encampment residents opting to live in city parks in lieu of a shelter system plagued by COVID-19 outbreaks. The role of poverty, including lack of housing access, in forcing individuals to rely on illegal activity for survival as well as the racist policing of this activity is well-documented elsewhere. Echoing calls made by a growing number of Torontonians who see the TPS budget to be enormous, especially in contrast with the lack of funding provided to communities, it is recommended that the City defund the police and invest in affordable and social housing.

#10: 100% of units built on publicly owned land should be deeply affordable

The City of Toronto is too quick to sell off public land to private entities, severely limiting the City's ability to provide affordable housing today and in the future. The Housing Now Initiative serves as just one example of this whereby public land is sold at market price to developers that include a portion of housing available at 80% AMR in their development, with only the affordable units remaining in public ownership. Rather than allowing developers to swallow up irreplaceable and invaluable urban land for modest returns of marginally affordable housing, the City must create new revenue tools and strengthen existing ones (which should include those mentioned above) to ensure that 100% of units built on publicly owned land are deeply affordable.

#11: Develop an updated ward structure to achieve effective representation at City Council

In 2016 the City of Toronto oversaw a Toronto Ward Boundary Review which looked at the size and shape of each Toronto ward, recommending a new ward structure that was adopted at City Council the following year (City of Toronto, 2016). This decision was soon cancelled by the Ford government that, instead, reduced the seats of City Council from 47 to 25 (Loriggio, 2018). It is recommended that the City undertake another review of Toronto's ward boundary and take steps to return to the previous number of seats. A new ward structure has the potential to enforce a more open and democratic system at council that would limit the ability of suburban councillors who are disproportionately represented to override the central city vote that tends to hold more progressive interests.

#12: Take steps to adopt a charter that empowers the City with the autonomy to adequately address its own housing needs

Governance and lack of municipality posing significant limitations to Toronto's IZ proposal as well as the City's broader fiscal, political, and administrative capacities to act and solve its own problems through policy. It is recommended that the City of Toronto pursue the creation and adoption of a charter that would provide the City with greater autonomy and flexibility in its decision making, limiting the extent of provincial oversight.

Recommendations for Housing Advocates

#1: Demand greater financial investment in housing from all levels of government
IZ has rightfully commanded the attention of many housing advocates in recent years and, to an extent, focused conversations on developers and away from our governments. Significant wins were made that will increase the city's supply of new affordable housing for years to come, but we cannot risk IZ in Toronto leading to our governments' further withdrawal from housing provision.

With an upcoming provincial election, efforts should be made to make housing a key component of the election cycle and the pandemic recovery strategies being proposed. This is an opportune moment in the wake of the harsh toll the current development-centric Conservative government had on Toronto's housing market, especially considering that the party is being viewed negatively following its handling of COVID-19.

It is also suggested that housing advocates pressure the municipal government to adopt recommendations #11 and #12 above.

#2: Demand support for purpose-built rental over homeownership
The lack of new purpose built-rental construction, which tends to be more affordable and easier to cross-subsidize for affordable units within, compared to the mass proliferation of condominiums in the city is due to economic decisions and policies that promote it. Homeownership and living in one's own home has been increasingly prioritized over for decades as the perceived goal of Toronto residents, but homeownership isn't everyone's goal and these units are often purchased and rented by investors anyway. The production of more rental housing in the city and an ideological shift towards renting as a worthwhile form of

housing tenure, rather than a step on the way to homeownership, are both crucial for housing advocacy.

Further Areas of Research

Following the implementation of Toronto's IZ framework, research on the depth of affordability of units and its provision of housing that is affordable to low-income tenants is crucial. Further, the social implications of the mixed-income developments produced are equally as important. Currently, the governance of the affordable units in this housing is unclear so research on their management would provide great insight into the often overlooked social aspects of IZ.

Governmental housing initiatives predominantly center the provision of new housing, as is the case of IZ, but housing preservation is of equal, if not greater, importance if Toronto is to become more affordable. Toronto's initiatives to preserve affordable housing, such as the Residential and Rental Property Demolition and Conversion Control by-law, or prevent evictions, using the Eviction Prevention in the Community and Tenant Relocation Support Services programs, must therefore be studied closely if the effects of any affordable housing gained through IZ are to be meaningfully measured and contextualized.

In regards to policy mobility, this investigation of IZ found that it is an appealing policy choice to mobilize from other jurisdictions because it is both highly malleable and has been shown to adhere to the neoliberal private market-oriented planning quo, even at its strongest. The social comfort and time saved through policy mobility is beneficial and should not be understated. Therefore, research on housing policy solutions that have been mobilized from other jurisdictions in a similar manner but that possess more transformative results than IZ would supplement these findings and potentially offer more worthy solutions as municipalities are inclined to adopt policies with proven success.

Conclusion

The aim of this paper was to observe the implications of practicing IZ in Toronto and interrogate the adequacy of this planning method to benefit all Toronto residents equitably. Concerns regarding IZ's strong reliance on private developers, perpetuation of condominiums as the primary tenure of housing development, and the social implications for low-income tenants were of key interest.

The first chapter drew connections between colonization, frontier capitalism, private property, and gentrification to situate the financialization and condoization of Toronto's housing market as a continuation of these material and ideological processes. Chapter 2 provides the historical context for these ideas to be applied, highlighting that IZ has become one of the few municipal tools to address housing unaffordability as neoliberal austerity measures have produced financial divestment from housing by all levels of government and severe lack of municipal autonomy.

Chapter 3 provides a comparative analysis of IZ programs from Vancouver, Montréal, and San Francisco as well as Toronto's proposed framework to illustrate the variability of IZ across jurisdictions and the importance of policy designs that reflect local contexts. These findings spoke to the capacity for municipalities to selectively choose the components of IZ that are imported, strengthening or weakening the overall framework, according to their localized needs, desires, and stakeholder pressures. Qualitative research findings from personal interviews, observing webinars, and news media were presented in Chapter 4 to illustrate the diversity in opinions on IZ in Toronto.

From a technical perspective, IZ in Toronto holds the potential to produce considerably more housing affordable to primarily middle-income earners than would be provided without its implementation, while its limitations lay in the strength of the various components that are decided upon. However, this research suggests that the limitations of IZ are more accurately found within deeply entrenched systems and logics present in Toronto's housing market.

Appendix

Interview Participants

#	Who	Role	Date
1	Housing Advocate	Local academic and housing advocate involved in IZ organizing in the city	March 5, 2021
2	Christine Ono	Senior Planner, Strategic Initiatives Policy and Analysis (SIPA), City of Toronto	March 15, 2021
3	Senior Planner	Senior Planner, City of Toronto	March 16, 2021
4	Mike Layton	City Councillor, Ward 11, University-Rosedale	March 23, 2021
5	Brad Bradford	City Councillor, Ward 19, Beaches-East York	April 15, 2021
6	Mark Conway	President, N. Barry Lyons Consultants Limited	May 6, 2021
7	Jeff Evenson	Vice President, Partnerships & Strategies, Options for Homes	May 11, 2021
8	Provincial Employee	Team Lead, Ministry of Municipal Affairs & Housing	May 18, 2021
9	Pino Di Mascio	Head of Impact Strategy and Delivery, Dream Unlimited	May 20, 2021
10	Mercedes Sharpe-Zayas	Planning Coordinator, Parkdale People's Economy	May 25, 2021
11	Jed Kilbourne	Director, Development Planning, Waterfront Toronto	May 28, 2021

Table 4. List of interview participants, their backgrounds, and dates.

Webinars Attended

#	Event Name	Participating Organizations	Speakers	Date
1	Inclusionary Zoning Public Consultation	City of Toronto	Deanna Chorney, Project Manager, City Planning Christine Ono, Senior Planner, City Planning	November 20, 2020
2	ULI Toronto: Inclusionary Zoning's Debut	Urban Land Institute (ULI) City of Toronto PM Strategies Inc. N. Barry Lyon Consultants Hullmark Options for Homes	Deputy Mayor Ana Bailão Mark Conway, President & Senior Partner, N. Barry Lyon Consultants Gregg Lintern, Executive Director and Chief Planner, City of Toronto Stephanie Reyes, State & Local Policy Manager, Grounded Solutions (US) Leona Savoie, Senior Vice President, Development, Hullmark Heather Tremain, Chief Executive Officer, Options for Homes	November 23, 2020
3	Inclusionary Zoning: Best Practices and Lessons Learned for Toronto		Fei Li, Assistant Professor, Urban Studies Institute, Georgia State University Jenny Schuetz, Senior Fellow, Metropolitan Policy Program at Brookings Jeanhy Shim,	February 23, 2021

			Founding President, Housing Lab Toronto Susannah Bunce, Associate Professor, Department of Human Geography and City Studies, UofT Scarborough Deanna Chorney	
4	Inclusionary Zoning: Understanding Its Potential to Address Toronto's Housing Crisis	University of Toronto ACORN Toronto	Steve Pomeroy, Senior Research Fellow, Carleton University Jeremy Withers, PhD Candidate, Geography and Planning, UofT Alejandra Ruiz-Vargas, Community Advocate, ACORN Toronto Alan Walks, Professor, Department of Geography and Planning, University of Toronto Christine Ono	April 13, 2021
5	How to Win Affordable Housing for Our City	Social Planning Toronto Parkdale People’s Economy ACORN Toronto Progress Toronto	Saroja Ponnambalam, Community Planner, Social Planning Toronto Jeremy Withers Alejandra Ruiz-Vargas Mercedes Sharpe Zayas Mike Layton	April 28, 2021

6	IZ not so EZ: Lessons from the Experts	Building Industry and Land Development Association (BILD) Goodmans LLP PM Strategies Inc. Altus Group Finnegan Marshall Inc.	David Bronskill, Partner, Goodmans LLP Niall Finnegan, Partner, Finnegan Marshall Inc. Daryl Keleher. Senior Director, Altus Group Economic Consulting Peter Milczyn, Principal, PM Strategies Inc. David Wilkes, President & CEO, BILD	May 28, 2021
7	Affordable Housing Town Hall	Social Planning Toronto Jane-Finch Housing Coalition Grow our Grassways Power in Community People's Defense York South Weston Tenant's Union Parkdale People's Economy Lawrence Heights Civic Action and Engagement Commitee ACORN Toronto	Saman Tabasinejad, Project Manager, Progress Toronto Anna Kay Brown, Jane-Finch housing Coalition Kim Marshals, Power in Community - Scarborough Regini David, Power in Community - Scarborough Jeremy Withers	June 22, 2021

Table 5. List of attended webinars, participating organizations, speakers cited in this paper, and dates.

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