12-2-2021

Smart Cities in Canada: Digital Dreams, Corporate Designs edited by Mariana Valverde and Alexandra Flynn

Matt Malone
University of Ottawa, Faculty of Law

Smart Cities in Canada: Digital Dreams, Corporate Designs edited by Mariana Valverde and Alexandra Flynn

Abstract

Canada received an early and important education in smart cities but has been slow to distill the lessons to be learned from it. The challenge lies in conducting an objective post-mortem of the collapse of Sidewalk Toronto, a joint venture between Alphabet subsidiary Sidewalk Labs and tri-level government entity Waterfront Toronto. The latter was originally established in 2001 to develop a site south of the Gardiner Expressway in Toronto. The site, known as Quayside, had languished in development hell for decades. Originally purposed as part of a possible bid by Toronto for the 2008 Summer Olympics, the site had continued to languish after the collapse of that bid. When Sidewalk Labs showed an interest in the site as a banner project for smart cities, Waterfront Toronto barely concealed its excitement (and eagerness to bypass regulatory hurdles) by entering a hastily conceived joint venture with the Alphabet affiliate.

Book Review

Smart Cities in Canada: Digital Dreams, Corporate Designs edited by Mariana Valverde and Alexandra Flynn[1]

MATT MALONE[2]

CANADA RECEIVED AN EARLY AND IMPORTANT education in smart cities but has been slow to distill the lessons to be learned from it. The challenge lies in conducting an objective post-mortem of the collapse of Sidewalk Toronto, a joint venture between Alphabet subsidiary Sidewalk Labs and tri-level government entity Waterfront Toronto.[3] The latter was originally established in 2001 to develop a site south of the Gardiner Expressway in Toronto. The site, known as Quayside, had languished in development hell for decades. Originally purposed as part of a possible bid by Toronto for the 2008 Summer Olympics,[4] the site had continued to languish after the collapse of that bid.[5] When Sidewalk Labs showed an interest in the site as a banner project for smart cities, Waterfront Toronto barely concealed its excitement (and eagerness to bypass regulatory hurdles) by

1.   (James Lorimer & Company, 2020) [Valverde & Flynn, Smart Cities in Canada].
2.   PhD Candidate, University of Ottawa, Faculty of Law.
3.   See Alexandra Flynn & Marianna Valverde, "Where the Sidewalk Ends: The Governance of Waterfront Toronto's Sidewalk Labs Deal" (2019) 36 Windsor YB Access Just 263.
4.   See *ibid* at 266.
5.   See generally John Rieti, "Trudeau, Wynne, Tory announce $1.25B to revitalize Toronto's Port Lands," CBC (28 June 2017), online: <www.cbc.ca/news/canada/toronto/port-lands-annoucement-1.4181233>; Steve McLean, "Waterfront Toronto development just getting started" (2 April 2015), online: Real Estate News Exchange <renx.ca/waterfront-toronto-provides-progress-report>.

entering a hastily conceived joint venture with the Alphabet affiliate.[6] Yet almost immediately, the joint venture was a point of significant civic debate over the interests and rights at play. After Sidewalk Labs announced that it was pulling out of the joint venture in May 2020—effectively killing the project—these debates extended to the post-mortem realm, with many rushing to celebrate, declare victory, or lay blame.[7] Few focused on the implications for similar projects in other Canadian jurisdictions. Nonetheless, extracting the lessons to be learned from this experience while simultaneously broadening the scope of conversation beyond the particulars of this single case study is an urgent task—one that will benefit the legal conversation about smart cities in the broader Canadian context for years to come.

This collection, edited by Mariana Valverde and Alexandra Flynn, attempts to offer such a take by sewing together interdisciplinary voices focused on the Toronto experiment before widening the aperture to other Canadian jurisdictions (Montreal, Guelph, Nunavut, and Innisfil). The collection settles many scores along the way and spotlights activist voices in the debates over Sidewalk Toronto. (One entry is entitled "An Activist Perspective on the Sidewalk Project").[8] Notably, it also excludes opposing voices that embraced the joint venture, but it nonetheless enriches the scholarship on smart cities by bringing to the fore key legal issues at play in the debates around the broader topic. As such, it provides a limited springboard to a national conversation about the broader legal dimensions in Canada while revealing the degree to which so much Canadian scholarship on smart cities remains inseparable from the positions staked by scholars in the battle over Sidewalk Toronto.

By way of background, the decision by Sidewalk Labs to pull out of the joint venture was attributed by CEO Daniel L. Doctoroff to the "unprecedented

---

6.   Regarding the eagerness to bypass regulatory hurdles, see Ellen P Goodman & Julia Powles, "Urbanism Under Google: Lessons from Sidewalk Toronto" (2019) 88 Fordham L Rev 457 at 463. See also Flynn & Valverde, *supra* note 3 at 265.

7.   See generally Bianca Wylie, "In Toronto, Google's Attempt to Privatize Government Fails—For Now," Boston Review (May 13, 2020), online: <bostonreview. net/politics/bianca-wylie-no-google-yes-democracy-toronto>; Chris Selley, "Sidewalk's 'smart city' could've succeeded somewhere normal. But this is Toronto," National Post (7 May 2020), online: <nationalpost.com/opinion/ chris-selley-sidewalks-smart-city-couldve-succeeded-somewhere-normal-but-this-is-toronto>.

8.   Nick de Carlo, as told to Mariana Valverde, "An Activist Perspective on the Sidewalk Project" in Valverde & Flynn, Smart Cities in Canada, *supra* note 1 at 83.

economic uncertainty" of the COVID-19 pandemic.[9] Yet observers were well aware that the announcement followed an intense civic debate that pitted two local camps against one another over the nature and future of Toronto. On one side, proponents of the smart city project included figures like Professor Richard Florida,[10] former Toronto Star architecture critic Christopher Hume,[11] and National Post columnist Chris Selley,[12] who all focused on a narrative about letting go of the past and moving into the future. On the other side were former Blackberry CEO Jim Balsillie,[13] prominent local activist Bianca Wylie,[14] as well as the editors of the present collection,[15] who all drew attention to the dangers associated with the economic interests of Sidewalk Labs. Caught in the middle were figures like Ann Cavoukian, former Privacy Commissioner of Ontario, who was originally hired by Sidewalk Labs in a privacy role and who had, at the outset, lauded the project ("[t]his is going to set us apart from the way smart cities have been developed elsewhere, and that's the whole point, is that we can

---

9. "Why we're no longer pursuing the Quayside project—and what's next for Sidewalk Labs" (7 May 2020), online: <medium.com/sidewalk-talk/why-were-no-longer-pursuing-the-quayside-project-and-what-s-next-for-sidewalk-labs-9a61de3fee3a>. Little acknowledgement is given to the fact that the joint venture was nixed during a period of true economic rout that exposed the frailties of Alphabet itself: the second quarter in 2020, which represented the only period in the history of Alphabet where their revenue suffered a decline. See Abner Li, "Alphabet reports Q2 2020 revenue of $38.3B" (30 July 2020), online: 9 to 5 Google <9to5google.com/2020/07/30/alphabet-q2-2020-earnings/#:~:text=Alphabet%20today%20announced%20Q2%202020,%246.96%20billion%20for%20this%20quarter>.

10. "Sidewalk Labs is the future of urban tech," Toronto Life (4 September 2019), online: <torontolife.com/city/sidewalk-labs-is-the-future-of-urban-tech>.

11. "When the Future Came to Toronto: Welcome to the Year 2037," (23 October 2017), online: Storeys <storeys.com/google-quayside-future-came-toronto>.

12. *Supra* note 7.

13. John Lorinc, "Jim Balsillie has emerged from retirement with a mission to save Canada's tech sector," Maclean's (23 April 2019), online: <www.macleans.ca/economy/business/jim-balsillie-sidewalk-labs-tech-sector>.

14. "Sidewalk Toronto: Violating Democracy, Entrenching the Status Quo, Making Markets of the Commons" (19 April 2019), online: <biancawylie.medium.com/sidewalk-toronto-violating-democracy-entrenching-the-status-quo-making-markets-of-the-commons-8a71404d4809>; "Searching for the Smart City's Democratic Future" (13 August 2018), online: Centre for International Governance Innovation <www.cigionline.org/articles/searching-smart-citys-democratic-future> [Wylie, "Democratic Future"].

15. Mariana Valverde & Alexandra Flynn, "Mystery on the Waterfront: How the 'Smart City' Allure Led a Major Public Agency in Toronto Into a Reckless Deal with Big Tech" (3 December 2018), online: Centre for Free Expression <cfe.ryerson.ca/blog/2018/12/mystery-waterfront-how-smart-city-allure-led-major-public-agency-toronto-reckless-deal>.

shine, at least in terms of the privacy and data protection associated with this smart city")[16] only to resign less than a year later over concerns about privacy.[17]

The authors of Smart Cities in Canada: Digital Dreams, Corporate Designs ("Smart Cities in Canada") make their commitments and positions in this civic debate clear from the opening salvo of the introduction and, perhaps, from the subtitle of the collection itself. Sidewalk Toronto, they maintain, "was never about developing a smart city to respond to the city's self-determined needs, but instead was a unilateral business decision rooted in the Google affiliate's self interest."[18] Throughout the book, the many authors correctly intone variations on the theme that "data is central to this smart city project."[19] Yet smart cities are not new, in that this core feature already operates in most Canadian cities in notable ways.[20] What was startling about Sidewalk Toronto, and what attracts the scrutiny of so many authors in this collection, were the interests guiding and motivating the joint venture to create, enhance, and protect power.[21] This concern about power, articulated as a concern about governance, is the core of the critique of Sidewalk Toronto and the main bone of contention with the joint venture in this collection.[22]

The concern about governance, of course, was about the policy infrastructure that would be put in place to address the collection and use of data that was central to the endeavour.[23] Here, the editors and most authors in the book are

---

16. TVO, "Planning Smart Neighbourhoods; Policy for the Age of AI: Building Smarter Cities" (13 November 2017) at 00h:10m:50s, online (video): <www.tvo.org/video/building-smarter-cities>.

17. Sean O'Shea, "Ann Cavoukian, former Ontario privacy commissioner, resigns from Sidewalk Labs," Global News (21 October 2018), online: <globalnews.ca/news/4579265/ann-cavoukian-resigns-sidewalk-labs>.

18. Mariana Valverde & Alexandra Flynn, "Introduction: Smart Cities in Canada" [Valverde & Flynn, "Introduction"] in Valverde & Flynn, Smart Cities in Canada, *supra* note 1, 7 at 12.

19. Blayne Haggart, "The Selling of Toronto's Smart City" in Valverde & Flynn, Smart Cities in Canada, *supra* note 1, 38 at 48.

20. See Teresa Scassa, "As Smart Cities Become Our Norm, We Must Be Smart About Data Strategy" (15 February 2019), online: Centre for International Governance Innovation <www.cigionline.org/articles/smart-cities-become-our-norm-we-must-be-smart-about-data-strategy>.

21. This concern about power appears under different heads, but it mainly focuses on "corporate control." See de Carlo, *supra* note 8 at 91.

22. See Mariana Valverde, "Smart Cities as a Civic Leaders' Survivor Game: The Lure of Innovation in a Competitive World" in Valverde & Flynn, Smart Cities in Canada, *supra* note 1, 21 at 34. Outside of the collection, see Wylie, "Democratic Future," *supra* note 14.

23. See generally Natasha Tusikov, "Privatized Policymaking on Toronto's Waterfront" in Valverde & Flynn, Smart Cities in Canada, *supra* note 1, 68.

right to identify many of the failures on the part of Waterfront Toronto, the tri-level government entity formed in 2001 in order to facilitate a bid by Toronto for the 2008 Summer Olympics. After the failure of that bid, Waterfront Toronto was largely unsuccessful in developing Quayside.[24] However, once the possibility of a project with Alphabet came on the radar, Waterfront Toronto seemed eager to steamroll over issues like governance in an effort to win the technology brand's imprimatur and become home to a major Alphabet-led project.[25] It is noteworthy that Waterfront Toronto's lead in the initiative already set apart Toronto from the experiments of smart cities elsewhere in Canada, where the primary coordinating actor has generally been a single tier of government.[26] Beyond this difference, Waterfront Toronto's early handling of the request for proposals, which was launched in 2017 to create a "testbed for emerging technologies,"[27] lacked transparency in significant ways.[28] After a process shrouded in secrecy that involved six bids, Waterfront Toronto and Sidewalk Toronto signed a framework agreement on 16 October 2017.[29] This secrecy was made all the more egregious, as pointed out by Wylie, by the fact that aspects of the framework agreement itself hinted at further agreements that had not been made public, such as one that would allow for Sidewalk Toronto—and not Waterfront Toronto or any other government body—to "create the required governance constructs to stimulate the growth of an urban innovation cluster, including legal frameworks (e.g.

---

24. See Rieti, *supra* note 5; McLean, *supra* note 5.
25. See generally Goodman & Powles, *supra* note 6; Flynn & Valverde, *supra* note 3.
26. Teresa Scassa, "Designing Data Governance for Data Sharing: Lessons from Sidewalk Toronto" (2020) Tech & Reg 44 at 47.
27. Waterfront Toronto, News Release, "Waterfront Toronto Takes First Step in Building Quayside: A New Community That Will Provide Testbed for Solutions to Pressing Urban Challenges" (17 March 2017), online: Cision <www.newswire.ca/news-releases/ waterfront-toronto-takes-first-step-in-building-quayside-a-new-community-that-will-provide-testbed-for-solutions-to-pressing-urban-challenges-616466094.html>.
28. Flynn & Valverde, *supra* note 3 at 275.
29. See Waterfront Toronto, "Innovation and Funding Partner Framework Agreement: Summary of Key Terms For Public Disclosure" (1 November 2017), online (pdf): <waterfrontoronto. ca/nbe/wcm/connect/waterfront/458233c9-da47-4628-95af-b3c983a035f6/ Innovation+and+Funding+Partner+Framework+Agreement+Summary+%28November+ 1%2C+2017%29.pdf?MOD=AJPERES&CONVERT_TO=url&CACHEID=458233c9-da47-4628-95af-b3c983a035f6>.

Intellectual Property, privacy, data sharing).”[30] In other words, Sidewalk Toronto was given the power to write the governance standards to which it would be held responsible and accountable. This decision came under even greater scrutiny when it came to light that Waterfront Toronto had actually contacted Sidewalk Labs about using Quayside as a pilot on 27 June 2016—ten months before it actually issued the request for proposals.[31]

The concerns about data governance, privacy, and intellectual property being handed over to a private actor were legitimate concerns, and they were all the more concerning after the Canada–United States–Mexico Agreement (CUSMA) locked Canada into a legal regime that prohibited mandating source code disclosures or data localization (i.e., keeping Canadian data and Canadians' data in Canada) so that the data from Sidewalk Toronto would likely be “transferred directly to the US.”[32] In this light, many voices, including the editors of this collection, raised concerns that the data from the project would not be shared with Toronto citizens but rather protected as “trade secret[s].”[33] Essays in the collection point out the palpable structural differences in this decision as compared with approaches taken in Montreal, with its community-focused approach, and Edmonton, whose open data portal receives tentative praise in the collection.[34] Strangely, the collection is silent on the manner in which proponents of the project dismissed these concerns: by depicting Sidewalk Labs as an unskilled actor that was “flummoxed”[35] by the Toronto political sphere. In reality, the claim by proponents that Sidewalk Labs lacked sophistication vis-à-vis the political sphere in Toronto was a dubious one given that Alphabet strategically enlisted

---

30. Bianca Wylie, “Sidewalk Toronto: Time to Take Data Governance Away from Sidewalk Labs *and* Waterfront Toronto” (12 November 2018), online: <biancawylie.medium.com/ sidewalk-toronto-time-to-take-data-governance-away-from-sidewalk-labs-and-waterfront-toronto-cf6325b32cc7>. The Framework Agreement was later released but has since been removed from Sidewalk Toronto's webpage.

31. Goodman & Powles, *supra* note 6 at 463.

32. David Murakami Wood, “Was Sidewalk Toronto a PR Experiment or a Development Proposal?” in Valverde & Flynn, Smart Cities in Canada, *supra* note 1, 94 at 98-99. See Canada-United States-Mexico Agreement, 30 November 2018, Can TS 2020 No 5 art 19.16 (entered into force 1 July 2020).

33. Valverde & Flynn, “Introduction,” *supra* note 18 at 15-16.

34. Lyne Nantel, “Montreal: The Ambiguity of the Smart City” in Valverde & Flynn, Smart Cities in Canada, *supra* note 1, 104 at 105; Jen Raso, “Them's the Brakes: Out 'Smarting' Traffic Safety Efforts in Edmonton” in Valverde & Flynn, Smart Cities in Canada, *supra* note 1, 158 at 158-62.

35. Selley, *supra* note 7.

thirty lobbyists within the first year of the project.[36] These numbers were hardly surprising; Alphabet is valued at an amount greater than not only the entire GDP of Toronto but also Ontario itself.[37]

The degree of influence that Sidewalk Toronto was accorded indicated troubling attitudes toward data governance, privacy, and intellectual property by a tri-level government entity that seemed flippant about consigning such responsibilities to a corporate actor.[38] It also raised concerns about citizens being transformed into mere city users, deprived of the political rights and responsibilities that they should be entitled to exercise to breathe vitality into the commons they inhabit.[39] When Sidewalk Toronto tried to address these concerns in its Master Innovation and Development Plan, the document it released was a 1,500-page behemoth.[40] Blayne Haggart incisively notes in his essay that this document was designed "to convince, through sheer volume"—a document to be "admired and not read."[41] Andrew Clement critiques the proposal materials themselves as having "no trace of the digitality upon which the neighborhood is based."[42] Indeed, the public relations materials prepared by Sidewalk Toronto for the broader public depicted utopian, all-season promenades in contrast with the seasonal vicissitudes of Toronto's winters.[43] This glitch highlighted the degree to which Sidewalk Toronto was prone to accusations of being no less than a case of "'technological solutionism,' ungrounded in careful attention to the actual problems cities face."[44] The chapter by Clement addresses such an accusation against the backdrop of a set of provisional guiding principles for thinking

---

36. See Amanda Roth, "Three affiliated companies registered to lobby the City of Toronto after Sidewalk Labs won Quayside bid" (18 June 2018), online: The Logic <thelogic.co/news/exclusive/three-affiliated-companies-registered-to-lobby-the-city-of-toronto-after-sidewalk-labs-won-quayside-bid>.

37. See Ministry of Finance, Ontario Fact Sheet (Office of Economic Policy, May 2021); Jennifer Elias, "Alphabet, Google's parent company, hits trillion-dollar market cap for first time," CNBC (16 January 2020), online: <www.cnbc.com/2020/01/16/alphabet-stock-hits-1-trillion-market-cap-for-first-time.html>.

38. Goodman & Powles, *supra* note 6 at 463.

39. For emphasis on the foreign aspect, see Jesse Hirsh, "The Policy Deficit Behind Canadian Artificial Intelligence" (13 February 2018), online: Centre for International Governance Innovation <www.cigionline.org/articles/policy-deficit-behind-canadian-artificial-intelligence>.

40. Haggart, *supra* note 19 at 39.

41. *Ibid* at 42.

42. "(Pseudo-) Participation in Smart City Planning: Sidewalk Labs' Fraught Toronto Foray" in Valverde & Flynn, Smart Cities in Canada, *supra* note 1, 52 at 60.

43. See Wood, *supra* note 32 at 97.

44. Clement, *supra* note 42 at 66.

about participation in the planning of smart cities, and offers an operating code for future work.[45]

Undoubtedly, the best chapter in the collection comes from Natasha Tusikov, who highlights the shortcomings of data governance in the project for what they always were: dangers to the civic well-being of Torontonians stemming from an imbalanced power structure.[46] Tusikov exposes these governance shortcomings through an examination of the ways in which ubiquitous surveillance in the smart city model proposed by Sidewalk Toronto obviated the possibility of viable consent for the collection and novel application of all the data harvested.[47] Her critique of Waterfront Toronto constitutes the most significant lesson to be learned—specifically, that offloading the responsibility for creating governance structures to the private actor implicated in the project itself is simply impermissible. "Digital infrastructure projects," she writes,

> require policymakers to have specialized expertise in issues of data collection, storage, use and control, as well as how data may be governed, such as through data trusts. Policymakers more accustomed to focusing on procurement must become well versed in privacy laws, and establish effective working relationships with privacy regulators and data protection authorities.[48]

Ironically, the lack of political power of cities is something that both the editors and the leadership of Sidewalk Labs critiqued.[49] What this observation shows is that scholarship on smart cities in Canada, in particular collections that attempt to cover the field, need to do a better job of capturing and listening to opposing voices—something that this collection fails to do at all. Although proponents of the project, like Hume, downplayed the corporate interests of Sidewalk Toronto and the concerns about data governance, and dismissed the conspicuous wealth associated with the project, they raised valid arguments about attracting skilled employees and displacing a development scene overwhelmingly dominated by the likes of Tridel, Daniels, Great Gulf, Cresford, Concord Adex, and Alterra, which are responsible for a Toronto skyline that is often criticized for its lack

---

45. *Ibid.*
46. *Supra* note 23.
47. *Ibid* at 71-72.
48. *Ibid* at 81.
49. See Valverde, *supra* note 22 ("A key but seldom mentioned factor encouraging civic leaders to frantically wave the latest slogan, from creative city to resilient city to smart city, is the municipal legal powerlessness that has long afflicted Canada" at 29); Talks at Google, "Greater Than Ever | Sidewalk Labs CEO Dan Doctoroff | Talks at Google" (17 November 2017) at 00h:37m:45s-00h:40m:40s, online (video): <www.youtube.com/watch?v=lAP8q9oQfDc&ab_channel=TalksatGoogle>.

of innovation and its banality.[50] These arguments are simply ignored by the present collection. Further, any simplistic demonization of Sidewalk Labs as a corporate actor also ignores the nuance that a balance with corporate interests often represents the most viable and beneficial delivery method of solutions to city problems. For example, the article on the partnership between the rural community of Innisfil and Uber to deliver transit solutions through a subsidized model of Uber Pool, rather than a traditional fixed-route model, highlights that a responsive transit system has been beneficial for the rural community there, despite the concerns over the unilateral data collection and hoarding by Uber that exposes the flaws of the project.[51]

At times, the collection's antipathy for Sidewalk Toronto appears driven by a shade of anti-Americanism, as noted in the remark that Sidewalk Labs was a "New York-based tech company."[52] This was not unlike another post-mortem on Sidewalk Toronto that noted the fact that employees of Sidewalk Toronto flew in from New York and Doctoroff remained in New York City while the project was ongoing.[53] The argument to be drawn from these observations is that the key actors in Sidewalk Labs did not have a sufficient presence, footprint, or personal investment in Toronto and that they parachuted in to remake the city at their own wish and command. This is a fair assessment. But in reading the collection, one wonders how these arguments would have dissipated if the foreign control element had been replaced by a Canadian company—say, if Blackberry or Shopify had run the development. Naturally, the same critique of power would need to be made, but the presence of the ad hominem attacks concerning the project's connection with the United States detracts from this point.

Beyond the Toronto context, the entries on Montreal and Guelph suffer from a narrow focus on the conversation about smart cities within the framework

---

50.   See Alexander Josephson, "Toronto needs exciting new architecture," Toronto Life (4 September 2019), online: <torontolife.com/city/toronto-needs-exciting-new-architecture>; TVO, "Planning Smart Neighbourhoods; Policy for the Age of AI: Building Smarter Cities" (13 November 2017) at 00h:15m:50s-00h:13m:00s, online (video): <www.tvo.org/video/building-smarter-cities>; Dwelly, "Top 10 Condo Developers in Toronto" (9 May 2019), online: <dwelly.ca/blog/best-condo-developers-toronto>.

51.   Ellie Ruggles, "Innisfil and Uber: A Rural Municipality's Misadventures in Smart Public Transit" in Valverde & Flynn, Smart Cities in Canada, *supra* note 1, 145.

52.   Valverde & Flynn, "Introduction," *supra* note 18 at 12.

53.   See David Skok, "Letter from the editor: Lessons from where the Sidewalk ends" (9 May 2020), online: The Logic <thelogic.co/opinion/letter-from-the-editor-lessons-from-where-the-sidewalk-ends>.

of the Infrastructure Canada "Smart Cities Challenge."[54] Here, it is notable that the editors of the collection lament the "survivor-style" format of the request for proposals by Waterfront Toronto that resulted in the bid going to Sidewalk Labs.[55] However, when Infrastructure Canada's challenge saw the same format deployed by the federal government, they raised none of the same complaints. In one of the essays in the collection, Valverde suggests that the smart cities craze is attributable to "the neoliberal urban logic of inter-city competition" and "the tremendous prestige of data-driven innovation."[56] The "Smart Cities Challenge" by Infrastructure Canada operated using the same logic that saw cities pitted against one another—with none of the same criticism, presumably because of the thin difference that the source of the financing was public. Beyond these similarities, there are criticisms that could be made that such government competitions are merely disguised handouts where the rhetorical justification for the handout invokes a hollowed discourse of innovation that is so often the target of critique in this collection. The exception to these shortcomings in the discussion of non-Toronto jurisdictions is Flynn's powerful chapter, "Indigenous Exclusion and Access to the Internet: The Case of Nunavut," which moves away from the smoke and mirrors of the Infrastructure Canada handout-as-challenge to expose the profound shortcomings of the digital infrastructure in Nunavut as a matter of human rights.[57]

Ultimately, scholarship on smart cities in Canada remains imbalanced, weighted by the immense wounds inflicted in the battles over the joint venture of Sidewalk Toronto. As this failed joint venture recedes into the past, extracting the lessons to be learned from this experience to present them to a larger national audience will no doubt constitute an essential purpose of the scholarship on the topic. Without historicizing the civic debate that marked the experience—a debate about what was, and was not, Sidewalk Toronto—such scholarship will need to incorporate opposing voices to understand the goals and purposes of the smart city without presumptive attribution of the reasons for its demise. As the authors of Smart Cities in Canada convey, the inclusion of all public stakeholders in a transparent act of governance making will be a sine qua non of the future smart city in Canada. This is equally true of the scholarship. So far, Smart Cities in Canada has helped hammer home an important lesson: The

---

54.   See Nantel, *supra* note 34; Ellie Ruggles, "Guelph and Wellington County's Urban-Rural Smart City Project: Our Food Future" in Smart Cities in Canada, *supra* note 1, 115.

55.   Valverde, *supra* note 22 at 26.

56.   *Ibid* at 22.

57.   See Valverde & Flynn, Smart Cities in Canada, *supra* note 1, 127.

non-transparent process attempted by Sidewalk Toronto under the cover of savvy hires and top-down management by technologists and urbanist experts was not an effective recipe. At the same time, as the "survivor-style" ethos of city bidding runs rampant in the contemporary moment, such concerns may seem like privileged ones amidst the difficult backdrop of an economic situation devastated by the COVID-19 pandemic.