POLITICS OF LAND DEVELOPERS AND DEVELOPMENT
IN THE TORONTO REGION

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Abstract

Urban land developers are influential actors in the governance, planning, and transformation of urban land. Yet developers and the development industry are not well understood, and are seldom scrutinized critically in academic scholarship. This dissertation investigates the role of land developers in the governance and transformation of land at the urban-rural fringe in the Toronto region. Critical theories of property, land use conflict, planning, and urban geography illuminate social, spatial, and policy issues associated with the rapid transformation of land. Theories of interpretive institutionalism contribute richly to these urban theories by directing attention to the historical, economic, and cultural contexts within which state and non-state actors and institutions operate, and the importance of discourse, the roles of individual actors, and the flow of ideas across spaces and scales. Drawing on these theories, I carried out extensive case study research on suburban developers and land use conflict in an urban-rural fringe area of the Toronto region. I investigated ongoing relationships between developers and policy makers in the context of Ontario provincial greenbelt and growth plan legislation. I interviewed developers, municipal and provincial planners, civil society actors, and planning and development consultants. Drawing on these interviews, archival research, and media analysis, I show that the Toronto region development industry, as well as many individual developers and development firms, are in practice powerful governance actors, deeply influential to land use decisions and outcomes. The development industry downplays its power and influence, working hard to reframe its economic interests as public good interests. Developers exercise power in new and subtle ways, by operating as privileged governance partners through consensus-based consultations, and by maintaining close, interdependent personal and financial relationships with political leaders and decision makers. But developers are also wealthy corporate elites capable of exercising raw money power, often in response to, and at times generative of, land use conflict. This dissertation draws upon, in new ways, diverse theories that contribute to a greater understanding of the power of developers and the development industry over land use change.

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Chapter 1. Introduction: New Approaches to Understanding the Politics of Developers and Development at the Urban-Rural Fringe

On May 17, 2001, the Ontario provincial government enacted a moratorium on urban development on the Oak Ridges Moraine, an expansive glacial landform in an urban-rural fringe area north of Toronto, Canada's largest metropolitan region. Land developers claimed foul, citing government interference in private property rights, while environmental activists and many home owners celebrated victory of what had been a decades-long battle over urban sprawl and protection of what was considered by many to be a sensitive environmental landscape. Within a few short months, however, environmentalists began to worry that the provincial action was just a ploy to put an environmental face on an underlying growth agenda, when it introduced a stakeholder consultation process in which developers played a key role. One environmental activist, Glenn De Baeremaeker, stated that the provincial government was "stacking the deck with pro-development hacks", which he predicted would lead to more housing rather than conservation (De Baeremaeker in Van Rijn, 2001, July 3). He was partly right in this assertion.

The Oak Ridges Moraine is an east-west trending band of glacial till deposition, located north of Toronto, with a length of about 160 kilometers and a width ranging from two to eleven km (Figure 1; Sharpe et al., 1996). Due to the complex geological layering of bedrock, sand, gravel, and other glacial deposits, and the presence of kettle-shaped lakes and marshes that drain into these layers, several aquifers of varying depths feed the associated network of rivers and streams with a continuous flow of groundwater (Barnett et al., 1998; Gerber & Howard, 2002; Sharpe et al., 2007). The moraine also forms the main watershed drainage dividing line between the bodies of water to the north (including Georgian Bay and Lake Simcoe) and Lake Ontario to the south (Gerber & Howard, 2002). Although the moraine has long been valued for its ecological diversity, natural beauty, a certain amount of agricultural capability, and an excellent source of sand and gravel, its more recent purported value is in terms of water filtration and storage, especially important for populations and ecosystems that rely on the moraine and its more than 65 rivers and streams as a water source (Bocking, 2005).
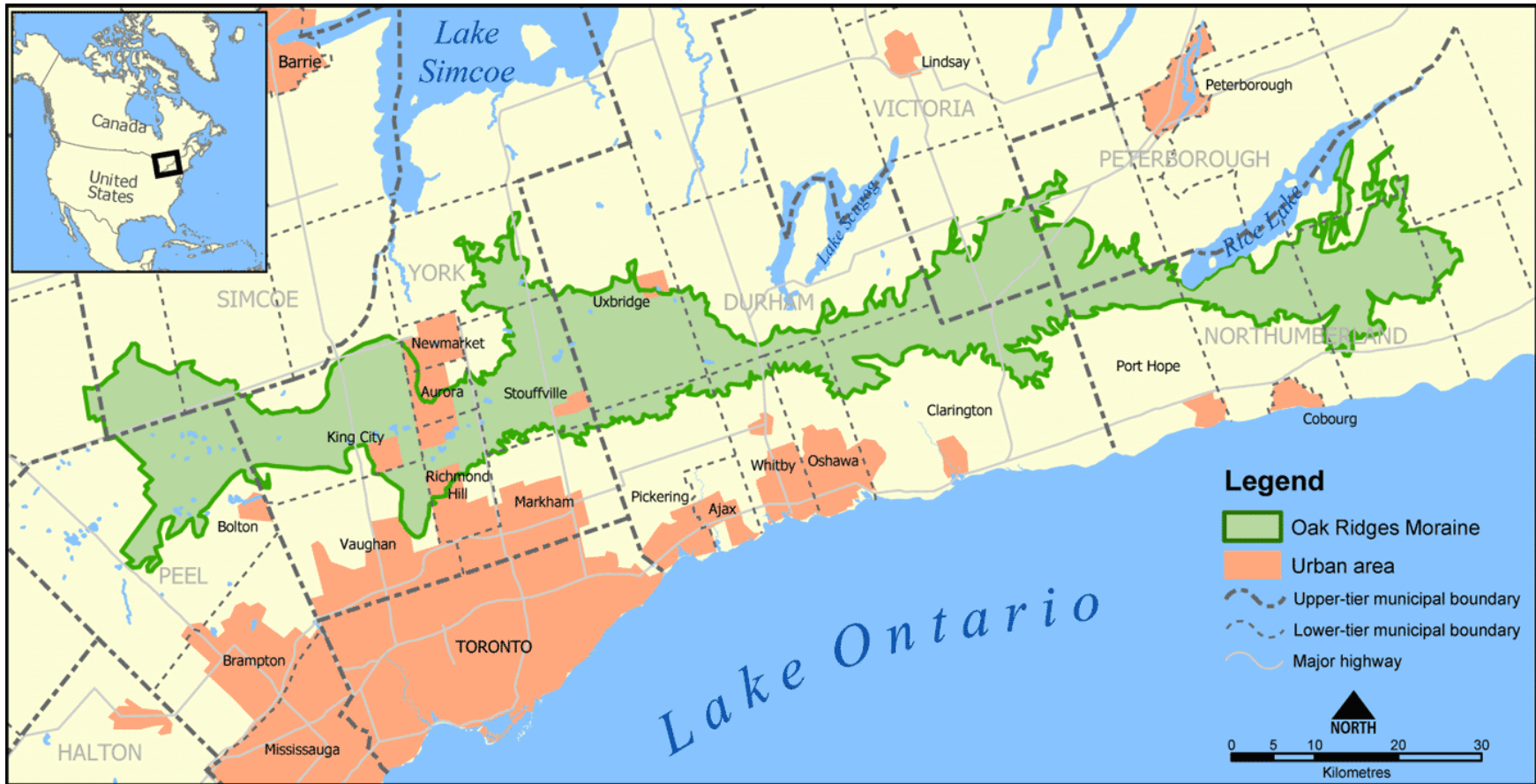
Figure 1. The Oak Ridges Moraine in the Toronto region (source: licensed under Public Domain via Wikimedia Commons http://commons.wikimedia.org/wiki/File:Oak_Ridges_Moraine_map.png #/media/File:Oak_Ridges_Moraine_map.png).

North of Toronto, in particular, the Oak Ridges Moraine has been framed as a sensitive landscape using the imagery of a rainbarrel and sponge that represents its ability to store and filter groundwater (Bocking, 2005). The May 17 2001 moratorium on development on the moraine thus must be understood as but one moment in a long history of tentative local and provincial government involvement and increasing environmental activism to protect the moraine. Despite what appeared to be a 'stacked deck' against the environmental movement, as activist Glenn De Baeremaeker (in Van Rijn, 2001, July 3) asserted, the Province did indeed enact legislation in December 2001 severely restricting urban development on the Oak Ridges Moraine through the *Oak Ridges Moraine Conservation Act, 2001* (MMAH, 2001a). This was followed in 2005 with efforts by the Province to manage growth and protect 'natural' areas and agricultural land in the entire Toronto Region – the Greater Golden Horseshoe – by putting in place a greenbelt around Toronto (Figure 2).

The Ontario Ministry of Municipal Affairs and Housing (2005) framed the greenbelt as "a cornerstone of Ontario's proposed Greater Golden Horseshoe Growth Plan which is an overarching strategy that will provide clarity and certainty about urban structure, where and how future growth should be accommodated, and what must be protected for current and future generations" (MMAH, 2005b: 3). The growth plan, also called Places to Grow because it was authorized by the *Places to Grow Act, 2005* (Ontario, 2005c), was intended to change the existing paradigm of land-extensive development by directing growth to well-defined and denser urban areas. Yet despite these sweeping planning reforms, large property developers in select sites on the Oak Ridges Moraine were allowed to carry on with some of their development plans, and other industries, such as the aggregate industry, seemed to emerge entirely unscathed (Wekerle et al, 2007). These reforms were not a clear win for environmentalists and other activists opposing development, although these groups made important gains after years of struggle.
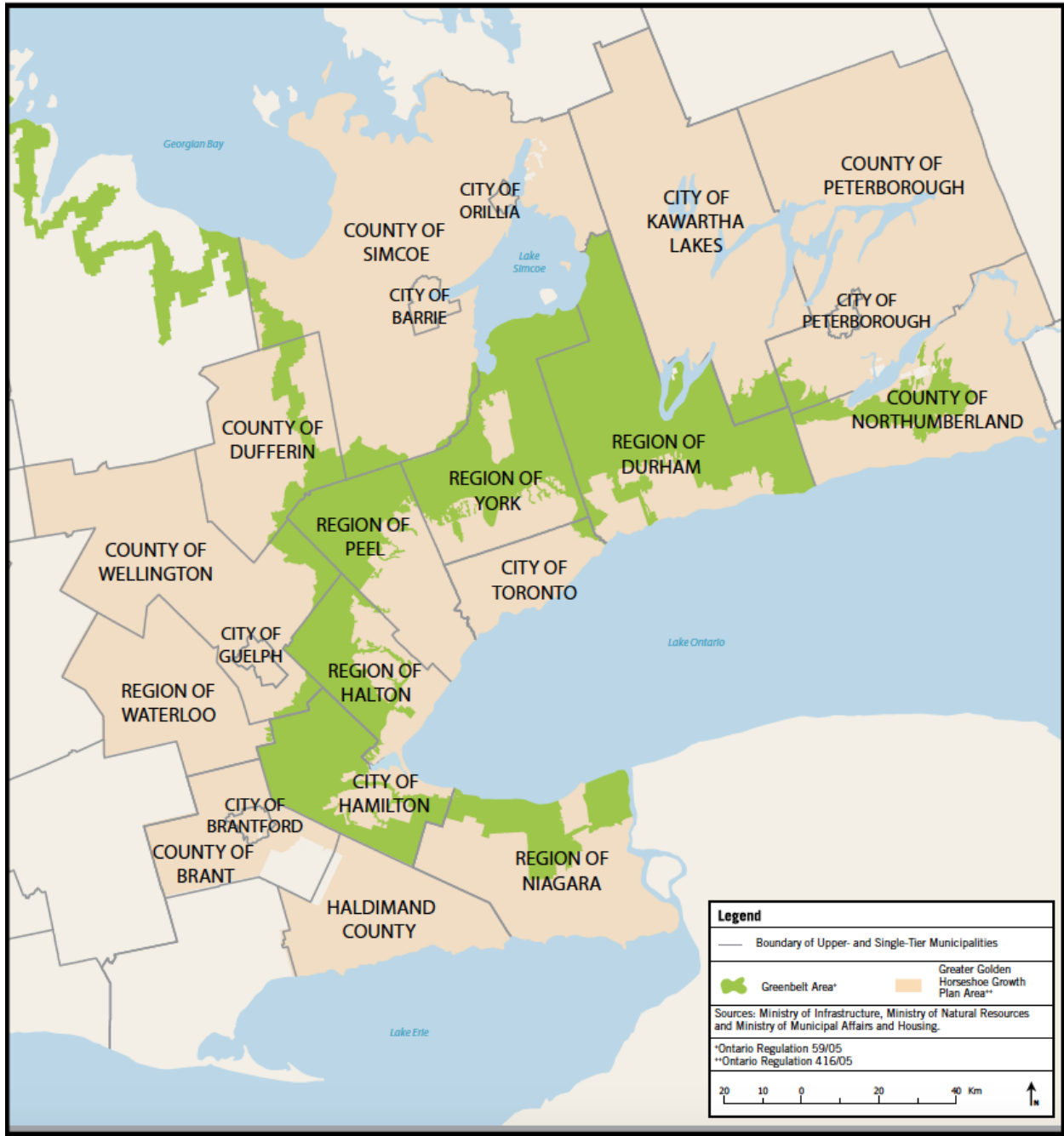
Figure 2. The Greenbelt within the Greater Golden Horseshoe in southern Ontario (source: Ontario Ministry of Infrastructure, 2012).

The land developers involved in the Oak Ridges Moraine land use conflicts were a relatively small number of firms that were actively involved in greenfield subdivision development in the urban-rural fringe north of the City of Toronto.[1] Greenfield subdivision development is a long-term process where firms buy 'raw' land, often from farmers in sites beyond existing urban areas, and often years in advance of development. These firms then seek approvals from local municipal planning departments to have their land's permitted use re-designated from agricultural to some form of urban use, such as residential, commercial, or industrial.[2] This re-designation leads to a dramatic increase in value of the land, often five times the value of agricultural land. Developers then subdivide the land into building lots, and either sell the lots to builders or build on the lots themselves. The entire process, from purchasing land to constructing buildings for sale can take many years and sometimes decades.[3] In the late 1990s and 2000s, a number of large developers were planning to turn vast tracts of urban-rural fringe land on the moraine into residential subdivisions of thousands of housing units, and had begun the process of submitting development applications to the local municipal planning departments.

During the process of developing Oak Ridges Moraine legislation, the provincial government had to contend with these existing development applications, deciding in certain key areas to make deals with property developers by exchanging developer-owned land on the Oak Ridges Moraine in the Town of Richmond Hill and the Township of Uxbridge with provincially-owned lands in an area of the City of Pickering called Seaton (MMAH, 2002b; Figure 3). The Seaton lands have their own history of contested land expropriations, planning exercises connected to modernist New Town planning schemes of the 1960s and 1970s, and more recent sustainable city planning initiatives, that ultimately failed or were greatly

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[1] Te specific firms will be discussed in more detail throughout the dissertation, and especially in chapter 4. The main firms who owned land on the Oak Ridges Moraine in the late 1990s and became involved in the land use conflict on the moraine were Mattamy Homes, Lebovic Enterprises, Jay-M Holdings, and various subsidiaries of the Con-Drain Group of Companies.

[2] Expanding existing urban areas in Ontario municipalities requires an official plan amendment, or OPA. Private developers often submit private OPAs to local municipalities when they wish to develop land that is outside existing urban areas. OPAs are a routine, though complex and time-consuming part of the land development process (see Appendix B 'Planning Review Process for Official Plan Amendments').

[3] This brief description of the development process is discussed in more detail in chapter 5.
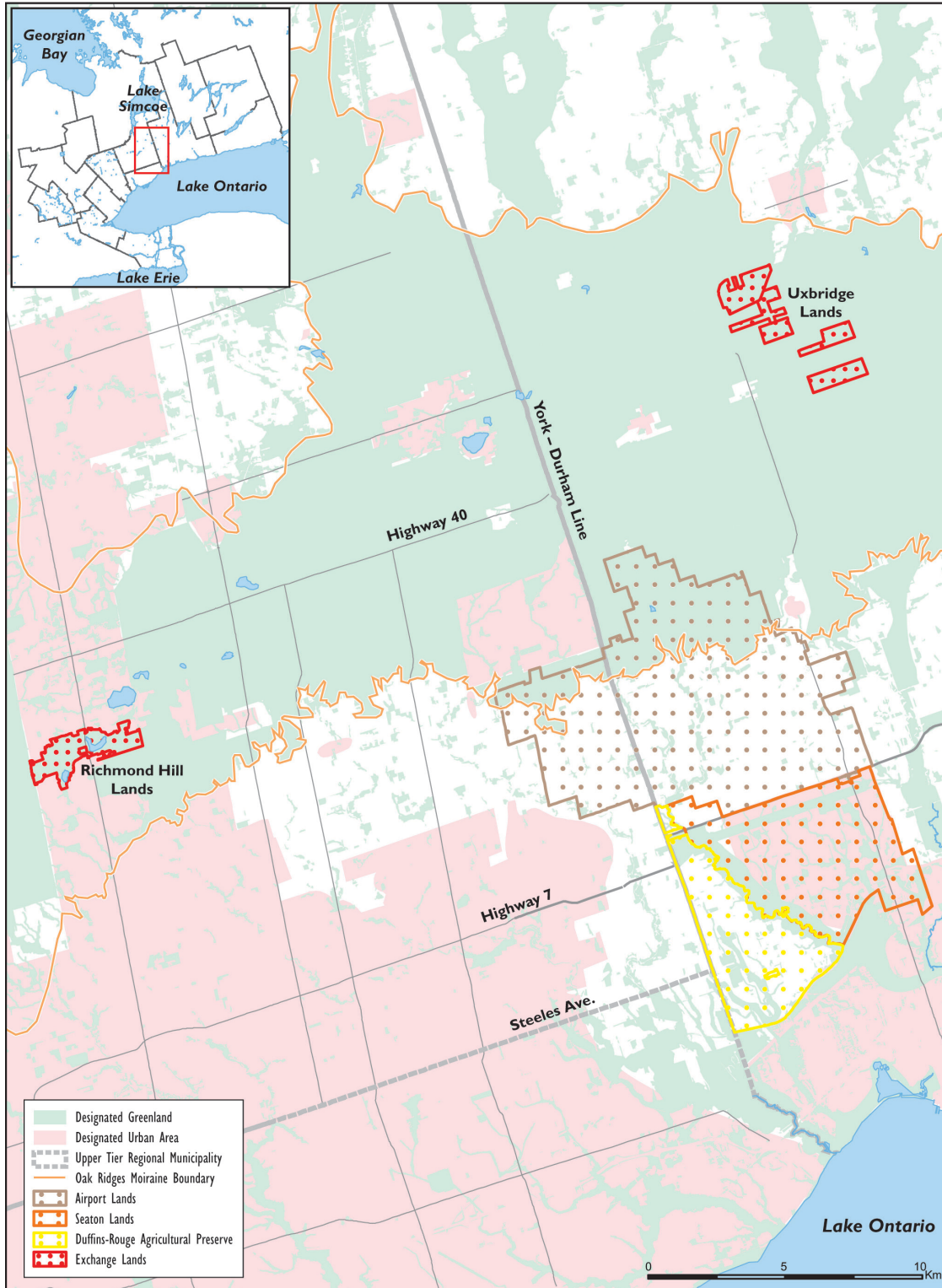
Figure 3. Seaton lands in Pickering exchanged for Oak Ridges Moraine lands in Richmond Hill and Uxbridge (source: Fraser & Neary, 2004; used with permission).

diminished (e.g., Duany, 1993; Ontario Form Collaborative, 1995; Steinmann, 1996). The land exchange thus drew property developers into the planning of Seaton by privatizing the Seaton lands and allowing developers to exert considerable influence over the future of these lands. This influence meant that Seaton, when fully developed, will end up being a fairly conventional series of subdivisions, albeit containing a much larger natural heritage system than is usual for the Toronto region.

The land exchange also compelled the City of Pickering to become involved in long-standing land use conflicts on the Oak Ridges Moraine, in effect moving the moraine conflict and actors east, re-engaging the local population and policy makers around issues of nature conservation and urban development, and forcing the municipal planning system in Pickering to work within provincial planning constraints (MMAH, 2006a; Howard & Maier, 2007; Carroll, 2005). The story of the Oak Ridges Moraine conflicts, played out in sites such as Richmond Hill and Uxbridge, necessarily must include in its telling the history and politics of the Seaton lands in Pickering. This dissertation shows that land developers play a central role in this story as figures deeply influential to both the actual urban developments that are built as well as the policies that authorize these developments in specific sites.

Towards a Research Question

The long and contentious nature of the efforts to protect the Oak Ridges Moraine is illustrative of the broader struggle to regulate development in the Toronto region, but a general unwillingness by all levels of government to take a strong stance against developers. Given that these land use conflicts implicated developers and development in very direct ways, it is important to ask how the organization of land use planning and development in Ontario influenced the complexities of this particular conflict and its resolution. How involved were developers in the formulation of land use policy on the Oak Ridges Moraine and in the Toronto region more generally? What does this tell us about the economic, political, and land use regulatory systems in which developers operate, and the relationships of developers to these systems? These queries provide the scaffolding for the larger research question: *What power do land*

developers have in the formulation of land use policies in the Toronto region, and how do developers respond to and influence the enactment of these policies?

My interest in land developers does not derive from any particular origin story, nor is it necessarily about the developers themselves. I have long been fascinated by the diversity of urban forms and the social complexity that takes hold when large numbers of people creatively carve out their own lives in these densely populated and diversely functioning settlements we call cities. In short, urban studies is the subject that most interests me, with cognate fields, such as urban geography, sociology, and planning providing a rich body of scholarship and empirical evidence allowing academics and practitioners to gain some sense of how cities function and how they could function better. So why developers?

Probably what drew me towards this focus more than anything else is the surprising and somewhat inexplicable absence of developers in urban studies, a point which I discuss further below. This observation was made to me by my supervisor, Gerda Wekerle, very early on in my doctoral studies. Dr. Wekerle had been studying land use conflict on the Oak Ridges Moraine and had noticed that the newspaper media closely scrutinized development firms involved in the conflict. This scrutiny was rare, but provided a glimpse into an industry and set of actors that are often overlooked by the media and academics.

Prior to my PhD studies, during my Master of Arts defense at Carleton University, one committee member asked me where the developers were in my work. They really should have been there, as I had been carrying out an analysis of urban intensification in Ottawa, a process that at the time seemed to be signaling a paradigm shift in development practice in Ottawa. Why had I not interviewed developers? This is an important question that can be asked more generally: Why do academics not want to interview developers? I am only speculating, but the reasons likely have something to do with both the academics and the developers. From an academic perspective, perhaps developers are transparent actors that are quite easy to understand. They are capitalists who simply transform land and construct buildings in order to

make money. Academics already know this, so why study developers? Or perhaps developers are not considered a useful site of intervention. From a structuralist perspective, developers may be conceptualized as part of the capitalist class, and any intervention that can be made through academic scrutiny and activism might thus be considered reformist at best, as it does little to change the fundamental contradictions of the capitalist mode of production. Following from this, developers might seem too idiosyncratic, and researching them might be a distraction from what is really important. If researchers focus on the actors and the particularities of an industry that is highly local and variable rather than the underlying structural forces, they might misinterpret what is going on.

For scholars focusing on planning and the political system, developers might be bypassed for other reasons as a site of intervention. It is planners and politicians who are often assumed to make the rules and generate ideas about how to build cities, not developers. Developers are simply followers. It is policy makers who write policy, after all. It does not seem to be considered that developers also write policy in their own way: by becoming a part of the planning system; by being so familiar with the process and the political and bureaucratic actors; and by organizing to speak as one voice to those government agencies that we think write policy. Besides, as a number of developers told me, policy is not practice, and it is certainly developers who are the practitioners in the broad area of urban planning and development. Even if developers are distant observers of policy formation (which they are not) they certainly are intimately involved in the *enactment* of policy.

Perhaps it is something about developers themselves that make them difficult or unlikely study subjects. Access is a question I am asked about a lot when talking about my research project. "Really? Developers? Will they talk to you? Why would they?" There are some reasons why developers might not want to speak with an academic researcher. Developers are often construed as very wealthy, very busy, very important people – 'elites' who have the money and power to maintain their privacy and manage information. Developers might have little interest in talking to a researcher or might see little advantage in doing so. They also might be loath to speak to a student who may be critical of developers, or who might

portray them in a bad light. Speaking to me might be bad for their image, which they are very concerned about these days, especially after having gone through a period of intense media scrutiny in the early 2000s when they were being blamed for destroying the Oak Ridges Moraine. Due to these potential pitfalls, when devising an interview recruitment letter, I paid attention to why developers might want to speak to me. There are some very good reasons that I felt I should not ignore when designing my study. I am one of the few academics to study developers, and may come up with something interesting. Some of what I find might be useful for developers. Furthermore, developers might want to share their knowledge, especially with academics, who are often understood by developers as knowing very little about the 'real' world, given that they occupy ivory towers far removed from the tangible ground (this idea indeed emerged in my interviews with developers and planners). Perhaps developers would want to enlighten me. They could contribute to knowledge of cities and city building. Some developers already do this, by teaching courses at universities and speaking at conferences. It is not difficult to imagine that some developers would want to talk to me for these reasons, so I included these reasons in my recruitment form.

This is not to say that recruiting and actually speaking with developers was without challenges. My research agenda did not always coincide with what developers wanted to discuss. For example, most developers were willing to speak about the challenges that new government policies presented, and to give their opinions on what decision makers should do. They were generally willing to critique government policy. However, discussing the details of their roles in policy development was a more difficult subject for them. Few were willing to discuss their own interactions with state officials or the politics behind particular decisions. Discussions of money and land holdings were similarly challenging. Most developers were willing to speak in general terms of rates of return or land supply in terms of years and percentages. No developer, however, offered to share precise data. Despite these challenges, I was able to speak with some developers and to gain at least some insights into the world of development from their perspective.

With this focus on developers, the Oak Ridges Moraine land use conflicts and the policy response to these conflicts were a useful entry point into the world of developers and development. These conflicts

were highly visible and attracted a lot of media scrutiny, with the everyday world of developers and the planning system garnering unprecedented attention. Although this attention came from particular places, mainly from critics of development, such as environmental groups and citizen associations, it provided a glimpse into the actors and processes of planning, policy, and development. The conflict also drew academic attention, with scholars mainly focusing on the environmental movement actors and planning processes at the centre of the conflict, and interrogating the power constitutive of scientific knowledge mobilization (Bocking, 2002; Gilbert et al., 2005; Gilbert et al., 2009; Hanna & Webber, 2005, 2010; Sandberg & Wekerle, 2010; Sandberg et al., 2013; Wekerle et al., 2009; Whitelaw et al., 2008). The developers themselves, however, although identified and given some attention, are not the focus of these analyses. Indeed, Gerda Wekerle, one of these scholars, sensed the importance of developers to the Oak Ridges Moraine conflict and its resolution, and the larger implications of developers in land use planning and governance in the Toronto region, and these are some of the reasons for which she encouraged me to focus on developers.

The next chapter, chapter 2, outlines the methodological and theoretical frameworks guiding the research. The dissertation then proceeds by dividing the analysis of developers and the politics of development into two main parts. In chapters 3, 4, and 5, I focus on the development process, which is illuminated through an analysis of land use conflict and through an investigation of the structure and economics of the development industry. These three chapters are laden with details about development in the Toronto region, paying close attention to historical events and actors. Providing this level of detail in the initial chapters provides context for the analysis in the second part of the dissertation.

Economics is a fundamental component of the development industry in terms of how development firms are organized. Without understanding the economics of land development, and the structure of the industry that has emerged over time, it is difficult to understand why developers do what they do, or how new policies might influence outcomes in terms of development practice. The time horizons of development are especially important, as most greenfield developers in the Toronto region practice

complex long-term land banking. This has widespread implications for how developers mobilize and leverage money, when developers develop certain parcels of land, and what types of developments developers build. Land use conflicts, such as the Oak Ridges Moraine contestations, are in some ways an expected outcome of the development process, but in other ways are exceptional. They occur in specific sites, often for very specific reasons. But developers are also used to opposition to their projects and navigate the planning system in order to mitigate the negative effects of opposition to their operations. This dissertation shows that developers are becoming increasingly involved in planning, not only in a reactive mode in response to opposition, but in proactive ways that suggest developers are part of the planning system. The have become key institutional and governance actors in stakeholder consultation processes, and land use planning more generally. Planning in Ontario leaves much power to developers to decide where and when development will occur, and developers have diverse means through which they can have their voices heard and their interests satisfied.

In order to understand the myriad ways in which developers are able to have a voice in the planning and political system, chapter 6 provides a transition from an analysis of the development process towards a conceptualization of developers and the development industry as active and powerful agents in the governance and transformation of land. Institutional theorists insist that individual actors, the cultures of which they are a part matter greatly (Bevir & Rhodes, 2010). In the latter parts of chapter 6, I use two major stakeholder consultation processes initiated by the provincial Ontario government to illustrate not only a privileged role of developers in land use consultation processes, but also a new culture of planning and governance of land use that values developers and the development industry to such an extent that developers have come to lead the charge in dispute-resolution over land use. This new institutional situation reframes the role of developers, even as developers continue to operate within an existing structure that includes the newspaper media as both ally and adversary. The development industry has long been concerned with its image and is cognizant of the importance of putting forward a face of community builder and philanthropist. The ideas of community builder, philanthropy, and partnership

have been taken up and reproduced by the media as well as corporate and political elites. Recently, however, the development industry has become much more active in using the media to foster messages about itself, even as opponents to development also use the media to forward their own messages. Development industry representatives pen regular columns in the *Toronto Star*, for example, boasting about the contributions the development industry makes to the economy, and criticizing government policies that are purportedly harmful to the industry. It is to these individuals, firms, and relationships among developers, the state, the media, and civil society that the second part of this dissertation turns. With this focus, chapters 7 and 8 investigate narratives about the development industry and developers, respectively. These narratives (which include those told by others as well as those told by development actors themselves) reveal much about how the development process is understood by state and civil society actors, how developers and the development industry respond to criticism, and how developers and the development industry attempt to shape the discourse about development in the Toronto region. Developers' stories about themselves, in particular, indicate the efforts developers and the development industry exert to foster their reputations. I investigate why developers go through these efforts, what is fueling this activity, and what developers hope to gain from it. While it may be tempting to think that developers are simply responding to bad press about them by portraying themselves in a positive light in newspapers and advertisements, this reading is too simple. Developers are complex institutional actors and the historically and culturally specific ways in which the development industry is organized and has evolved over time is important to understanding current developer practice. Analyzing land use conflict and carrying out a media analysis of developers is a fruitful way to more fully understand this complexity.

As a whole, this dissertation attempts to investigate and understand the details about the greenfield development process in the Toronto region, as well as the role of individual actors and agencies that constitute what is commonly known as the development industry. These two aspects of the investigation are interconnected: the organization and economics of development firms shape and are shaped by individuals and institutions and the relationships among them that have been forged over time in particular

places. An interpretive institutional approach allows for this type of analysis: one that pays attention to both macro and more structural aspects of the development industry, as well as the local, the individual, the particular, and the contradictory. My goal in using this framework is not to develop a universal theory about developers and development, but rather to investigate developers and the development industry in a particular time and place. The insights I gain from this case study can be used to generate a form of theory about development at multiple spatial and temporal scales, although not for the purpose of bracketing out the exceptional case or the particular. I posit that the particular can tell us much about development in the Toronto region, and can help us ask questions and to have some indication of what to look for when researching developers more broadly. An interpretive institutional approach has much to offer urban studies and urban geography: to reframe the types of questions we ask when researching developers and the development industry; to look beyond macro and structural explanations; and to acknowledge the power and significance of informal relationships, local cultures and knowledges. An interpretive institutional approach to researching developers begins with an understanding that the world of development is complex and difficult to distill into simplified logics and explanations: that in order to gain a rich understanding of developers, research needs to be grounded in specific places and times; and must include interaction with the main players involved in the development process – developers themselves.

Chapter 2. Researching Land Developers in the Toronto Region: Framing the Case Study

With a focus on land use conflict on the Oak Ridges Moraine and the associated policy responses to it, this research employs a case study approach to investigate land developers and the process of land development in the Toronto region. This chapter outlines my methodological approach, as well as a discussion of the theories that inform this case study research. Although there are many definitions of what constitutes a case study and the rationale for using a case study approach (Thomas, 2011), I use it in broad terms as a research design framework with a specific analytical frame within which many different methods can be used to analyze a particular subject of inquiry. I draw on Hart (2004) to understand a case study as a window into the realm of understanding processes, rather than as the study of the impacts of some overarching structure. In my case, I focus on processes of development in particular places rather than attempting to discover and posit an overarching logic to urban development and developers. Thomas (2010: 578) argues that the case study is concerned with the generation of 'exemplary knowledge', which stresses "examples viewed and heard in the context of another's experience ... but used in the context of one's own ... enabl[ing] one to gather insight or understand a problem". Validity comes not through claims to representation, generalization, or grand theory building; rather, case studies can allow for greater understanding, insights, and stories with which others can connect.

The Oak Ridges Moraine land use conflicts emerged at a particular time and place. I used this particularity to gain insights into developers and the development process more broadly in the Toronto region. Illustrating the complexity and politics of land use, the moraine conflicts implicated the City of Pickering (a municipality immediately east of the City of Toronto) when the Province of Ontario negotiated with developers to exchange provincially owned land in Pickering – the Seaton lands, which have their own history of land use conflict – with land on the Oak Ridges Moraine. In order to understand this history and how it influenced conflict on the moraine, I also researched the political history of the Seaton lands, finding it a rich and fascinating story that continues to impact land use planning and

development in Pickering. This history includes social movement mobilization in the 1970s, 1980s, and 1990s, resulting in the creation of an agricultural preserve – the Duffins-Rouge Agricultural Preserve – immediately to the west of Seaton. As I show in chapter 1, the politics of the agricultural preserve deeply impacted – in some ways enabled – the land exchange.

The land exchange and its connection to the agricultural preserve provided a starting point into the research, leading me to ask certain types of questions and to examine particular kinds of issues. Specifically, these processes and disputes raise questions about the influence and participation of developers in planning and policy decisions. Analysis of these conflicts over land development in specific sites raises larger questions about the shifting and expanding power of developers in shaping the Toronto region politically and physically. It also requires a closer look into developers and the development industry to gain a fuller understanding of these actors and how the development process works. By doing this, my analysis shows that developers are active, but usually hidden agents in the transformation and governance of urban land use. Knowledge about developers and development surface only rarely and in fragments, usually during moments of crisis, such as land use conflicts, or during periods of scrutiny, such as during elections or through stories reported by the media. Although this intermittent scrutiny serves to raise questions about developers, it does little to address these questions in a critical, scholarly manner. These questions call for more intensive research on the development industry, investigating its structure, its influence on planning and policy, and its rationale for operating in specific ways. These questions also call for close scrutiny of messages put forward by developers and the development industry. This scrutiny has a dual purpose: to understand development from the perspective of developers, and to understand the ways in which developers and the development industry forward particular messages about contributions that the development industry makes to society and the economy, and what purpose it serves to do so.

Operationalizing the Case Study

Using mainly qualitative research methods, I conducted my research over a period of approximately two years between 2013 and 2014. Specific methods included interviews, participant observation, archival research, and media analysis. This combination of methods allowed me to draw on a variety of sources and perspectives in order to develop a nuanced and grounded understanding of developers and land development in the Toronto region.

       Interviewing development actors.

I conducted semi-structured interviews with developers, planners, local politicians, consultants, and civil society activists to gain an understanding of development, its process, and its contestation from a diverse group of actors. Semi-structured interviews rely on a predetermined line of questioning, but allow for additional questions during the process of the interview (Dunn, 2005). I drew on a list of broad questions or topics, but tried to conduct the interview as a conversation, rather than a series of well-rehearsed and carefully worded questions (ibid.). The strengths of using interviews (particularly semi-structured interviews) as a research method are well documented. Dunn (2005) posits that interviews can be a respectful and empowering method for research participants, in that their views can be heard and are generally valued by researchers. Valentine (2005) notes that interviews give participants freedom to respond openly, as opposed to providing fixed, categorized responses. Interviews also allow participants the opportunity to explain their responses or to direct an interview in a certain direction, which is not possible with other techniques, such as questionnaires (ibid.). Interviews, while time limited, can provide more opportunity for wide-ranging discussion, with as much or little detail as the interviewer and participant wish to negotiate (ibid.). Consistent with my case study approach that emphasizes particularity and difference, interviews are conducted to gain insights into the particularities and differences of individual experiences rather than revealing coherent patterns, with data representing an element of a pattern (Waitt, 2005). Rather, interviews provide researchers with qualitatively rich material that has the

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potential to illuminate greater meaning around, and engagement with, a particular topic (ibid.).

Conducting interviews with a range of sources can also shed light upon both dominant and marginalized discourses (ibid.). This happened when I interviewed a diversity of developers. Some gave testimony that was very consistent with the dominant messages put forward by development industry associations (mainly the Building Industry and Land Development Association and the Ontario Home Builders' Association), whereas others challenged, provided some nuance to, or entirely disagreed with these dominant positions.

Although the interviewee categories I used are somewhat porous, in that some interviewees simultaneously could be placed in more than one (e.g., planners working for development firms), 10 of the 30 interviews were with representatives from development firms or development industry associations. Other categories included activists, lawyers, politicians, planners, private consultants, and provincial government bureaucrats (Table 1). The interview selection process involved identification of potential participants through previous research and reports on the Oak Ridges Moraine conflict, and through conversations with those involved in some way with the conflict. In order to recruit developer participants, I began by using a gatekeeper approach[4] (Burgess, 1984), emailing representatives of the development industry association BILD (Building Industry and Land Development Association), who directed me to developers who were involved in the Oak Ridges Moraine conflicts and process. This was only somewhat successful as I interviewed only two people using this process. However, these interviewees also directed me to others that I also interviewed. Although I initially wanted to speak with principals of firms involved with the Oak Ridges Moraine disputes, through BILD I was given the names of employees of these firms that were involved with BILD, not principals of the firms. I ended up interviewing only one principal of a development firm, and this was as a result of a cold call (actually a cold email) to the company, rather than through BILD. Simply emailing company offices proved to be just as effective in recruiting interview

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[4] Gatekeepers are individuals or points of access that facilitate or authorize permission for researchers to study organizations or communities (Burgess, 1984). A gatekeeper approach is characterized by a continuous process of dialogue and negotiation throughout the research process (ibid).

participants, although BILD was able to provide names of individuals specifically involved in the Oak

Ridges Moraine.

Table 1. Interview participant categories and number of interviews conducted.

Interviewee category	Number of interviews
Activist (citizen, environmental)	3
Developer/development association	10
Lawyer	1
Municipal politician	3
Planner (municipal)	4
Planner (provincial)	1
Planner (private)	2
Planner (Toronto and Region Conservation Authority)	1
Provincial bureaucrat	2
Private consultant	3
Total	30

I also set up meetings with a number of academics who were involved in, or conducted research

on, the Oak Ridges moraine and/or Seaton. These included my supervisor Gerda Wekerle, as well as

James McKellar (York University) and Michael Bunce (University of Toronto), who suggested potential

research participants. Using mainly email for initial contact, I asked for interviews from many of the

councillors and planners from municipalities involved in the Oak Ridges Moraine and land exchange,

including the City of Pickering. In total, I asked 52 people for interviews and was successful in

interviewing 30 participants.

Participant selection was purposive, in that developers, planners, and other participants were

chosen based on their experience and involvement with the Oak Ridges Moraine land use conflict. Many

interview participants were identified and recruited through snowballing (Valentine, 2005), where early

contacts and interviewees suggested further participants, many of whom proved to be invaluable to the

research. In one case, an interviewee helped me recruit another contact by snowballing, but also became

somewhat of a gatekeeper by speaking with that contact and letting him know that I would be calling.

Although the initial contact did not have power to grant or withhold access, as is usually what is meant by the term gatekeeper (Valentine, 2005), she did facilitate the process by explaining who I was and what types of issues I was interested in discussing.

In what Dunn (2005: 95) refers to as the "mechanical phases" of interviewing, I used a variety of recording devices and techniques, personal notes, and archival logs in order to gather and record information gleaned from interviews. I used an Olympus DS-40 digital voice recorder for interviews, transferring recordings to a laptop computer as soon as possible after interviews. As academics note, there are advantages and disadvantages to using a voice recorder (e.g., Dunn, 2005; Longhurst, 2003; Valentine, 2005). A voice recorder allows the interviewer to engage more fully in the conversation and to concentrate on the interview itself, rather than on note taking. A voice recorder also allows for a more accurate record of the conversation as all words spoken can be captured. This record can be supplemented with hand-written notes taken during or immediately after an interview (Longhurst, 2003). However, not all participants may want to be audio recorded, and even when they do, the recorder may introduce a level of formality that may not exist if responses were recorded by hand. This formality may prevent interviewees from speaking candidly (Dunn, 2005). None of the participants I interviewed *seemed* distracted or inhibited by the presence of the audio recorder, but this is not something of which I can be certain. Two participants did not want to be recorded, so I used handwritten notes only. On a number of occasions, participants made reference to the voice recorder, usually somewhat jokingly to the effect that they would be polite since they were being recorded (i.e., they would have used stronger language if they were not being recorded, or would have talked in negative terms about specific people, such as politicians). On two occasions, participants wanted to tell me things off the record, and so I simply turned off the recorder for a period and asked for permission before turning it back on. I did not record any off-the-record information either by audio recorder or by hand, and as a result I do not have access to this information. However, I feel that having an off-the-record conversation can build rapport and can be a symbol of trust: participants were willing to share sensitive material with me and trusted that I would not use it.

I also took hand-written notes during interviews. I wrote notes directly on my interview guides and used them mainly to help structure the interview and record non-verbal cues, such as particularly animated portions of an interview or background events not captured by the audio recording. I conducted most interviews in person at interviewees' locations of choice. This was usually a professional office (planning office, developer office, city councillor office) or a participant's home, but on three occasions, interviews were held in coffee shops. Five of the interviews were conducted by telephone using the same process of voice recording and note taking as interviews conducted in person. Most interviews lasted approximately one hour, although one was significantly shorter at one half hour, and one spanned over two hours. In addition to the field notes that I wrote directly on my interview guides, I kept an analytical logbook, which I used to record my thoughts during the entire research process, from interviewing, to transcription, to writing up. In this book I recorded my own personal thoughts about interviews, as well as some initial analytical notes to help me code and begin to analyze data.

Glimpsing the everyday world of the Ontario Municipal Board.

I conducted participant observation at four Ontario Municipal Board (OMB)[5] hearings in May and June 2013 in an attempt to understand the everyday lived experiences of actors involved in the development process (Cook, 2005). I recorded these meetings using hand-written notes. I also used the same analytical logbook I used during interviews to begin the process of analysis and also to take note of my own thoughts about the participant observation process. The hearings I attended were part of a negotiated settlement involving land exchange developers who received land in Seaton and representatives (mostly lawyers and planners) from the Province of Ontario, the City of Pickering, the Toronto and Region Conservation Authority, and citizen groups. Although my time spent at these hearings was limited (they lasted approximately one hour each), they gave me a glimpse into the everyday world of planning and

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[5] The Ontario Municipal Board is a provincially mandated planning tribunal that hears land use planning disputes and sometimes acts as a facilitator of land use negotiations.

negotiating that is part of the development process, but which is relatively hidden from public view. The OMB is an organization internal to the planning system and is rarely scrutinized by the media, except during periods of land use disputes. Hearings are often divided up into multiple phases, each potentially lasting many weeks. As I did not have time to attend all of the hearings related to Seaton and the land exchange, the purpose of attending some of the meetings was to get a general sense of who is involved in the hearings and how actors interacted during the hearings. Observation of these hearings were in some ways productive but in others ways difficult and inadequate. From my observations, I came away with an impression that OMB hearings involve a group of actors who are used to dealing with each other, know the system well, and perhaps consider these hearings to be a routine part of the planning system. The board member hearing the cases (the 'judge') seemed very familiar with all the participants, seemed to know the cases very well, and was patient and methodical in conducting the hearings. I also learned that developers themselves spend little time at OMB hearings. Rather, they hire land use planners and land use planning lawyers to argue their cases, and these actors are considered to be experts in land use planning and appeals. From my observations and from analysis of archival records, these experts constitute a relatively small number of lawyers and planners who specialize in OMB hearings, and often sub-specialize as experts for developers, municipalities, environmental groups, conservation authorities, and other frequent OMB participants. Perhaps it is for this reason – that OMB experts constitute a relatively small group of actors – that the tone of the OMB hearings I attended seemed very collegial and almost informal, albeit following strict procedures and conventions.

Despite coming away with these insights, my time spent at these hearings felt inadequate, although necessarily so. I was entering a scene that was already in play, and did not have the time to investigate and understand in detail the issues that were being debated. Although I studied the archival records of the hearing, this did not really give me an adequate knowledge of the deeper politics behind the hearings, or of previous encounters and negotiations between developers and the other OMB participants. Furthermore, very little happened at the particular hearings I attended, and based on interviews I

conducted with developers and planners, this is not uncommon. Hearings are slow, detailed, technical, and are broken up into phases and stages. In order to carry out a detailed investigation and to really get a sense of the broad workings of the OMB, one would have to attend multiple hearings spanning months or even years. My research design did not allow for this time commitment for one aspect of the research project, and the OMB hearings associated with my project were not a central component of my investigation.

Wading through the archives.

The Seaton lands in Pickering have their own history of land use conflict, which is described in chapter 3. In order to more fully understand this conflict, and to investigate how this history of conflict influenced the characteristics of the land exchange, I conducted archival research on the Seaton lands at the Archives of Ontario located at the York University campus in Toronto. These lands are part of what was called the North Pickering Project or NPP in the 1970s and 1980s, a failed federal scheme to build an international airport in Pickering, Markham, and Scarborough, coupled with a failed provincial plan to build a new satellite city in Pickering. Following the advice of Roche (2005), my archival research began prior to my arrival at the archive. Part of the rationale for doing so is logistic: files are not accessible to the public; they are stored off-site and must be ordered in advance. But this pre-visit research is also necessary in order to use time at the archive effectively. Given the vastness of the possible records that can be researched, it was necessary to make choices about which ones I thought would be most useful for my research. This involved in-depth reading of the history of the Seaton lands in order to gain familiarity with its history and to ascertain the categories of information that would be most fruitful to investigate. Given my focus on land use conflict, developers, planning, and the politics of development, I focused on planning and development records, rather than records such as biological inventories, archeological assessments, and technical standards for aircraft noise, for example. I then used the Archives of Ontario's online database to preselect and order the files I required (Table 2).

Table 2. Sample list of records contained at the Archives of Ontario related to the North Pickering Project.

Reference Code	Title	Dates	Type	Size
RG 17-44	Pickering Township Oral History Project Interviews	1972	Audio reels	13 reels (14 hours)
RG 19-166	North Pickering Planning and Development Files	1971-1995	Text	3.1 m*
RG 42-91	North Pickering Property Acquisition Files	1972-1982	Text	27 m
RG 43-32	North Pickering Project Files	1971-1979	Text, photographs	5 m
RG 43-33	Seaton Community Planning Records	1972-1982	Text	30 cm
RG 49-181	Records of the Select Committee on the Ombudsman	1976	Text, audio cassettes	30 cm, 2 cassettes
RG 59-10	Ombudsman Ontario North Pickering Project Complaint Files	1976 - 1981	Text	8.7 m
RG 1-348	Ministry of Natural Resources Land Use Planning Policy Files	1964-1985	Text	8.7 m

* Somewhat reminiscent of homework assignments in the Harry Potter books, textual records are measured in metres and centimetres. Although it is difficult to visualize how much text is constituted by a metre, using reference code RG 42-91 as an example, 27 metres of text is contained in sixteen banker boxes, each full of file folders containing documents. In this case, 1 metre is over one and a half banker boxes, although the degree to which boxes are filled is quite variable.

I conducted this research in two stages at the Archives of Ontario. The first I carried out in November and December 2012 during five visits to the archives, searching through publicly available records of the North Pickering Project. These included a wide variety of materials, mainly covering the period from 1972 to the mid-1980s, and consisted of intra-governmental memos; government ministers' speaking notes and announcements; records of Provincial and Federal land evaluations and expropriation records; contracts between the Province of Ontario and private planning consultants; maps, plans, surveys, and studies of the NPP lands; and diverse other documents related to the North Pickering Project. I took some hand written notes during this stage, but mainly relied on photography to record documents, later compiling images into PDF documents, coding these materials, and sorting and labeling them digitally for quick retrieval. In the second stage, which I carried out during two visits in June 2013, I filed a Freedom of Information (FOI) request to access archival materials that contained sensitive information, such as

personal names and details of land expropriations. As I was not permitted to take photographs of these documents, I took notes by hand.

I also used a number of online archival sources. These include the Pickering-Ajax Digital Archive (PADA), a website and archival repository hosted by the Pickering and Ajax public libraries (www.pada.ca). This archive is a useful source of maps, land use plans, books, and reports written about Seaton and the North Pickering Project. I also used the City of Pickering corporate records management portal, a web-based archive hosted by LaserFiche (http://corporate.city.pickering.on.ca/weblink8/Welcome.aspx?dbid=1). This portal provides access to historical city council meeting minutes, planning reports, records of public delegation presentations to council, and reports by planning consultants, such as the 2003 City of Pickering Growth Management Study prepared by Dillon Consultants. I used a similar portal hosted by York Region to access historical planning committee meetings that detail development applications in Richmond Hill in the early 2000s (http://archives.york.ca/councilcommitteearchives/defaultpreviouscommitteereports.html). I used the OMB online archive to download reports on appeals and decisions, especially those referring to contested development applications in Richmond Hill in the early 2000s (https://www.omb.gov.on.ca/english/eDecisions/eDecisions.html). I used the web-based archive of the Ontario Legislature, which stores the Hansard – the transcripts of debates of the provincial legislature – as well as records of Bills and Acts that are passed or defeated in the legislature (http://www.ontla.on.ca/web/home.do?locale=en). Researching the Hansard was illuminating, as it allowed me to trace the history of particular conflicts and policy ideas, such as the Oak Ridges Moraine legislation, and also provides a record of the political participants, bureaucrats, and public delegations (including developers) involved in formulating policies. I also used the Queen's University QSpace archival repository to access historic records of the Ontario Legislature (https://qspace.library.queensu.ca/).

I relied extensively on newspaper articles, especially to investigate the role of the media in land use conflict, and the ways that developers and the development industry use the media to communicate messages about themselves. I mainly used the search engine Proquest to search for and sort newspaper articles, especially those from the *Toronto Star* and *Globe and Mail*. I also analyzed development industry publications, such as *Ontario Homebuilder* published by the Ontario Homebuilders' Association (OHBA), and the online blogs and website of the Building Industry and Land Development Institute (BILD). In 2013, I collaborated with Gerda Wekerle to carry out a newspaper media analysis of developers related to the Oak Ridges Moraine conflicts. As part of a large research project about the Oak Ridges Moraine conflicts, Wekerle had previously conducted a search of newspaper articles about developers, using the time frame 1991 to 2007, the *Toronto Star* and *Globe and Mail* newspapers as sources, and Proquest as the database and search engine. We updated this compilation to include articles up to 2013, compiling a total of 932 articles on developers, development, and land use conflict on the Oak Ridges Moraine. We then jointly developed the conceptual framework and methodology informing our research and jointly presented this material at the Suburban Revolution conference, hosted by the City Institute of York University in 2013 (Leffers & Wekerle, 2013).

Converting interview materials into data.

I transcribed interviews in their entirety, translating voice recordings to text as verbatim as possible using a limited selection of punctuation to represent speech patterns. I used the software associated with my Olympus DS-40 voice recorder to store and play back the interview. I transcribed by typing the text into a Microsoft Word document and used a playback speed function on the voice recorder software to match my typing speed. I briefly experimented with voice recognition transcription software but found it required too much correction to be effective or time saving. I also found that the process of transcription itself presented an opportunity to engage with interview material analytically, and I often inserted analytical comments within transcripts as I was transcribing them. I later used these comments to assist in

the coding process. These comments were, in effect, pre-codes (Saldana, 2009) or memos (Corbin & Strauss, 2008) – texts that struck me as analytically important.

After transcribing interviews, I entered transcripts into the qualitative analysis software TAMS Analyser (TA)[6]. Using this software, I coded all interviews in order to organize and make sense of the data, and in order to explore, analyze, and substantively use the data to generate theoretical insights (Cope, 2005). I also used TA software to code some newspaper articles and archival material, although in very limited ways, since this would have involved coding hundreds of newspaper articles. For the most part, I coded and sorted these materials manually, by taking notes on the articles, highlighting texts, identifying themes and codes, and placing articles in digital folders according to themes. By digitally naming, providing identifiers, and sorting archival materials and newspaper articles, they became manageable to organize and find. I also coded newspaper articles by 'writing up' – by using content analysis to find articles about specific developers or developments, sorting the results into tables, and then immediately writing about these articles in the form of conference presentations and paper drafts. As I did so, I often moved back and forth between manually coded newspaper material and interview material coded with TA in order to draw upon and make connections between these different materials.

The coding process I used was a cyclical, iterative exercise reminiscent of grounded theory where theory is based upon, and comes from, empirical data rather than logical deduction (Glaser & Strauss, 1999). Some codes – initial codes (Cope, 2005) – derived from my research question, the topic of my research, and the interview questions I asked. These include some of the descriptive codes related to the Oak Ridges Moraine, the land exchange, Seaton, and developers involved in my research. However, analytically, most codes emerged during and after fieldwork, and began to take shape from my early and continual engagement with interview material. This began by the memo writing described above, as well

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[6] TAMS (Text Analysis Markup System) Analyser or TA is an open-source qualitative coding and data analysis tool. It was developed by Dr. Matthew Weinstein, an education professor at the University of Washington (Hart, 2011). I used TA as a Mac-compatible alternative to more well known programs (e.g., NVivo) that were unavailable to Mac users when I began my data analysis. I used TA mainly to code and analyze interview transcripts, although the software can also be used to sort and analyze any text files, audio files, and some PDF documents.

as open coding (Corbin & Strauss, 2008), which involved scanning interview transcripts and highlighting statements according to key terms, themes, or patterns that I recognized from the statements. As I coded more and more material in this way, I began to recognize broader categories – what grounded theorists call core categories (Corbin & Strauss, 2008) – and started to sort and compile my open codes into broader themes that could be used analytically to engage with existing theory and develop new theoretical insights. Core categories described statements about, or related to: particular organizations and actors; significant events; interview participants' ideas and meanings; analytical theory; and my own reflections or surprises (Table 3). I then began to sort these core categories into sections and chapters, with the result that the outline of the dissertation and my own theoretical insights began to take shape.

Table 3. Core coding categories with examples, and the open codes from which they are derived.

Type of Core Category	Example of a Core Category	Open Codes Associated with Core Categories
Organization	BILD	• development industry undervalued • negotiation rather than conflict • soft power • well-organized lobby group • growth, GDP, jobs
Events	Land Exchange	• rationale for land exchange • politically risky • winners and losers • origin of the idea • first step in negotiating the Oak Ridges Moraine
Ideas and meaning	Consumer preferences, demand	• single-family detached homes • voters don't want to live in highrise • affordability • echo generation moving to suburbs
Analytical theory	Institutional change	• changing ratio of highrise to lowrise construction • developer diversification • land shortages and developer change • firm size and innovation
Reflections	Interviewing developers	• motivation • tone of interview • amount of time given • spontaneous vs practiced and on message

These methods allowed me to shed light on the details of urban development that tend to be hidden, and to make some sense of development in a world that is complex and difficult to understand. As sociologist John Law (2004) offers, qualitative social science research allows one to "detect, resonate with, and amplify particular patterns of relations in the excessive and overwhelming fluxes of the real" (Law, 2004:23). The research focuses not only on patterns detectable through meaning and words, but also practices and events that had specific material repercussions (Law, 2004; Mol, 2002). With this focus on the practice of urban development – its regulation and its contestation in specific sites – the case study took on some elements of ethnographic research in that many of the contested development issues I followed were ongoing and emerging through the course of my study. An ethnographic approach usually refers to long-term engagement with, and thick description of, a community in order to interpret and construct cultural meaning within the context of participants' everyday lived experiences (Geertz, 1973; Hoggart et al., 2002). I conducted a very particular form of ethnography, in that urban policy, contestation, and development decisions are often ongoing and incremental, rather than necessarily daily. Yet urban development, planning, and governance have their daily routines. Gaining even sporadic access to the lived experiences of actors involved in land use conflict, through interviews and observation, was rewarding and contributed greatly to my understanding of developers, the development process, and the complex institutional framework in which developers operate. Theoretically, my research was informed by critical urban geography and interpretive institutionalism. I also relied heavily on literatures in land use conflict, critical property theory, actor-network theory, and urban governance and planning. These theories, especially interpretive institutionalism informed my research and underpinned the methodology I used. However, I also gathered a lot of empirical data, and devoted considerable space within this dissertation for documenting the rich details of the actors and processes involved in urban development. Although this was an explicit choice, it also means that the importance of these details vis-à-vis theory is not always self-evident. I found the need to describe and document an important one: a process that allowed me to gain a much broader understanding of Toronto region development. This attention to

empirical data and description provided my with a much richer understanding that I could then use to made critical theoretical interventions.

Towards An Institutionalist Framework

Much of the research on urban development and land use conflict alludes to, but does not tackle head on, the need to understand the economic, social, cultural, and political dimensions in which development is regulated and practiced, and the actors and ideas that give shape to the place-specific enactment of the planning and development process. Studies of land use conflict, including studies of the Oak Ridges Moraine, draw attention to the production of science, environmental movements, structural forces, and the challenges of planning [7] (Gilbert et al., 2005; Gilbert et al., 2009; Hanna & Webber, 2005, 2010; Sandberg & Wekerle, 2010; Sandberg et al., 2013; Wekerle et al., 2009; Whitelaw et al., 2008). However, developers remain largely unexamined in these studies, as do the way developers, together with state agencies and actors, conceptualize land and land use. Developers are largely absent in academic social science research despite the dramatic transformation that development invokes to both the biophysical landscape and to social relationships, and despite the strong reactions from civil society and state actors that land development often invokes, based on competing visions and meanings of land and property.

According to Hajer (1995), politics, policy-making, and conflicts over environmental change are in the first place struggles over meaning: meaning of what constitutes scientific knowledge; meaning of what constitutes a policy problem; and meaning over what is an acceptable policy solution. Although my research analyses the meaning and development of land and policy to some extent, it puts more attention on the power exercised by land developers and the institutional arrangements that privilege developers. However, this research moves beyond questions of 'who governs' common in growth coalition and regime

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[7] Webber and Hanna (2014) pay some attention to developers but this is primarily in the context of interrogating developers' understanding of the concept of sustainability and their response to the Oak Ridges Moraine legislation from a framework of sustainable housing. The power of developers and the politics of development remain largely unaddressed.

theories (e.g., Molotch, 1993; Stone, 1993), attempting to understand also the place-based ways in which existing and emerging institutional relationships work and who they serve. Although to some extent Oak Ridges Moraine conservation legislation heralded an institutional shift that changed the rules of, and seemed to place limits on, land development, it also authorized developers and other corporate sectors to continue to profit from land in certain sites. This continued emphasis on growth in the face of environmental conservation is a contradiction noted clearly by Wekerle et al. (2007) in their study on environmental policies in the Toronto region. They suggest that the Ontario Greenbelt, put in place in 2005 (MMAH, 2005a, b), authorized certain types of development projects even as it purported to protect nature from development.

  Political scientists have generated some illuminating insights into the politics of development, specifically the relationships between developers and local politicians (MacDermid, 2006); the role of electoral politics in the generation of policy (Eidelman, 2010); and the connection between the institutional setting or model of governance (e.g., Westminster model) and policy formation (Pond, 2009). Theorists of institutionalism, often within the discipline of political science, provide useful accounts of the way governing works in practice, the relationships between state and non-state actors, and the important role of key individuals and ideas in shaping the 'beliefs' (i.e., the meanings they construct) of political actors and political life (Bevir, 2010; Bevir & Rhodes, 2003, 2006, 2010; Lowndes, 2001; Lowndes & Roberts, 2013; March & Olsen, 1984; Schmidt, 2008, 2010). Subsequently, academics in planning, economic geography, urban economics, and land economics (Adams & Hastings, 2001; Adams & Tiesdell, 2010; Amin, 1999; Ball, 1998, 2006; Gonzalez & Healey, 2005; Guy & Henneberry, 2000; Guy & Henneberry., 2002; Healey, 1992, 1994; Healey & Barrett, 1990; Hess, 2009; Keivani et al., 2001; Ruming, 2005, 2007, 2009, 2010) have drawn on institutionalism in order to understand the economic, social, cultural, and political dimensions of urban development, urban land use planning, and land use conflict. With an understanding that norms, ideas, actors, and relationships matter greatly, certain institutional perspectives – most notably discursive and interpretive institutionalisms – bridge structural

and behavioural approaches to explaining social and political phenomena (Lowndes & Roberts, 2013). Whereas structural approaches focus on underlying systemic social and economic processes, and behavioural approaches prioritize observable actions of individual actors, interpretive institutional approaches attempt to explain historically and culturally textured ways in which actors and agencies operate within the constraints of underlying institutional parameters (Bevir, 2010; Bevir & Rhodes, 2010; Lowndes & Roberts, 2013). Reminiscent of actor-network theory, institutional approaches incorporate multiple factors into explanations of institutional change, including social, cultural, and economic elements, all while attempting to move beyond a narrow structure-agency framework. Whereas, for example, a regulation approach to urban governing and development might conceptualize current urban development as an effect of neoliberal economic structures and political-institutional 'fixes' that are in line with these structures (Gibbs & Krueger, 2012), interpretive institutional approaches incorporate more relational thinking and look more closely at site-specific socio-cultural, historical factors that influence the trajectory of political life, not necessarily finding congruence with local specificities and more global political-economic trends (Lowndes & Roberts, 2013).

Institutional approaches from political science, therefore, can bring to urban studies and urban geography a close examination of the historical, economic, and cultural settings within which state and non-state actors and institutions operate, and the way that these institutional forces structure relations of power. Yet, as Taylor & Eidelman (2010) note, Canadian political scientists have yet to fully embrace urban politics, or even the urban scale, as a subject of inquiry. Although this perhaps can be read as a problematic gap in research, it also signals much productive potential, as political science has much to offer conceptually for a greater understanding of the politics of urban development and governance.

What is an institution? What is an institutional approach?

Although institutionalists (e.g., March & Olsen, 1984) often take as their subject material formal political organizations and their attendant 'rules of the game', most institutionalists now insist that institutions are

not only formal organizations and the official rules that govern them. Rules and organization do not simply exist; they derive historically and become stabilized to some extent through practice. Hall and Thelen (2009:9) conceptualize institutions as "sets of regularized practices with a rule-like quality in the sense that the actors expect the practices to be observed; and which, in some but not all, cases are supported by formal sanctions". Bevir and Rhodes (2010) stress the actors and ideas that constitute institutions, and that over time can shift the culture of an institution – its 'institutional tradition' as they phrase it – and how it operates.

Putting these descriptions together and in juxtaposition, by institution I refer to a relatively coherent network that may have a formal content but that operates according to both formal rules and informal practices. I conceptualize institutions as operating through social norms and 'ways of doing things' that have developed over time and in particular contexts. This institutional setting thus influences institutional actors, but actors' actions are not wholly determined by it. Although institutions are often implied to have specific organizational boundaries (e.g., the planning system, the development industry, the state), in this research I conceptualize institutions more fluidly – as networks of actors, agencies, and processes, the boundaries of which are sometimes porous and fluid and sometimes more impermeable and fixed. No matter how institutions are bounded, however, they also interpenetrate other institutions and actors, making it difficult to clearly define boundaries within any given spatio-temporal moment.

Reticent to give particular institutions too much structural coherence, interpretive institutionalists take the useful step of focusing on institutional practices rather than boundaries and forms. Bevir & Rhodes (2010: 75) prefer to think of institutions "as practices rather than institutions, structures, or systems". By institutional practice, Bevir and Rhodes (2010) refer to what they call macro-level (distinct from the micro or individual level) practices and sets of actions that suggest a relatively stable pattern. However, they argue that these macro-level practices do not determine individual agency or beliefs since different individuals act for reasons of their own, even if their actions are circumscribed through societal and cultural forces. Bevir and Rhodes (2010) refer to this practice-oriented view of the state as *decentred*,

since it refuses to conceptualize the state as distinct from the actions of individual actors that give the state its content. Individuals act and construct meaning of reality within a societal and cultural context, but their actions cannot simply be read off of this context.

Conceptualizing practice from a less individual actor-oriented perspective, feminist interpretive institutionalist Joni Lovenduski (2011: viii) stresses the normative elements that shape institutions in practice:

> Political institutions express and necessarily contain a normative element ... that hold a given institutional structure together and provide the 'compass' for the assessment of attempts to change. This order consists of collectively constructed values and principles that are protected and maintained by accepted rules of the game.

Norms, such as gendered assumptions, are not only collectively[8] constructed and accepted, but can be just as or more powerful than formal rules. Feminist institutionalists Krook and Mackay (2011) show how informal gendered patriarchal norms undermine formal rules established through gender equality reform. In the case of planning, the rules of the game may develop over time based on personal relationships and experience, rather than formal procedures outlined in land use legislation. With this assumed order strongly operating, attempts to change the rules of the game (or to insist on formal rules) can be met with resistance.

Various 'new' institutionalisms developed from the 1970s onward, attempting to navigate the tensions between 'old' structural-functionalist institutionalisms that focus mainly on the formal operation of government, and behavioural approaches that conceived sociopolitical institutions as more or less aggregates of rational and unconstrained social actors operating through calculated self-interest (March & Olsen, 1984). New institutionalisms include rational choice institutionalism; historical institutionalism; sociological institutionalism; and discursive institutionalism (Bell, 2011; Hall & Taylor, 1996; Schmidt, 2008). Discursive or constructivist forms of institutionalism (Blyth, 2002; Hay, 2004; Kulawik, 2009;

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[8] Bevir and Rhodes (2010) would likely argue that yes, this institutional order is collectively constructed, but by individuals expressing their situated beliefs and values that take on an order in the aggregate. But the aggregate is always populated by individuals.

Lowndes & Roberts; Panizza & Miorelli, 2013; Schmidt, 2008, 2010) emphasize the power of narratives, and to varying degrees focus on dominant ideas that have crystallized historically over time and space. Power, in these discursive approaches, is exercised not only through top-down, formal state rules and processes, but also through networked and subtle means, flowing through the formal and informal norms and processes rooted in an institutional apparatus.

Historical institutionalists stress the importance of locating institutional change as a specific moment within a broader place-specific history that evolves over time, rather than the effect of either rational choices of actors or the effect of structural forces (Hall & Taylor, 1996). In this framework, institutional change emerges from path-dependent processes (Pierson, 2000). Path dependency is a concept that sees past decisions or actions as initiating a trajectory where some political possibilities are more likely than others (Pierson, 2000). Change is thus conceptualized as relatively rare, due to its high cost (broadly defined), and generally takes the form of crises or critical junctures (Bevir, 2010). A historic view of institutions sees institutions as 'sticky', where legacies, financial investments, and previous decisions produce effects, often of a compounded or sedimented nature. These effects serve to produce a sense of lock-in that tends to make dramatic change unlikely (Pierson, 2000).

Historical institutionalism provides useful tools for understanding institutional stasis and change but is an approach subject to much criticism (Bell, 2011). Historical institutionalists are sometimes critiqued for over-reliance on the concept of path dependence and the power of initial decisions – that once historical lock-in takes hold, it is difficult to undo, such that outcomes seem inevitable (Amenta & Ramsey, 2010). The 'latent structuralism' of historical institutionalism is said by critics (e.g., Hay & Wincott, 1998; Schmidt, 2008) to deny actors agency, and to over-emphasize the strength of stable and constraining institutional environments. Hay (2006) worries that with this approach, there is a danger of simply reading the outcomes of political struggles from their associated institutional contexts. For Hay, institutional context is important, but actors and ideas operate contingently and not always predictably

within their institutional contexts. They are not simply automatons following inevitable path-dependent processes dictated by the locked-in structural forms that institutions develop over time.

Arguing against what he considers a misreading of historical institutionalism by constructivist critics, Bell (2015: 8) argues for a more agent-centred historic institutionalism that "focuses on active agency *within* institutional settings and that sees the agents in question as being shaped (though not wholly determined) by their institutional environments". Although political scientist Mark Bevir (e.g., 2010; see also Bevir & Rhodes, 2010) is an ardent critic of the latent structuralism that he finds in many institutional approaches, the agent-centred (or perhaps agent-accounted) historical institutionalism described by Bell (2015) has many similarities to what Bevir (with Rod Rhodes) describes as situated agency (2006:4). Rejecting the concept of autonomy, where actors are able to act independently as if in isolation, with situated agency, "agents can reason and act in novel ways, although they can do so only against the background of the contexts that influence them" (Bevir & Rhodes, 2006:4). There is some ability for actors to make choices and take decisions, although they are always acting within a historical, cultural, economic, and social context populated by other institutions and actors also making decisions. Bevir (2010) refers to this actor- and agency-based theory as an interpretive or constructivist strand of institutionalism. According to Bevir (2010: 60):

> Interpretive theory ... implies not only that we make the social world by acting on certain beliefs and meanings, but also that we make the belief sand meanings on which we act. In this view, our concepts are contingent products of particular discourses and practices; they are not natural or inevitable ways of conceiving and classifying objects. Our concepts are the artificial inventions of particular languages, cultures, and societies.

In this interpretive framework, making the social world – making meaning or interpreting objects and experiences – is a co-constitutive process encompassing both discourses and practices, situated within specific social, cultural, economic, and historical contexts.

In order to analyze and understand developers and the development industry by way of the Oak Ridges Moraine case study, I adopt an interpretive institutional approach that tends towards a focus on actors and agency, while remaining open to utilizing the powerful explanatory tools of historical

institutionalism. On the Oak Ridges Moraine, environmental activism and state legislation occurred at what historical institutionalists term a critical juncture. This critical juncture was characterized by a specific confluence of historical, economic, and political forces that at the time seemed to activists like a perfect storm for the environmental movement (Crandall Interview, June 4, 2013). But this perfect storm did not happen in isolation. It was a specific historical moment that seemed to require the right political climate and public sentiment to succeed. It also required a certain relationship between development and state actors. The contours of this relationship were enabled and fostered by a recent history of conflicts between the development industry and different government regimes that attempted over the years to impose restrictions on growth, or conversely, to create conditions more amenable to growth. Historical institutionalism, therefore, provides a fruitful way to conceptualize why legislation was enacted at a specific time and place, what form the legislation took, and which organizations were implicated in the land use dispute. The tools of historical institutionalism are less adept at accounting for the actions of actors, and the politics and power constitutive of certain relationships between corporations and the state, or at understanding the actions of specific individuals that ultimately were responsible for enacting conservation policies on the moraine. Because of this weakness of historical institutionalism, I am intrigued by decentred, interpretive approaches to studying institutions that provide a methodologically rich account of the work of actors, from citizens to 'street-level bureaucrats', to political and economic elites (e.g., Bevir & Rhodes, 2003).

Methodologically and empirically, decentred institutionalism provides a compelling way to ground the research in specific sites, focusing on specific events, and tracing the actions of real people, rather than resorting to general structural explanations. The emphasis on connection and flow calls for an explicitly *geographical* analysis of institutions that can trace connections between state and non-state actors, in effect 'decentering' the coherence of institutions (such as the state) and focusing instead on the spatial practices of actors. However, this decentring comes at a cost. In its abhorrence of all things structural in favor of individuals and groups of individuals acting upon their beliefs, decentred

institutionalism downplays the agency of the very sets of relationships, plans, investments, and decisions

that are said by historical institutionalists to give institutions their stickiness, stability, and coherence. In

other words, these so-called structural elements can have agency. Bevir and Rhodes in particular (e.g.,

2003; 2010) focus almost entirely on the (situated) agency of human actors, while avoiding the possibility

that all sorts of 'vibrant things'[9], ideas, concepts, and narratives can also act in diverse and sometimes

unexpected ways, often independent of human action. Situatedness – the institutional context – becomes

conceived as secondary to humans as sources of action, as something separating agency from autonomy.

Little room is left for thinking of these secondary forces as actors (or actants[10]) that produce effects and

have the ability to make things happen (Bennett, 2010). Furthermore, and related to need to move beyond

individual actors, as McAnulla (2006) notes, decentred institutionalism says little about *why* the ideas of

certain actors dominate at any given time and place over others, a problem historical institutionalists

would be more able to address. Adopting the semiotic language of Latour (e.g., 2004), historical

institutionalism provides the tools to account for a much greater diversity of actants than does decentred

institutionalism. As such, I adopt a form of interpretive institutionalism that recognizes institutions as

dynamic and contextual but nevertheless deeply influenced by history and culture. Drawing on actor-

network theory, I conceptualize actors as situated rather than autonomous, able to make meaning and

generate interpretations, but always in an already existing world constituted by people, norms, cultures,

socioeconomic contexts, and diverse other things that act and influence these interpretations.

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[9] In *Vibrant Matter: A Political Ecology of Things*, political theorist Jane Bennett challenges the object/subject duality that underpins assumptions than nonliving 'things' are inert and passive outside of human action. Drawing on Latour, she dispenses with the object/subject in favour of 'intervener' – something that "makes the difference, makes things happen, becomes the decisive force catalyzing an event" (Bennett, 2010: 9).

[10] Latour (2004) uses the terms actor and actant somewhat interchangeably. He states that the term actant is a term used in semiotics that can include both humans and nonhumans, implying using 'actants' signals this inclusion, whereas 'actor' is often understood to refer exclusively to humans. Bennett (2010: viii) suggests actant is a substitute word for actor or agent that is used outside of an object/subject framework: "an actant is a source of action that can be either human or nonhuman; it is that which has efficacy, can do things, has sufficient coherence to make a difference, produce effects, alter the course of event". Although Bennett stresses material things rather than ideas, I am particularly interested in thinking about ideas, stories, policies, and sedimented histories themselves as actors that make a difference.

I use a form of institutionalism resembling that advocated by Lowndes and Roberts (2013), a broadly constructivist but deeply (self) critical and open form of institutionalism that is and strives to be powerfully explanatory of observed phenomena. This interpretive form of institutionalism allows me to investigate land developers and land use conflict in the Toronto region in a way that is grounded, attentive to site-specific actors and processes, but also generative of broader insights into the politics and power of land development and land use conflict. Grounding my research in this way allows me to contribute to existing theory and to build new theory. As I discuss in the conclusion, my approach to institutionalism is new. I am suggesting spatializing institutionalism through an explicitly *geographical* interpretive institutionalism centred on connection and flow, specifically the connections between actors and agencies and the flow of ideas that become important and make a difference. I investigate the interconnections between actors and agencies, the relationships of power constitutive of these relationships, and the processes of territorialization at play when powerful actors, specifically developers and the development industry, are able to control land, politics, economics, and even the way land is valued and conceptualized. In drawing upon and extending this theory, I pay much attention to site-specific details: important historical moments in Toronto region land use planning and conflict; actors and firms involved in land use planning and development; political actors and ideologies; and the trajectory of ideas that for various reasons became influential to land use policy and land use change. Although many of the case study details deal with the Oak Ridges Moraine conflict, I also go beyond this particular conflict, providing clues to the historical events and social forces that serve to situate the moraine conflicts spatially and temporally. I also explore the greenfield development process more generally, in order to frame the Oak Ridges Moraine conflict as foremost a conflict fueled by developers and development.

Land Use Conflict at the Urban-Rural Fringe

As the Oak Ridges Moraine contestations illustrate, land use conflict can provide a glimpse into the complexity of the land use regulatory system, and the interrelationships among land developers, political

actors, bureaucrats, and civil society actors. Conflict illuminates questions of land use and property law. Land use and property law in Canada are governed by the Constitution, which offers little protection for property rights, common law (in all provinces except Quebec, which uses a civil law system), which tends to protect these rights, and provincial land use regulatory systems enacted through local municipalities. Land use and property are deeply political, and decisions are often made in a climate of debate and contestation, rather than through ostensibly rational forms of adjudication according to strict tenets of formal law. Land use conflicts bring up issues of power, and highlight the ability of developers and the development industry to gain a privileged position in the governance and development of land. As interpretive institutionalists remind us, the corporate world and the political world do not exist in isolation (Bevir & Rhodes, 2010). Especially in the neoliberal era of Conservative rule in the mid-1990s in Ontario, governance tended to follow an 'open for business' mentality, where market forces were deemed to be the best way to achieve democracy, justice, and liberty. But even as the planning system tends to facilitate the development process, it is also charged with serving the so-called public interest, which goes well beyond economic formulations of prosperity and liberty based on a private ownership model of property. Land use conflict brings all of these questions and contradictions to the fore. This research addresses these questions of land use, property, and the role of land developers in the regulation and policy development of land use. As primary actors and organizations in the transformation of land, developers are at the forefront of the institutional and political complexity constitutive of land use governance and development. Investigating developers provides a way to better understand the processes and exercises of power that drive development and in many cases result in land use conflict. The response of developers to civil society contestation of development projects, and changing land use policies must also be well understood in order to assess the impacts of land use policies, and the ways in which developers adapt to these policies. The Oak Ridges Moraine conflicts, as well as the major land use planning reforms they heralded, provide a remarkable case study for researching these complexities and for better understanding planning and development in the urban-rural fringe.

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Theorizing land use conflict and property.

This investigation focuses in particular on large greenfield developers operating at the urban-rural fringe of the Toronto region. Greenfield development is a very visible process that radically transforms landscapes and social relations. It often generates contestation, especially over the loss of certain landscapes or biophysical features, as well as over land uses that compete with each other or where one land use is perceived as detrimental to another. At its most basic level, land use conflict is a struggle between land use of one party that may have real or perceived (usually negative) effects or risks for the land use of others (Goetz et al., 2005). Land use conflict can be understood as a clashing of beliefs and values over the social function of land, and encompasses competing notions of place, appropriate use of land, property, and value (Duke, 2004), often emerging within the context of a conversion from one use to another (Goetz et al., 2005). Control of use, or exclusion of use from others, are fundamental aspects of property-based land use conflict (Cloke, 1989), and this struggle for access or control implies the assigning of rights through the operation of government institutions (Duke, 2004). This suggests a particular notion of rights as tied to property – a spatial relationship between property and access or control (Valverde, 2005) that puts the emphasis firmly on property law and land use legislation.

An important part of my research is an examination and evaluation of the concepts of property and property law as institutions fundamental to urban development. The very institutions of planning encompass and structure contrasting ideas of property as they work to regulate and facilitate private development while purporting to support the public interest. The concept of property has been the subject of much recent scholarship, an exhaustive examination of which is beyond the scope of this dissertation. Important for this discussion are those works that question the coherence and assumptions of the dominant private ownership model of property that underpins capitalist society and the capitalist mode of production (Blomley, 2004a,b; Jacobs, 2004; Rose, 1994; Mansfield, 2008; Singer, 2000). Property theorists note that although there is often, but not always, (Singer, 1993; Weinrib, 1988) a material element to property, property is foremost a legal construction, a social relation between people and things – or according to

some, a relation between people "in respect of things" (Weinrib, 1988: 120) – codified through law (Alexander, 1997; Brigham, 1990; Singer, 1993). Implicit in this understanding of property as a legal construction and a social relation is the notion – very much reminiscent of an interpretive institutionalist framing – that property is institutionalized within particular cultural, political, and historical contexts (Rose, 1994). Property, in other words, is an institution that structures social relations and that has both a formal and informal content. Property as an institution exists to serve certain ends, some of which are explicitly economic but many of which are not (Weinrib, 1988). Analyzing how property works in practice illustrates the complex nature of property, despite assumptions that it can be grasped intuitively (Williams, 1998). Part of this complexity is the differential enactment of property (Blomley, 2013), where the workings of property are not necessarily clear. As Rose (1988) argues, this enactment of property often takes the form of story-telling: a narrative form encompassing morally, culturally, and historically textured stories and practices that result in very 'muddy' decision processes that are nevertheless articulated through rules and laws that appear to be objective and clear (Rose, 1988). But part of the complexity of property derives from the very different objectives property is assumed to accomplish, and the different historical visions of property that have emerged in western thought.

Rose (1994) sees in the history of western property two broad conceptual visions. These include a property regime intended to enhance total social wealth – a mainly economic formulation of property – and a conception of property as a social institution that aims "to secure to each person that which is 'proper' to him or her, in relation to each person's role in the commonwealth" (Rose, 1994: 51). She refers to the first as 'wealth-enhancing' or 'preference-satisfying' visions of property and the latter as 'property as propriety'. Rose (1991) suggests the first half of the duality, the individual preference satisfying and wealth enhancing notion of property, privileges the economic, whereas maintenance of a public good is largely seen as political.

Underpinning the duality of property between individual wealth enhancement and the public good is the longstanding principle that unrestricted liberties for one will inevitably impinge on the liberties of

others (Diamond, 2009; Freyfogle, 2010), or to state it in more positive terms, restricting individual liberties of some can sometime serve to enhance the collective liberty of others. This duality puts in stark contrast the Blackstonian conception of property as absolute dominion (Blackstone, 1783) – an unqualified individual right to exclude others in the name of preference-satisfaction and wealth enhancement (e.g., Posner, 1973) – and the more muted (and older) conception of property as a mechanism for maintaining some form of collective good (Alexander, 1997; Rose, 1994). This duality can be understood in a number of ways: as one between a private ownership model of preference satisfaction and a collective social good (or more broadly, a duality between the individual and society) (Alexander, 1997, 1998); between securing the rights of individual and securing the rights of property (Nedelsky, 1990); between land use regulations (which are often perceived by landowners as limiting liberty) and property law (which is often perceived as protecting liberty) (Freyfogle, 2010), and so on. Alexander (1997, 1998) simplifies this duality, using the term 'commodity' to stand for the dominant, usually economic, wealth-enhancing, and individual liberty protecting understanding of property, and 'propriety' to stand for use of property and the law for purposes of maintaining a so-called proper social order.

Competing visions of property in land use planning.

Although the commodity/propriety dualism risks simplifying the complexity of the property dialectic, and embracing rather than problematizing stark dualisms (individual versus social; economic versus political), it nevertheless presents an intriguing way to conceptualize qualitative differences in the way land use planning disputes in the Toronto region were dealt with in the early 2000s. In most western industrialized societies, a commodity/propriety duality can be readily found in land use planning law in its claims to protect the public interest while at the same time protecting and enhancing the ability of development firms to profit from land and land use transformations (Healey et al, 1988). Critical planning theorist Yvonne Rydin (2003: 3) suggests the framing of planning as a rational process "pursued in the public interest using intelligence and knowledge" masks the "conflict and congruence of interests and the

associated play of power". In a rationalist framing, the politics and power of property are denied, even though, as Healey et al. (1988) note, the state, through the planning system and property law, safeguards real estate interests. Hay (1999) argues that although over the long term, the planning system, as an agency of the state, may be controlled by particular factions of the ruling class, planning in the quotidian is mainly about crisis management and conflict resolution textured by idealistic Hegelian notions that the state is capable of "expressing the general and communal interests of all its subjects" (Hay, 1999: 159). Planning, according to this argument, appears to be, and strives to be, in the service of the public, even though it ultimately privileges and works harder for capital than society. Despite this purported commitment to the public good, in the everyday world of development control, planning is often more about economic development and the securing of private property rights (Healey et al., 1988). As Rose (1994) states, property as propriety, an institution functioning to preserve some sort of social order, is much muted in modern property regimes, especially in the United States, hidden behind dominant economic conceptions that privilege the individual.

In Canadian planning law, individual rights to exclude and to have unrestricted freedoms to property reach their limits very quickly. Although landowners are generally protected by common law and land use legislation that serve to protect the private owner, owning property itself is not a constitutional right in Canada. Different levels of government can limit owners' 'absolute dominion' in many ways, as long as these limitations are carried out within the existing legal framework. Land use regulation, such as urban boundaries and zoning, provides one obvious example of these limits. Bylaws governing everything from how much noise one can make to what one's urban garden looks like provide another (Valverde, 2012). Even more clearly limiting individual rights over property is land expropriation by the state (also referred to as 'compulsory purchase' or 'taking by eminent domain'; Rose, 2000). In the Province of Ontario, expropriation provides a clear example not only of the limits of individual property rights but also of the duality between individual liberty and the public good. Expropriation is available to the state only if land use authorities can clearly demonstrate that a certain parcel of land is required for purposes of the

public interest (OMB, 2010). As such, expropriation is usually used by provincial government agencies to assemble land for large infrastructure projects, such as airports and highways, where a broader public will benefit from the new land use proposed. The term expropriation was used by developers during the Oak Ridges Moraine conflict to signal what they perceived to be unfairness on the part of the provincial government vis-à-vis land use regulation that restricted land development.[11] The developers used this property term to tell a story based on a moral argument rather than one based in formal law. In effect, developers used this freighted term to make their own claims about the duality between individual liberty and the public good: that government regulation would harm individual liberty, which would by extension be detrimental to business interests more generally. This argument is based on the notion that developers and development are important to the governance of land and land use. The success of developers in successfully deploying the language of property and in benefitting materially from property claims also illustrates their powerful role as governance actors in the planning and regulation of land.

What is land? Conceptualizing land and value.

When developers argue that they have a right to develop land, they are making a claim based on a particular conceptualization and valuation of land: one supported by a state-authorized private property regime (Harvey, 1982). But what is meant by land and value is not self-evident. Anthropologist Tania Li (2014) states that land is a strange object. Part of this strangeness is that land can mean different things depending on one's relationship to it: "what land is for a farmer is not the same thing as for a tax collector. Land may be a source of food, a place to work, an alienable commodity or an object of taxation. Its uses and meanings are not stable and can be disputed:" (Li, 2014: 589). Rendering land valuable or useful to humans, Li argues, is a social process of discursive and material assemblage made by diverse humans that have their own understandings of what land as a resources should be and what it should do.

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[11] As I argue in chapter 4, although this claim of 'expropriation without compensation' was fictitious, it was nevertheless effectively deployed by developers to pressure and convince provincial officials to largely meet developers' demands.

For capitalist land developers, land is treated mainly as a commodity, albeit of different forms, and is valued for its ability to act as an exchangeable unit for capitalist accumulation. Hulchanski (1991: 3) asks the question, "is land a commodity like most goods and services or is there something which sets land apart?" From a Marxian perspective, Walker (1981) argues that 'raw' land (i.e., 'unimproved' by human labour) takes the commodity form but is not a commodity in the strict sense: although it has a price; it has no value as no labour has been expended to transform it into a commodity. Similarly, Harvey (1982) refers to raw land as a 'special sort' of commodity – a fictitious commodity – because it is not the product of labour and therefore has no value according to the labour theory of value. Roweis and Scott (1981) argue that even urban land, although it has been transformed by labour and thus expresses value, is not strictly a commodity since a commodity must be in a form that can be freely and continually exchanged on the market. As Li (2014: 590) notes, "land is not like a mat. You cannot roll it up and take it away. It has presence and location" (Li, 2014: 590). It is different from other commodities in this sense. Furthermore, Roweis and Scott (1981) argue that urban land is not a commodity because "its intrinsic use value ... is produced not by individual capitalists, but through the agency of the State and the collective effects of innumerable individual social and economic activities" (p. 142). Given the role of the state and collective other users, the act of treating land as a commodity is related not to the land itself, but to the (exclusive) title to land, which requires a private property regime and legal apparatus sanctioned by the state (Harvey, 1982).

Land is a special type of commodity, not only because of its regulation and involvement of the state, but also because of the uniqueness and lack of reproducibility of each parcel of land itself. Owners of particular parcels of land have monopoly power over those lands, and the locational uniqueness of land sets up conditions for monopoly control of both land uses and land supply (Harvey, 1982). Land developers, in other words, have considerable power when they own land in highly valued sites, as their ownership is monopolistic (or oligopolistic if multiple developers are involved). Although the value of land, as Li (2014) notes, varies according to the use of land, under capitalism, as Marx argued, the only

value that becomes expressed in commodities is produced through socially necessary labour time, where 'socially necessary' is a result of historical, social, cultural forces (Harvey, 1982). The primary element in Marxian political economy – the commodity – has use and exchange value expressed as the abstract totality 'value', and is freely exchanged by the owners of the means of production for equivalent forms of other commodities in the market. In the world of land development, land takes on properties of both a commodity and non-commodity. Land usually has a price, measured in dollars per unit area that can be bought and sold by individuals in the market. It appears to have an exchange value. Use value for end consumers of land – house buyers for example – is shelter or some other form of occupation. Use value for other property agents, such as builders or investment firms, is an input for further accumulation, a source of rent, or commercial or interest bearing capital. Indeed the value of land can be located at a number of points within the circuits of capital outlined by Harvey (1982). But it is also worth paying attention to Roweis and Scott's (1981) emphasis on state involvement in bringing land to market. The regulatory role of the state in land use, through planning and land use legislation, changes the terms through which value is defined. Capturing value in land is closely tied to the permissions given by state authorities to use land differently. However, similar to the dual nature of property – as commodity and propriety – the value of land is not expressed exclusively according to the logics of capitalism – the labour theory of value. Value is derived from a notion of collective benefit from land, or what can be done with land to serve a public good. However, developers and state actors are deeply entangled, and what counts as a public good is as much, if not more, an effect of power (which developers work hard to exercise) than a democratically derived outcome. Especially in late capitalism, developers are increasingly becoming active agents in policy-making and urban planning decisions.

Theories of governance.

The increased role of developers in the planning and regulation of land use is part of a broader shift that many theorists have conceptualized using theories of governance. Planning and political theorists and

urban geographers have directed our attention to the ways in which, in the current neoliberal era, developers are becoming increasingly important in the governance of urban regions (Healey, 1998; Gibbs & Krueger, 2012). Taking a critical stance, theorists of political economy suggest that neoliberal forms of governance under late capitalism are characterized by a shift in governmental responsibility to manage physical urban development and social welfare, or managerialism, towards an emphasis on economic development and entrepreneurialism (Harvey, 1989). According to this account, governance and institutions have shifted away from command-and-control, hierarchical, and bureaucratic regimes characteristic of the post-WWII welfare state, towards a form of governance that takes on a institutional form as "supportive 'container' of the economic, social and environmental relations that pass through it ... [through] building up collaborative relationships with 'stakeholders'" (Healey, 1998: 1535). In this context governance (as opposed to government) implies a shift away from hierarchies and strong forms of rule towards networks and 'soft' power (Bevir & Rhodes, 2001). Networked governance is suggestive of complexity and plurality involving a range of institutions and actors (MacKinnon, 2000), and to some extent is the basis of Bevir and Rhodes' (2001) decentred institutionalist theory of the state. One result of this shift is that planning itself has changed from the realm of so-called autonomous experts who develop ideas and present them to governments, towards strategic and collaborative planning where many different public and private groups and individuals collaborate to develop planning strategies (Healey, 1998: 1537). Optimistic readings of collaborative planning conceptualize this shift as an opportunity for more innovative governmental practices in order "to work collectively towards the creation of better and fairer quality living environments" (Gonzalez & Healey, 2005: 2056). But stakeholder collaboration characteristic of networked governance arrangements also tends to be contradictory in that despite promises of collective service provision and social innovation, class conflict and power structures continue to operate, albeit in more subtle ways (Swyngedouw, 2005). New networked governance arrangements can produce tensions between empowerment, on the one hand, and a dominant neoliberal political-economic order on the other. As Swyngedouw (2005: 1993) states, "the democratic character of

the political sphere is increasingly eroded by the encroaching imposition of market forces that set the 'rules of the game'". Thus, the promises of enhanced democracy through participation in collaborative and networked governance processes can be undermined by non-representational (and often informal) forms of rule dominated by political and economic elites. This can also be understood as a tension between improved transparency derived from decentred forms of governance versus the hidden or non-accountability of informal, elite dominated associations of governance (Swyngedouw, 2005: 2003).

Recently, some theorists have used the concept of postpolitics (or postdemocracy) to suggest a new form of governance that looks democratic in its reliance on consensus and collaboration, but in essence shuns the messy politics of dissension and living with difference that are often deemed to be at the heart of truly democratic processes (Metzger et al, 2015). Swyngedouw (2009: 604) suggests that urban postpolitics "[runs] parallel to the rise of a neoliberal governmentality that has replaced debate, disagreement and dissensus with a series of technologies of governing that fuse around consensus, agreement, accountancy metrics and technocratic environmental management". For Swyngedouw, technocratic environmental management refers to the work of experts who claim superior, scientific forms of knowledge, that can, in turn, be used politically to counter competing claims (see also Bocking, 2004). Rydin (2003) notes that technocratic procedures are held together by numbers – numerical transformations that hide underlying assumptions, values, and exercises of power. Postpolitics in the realm of planning works by disguising the domination of experts and elites as democratic engagement, often by capturing dissent or steering it towards pre-defined goals through highly visible, choreographed, 'spectacular' exercises in consensus-based planning exercises (Allmendinger & Haughton, 2012). These exercises look political on the surface and use an architecture of political engagement, allowing governing agencies and decision-makers to make claims for heightened democratic engagement (Allmendinger & Haughton, 2012). In the planning realm, this political architecture can include high profile, visible, and well-advertised public consultation exercises; advisory committees and the publication of advisory committee recommendations; engagement with stakeholders; and use of appeals boards and other forums for

participation. As opposed to advocates of collaborative planning that see potential for heightened democracy and participation in these exercises (e.g., Healey & Barrett, 1990), Owens and Cowell (2002) are concerned that these highly visible exercises do little of substance. What is often hidden behind these practices is an outcome that has already been mainly decided; the only questions that remain are how to reach outcomes in the most politically palatable way.

Healey (1998) describes two very different forms of participation that often characterize collaborative planning: broad consultation with segments of the public understood to have (often conflicting) interests in order to generate some form of conflict resolution; and collaboration with select stakeholders – those considered to be powerful and influential key players (Healey, 1998: 1539). Implicit in these two very different forms of collaboration are, as Swyngedouw (2005) suggests, tensions between the promises of enhanced democracy through participation in horizontally networked governance, and non-representational forms of participation dominated by political and economic elites. Purcell (2008) sees in these elite dominated forms of governance a shift away from democratic decision making towards a reliance on market experts and streamlined institutional processes. Macleod (2011: 2649) calls these processes "management without politics" where city politicians "aim to defuse dissenting voices" in order to "discuss less and do more". There is a growing concern in planning and governance literatures about the shift in urban politics as an arena for meaningful debate and disagreement towards a normalized postpolitical, consensus-based approach that stifles real politics (Allmendinger & Haughton, 2012; Harvey, 1989; Macleod, 2011; Swyngedouw, 2009). Although the stark dualism implicit in this body of work between traditional political conflict and new consensus-based politics is somewhat problematic (Owens & Cowell, 2002), strategic stakeholder processes do seem to evacuate possibilities for political engagement by emphasizing the pragmatic and expeditious resolution of conflict over meaningful political debate. However, as noted by Owens and Cowell (2002), both traditional and more deliberative forms of politics can be dominated and co-opted by dominant corporate and political elites. As key actors in the governance and transformation of land, the increasing role of developers as governance actors needs to be

scrutinized closely in this context. This is taken up in detail in chapter 5, where I investigate and analyze the role of developers in strategic stakeholder processes that were carried out as part of the Oak Ridges Moraine conflict resolution process, as well as formulation of greenbelt legislation.

Developers in Urban and Planning Theory

The response of developers to conflict and government intervention has not been treated extensively in academic research. Adams et al. (2012) suggest this gap has led to policy makers only marginally understanding what developers do, leaving the door open for seriously flawed policy and planning. What is needed in both research and planning practice is a deep understanding of the role of developers within the governance and planning system, and the complex institutional forces and interrelationships that constitute the development process and the development industry. Understanding developers and these relationships calls for a different kind of analysis: an interpretive institutional analysis that highlights the relationships among urban actors, the role of shifting ideas and norms, the place specificities of land use regulation and implementation, the outcomes of regulations, and the role of powerful interests in the articulation of land use regulation.

From an analytical perspective, individual developers and firms are given little attention in urban geography and planning studies. This is itself an important reason to investigate developers, given that they are key agents in proposals to change land uses at the rural-urban fringe. Planning scholarship is often descriptive, outlining the process of development and its connection to the planning system (Healey, 1991; Ratcliffe et al., 2009). This work also tends to focus on planners, paying less attention to developers or treating them as a monolithic category – the development industry (Forester, 1989; Healey, 1992). In planning and geography, even very well known scholars often overlook developers or de-emphasize the actors involved in development. For example, Leonie Sandercock (1975, 1990, 1997, 2003) has published a number of important works that pay attention to the history of planning, shifts in planning paradigms, the politics of planning and regulation, and the role and possibilities for activism in planning. But

developers are entirely absent in these works. Writing about the Toronto region, urban geographers

Sorensen and Hess (2015) draw on historical institutionalism to analyze the development outcomes of a

historical turning point in suburban planning in the post WW II period. However, they pay little attention

to the power of developers and the politics of development. Other scholars, including theorists in

geography, planning, and architecture, focus on diverse aspects of development, including:

financialization (Walks, 2010, 2014a, 2014b; Weber, 2010, 2015); capitalist extraction of value from land

(Haila, 1991, 2000; Harvey, 1978, 1985; Walker, 1974, 1981); the cultural dimensions of land use and

development (e.g., Zukin, 1989); and critical analyses of architecture (Fuerst et al., 2011; Sklair, 2005;

Sudjic, 2005). These works make important contributions to cultural studies, planning theory, and urban

geography. However, developers, as influential actors, are not the emphasis of these works.

Some research has begun to take account of developers in the process of land use change and

regulation. In *The Rise of the Community Builders*, Marc Weiss (1987) provides a historical genealogy of

suburban real estate developers in the United States, which entailed a shift in the role of developers from

individual speculators in property to active and organized agents in the planning and development of

suburban subdivisions. In the Canadian context, Richard Harris (2004) provides a historical account of the

emergence of a corporate model of suburban development, one dominated by small numbers of large

development firms[12] that plan and build suburban subdivisions. Susan Fainstein's (1994) *The City Builders*

is a critical portrayal of the development industry in the core areas of London and New York, although the

relationships between developers and policy makers is not explored in depth and the focus is on macro

economic processes. Also working drawing on a 'city builder' framework, Ruth Fincher (2007) explores

the stereotyped portrayals of consumers that developers rely upon when they claim to be responding in

innovative ways to changing consumer preferences. While showing that developers have considerable

power to influence what form housing takes, Fincher shows that they rely on well-rehearsed and gendered

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[12] Although the development firms that own and subdivide land in Canada are often quite large in terms of land holdings and net worth, the labour-intensive process of constructing buildings is dominated by small specialist subtrades contracted by development firms (Buzzelli, 2001).

life-course assumptions when they decide what should be built. Although Fincher does not use institutionalism, her attention to the power of ideas forwarded by a particular group of actors is important, and is illustrative of the contributions an interpretive institutional approach can make to urban theory.

Borrowing from institutional theories in political science and policy studies, some urban theorists have recently begun to pay more attention to the role of developers in the discursive and cultural elements shaping urban and regional transformation (Ball, 2002; Fincher, 2004, 2007; Guy & Henneberry, 2000; Gibbs & Krueger, 2012; Ruming, 2010; Taylor, 2013). Some of this work picks up from British property research begun in the 1980s, which often theorized tensions between structural political economy approaches and those paying more attention to actors and agency (Ball, 1983, 1994, 1998, 2003; Healey & Barrett, 1990; Healey et al., 1988; Rydin, 1986). From a planning perspective, Patsy Healey and colleagues (e.g., Gonzalez and Healey, 2005; Healey, 1992) have used a structure-agency institutionalist framework to theorize collaborative planning and its capacities for innovation. Somewhat skeptical of the promises of collaborative planning, Allmendinger and Haughton (2012) draw attention to the hidden power plays that undermine the democratic intent of consensus-based planning processes. A consensus approach to conflicts over land is hinted at by Logan and Molotch (1987: 68) who suggest that part of a liberal growth machine strategy are longer-term efforts to placate, pacify, or co-opt opposition through political skill: "A skilled politician delivers growth while giving a good circus". This differs from what they call a 'conservative growth strategy', which is suspicious of government intervention and favors a straightforward commitment to free markets. Both the liberal and conservative strategies give corporations, such as land developers, a central position of power as growth allies, albeit in different ways. These exercises of power are central to Ruming's (2009) analysis of how property developers in Sydney, Australia mobilize formal and informal institutional relations in order to garner development approvals.

Literatures on political economy and urban politics have provided some insights into relationships between governments and the corporate world. Political economy conceptualizes local governance as constituted by an interaction between economic and political (governmental) actors (Hamilton, 2002).

What Ward (2009: 232) calls a "US urban political economy tradition" emphasizes that local politics is comprised of businesses and local elites. These 'elitist' political economy approaches such as regime theory (e.g., Stone, 1993) and growth coalition theory (e.g., Molotch, 1993) focus on private business interest cooperation with local governments for the purpose of gaining competitive advantage to attract investment and promote growth. In much of this literature, business elites are framed as influential drivers of economic growth through mobilization of and cooperation with state institutions and actors (Molotch, 1993), resulting in questions about who really governs (Ward, 2009). The growth machine literature (e.g., Molotch, 1993; Logan & Molotch, 1987) often portrays developers and other real estate interests as central (although somewhat disembodied) cogs in the growth machine wheel that inevitably get what they want, which is growth (Beuschel & Rudel, 2010; Lofland, 2004). Elite political economy approaches can be contrasted with Marxian approaches that locate power in the systemic class inequality of capitalist political economic structure, rather than in elite actors and the institutions that support them (Lowndes & Roberts, 2013).

Developers in Canadian cities are often framed as part of growth coalitions involving politicians and other city boosters, especially in the suburbs (Lorimer, 1978; MacDermid, 2009; Pond, 2009). A limited amount of research has also made connections between developers and neoliberal governance structures: with increased responsibility downloaded to municipalities but political reticence to increase property taxes, Ontario municipalities increasingly compete with each other for new urban development and accompanying development charges, and the perceived and conceived economic boon to the economy associated with housing development (Burda, 2008; Lorimer, 1978; Slack, 2002). That said, local government practice is often contradictory, with some policies encouraging development and others restraining it, a fundamental tension within the land use planning system (Warner & Molotch, 1995). For example, 'fringe' municipalities in Ontario have often followed regional (provincial) guidelines for protection of agricultural lands while maintaining growth mentalities that undermine agricultural land preservation (Bunce, 1985). In a capitalist market society, it is plausible to assume developers are

motivated by accumulation for accumulation's sake and current fiscal structures may compel city boosters to encourage development for fiscal and political reasons (Ackerman, 1999). However, this research also seeks to more fully explain in detail the roles of developers in planning, policy making, development, and land use conflict. Key concerns are the ways in which developers influence planning and governance, especially in light of policies developed in the early 2000s in the Toronto region that are intended to protect the environment through increased regulation of development, at the same time as there are greater pressures for economic growth and job creation.

This dissertation centres on the institutions through which land development is carried out, including the interconnected actors, agencies, and processes of the development industry and the state. With an interpretive institutional framing, the development industry is not viewed simply as a conceptual placeholder for an aggregate group of rational property development corporations. The development industry is a relatively stable, relatively coherent entity populated by actors, processes, rules, and organizational structures. Development is also strongly place-based and local, and is unlikely to operate in the same ways everywhere (Ball, 1986). It is constituted by informal networks of relationships and weak ties that can be as or more influential than official rules and structures. The development industry also includes relationships and procedures implicating state agencies, such as municipal and provincial planning departments; engineering standards (and consultants); legal frameworks and staff; and politicians, who often have very close relationships with developers. The legal system within which developers operate is particularly important analytically. Developers are enabled and constrained by federal, provincial, and municipal laws and regulations that specify what they are able and not able to do. Although these laws and regulations are formal, written down, and authorized by the state, this does not automatically mean that they are clearly practiced. Laws and rules are adjudicated by people in various ways involving a high degree of negotiation and interpretation: at municipal council offices; municipal planning committee meetings; OMB hearings and negotiated settlements; and occasionally, through the courts. Often, development permissions and parameters are negotiated with input from civil society actors.

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Rarely is the strong power of the state employed in land use decisions through direct intervention based on strict enactment of land use regulation. However, this strong form of potential power is always lurking in the background, influencing the characteristics of softer forms of power.

This dissertation explores planning and development practice in the context of recent provincial legislation purported to limit urban sprawl and protect environmentally sensitive areas and farmland. These pieces of legislation include especially the *Oak Ridges Moraine Conservation Act, 2001* (MMAH, 2001a), the *Greenbelt Act, 2005* (MMAH, 2005a) and the *Growth Plan for the Greater Golden Horseshoe, 2006* (Ontario Ministry of Infrastructure, 2012), which is a specific Toronto region plan authorized by the *Places to Grow Act, 2005* (Ontario, 2005c). This research investigates the role of developers in the formulation of legislation, including how problems and solutions are framed, the effects that legislation has had on developers, and the response that developers have had to the legislation. By focusing on the history of land use policies and politics in the Toronto region, the next chapter sheds light on the historical forces that led to land use conflict on the moraine and textured the actors and ideas underpinning its resolution. I show that land use conflict on the Oak Ridges Moraine was much more than a local dispute over proposals for land use change. It was a historical turning point that had a fundamental impact on the process and politics of land development in the Toronto region, and illustrated the power of land developers and the development industry over land use change.

Chapter 3. Politics of Land Use and Conservation in the Toronto Region

While this dissertation focuses on a specific moment of land use contestation in an urban-rural fringe area of the Toronto region, in arriving at this focus, I examine the historical and place-based forces that fueled these contestations in an attempt to understand why land development can generate such visceral responses, some of which are capable of influencing election results and shifting public policy. This focus on conflict and its historical antecedents makes visible the power of developers over land use change, and shows that developers are key governance actors in land use decisions. Developers, responding to and fostering a particular form of consumer demand, drive the process of urban development (Leo, 2006). Furthermore, certain developer's rights seem be privileged, not only over other developers, but also over competing actors with alternative notions of what land should be used for (e.g., golf course operators, quarry and aggregate pit firms, air strip operators). In order to understand developers and their role in land use governance and development, it is important to understand how the history of land use planning includes the role of developers within that history. Historical institutionalists stress the importance of conceptualizing crises (such as land use conflict) and change (such as new policy) as moments within a broader place-specific history evolving over time (Hall & Taylor, 1996). But as interpretive institutionalists (e.g., Bevir & Rhodes, 2010) remind us, specific actors and institutions – key political figures, business elites, the media – can be deeply influential to how institutional change plays out.

During the period in the late 1990s and early 2000s, environmental activists, homeowner groups, government actors, and developers converged on the Oak Ridges Moraine in the Toronto region to wage a land use battle (Sandberg et al., 2013). This conflict was to become a historical turning point – a critical juncture (in historical institutionalist terms; Eidelman, 2010) – in Toronto region planning and development. This turning point ultimately fueled arguably the most significant regional planning effort in the history of the Toronto region. Starting with a regional plan for the preservation of the Oak Ridges Moraine, followed by a larger-scale *Greenbelt Plan* (MMAH, 2005b), the Province of Ontario instituted a

broader regional plan. This regional plan, the 2006 *Growth Plan for the Greater Golden Horseshoe* (Ontario Ministry of Infrastructure, 2012)[13], is intended to manage urban growth by focusing growth at key nodes, and to protect sensitive natural landscapes and agricultural land. Implementation of the provincial growth plan relies on conformity by local municipal planning official plans and zoning bylaws. While there has been some resistance from local municipalities and land developers, and critics point to flaws in its implementation (e.g., Allen & Campsie, 2013), the growth plan is likely to be more successful than previous regional planning efforts, such as the Toronto-Centred Region Plan (described below), from the 1970s, which was largely abandoned by the provincial government in the 1980s (White, 2007).

The Oak Ridges Moraine battles and subsequent planning reforms did not just happen. These events and policy decisions were not simply the result of specific disputes in particular sites. They were influenced by a long history of planning within an institutional and regulatory context, and a particular form of urban expansion deriving from specific political and economic decisions. Throughout this history, the media also played an important role, as did civil society activism. This chapter tells the story of the planning history and context that resulted in the Oak Ridges Moraine battles. The next chapter focuses in greater detail on the Oak Ridges Moraine conflicts themselves, the developers involved in the conflicts, and the politics of conflict resolution. While this story has implications for the broader Toronto region, I give particular attention to two main localities that ultimately came to be interconnected. These are areas north of Toronto on the Oak Ridges Moraine, mainly in York Region (especially Richmond Hill and Uxbridge), and the Seaton lands in the City of Pickering, a municipality immediately east of the City of Toronto and mainly south of the Oak Ridges Moraine (Figure 3).

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[13] This regional growth plan is referred to by a number of names. The *Places to Grow Act 2005* is the name the Liberal government gave to their Bill 136 (Ontario, 2005_backgrounder)). From this act, two growth plans were developed: the *Growth Plan for the Greater Golden Horseshoe, 2006* (Ontario Ministry of Infrastructure, 2012) and the *Growth Plan for Northern Ontario*, 2011 (Ontario, 2011). When commentators use the term Places to Grow, they are usually referring to the *Growth Plan for the Greater Golden Horseshoe*.

Politics of Urban Growth and Environmental Protection in the Toronto Region

The Toronto-region has grappled with its growth at least since the 1960s (earlier if one considers the 1943 Master Plan for Toronto and formation of the Municipality of Metropolitan Toronto in 1954; Relph, 2014). Provincial 'Design for Development' plans in the 1970s included the Toronto-Centred Region Plan (TCRP) (Ontario Regional Development Branch, 1970; Ontario, 1971), which attempted to identify how 'orderly' growth should occur; address increasing land prices and decreasing housing affordability; clearly delineate urban centres and agricultural land using a parkway belt system[14]; and rebalance growth in the region eastward along Lake Ontario, rather than what was then and still is a prevailing southwestern pattern towards the United States. As part of the TCRP and an earlier transportation study called the Metropolitan Toronto and Region Transportation Study or MTARTS (Ontario Community Planning Branch, 1967), New Town[15] satellite communities (Brock and Cedarwood, later combined and named Cedarwood, and later still renamed Seaton) were proposed for central Pickering.[16] Much to the surprise of land developers, and opposed to what was suggested in the TRCP, the Province decided to expropriate land for the new satellite community of Cedarwood rather than encourage private development through the provision of infrastructure. The Province announced its intentions March 2, 1972 at the same time as the federal government announced its choice of north Pickering as the site of a new airport[17]. Both these

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[14] The Parkway Belt system was planned to fulfill a number of functions, including: transportation and utility corridors; an urban separator to define communities and curb urban sprawl; environmental buffers between communities and transportation corridors; and recreational and other low intensity uses (Ontario, 1971).

[15] Brock and Cedarwood were proposed to be built on New Town planning principles derived mainly from post WWII planning in Britain of large, master-planned, self-sufficient communities (Plantown Consultants, 1974).

[16] The idea for Cedarwood predates the TCRP and originated with private developers. In 1969, the private engineering firm R.V. Anderson & Associates prepared an engineering report for a proposed new subdivision called Altona Heights or The Altona Heights Project (W.R. Kellough & Associates, 1975). The report was commissioned by an investment and development consortium represented by (perhaps including) B.J. Chapman, Barrister and Solicitor; the consortium had acquired 850 acres, held options on 750 acres, and had plans to acquire 3,000 acres in Altona North to build a new city of 125,000 to 150,000 people (ibid). In 1970, the name Altona Heights was changed to Cedarwood City (ibid.).

[17] Although the federal government, in the 1960s, carried out studies of over 50 potential airport sites, the north Pickering site was not one of them (Budden & Ernst, 1973). Budden and Ernst (1973) suggest that the planning rationale and process for site selection was made *ex post facto* (after the fact). The site was selected, and then it was rationalized. According to economic consultant W.R. Kellough & Associates (1975), the Ontario provincial government preferred a site east of Metro Toronto and convinced the Federal government to choose north Pickering

measures would result in land expropriations and reams of planning documents. By 1975, however, the airport project was suspended indefinitely, although provincial planning for Cedarwood, and protection of an agricultural area to the west of the town, continued. Various greenways and greenbelts were also proposed in the 1960s, 1970s, and 1980s, as planners and politicians attempted, but largely failed, in regionally based planning initiatives intended to manage rapid population growth and land extensive development in the Toronto region (White, 2007).

Plans for the Seaton new town stagnated due to a combination of economic downturns and government retreat from the ideas and practices of land banking and new town planning[18]. The Progressive Conservative government led by Bill Davis (1971-1985), although committed to the planning and development of a new satellite city, ultimately failed to realize the project before being defeated by the Liberals in 1985.[19] The Liberal government, under David Peterson, was less interested in public land banking, and gave some signals that it wanted to sell the Seaton lands, although it never did.[20] In November 1988, the Peterson government announced its plans to begin construction on Seaton in 1991,

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as a way to facilitate construction, and offset the costs, of the infrastructure required (such as the Central York Servicing Scheme, a major sewerage project) to develop Cedarwood and other population centres.

[18] Public land banking or public land assembly refers to acquisition, by a government agency, of land in anticipation of its need for housing or another land use (Spurr, 1976). It can be done for a variety of reasons but often is seen as a way to curb rapid increases in land prices and land speculation, often out of concern for decreasing housing affordability (ibid.).

[19] From 1972 to 2001, plans for the satellite community that would be called Seaton were started and stopped a number of times, partly because the *Planning Act* at the time required review of the plans for Seaton every five years (MGS, 1988). The first plan for the new community was published in 1975 after a two-year planning process (MMAH, 2002b). Also in 1975, the North Pickering Development Corporation, a Provincial corporation overseeing development of the provincial north Pickering lands, was established through Bill 181 (Legislative Assembly of the Ontario, 1975). Under the leadership of Bill Davis' Progressive Conservative government, various other measures were taken in the 1970s as part of the development process for the new community. In June 1978, land development operations of the North Pickering project were transferred from the Ontario Land Corporation to the land development wing of the Ministry of Housing (Legislative Assembly of Ontario, 1978,). In October 1979, as part of a campaign to market the new community and to distance the community from the contentious nature of the North Pickering Project, Ontario Land Corporation changed the name of the community to Seaton (Hughes Ludlow & Associates, 1979; OLC, 1979, October 16). However, due to what was called a poor economic climate, on 24 March 1980, Ontario Minister of Housing, Claude Bennett, announced postponement of the startup of Seaton until at least 1982 (Bennett, 1980). In his announcement, he confirmed that 10,000 acres in the west half of the north Pickering site would be reserved for agriculture, calling the provincial farm lease program in operation at the time a "model for management of provincially-owned agricultural lands in other areas of the province"(Bennett, 1980: 3).

[20] Although the Province maintained ownership of the 6,751 acre Seaton land parcel (which was valued at $8254 per acre) ownership and management of the lands were transferred from the Ontario Land Corporation to the Ministry of Government Services (OLC, 1986).

with a goal of at least 35% of the community being affordable housing (MGS, 1988). This was to be carried out by selling the land to private developers at market price, but only after the Province had put in place draft plans of subdivision (ibid.). Before they could carry out these plans, however, the Liberals were defeated in 1990 by the New Democratic Party (NDP), led by Bob Rae. Under the NDP, the early 1990s were a very active time for the planning of Seaton, and visions for Seaton were more explicitly than before centred on innovation and sustainability.[21] In 1993, the NDP government also formalized the agricultural portion of the north Pickering lands, establishing the Duffins-Rouge Agricultural Preserve or DRAP (Buckles, 2005), although it sold portions of the agricultural assembly that were located in Markham to private developers for the purpose of building an innovative new community, which would become Cornell (Papp, 1994, May 13).

Planning for Seaton was once again put on hold when the NDP lost the provincial election to the Progressive Conservatives, led by Mike Harris, on June 26, 1995. The Harris government was committed to selling off public lands and other assets, and sold some of the DRAP holdings to formerly expropriated landowners or current tenants at farmland prices (approximately $4,000 - 8,000 per acre), some of which were then sold to developers. The Harris government also signaled its intentions to sell off the Seaton lands, as well as many other public real estate holdings, on the open market (Craig, 1995; Josey, 1995, December 15; Lindgren, 1999; White, 2000; Wright, 1995, December 14), but the 2001 land exchange agreement was negotiated before that could happen. It was not until Seaton came into private ownership in the 2000s that serious development plans for Seaton were made, with the expectation that by 2015 development in Seaton will finally begin (Pickering, 2015).

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[21] A group called the Seaton Interim Planning Team (1991) drafted a document called 'The Seaton Community Planning Goals and Development Framework' January 2, 1991. Also in the early 1990s, the 'Seaton Consultation Group', led by Brian Marshall, Judith Ramsay, and Carolyn Anderson (1991) published a draft document outlining a vision for a model sustainable community. In 1994, the Ontario Ministry of Housing appointed a 10-member Seaton Advisory Committee to coordinate consultations for development of Seaton as a sustainable, innovative community (Steinmann, 1996). The Seaton Advisory Committee submitted its final report in 1995, recommending development of a compact, innovative community (ibid). As part of its process, the Seaton Advisory Committee held a juried design competition for Seaton, which was awarded to The Ontario Form Collaborative, a planning team led by John van Nostrand Associates (Ontario Form Collaborative, 1995).

Planning by pipe?

As the Toronto-Centred Region plan largely failed to shift growth east of Toronto, the Toronto region in

the 1960s and 1970s struggled to manage its rapid growth northward, especially in the Regional

Municipality of York (or York Region). Paralleling – or perhaps fueling – what ended up being a

prevailing growth pattern northward was development in the 1970s,[22] and expansion thereafter, of a

massive trunk sewer pipe and sewage treatment plant: the York-Durham Sewage System or YDSS (the

'Big Pipe') running through York and Durham Regions, and the Duffin Creek Water Pollution Control

Plant (i.e., sewage treatment plant) located in Pickering on the north shore of Lake Ontario. The rationale

in the late 1960s for building this system was to protect the Don, Humber, and Rouge rivers (and by

extension, human health) from the increasing amount of sewage entering these rivers via small sewage

treatment plants (Ontario Management Board of Cabinet, 1981; MOE, 1974; White, 2007). By removing

these small facilities and directing all sewage to Lake Ontario, the YDSS also allowed York and Durham

Regions to urbanize. According to engineering firm CH2M Hill (2012: 2-1), "The YDSS accommodated

growth in both York and Durham Regions by taking advantage of the assimilative capacity afforded by

Lake Ontario in order to protect the rivers and streams in the service area". Indeed, many developers, in

arguing their case for developing on the Oak Ridges Moraine in places like Richmond Hill and Uxbridge,

suggested that their developments would actually protect nature by replacing hundreds of septic systems

and small, outdated treatment plants with a state of the art regional sewage system.[23]

      As many commentators have noted, infrastructure development – including the development of

sewer pipes – is deeply political: where exactly the pipe gets built, who is permitted to connect to it, who

is served by having access to it, who pays for it, and who governs it are all questions that generate debate,

controversy, and exercises of power (Macaraig & Sandberg, 2009; Stevens, 1987, November 10; White,

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[22] Although planning for the York-Durham Sewage System began in 1965, it was constructed and brought on line in
stages (MOE, 1974). It began operating in 1975 (CH2M Hill, 2012) and was completed in 1984 at a cost to the
Province of approximately $300 million (Ferguson & King, 1988, October 28).
23 Dr. Ken Howard, hydrogeologist and consultant for a developer at a September 2000 Ontario Municipal Board
hearing, went so far as to suggest that farms and septic systems are much more hazardous to the environment than
well-engineered housing subdivisions (Brennan, 2000, September 26).

2003, 2007). In 1965, although the Province of Ontario's Ministry of Environment (then called the Ontario

Water Resources Commission) envisioned building the Big Pipe for the health and environmental reasons

noted above (MOE, 1974), building such an expensive piece of infrastructure meant that paying for the

costly pipe itself became an important rationale for approving more land development in municipalities

through which the pipe traveled (White, 2007). Although the sewage infrastructure was financed by the

Province of Ontario, it was ultimately paid for (and continues to be paid for) through users on a cost

recovery basis (MOE, 1974). As a result, municipalities with the most development pressure (from

consumer demand for housing, developers wanting to build subdivisions, and the municipality's own

desires for development charges and property taxes) were allowed to build first (Stevens, 1987, November

10). This conflicted with the original plan, in which the sewer was intended to serve York and Durham

regions almost equally (46% for Durham, 54% for York) and to be built in phases (MOE, 1974; Figure 4).

The relationship between public infrastructure and private land speculation.

Land appraisers in the 1960s and 1970s noticed that government plans to improve water and sewer

services triggered land speculation[24] in areas developers thought most likely to be serviced first by the new

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[24] According to land economist Peter Spurr (1976: 54-55), speculation is the process of buying and selling land for
profit during periods of rapid price escalation. Writing about Canadian developers in the 1970s, Spurr suggests the
long term land banking that developers typically do is not 'pure' speculation, as they do not reap large profits quickly,
but see their land values increase slowly over time (ibid). Lichfield and Darin-Drabkin (1980) suggest speculation is
a process explicitly excluding development. Speculation, they suggest, is the process of buying with the intention of
selling for profit *without* the addition of value through development. Other economists (e.g., Cadman, 1978; J.
Harvey, 1992) refer to speculation more in terms of uncertainty: that land is purchased or houses are built *in
anticipation* of a demand that seems likely, but that is uncertain. Using this definition, land purchases or house
construction activities can be deemed speculative if they are carried out with greater intensity during periods of
increasing demand, what Lichfield and Darin-Drabkin (1980: 73) refer to a "rising tide". Lichfield and Darin-
Drabkin (1980: 73) see speculation as anti-social in that speculators are "taking advantage of and exacerbating the
demand/supply situation". They see speculation as a form of predatory behaviour that capitalizes on market
downturns in order to buy land at low prices during periods of low demand, and to hold land and restrict housing
supply until such time as land prices increase significantly.
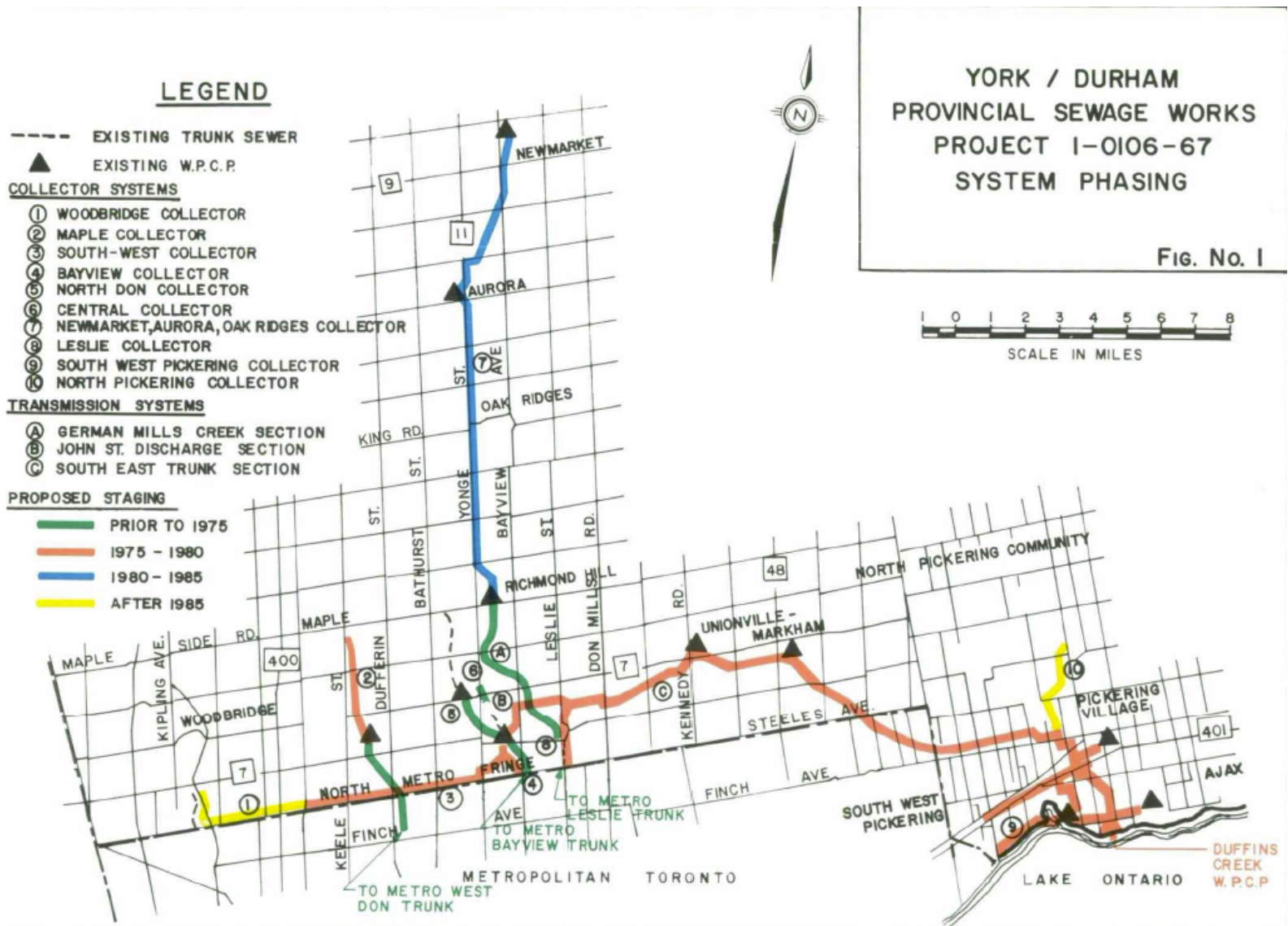
Figure 4. Proposed phasing of the York-Durham Sewer System during its initial planning stage (source: MOE, 1974).

infrastructure (Ozog, 1973). In the late 1960s and early 1970s, this was mainly northeast Scarborough, southeast Markham, and southwest Pickering. Land transaction records in the early 1970s, compiled and analyzed by land appraisers, provide a glimpse into this speculative activity (Table 4). The federal and provincial governments commissioned these appraisal reports as part of the land expropriation process required to assemble land for the North Pickering Project.

Pickering land transaction records from 1970 to 1973 indicate a certain level of speculative activity and gradually increasing land prices, especially in concessions one and two[25] (Figure 5), which at the time represented the expanding urban-rural fringe in Pickering. The transactions in Table 4 are mainly for concession one and two lands, and are illustrative of the difference in land values between different categories of land. For example, most land in concession two, which is proximate to the urban area but designated agricultural, is valued in 1971 and 1972 at an average per acre[26] price of $6842.85. In 1973, prices rise considerably to an average of $10421.60 per acre, more than a 52% increase. In concession one, at the same time, prices were similar to concession two prices with two exceptions. The May 17, 1972 transaction involved the sale of a 47.732-acre plot of land to Tonkin Investments for $16,000 per acre. But this land, part of lot 33, had been subdivided and had a registered plan of subdivision (plan 282). This land value is nearly two and a half times that of rural land just one lot to the west of lot 33. The other

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[25] Concessions and lots are land survey terms. In Pickering (formerly Pickering Township), land surveys conducted in the late eighteenth century (e.g., Jones, 1793; see also Van Nostrand, 1990) defined concessions and lots that are still used in the City of Pickering. Concession lines (approximated by concession roads, which define the southern boundary of the concession of the same number) run east-west, lots (and sideline roads, which approximate the western boundary of the lot of the same number) run north-south. Land surveys, using the British system, were originally done based on the chain, which is 66 feet (Clendinning, 1950). One acre equals 10 square chains (1 chain x 10 chains or 66 feet x 660 feet or 43560 square feet). In central and north Pickering, remnants of the original land surveys are represented by concession and sideline roads, where the area bounded by two adjacent concession roads and two adjacent sideline roads (or two farm lots; Van Nostrand, 1990) is approximately 400 acres, or 0.5 mile x 1.25 mile, or 40 chains x 100 chains. Each 200-acre lot measures 0.25 mile x 1.25 mile or 20 chains x 100 chains. Road allowances were usually one chain, or 66 feet (Van Nostrand, 1990).
[26] All values are in this section are listed in acres rather than hectares as the imperial system of measure was still used in Ontario in the early 1970s.

Table 4. Land transactions in south Pickering between 1970 and 1973.

Sale Date	Lot / Concession	Acreage	$/acre	Buyer
Nov 17, 1970	24 / 3	182	2066.00	Runnymede
June 16, 1971	19, 20 / 3	60.352	1905.49	232001 Investments
June 24, 1971	20 / 2	20	8750.00	Erich Otto Reprich
Nov 15, 1971	25, 26 / 3	86.135	2500.00	Runnymede
Nov 23, 1971	31 / 1	20.675	5449.62	Swift Current Investments
Nov 26, 1971	35 / 1	60.617	5493.46	Swift Current Investments
Feb 17, 1972	29 / 2	23.222	6330.20	Shawnlea Developments
Mar 21, 1972	32 / 1	20.01	6596.70	Swift Current Investments
May 17, 1972	33 / 1*	47.732	16000.00	Tonkin Investments
May 31, 1972	29, 30 / 3	153.26	5265.00	Armstrong Properties
June 21, 1972	31 / 1	10.286	15,000	Bramalea Consolidated
June 26, 1972	28 / 2	52.34	4585.40	Joet Investments
Jul 4, 1972	29, 31, 32, 34, 35 / 1	25.671	13500.00	Bramalea Consolidated
Aug 9, 1972	31 / 1	20.675	5449.62	Bramalea Consolidated
Aug 9, 1972	31 / 1	10.241	8000.00	Bramalea Consolidated
Aug 9, 1972	31 / 1	15.9	5460.36	Bramalea Consolidated
Aug 17, 1972	33 / 1	47.732	16000.00	Bramalea Consolidated
Aug 18, 1972	31 / 1	49.98	21000.00	Bramalea Consolidated
Oct 6, 1972	21 / 2	83.19	6500.00	North Keele Investments
Oct 20, 1972	20 / 2	33.166	6482.54	Isaac Meisels
Oct 20, 1972	20 / 2	30.013	7163.56	Irving Goodman
Nov 13, 1972	15 / 2	24.02	9500.00	Isaac Meisels Investments
Dec 28, 1972	21, 22 / 2	26.431	4918.46	Captain Developments
Jan 8, 1973	19 / 2	139.11	10567.17	Pickering 19-2
Mar 9, 1973	16 / 2 11, 12 /1	252.064	16399.64	Yukon and Revenue
Mar 9, 1973	26 / 2	9.2	10869.54	Three by Four Investments
Mar 29, 1973	9, 10 / 1	80.120	14073.91	Captain Developments
May 1, 1973	11, 12 / 2	261.377	15000.00	J.D.S. Investments
May 22, 1973	35 /3	62.21	5265.08	Farthing Investments
May 23, 1973	29 / 2	23.222	11650.50	Shadetree Developments
June 12, 1973	20 / 2	33.116	9829.34	Eagle Brook Investments
June 12, 1973	20 / 2	30.013	10861.95	Orangebrook Developments
June 15, 1973	17 / 2	42.09	5400.33	John Garay & Associates

*This land had already been registered with a plan of subdivision (i.e., land was not 'raw' but had been subdivided for urban lots).
Source: Ozog (1973).
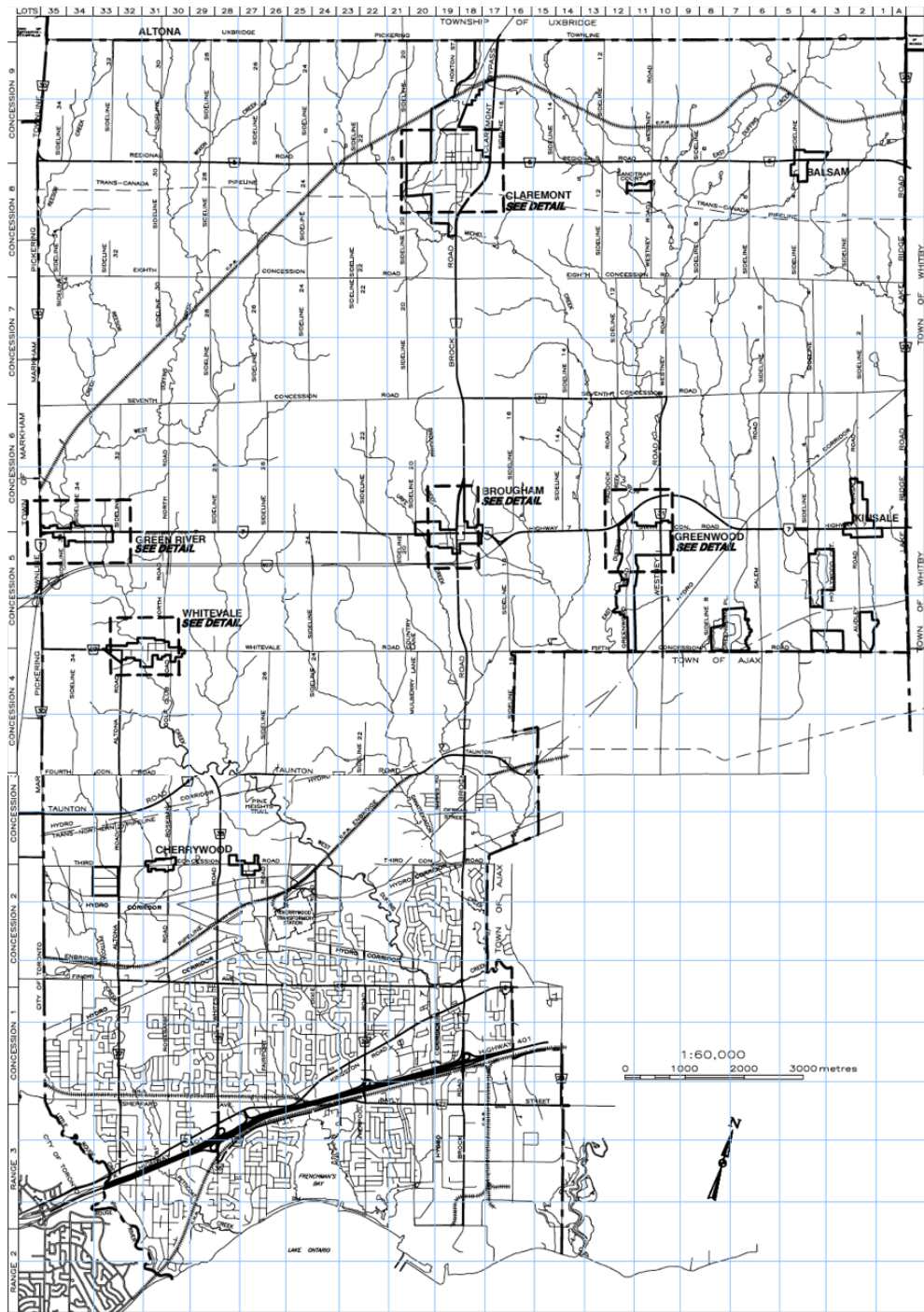
Figure 5. Eighteenth century land surveys mapped concessions and lots that are still used in the City of Pickering. Concessions (along the left axis of the map) run from south to north, lots (along the top axis) run from east to west.[27] (source: adapted from Pickering, 2013).

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[27] The southern limit of the first concession line roughly follows Bayly Street and Sheppard Avenue. Concession one is not the southern limit of Pickering. Since the Lake Ontario shoreline is irregular, surveyors chose a point north of

exceptional land values are for land in lot 31, which is in the Altona Forest area[28], purchased by the large

development firm, Bramalea, in August 1972. The only parcel that was entitled with a plan of subdivision

was the Tonkin land described above, which was transferred to Bramalea on August 17, 1972. But

Bramalea also paid high prices for un-entitled lands in lots 31 towards the end of August, after they had

 purchased three parcels of land in early August for much lower prices (approximately $6000 per acre). It

is likely that Bramalea's very act of assembling land[29] served to give existing landowners notice that their

lands were in high demand, driving them to ask for higher prices.[30] Bramalea was forced to pay these high

prices because they required these lands to finish their land assembly, which was worth much more to

them as a large parcel than as several smaller ones. The attempt to keep their activities hidden in order to

avoid these rapid increases in prices is also likely the reason that Bramalea purchased land in the early

1970s using a variety of holding companies (Noonan, 2008).[31]

     In the early 1970s, Ozog (1974) surmised that east of Toronto – mainly in Scarborough and

Pickering – Bramalea and other firms were doing what developers often do: they were assembling lands in

areas that they thought would be next in line for development. In the 1970s, the major sewage system that

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this to draw a consistent east west line or 'front' across the broader region. South of concession one, the Lake Ontario shoreline 'breaks' what would be a concession line; hence this concession is referred to as concession B.F. for 'broken fronts' (it is also labeled range three; south of concession B.F., the two small remaining areas are referred to as range one and range two (Van Nostrand, 1990). Concession two lies north of Finch Avenue. North of concession two, the southern limits of each concession are bounded by their corresponding concession road (Third Concession Road, Fourth Concession Road, etc.)

[28] Ultimately, this Bramalea land assembly and subsequent development plans would be contested by environmental groups advocating to preserve the Altona Forest (Noonan, 2008). After years of debate and negotiation in the 1990s, Bramalea was given permission to develop on approximately half of the 330 acre Altona Forest and the other half was transferred, through provincial, municipal, and private funding as well as land donated by John Murray Speirs and Rosemary Speirs to the Toronto Region Conservation Authority (Noonan, 2008) (see Appendix D for maps of the Bramalea land assembly and the Altona Forest Urban Forest).

[29] Land assembly by private firms involves the piecing together, often secretively or through third party agents, of smaller parcels of land to produce a larger parcel on which are larger scale development can be carried out than can be done on a smaller plot (Ratcliffe et al., 2009)

[30] Sites within a land assembly that an assembler has not yet been able to purchase are sometimes called 'ransom sites' because existing owners are well aware that they can ask high prices for lands that are required to complete an assembly (Ratcliffe et al., 2009).

[31] Larry Noonan (2008), a member of Altona Forest Stewardship Committee, carried out extensive land registry research on lands in the Altona Forest, located in lots 31 and 32 of concession one. He suggests that Swift Current Investments, which is one of the firms listed in Table 3, is likely a holding company of the Bramalea group of companies, given that many transactions occurred in 1972 between Swift Current and Bramalea for official prices of $2.

was being proposed by the Ontario Water Commission in 1972 was a good indicator of where the province wanted development to happen. Although the Ontario Water Commission had been planning this infrastructure project since 1965, it was not until the engineering firm Gore & Storrie published a number of reports on the feasibility and costs of the project that the specifics of the project took shape (White, 2007). One such report, titled 'The Report on Water and Sewage Systems - Central York Service Area' (Gore & Storrie, 1972), was based on population targets published in the updated Toronto-Centred Region plan (Ontario, 1971), which called for population growth increases in southwest Pickering from 23,000 people in 1970 to over 90,000 by 1995 and an ultimate population of 131,600. It is not surprising that land in the first concession in the Town of Pickering would escalate in value as a result of this report and its subsequent announcement in the Provincial Legislature in June 1972 (MOE, 1974).

Complicating what seems to be a fairly direct relationship between infrastructure provision and land assembly were competing economic and political forces in 1972 that would themselves have wide implications for urban growth east of Toronto. At the same time as the YDSS was being planned, the provincial and federal governments announced the North Pickering Project (Airport and New Town) on March 2, 1972. According to land appraiser E.J. Strachan and Associates (Strachan & Humphries, 1975), this joint announcement, which was to be followed by the removal of large tracts of land from the real estate market though public land acquisitions, had the effect of raising land values elsewhere:

> As a result of the projects proposed by the Federal and Provincial Governments, approximately 44,000 acres lying in the north-easterly portion of Scarborough, westerly portion of Pickering, and the south-easterly portion of Markham have been removed from the real estate market. This has created additional demand for lands lying east of Metropolitan Toronto. (Strachan & Humphries, 1975: 7)

Indeed, it is this combination of pushes and pulls that might explain the rapid growth that occurred in the Toronto region in the late 1970s and 1980s, although this growth occurred northward, especially in York Region, more rapidly than it did eastward. In Pickering, as Table 4 shows, developers were assembling rather small tracts of land in the very limited un-urbanized areas south of the federal and provincial land

assembly. There was much more land available, and in much larger tracts, north and west of Toronto. The YDSS was planned to head north, so north developers went.

White (2003) suggests that it is difficult to disentangle the driving forces between development and state provision of infrastructure services. He further suggests that although developers can certainly cash in on large infrastructure projects, they are unlikely to have much influence over the broader decision-making power of whether these systems will be built, and if they are, where they will generally be located. However, White argues that developers are often able to exert political pressure in the timing of infrastructure construction, and in the finer details of which particular lands will be serviced, by convincing local officials of the merits of developing their own parcels of land first (White, 2003). In the late 1980s, much controversy was generated, and was framed as a York Region versus Durham Region conflict, when it was revealed that York Region was using more than its originally allocated share of the YDSS (Ferguson, 1989, November 22; Stevens, 1987, November 10). Certain developers were implicated in this controversy and accused of having too much influence over provincial and municipal officials, who had the authority to grant developers servicing allocations (Ferguson & King, 1988, October 28). York Region municipalities such as Vaughan, Woodbridge, Richmond Hill, and Stouffville were experiencing rapid urban growth, while in Durham Region, sewer pipe allocations based on a cancelled airport and the on-again-off-again Seaton project added up to spare and unused capacity, although capacity that Durham Region wanted to retain for future growth (Stevens, 1987, November 10). In the final analysis it seems that the pipe was overbuilt, and financing this expensive piece of infrastructure called for more development. Lack of development in Pickering due to delays in developing the airport and Seaton were made up for – and paid for – by giving in to developer demands and increased sewer servicing allocations in York Region. By 2012, 80 percent of the sewage handled by the Big Pipe was coming from York Region, the remaining 20 percent coming from Durham Region (CH2M Hill, 2012).

Increased development in York Region was also justified using the rationale that Ministry of the Environment regulators had overestimated how much water residential and industrial users would

consume and how much sewage capacity they would need; additional capacity was therefore available, which translated into more subdivision approvals, especially in York Region (most notably Vaughan and Woodbridge) (Stevens, 1987, November 10)[32]. Ultimately, by the late 1980s, York Region was experiencing a residential building boom, with local municipalities giving approvals for thousands of new housing units, and local residents, environmental groups, and neighbouring municipalities wondering what it all meant for their own interests.

Environmental politics of growth and development in York and Durham Regions.

The Town of Richmond Hill, in particular, was the site of intense land development activity in the 1980s and 1990s. During this time period, Richmond Hill, which has a land area of approximately 9880 hectares, was divided into two planning areas: the north urban area (NUA), parts of which are on the Oak Ridges Moraine, and the south urban area (SUA) south of the moraine (McClean, 2003). By this time, the Oak Ridges Moraine was recognized by a number of municipalities in their official plans, although lack of a regional coordinating governance structure meant the moraine lacked specific or consistent protection (Hanna & Webber, 2010; White, 2007). As developers followed or anticipated the Big Pipe northward, subdivisions began springing up in areas that local residents assumed to be off-limits to that form of housing due to guidelines (unofficial as they were) that restricted development in environmentally sensitive moraine areas.

Site-specific land use conflict in environmentally sensitive areas in Richmond Hill emerged in the late 1980s when the Lake Wilcox area in the NUA was developed by a number of large developers, including Lebovic Enterprises, and when Lebovic purchased land in the Bond Lake area that various levels of government had been trying to acquire for a park (Taylor, 1988, December 20). More, and larger

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[32] This initial overestimation of water consumption, coupled with lack of development in Seaton also meant that the per gallon rate was lower than required to service the debt. The initial service rate (from January 1976 to December 1980) was projected to be $.49 per gallon. The rate for the 1980 - 1985 period was increased to over $.85 per gallon (Ontario Management Board of Cabinet, 1981)

development applications would follow. In 1989, an investment firm called Crossmar Investments[33], and a development consortium called the Duke of Richmond Developments / Yonge-Jefferson Group proposed large developments in Richmond Hill at the southern boundary of the NUA (Taylor, 1989, September 21). The Duke of Richmond Developments / Jefferson group proposed a 620 hectare project including a residential subdivision with 4021 housing units and a golf course (ibid). The developer began its development application process[34] in 1998 through an amendment application of the York Region Official Plan where it sought a 520-acre (210 hectare) extension to the urban area (York Region, 2000b). Crossmar Investments also began proposing its development in 1989, initially on a 494-acre site (Taylor, 1989, September 21). It began the actual development application process in 1999, based on a 190-acre (76.7 hectare) addition to the urban area (York Region, 2000b).

In the late 1990s, even more development applications were submitted to urbanize the remaining portions of the Oak Ridges Moraine in Richmond Hill. Developers seemed to be emboldened by provincial planning reforms enacted by the Conservative government under Mike Harris that began shortly after his election in 1995, as is detailed in the next chapter. But this new pro-development regime was resisted by countervailing forces coming from local residents, environmental groups, and home owner groups concerned with the ecological health, hydrogeological integrity, and landscape amenity value of the moraine. In 1997 these forces came to a head when a consortium of developers submitted development proposals for what became known as Yonge East, Yonge West[35] in Richmond Hill, due to their location

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[33] Crossmar Investments together with Ballymore Development was later identified in OMB hearings as Richmond Hill Corporation (OMB, 2002, October 23)

[34] see Appendix B for a development application process flowchart

[35] Yonge West land owners or developers included the Thompson/Falconi, Yonge-Jefferson Group (subsequently Autumn Grove Builders), Oak Ridges Farm Co-Tenancy (ORFCT), and Drynoch Farms (OMB, 2001, February 2; OMB, 2002, December 30; York Region et al., 1999). Oak Ridges Farm Co-Tenancy is a consortium of developers and individual land owners, including Metrus and Brookfield (Brookfield, 2009; Daily Commercial News, 2007). Drynoch is likely an individual landowner (Gray) or a partnership with this landowner and the developer 'Zavala', which is a division of Metrus. Other divisions of Metrus that became involved include Los Lomas and Hunley Homes (GHD, 2012). Thompson (William and Diane) and Falconi (Joseph and Peter) are individual land owners; Joseph Falconi owned Bathurst Glen Driving Range, which is part of the Yonge West land. Yonge East developers/owners included Bond Lake Park Homes, Bond Lake Investors, and 1133373 Ontario Inc (OMB, 2001, February 2; York Region et al., 1999). Bond Lake Park Homes and 1133373 Ontario Inc. are part of Lebovic Enterprises.

along the Yonge Street corridor in Richmond Hill (Figure 6). The Yonge East land area in total comprised

290 hectares (716 acres); the Yonge west lands totaled 400 hectares (988 acres) (York Region et al.,

1999). The sum total of all of these development applications around Yonge Street in Richmond Hill

represented a significant land area (Figure 7) of approximately 829 hectares (including Crossmar's 76.7

hectares, not shown in Figure 7), most of which was located on the Oak Ridges Moraine.
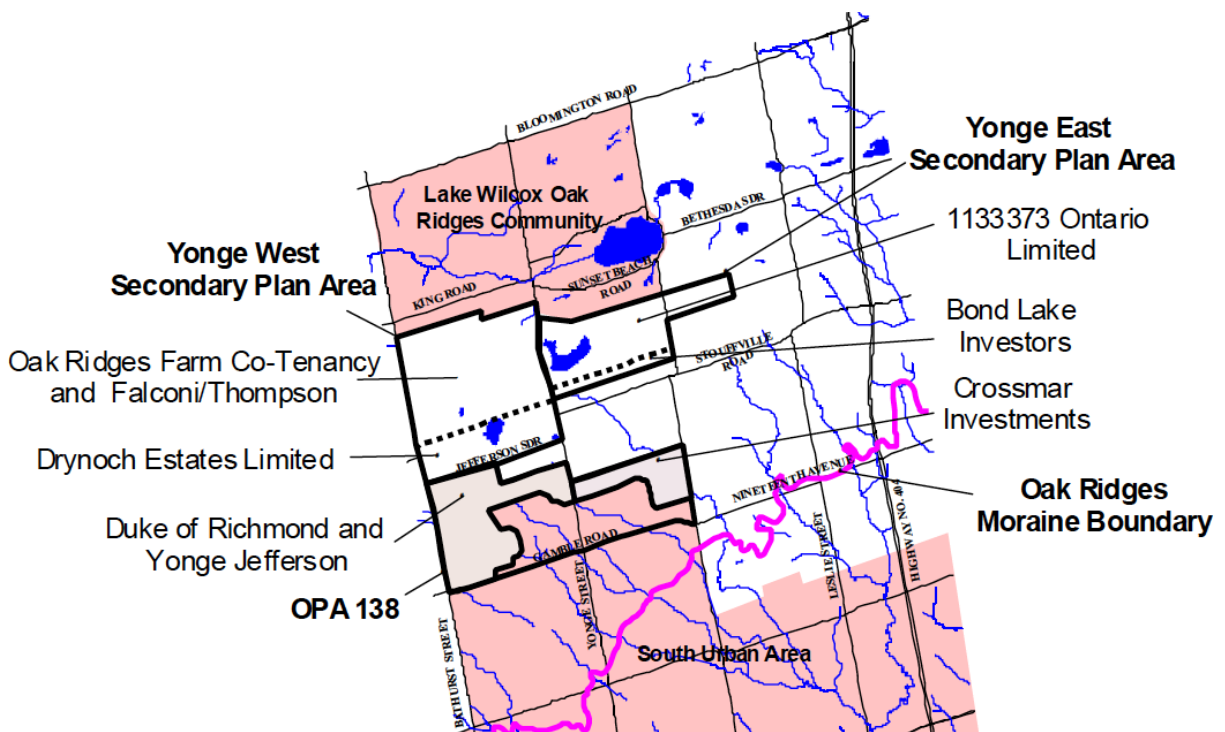
Figure 6. Development applications and official plan amendment requests submitted to the Regional Municipality of York for proposed subdivisions in the Town of Richmond Hill as of June 14, 2000. Note that 1133373 Ontario Limited is elsewhere described as Bond Lake Park Homes, which is part of the Lebovic Enterprises umbrella (adapted from York Region, 2000b).
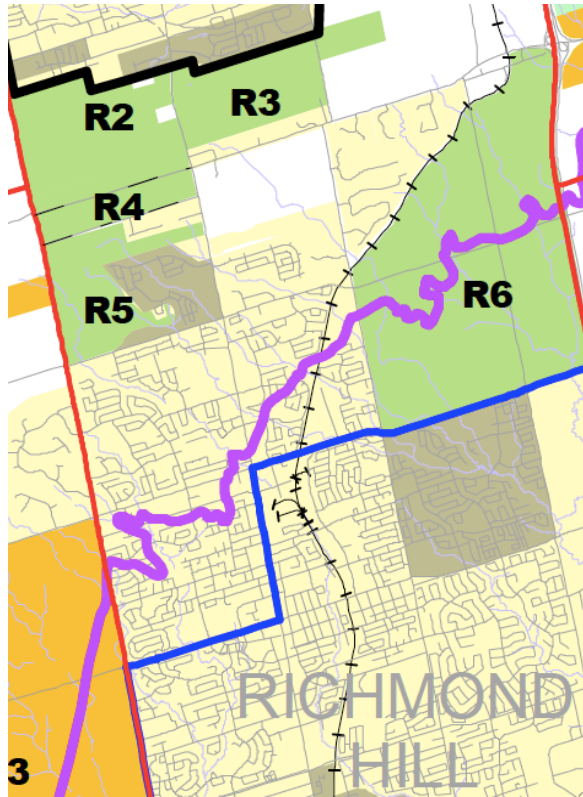
Development firms, land holdings in acres, and proposed units to be developed as of 1999			
	Developer	**Acreage**	**Proposed Units**
R2	Oak Ridges Farm Co-Tenancy	165 ha (407 acres)	4,077-4485
R3	Bond Lake Park Homes, Bond Lake Investors	250.35 ha (610 acres)	~2,700
R4	Drynoch Farms	128 ha (316 acres)	1,865
R5	Duke of Richmond	209 ha (512 acres)	2,200
Total		752.35 ha (1845 acres)	10842-11250

Figure 7. Development applications and official plan amendment requests submitted to the Regional Municipality of York for proposed subdivisions in the Town of Richmond Hill as of September 1999. Note that R6 is the North Leslie Planning Area, another controversial set of development proposals representing 1010 hectares, but not part of this discussion (York Region et al., 1999).

In the late 1990s, the institutional culture of Richmond Hill town council and its planning department was one largely amenable to growth. Between 1995 and 2000 Richmond Hill council and planners approved over 70 official plan amendments (OPAs)[36] (McClean, 2003) in order to change land designations from rural to urban. Although Richmond Hill was willing to expand its urban boundary to fill in remaining undeveloped areas, these remaining undeveloped parts were known to be environmentally sensitive and required a more methodical approach to planning. In 1998 Richmond Hill planners began to

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[36] Since municipal official plans provide broad policy direction in Ontario for how land is to be used, official plan amendments (OPAs) are the only way land use changes can be authorized in Ontario. Private OPAs are often submitted by developers when they want their land to be changed in use from 'raw' land to urban land. See Appendix B for a flowchart of the OPA application process.

conduct population, engineering, and environmental studies, which culminated in Official Plan

Amendment number 200 (OPA 200), in January 2000, that attempted to balance competing imperatives of

growth and environmental protection (Hanna & Webber, 2005). Out of these studies, new developments

were to include corridors of linked natural areas in order to maintain the ecological functions of the Oak

Ridges Moraine (Richmond Hill, 2000). However, Richmond Hill residents, as well as the Province of

Ontario, through the Ministry of Municipal Affairs and Housing, were advocating for much greater

protections than were Richmond Hill town council and planners, in the form of a large protected area in

the north urban area (NUA) corridor covered by OPA 200 (McClean, 2003). They advocated for this

because the moraine was quite narrow in Richmond Hill and was framed by many scientists and

environmentalists as a 'pinch-point' and an ecological corridor (TRCA, 2006). It was feared that

developing on this pinch point would reduce its ecological significance as a corridor connecting the east

and west sides of the moraine. OPA 200 was simply not strong enough protection, and was opposed by

many groups, including many Richmond Hill residents. Resident opposition to OPA 200 came to a head

during two Richmond Hill municipal council meetings in January 2000, in which 1000 residents attended,

and February 2000, attended by 3000 residents (Sandberg et al., 2013). In the end, on March 15, 2000, the

Richmond Hill council voted to defer a decision on OPA 200, electing to wait until the province came up

with stronger guidelines and resources to protect the remaining portions of the NUA (McClean, 2003).

Even though Richmond Hill town council was mainly pro-development and OPA 200 was

intended to appease developers, developers were pushing for quicker approvals and submitted

development applications without waiting for OPA 200 to go through the approvals process (McClean,

2003). According to the *Planning Act* at the time, Richmond Hill was obliged to process development

applications in 90 days (Pond, 2004), failing which, developers could appeal to the OMB for reasons of

municipal indecision. Thus, even as Richmond Hill was planning for its future growth and formulating

OPA 200, developers were using legitimate planning regulations to push their development applications

through the Richmond Hill planning department. And even though Richmond Hill town council,

responding to public pressure, ultimately rejected OPA 200, developer-led Ontario Municipal Board (OMB) appeals nevertheless forced the issue, as no less than five development firms appealed their development applications to the OMB at the same time in May 2000 (York Region, 2000a). Thus began lengthy and contentious OMB hearings that became well known as a critical juncture in the planning and political history of the Oak Ridges Moraine (Eidelman, 2010).

At the same time as the Richmond Hill land use battles were heating up, a land use conflict over development on the Oak Ridges Moraine was also being waged in the Township of Uxbridge, a mainly rural community in Durham Region, the regional municipality immediately east of York Region. In 1996, the development firm Jay-M Holdings, owned by Joseph (Joey) Tanenbaum, proposed development of a 330 hectare site in Uxbridge that would include 700 residential condominium units, a satellite campus for Durham College, a Museum dedicated to Anne of Green Gables author Lucy Maud Montgomery, and an arts center (Hanes, 1996, December 5; Hanes, 1997, June 12). Uxbridge Township Council rejected the proposal in June 1997 based on its location in an environmentally sensitive area (rather than the existing Uxbridge urban area), and the lack of sewer and water infrastructure to service the development (Hanes, 1997, June 12). However, Jay-M Holdings appealed this decision to the OMB as soon as possible, which at that time was 90 days after the council decision (Stein, 1999, September 20). As part of its proposal, Jay-M Holdings' lawyer, Stephen Diamond, suggested they would be willing to cover some of the cost of extending the York-Durham Sewer System into Uxbridge, a proposal that would transform the entire planning trajectory of Durham Region, but which was opposed by Durham Regional Chair Roger Anderson (Stein, 1999, September 20). Further controversy erupted when Tony Clement, then Ontario Environment Minister, wrote a letter in August 1999 to Anderson that seemed to give support for the development proposal, a charge Clement denied but which served to paint the relationship between politicians and developers as corrupt (Boyle, 1999, October 27).[37]

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[37] Then Provincial Liberal leader Dalton McGuinty got into legal trouble when he accused Clement of corruption in an interview with the Global Television program 'Focus Ontario' and with CBC radio's 'Metro Morning' (Mackie,

Both in Uxbridge and Richmond Hill, many feared that placing the power to decide on these massive proposals with the OMB was a very risky proposition. The *Toronto Star* articulated those fears in an editorial, in which the OMB was portrayed as a threat to the autonomy of local planning authorities: "If the board [the OMB] says yes, Gan Eden could go ahead no matter what Uxbridge and Durham councils say. Over in Richmond Hill, planners are trying to negotiate with developers of three moraine projects but they, too, work under the threat of municipal board hearings" (*Toronto Star*, 1999, September 23). The result was widespread opposition to development, well-organized efforts to protect the Oak Ridges Moraine, and calls for the provincial government, rather than the OMB, to take a stand against development on the moraine.

Protecting The Oak Ridges Moraine: A Tale of Hesitant Regional Environmental Governance

> ... the political history of the Moraine seemed to be that of missed opportunities, near misses and indifference. ... The first indication of a provincial interest was in April 2000 when the province took a strong ecological position at the Richmond Hill Ontario Municipal Board hearing. But since 1996 when the Planning Act was amended with a weakened provincial policy statement, planning on the Moraine, as elsewhere, had been conducted in a void of strong provincial direction (Crandall, 2002: 9-1).

The story of the Oak Ridges Moraine, and how it came to be protected through unprecedented land use restrictions by a Conservative government, is much more than a story of opposition to development applications. It is also more than a David and Goliath story of environmental groups battling it out with powerful developers and winning the day against all odds. The story of the Oak Ridges Moraine is one of incremental planning, power struggles between different levels of government, the confluence of civil society mobilization and electoral politics, and a discursive turn in planning characterized by the embrace of an ecosystem approach to planning (Tomalty et al., 1994; Oak Ridges Moraine Technical Working

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2000, February 14). In February 2000, Clement filed a $1.7 million libel lawsuit against McGuinty but eventually dropped the lawsuit in April 2001 after McGuinty apologized (Mackie, 2001, April 6).

Committee, 1994; Tucker, 2010)[38]. An interpretive institutional framework allows us to more fully grasp

the various forces that ultimately led to protection of the Oak Ridges Moraine, and to identify how power

was exercised, and by whom, when limits were imposed on urban development on the moraine. The

proximate events leading to protection of the moraine are one part of a longer history that put in place

certain conflict resolutions that were more likely than others.

The onslaught of development applications in the 1980s and 1990s, although important, was

certainly not the starting point for formal protection of the Oak Ridges Moraine. Previous efforts include

resource management initiatives, especially in the 1940s, to restore landscapes degraded by agriculture,

and to plant and maintain forests, such as the Ganaraska Forest (Sandberg et al., 2013). Responses to

perceived threats due to urban development came much later. There was some concern expressed by the

Metropolitan Toronto Conservation Authority (now the Toronto Region Conservation Authority or

TRCA) and by York Region in the mid 1970s but it was not until the development boom of the 1980s that

interest and awareness grew about the significance of the moraine as a 'socio-natural' landscape under

threat and in need of protection (Sandberg et al., 2013). The culture of land use regulation in Ontario at

this time included an awareness of environmental issues, as well as an understanding that environmental

issues could be politically important. Local environmental groups, such as Save the Oak Ridges Moraine

(STORM), were established in the late 1980s and the concepts of greenways and greenlands were gaining

traction in Ontario at that time (Fisher et al, 1991). In 1987, responding to this heightened environmental

interest, the provincial Liberal government under Premier David Peterson appointed MPP Ron Kanter to

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[38] According to Jensen et al. (1996), an ecosystem approach to planning has been defined in different ways according to the values of decision-makers who adopt it. Despite these differences, it broadly describes a land use planning paradigm based on ecological principles of species diversity and ecological (rather than political or administrative) boundaries and connectivity, as well as an incorporation of human activities within its framework (Grumbine, 1994; Slocombe, 1993). Slocombe (1993: 613) suggests an ecosystem approach can be used as a resource management tool that reconciles tensions between economic development and environmental protection. In the Toronto region, the Royal Commission on the Future of the Toronto Waterfront (RCFTW, 1990, 1992; see Laidley, 2007, for a critique) and the Oak Ridges Moraine Technical Working Group (1994) advocated for an ecosystem approach to planning and urban development for a broad Toronto region, the size of which was based on ecological principles such as connectivity and balance, watersheds, and the notion that "everything is connected to everything else" (RCFTW, 1992: 34).

develop a strategy for the Greater Toronto Area's[39] greenlands system. The resulting Kanter Report and

other associated reports identified the Oak Ridges Moraine as a sensitive feature in need of protection,

largely due to its hydrological 'significance' (Kanter, 1990; Intera Kenting, 1990). The findings of the

Kanter Report were recognized by the so-called Crombie Commission, which although it was concerned

mainly with the Toronto waterfront, envisioned Toronto as the center of a larger bioregion connected

north-south by the headwaters of the Oak Ridges Moraine down to Lake Ontario, and east-west by the

Niagara Escarpment and the Oak Ridges Moraine (RCFTW, 1990, 1992).

As a result of the Kanter findings, in July 1990 the provincial Liberals declared a provincial

interest in the Oak Ridges Moraine, and appointed a technical working committee[40] to formulate interim

guidelines, which would be published in 1991, to address development on the moraine while they carried

out technical studies (York Region et al., 1999). In October 1990 the NDP defeated the Liberals in a

provincial election and continued with what would become a three-year planning study carried out by the

Oak Ridges Moraine Technical Working Committee. This committee published fifteen reports in 1993

and 1994 (Appendix A). Although they were never formalized as policy, they were used as planning

guidelines by some municipalities on the moraine and would be influential to legislation that was

ultimately passed in 2001. These were, in effect, informal guidelines that over time became quite

influential to how local planning institutions made decisions on development applications. They were

widely accepted, garnered considerable legitimacy, and provided the basis for formal legislation in 2001.

The influence of key political and economic elites and their ideas on land use planning institutions

signaled fundamental changes to planning and development on the moraine. In 1995, studies on the Oak

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[39] The Greater Toronto Area (GTA) generally refers to the City of Toronto and the Regional Municipalities of Peel, York, Durham, and Halton. The boundaries of the GTA are slightly larger than the Toronto Census Metropolitan Area defined by Statistics Canada, which contains the Toronto, Peel, York, and part of Durham and Halton (Ontario Ministry of Finance, 2003).

[40] The Oak Ridges Moraine Technical Working Committee included thirteen members representing the Regional Municipality of York, the Regional Municipality of Durham, the Ontario Ministry of the Environment, the Ontario Ministry of Natural Resources, the Aggregate Producers Association of Ontario, the Urban Development Institute, Save the Oak Ridges Moraine coalition (STORM), the Conservation Council of Canada, and the Federation of Ontario Naturalists (Cranmer-Byng, 1994).

Ridges Moraine came to an abrupt halt with the election of Conservative premier Mike Harris, who proceeded to carry out planning act reforms (through Bill 20, the *Land Use Planning and Protection Act, 1996*; Legislative Assembly of Ontario, 1996) that streamlined[41] the development process, and changed the tenor of the OMB to reflect a more pro-development stance (Pond, 2004). What followed, however, was not a smooth era of development envisioned by the Harris government, but rather a 'city versus countryside' form of land use conflicts that had some resemblance to land use contestations in Britain in the late 1970s under neoliberal Prime Minister Margaret Thatcher (Healey et al., 1988). The first Thatcher administration, elected in 1979, had close ties with and was strongly influenced by the development industry, and relied on a market approach to determining the suitability and availability of land for housing (ibid). However, conservationist supporters of the Conservatives objected to housing development in the countryside, compelling the Thatcher government to be more cautious when balancing development and environmental concerns (ibid.). This history was largely to be reenacted on the Oak Ridges Moraine, although the actors and issues were much broader on the moraine than simple defense of an elite countryside space.[42] In order to understand this history, it is not enough to invoke concepts such as the neoliberalization of the planning system in order to explain why development of the moraine seemed unstoppable in early 2001. The specific confluence of actors and events produced an institutional turning point that was very specific in time and place, and difficult to map onto any particular regulatory regime. Conflict resolution was very contradictory in that it was carried out by a neoliberal, Conservative, market-oriented government perhaps driven more than anything by a desire to stay in power.

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[41] Streamlining in this context referred to: speeding up the development application process by reducing the time allowed for municipalities to render decisions; reducing the amount of information required for an application to be considered complete, and delegating more control to municipalities in approving official plans and development applications (Pond, 2004).

[42] In a rather humorous piece, *Globe and Mail* journalist John Barber (2001, November 3: A19) hints at different cultures within the 'conservative-minded' electorate in Ontario. According to Barber, conservatives in the countryside take land for granted, whereas in the city, there is no land, only real estate. Countryside conservatives, according to Barber, "are not the sort of conservatives who grumble angrily about property rights and 'expropriation without compensation' [he is referring here to remarks made by the development industry]. Above all else, they are outdoors people (approximately 87 percent of whom will spend much of this month at hunting camps in Crown forests) who frankly rely on government to help preserve their way of life".

Contesting planning authority: The Province finally takes a stand.

By 2001 the OMB rather than the local planning authority (or even the Province), was in the powerful position of deciding the fate of the Oak Ridges Moraine in Richmond Hill and Uxbridge. The decade long period of provincial and regional planning on the moraine –characterized by technical studies, interim guidelines, declarations of provincial interest, but little real power – was at risk of being ignored and in effect wasted if the OMB was in charge. The OMB relies on hard rules authorized by the *Planning Act*, not voluntary guidelines, values of the local citizenry, and disjointed municipal and regional environmental protection standards (Hanna & Webber, 2005). If the Province was going to act, this was its last opportunity to do so. If it failed to act, the Conservatives would surely pay the political price in the voting booth with a provincial election looming in 2003. As White (2007: 40) states, "the Conservative government had little choice but to take some action". Although the Conservatives had up until that point been willing to leave planning to local authorities, permitting development to continue on the moraine would put them in a perilous political position. According to White (2007: 40), "popular opinion both in Toronto and in the suburban areas around the Moraine – the Conservatives' main constituency – was clearly in favour of some sort of protection". Rather than allow the OMB to determine the fate of the moraine, on May 17, 2001 the Province enacted the *Oak Ridges Moraine Protection Act, 2001* (MMAH, 2001b), which placed a six month moratorium on development on the moraine, and shifted planning authority from the OMB to the Minister of Municipal Affairs and Housing. Although rarely used, the Province of Ontario retains strong command-and-control powers, including the power to legislate sweeping restrictions on land use and property, and the power to impose minister's zoning orders that compel local planning authorities to grant or remove development approvals (Donnelly & Tryanski, 2009; Pond, 2009; MMAH, 2010b). This command-and-control form of governing is unusual and can be seen as an emergency measure. A more status quo form of governing – or governance – is based on the deployment of 'soft' forms of power characterized by partnerships, collaboration, and consensus between various stakeholders (Adams & Hastings, 2001; Haughton et al., 2013; Ruming, 2005).

During the six-month moratorium period of the *Oak Ridges Moraine Protection Act*, the provincial Conservatives shifted quickly from a direct command-and-control form of governing to a collaborative form of governance based on negotiation and consensus. Although legislating a moratorium is indeed a direct form of rule, it was but a temporary measure intended simply to buy the time required to put in place actors and agencies that could take over the governing role through a more collaborative process. Led by Municipal Affairs and Housing minister Chris Hodgson, the Conservatives strategized on a plan to defuse this highly contentious and political issue prior to the next provincial election slated for October 2003 using what White (2007: 4) describes as a "traditional populist notion of letting the people work it out for themselves". This was not only a populist move but also one that placed much power in the hands of business elites, such as land developers, aggregate producers, and even an environmental elite of well-known and mainly conservative environmental actors (Sandberg et al., 2013). Hodgson appointed an advisory panel on June 28, 2001 to provide a framework for the future use and protection of the Oak Ridges Moraine (Houlden, 2004). The panel included key stakeholders, including environmental activists and representatives of the development industry. A mediator, former City of Toronto mayor David Crombie, was appointed to resolve outstanding development applications on the moraine. This culminated in the *Oak Ridges Moraine Conservation Act, 2001*, which passed all three readings between November 1 and December 13, 2001 (Legislative Assembly of Ontario, 2001a).

The Oak Ridges Moraine legislation included provisions to deal with outstanding development applications. In general, applications that had been filed prior to November 17, 2001 but which had not been decided were given transitional status. However, perhaps due to their size and the particular developers involved, the Yonge East, Yonge West applications were treated differently and became part of a negotiated process that resulted in limited development permission as well as a land exchange. This land exchange, in effect, was used in lieu of an outright purchase of land, an action that previous Municipal Affairs and Housing minister Tony Clement had declared inappropriate and a subsidy to developers (Brennan & Swainson, 2000, February 25). A purchase of land would reflect too direct a role

for the neoliberal Harris government. It needed a move that would respect private property rights while allowing the government (i.e., the civil service) to get out of the way. In this case, the institutional regime of the Harris government and its culture of pro-market neoliberalism played a strong role in how property was put to work. Property rights were respected, albeit in an indirect way, as a transfer of development 'rights' to another parcel of land. Property as land, in this case, was understood in a strictly commodity form, where lands in Richmond Hill and Uxbridge were deemed to be equivalent to a certain quantity of land in Seaton. The so-called public interest – property as propriety (Rose, 1991; Alexander, 1997) – was arguably also protected through the land exchange, but not at the expense of property as commodity. The land exchange became a spatial 'fix' that resolved tensions between propriety and commodity

Again exerting the rarely used strong direct powers of the provincial government, Municipal of Affairs and Housing minister Chris Hodgson declared a minister's zoning order on June 27, 2002 in order to shift planning authority for the Yonge East, Yonge West applications from the OMB to the province, and began the process of finalizing the details of this land exchange (OMB, 2002, October 23). Although minister's zoning orders are not uncommon where zoning bylaws are absent, such as in certain parts of Northern Ontario, they are rarely used where municipalities have existing planning authority to enact zoning by-laws (MMAH, 2010b). In this case, although Richmond Hill indeed had zoning bylaws and planning authority, Hodgson's minister's zoning order overrode this authority and gave some approvals to developers. In effect, the Harris government at this point exerted strong state powers in order to shift responsibility away from local municipal governments, local planning authorities, and the OMB towards a powerful group of land developers and a carefully appointed stakeholder panel, which would be privy to the deal Hodgson made with the developers. Hodgson permitted the Yonge East, Yonge West developers to build 6,600[43] housing units, the majority of which would become Macleod's Landing and Bond Lake

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[43] As part of the Oak Ridges Moraine Protection Act, 7,213 housing units were initially permitted through a Minister's Zoning Order that bypassed the local planning authority (Swainson, 2002, August 30) but this number was subsequently reduced to 6,600 when the 37.73 hectare Thompson/Falconi lands (Bathurst Glen golf course) were removed from this approval through another Minister's Zoning Order (Swainson, 2002, September 12). The Bathurst Glen golf course is now operated by the Toronto Region Conservation Authority (TRCA, 2014).

Village, in exchange for their agreement to trade the rest of their land holdings for land in Seaton (see Figure 8), as well as a $3.5 million contribution from the developers to fund an Oak Ridges Moraine park and trail development program (Mallan, 2004, September 24; Urquhart et al., 2001, November 1). The actual process of negotiating the specific lands to be exchanged was a highly secretive and confidential process that was formalized through Minutes of Settlement and evaluated by Fairness Commissioner, Justice Lloyd Houlden (Houlden, 2004). For reasons unknown to me or to interviewees I spoke with, the Minutes of Settlement have never been released to the public.

Despite the success of the Oak Ridges Moraine legislation, the Conservatives lost to the Liberals in the fall of 2003. The incoming Liberal government under Premier McGuinty promised, during its election platform over the previous year, to put a stop to the 6,600 housing units of the Yonge East, Yonge West development applications (Barber, 2002, November 26). However, it later backtracked on this promise, claiming that "some rights" had been conferred to the developers during the last days of the Conservative's reign, unbeknownst to the incoming Liberals (Brennan & Mallan, 2003, November 5). These rights refer to the Minutes of Settlement that likely include a number of legal clauses preventing McGuinty from easily (or inexpensively) reversing the process without facing lawsuits by developers. As a result, the Liberals ended up stopping development of only 900 of the units through negotiation; they also were able to increase provincial land holdings on the moraine by 51 hectares through additional land exchanges finalized in 2004 (Abbate, 2003, November 22; MMAH, 2004b; see Figure 9). The Liberals finalized land exchanges with the Uxbridge developers through the same process, although this happened three years later, in 2007 (Geogieff, Clap, & Olive, 2008). Through this deal, Jay-M Holdings exchanged 541 hectares of its land in Uxbridge for approximately 100 hectares of provincially-owned land in Seaton.
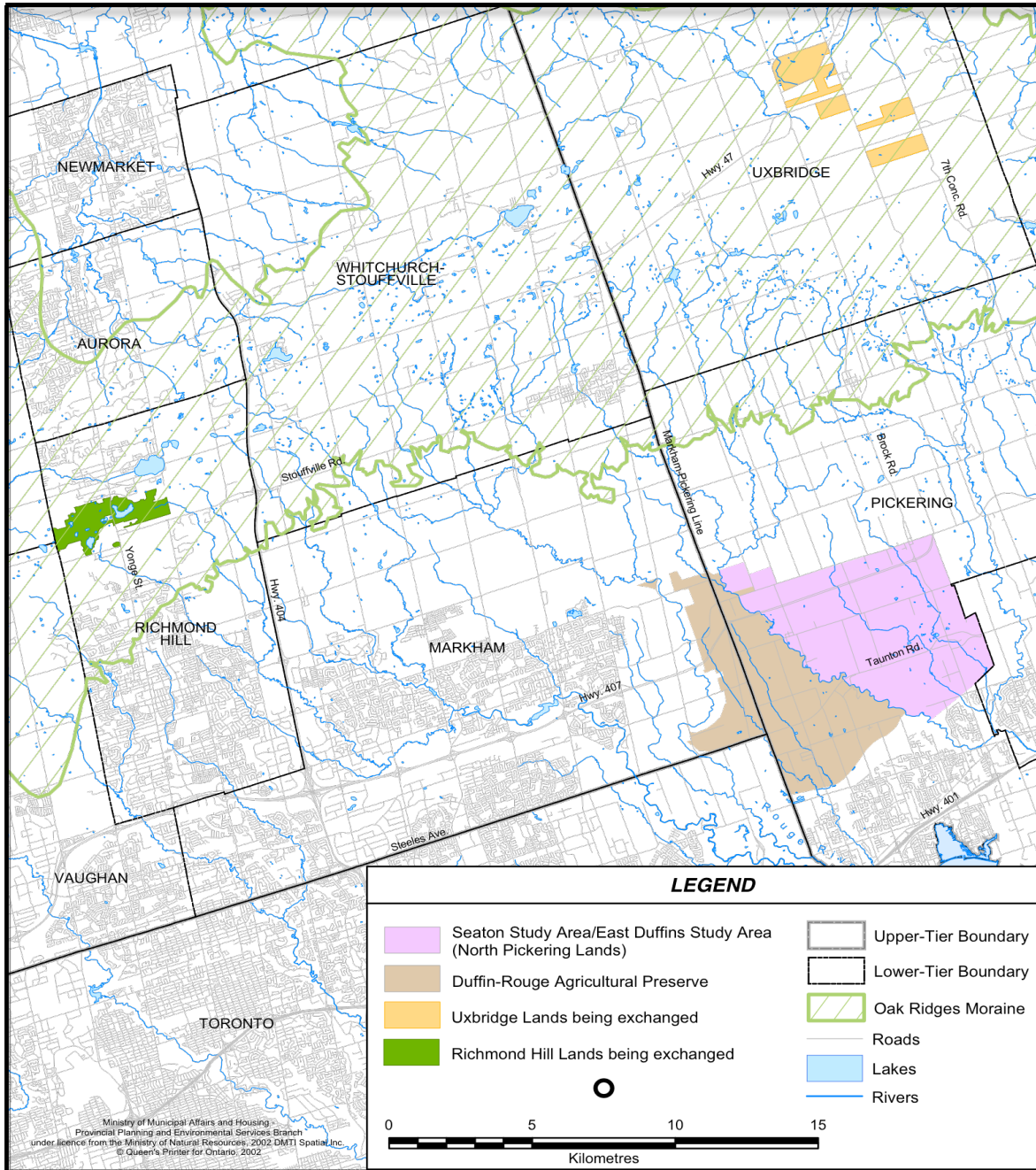
Figure 8. Oak Ridges Moraine land in Richmond (427 ha) and Uxbridge (617 ha), part of which was exchanged for Seaton land (967 ha) in Pickering (adapted from MMAH, 2002b).[44]

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[44] The specific parcels of land within the Seaton Study Area are shown in Figure 16, chapter 4.
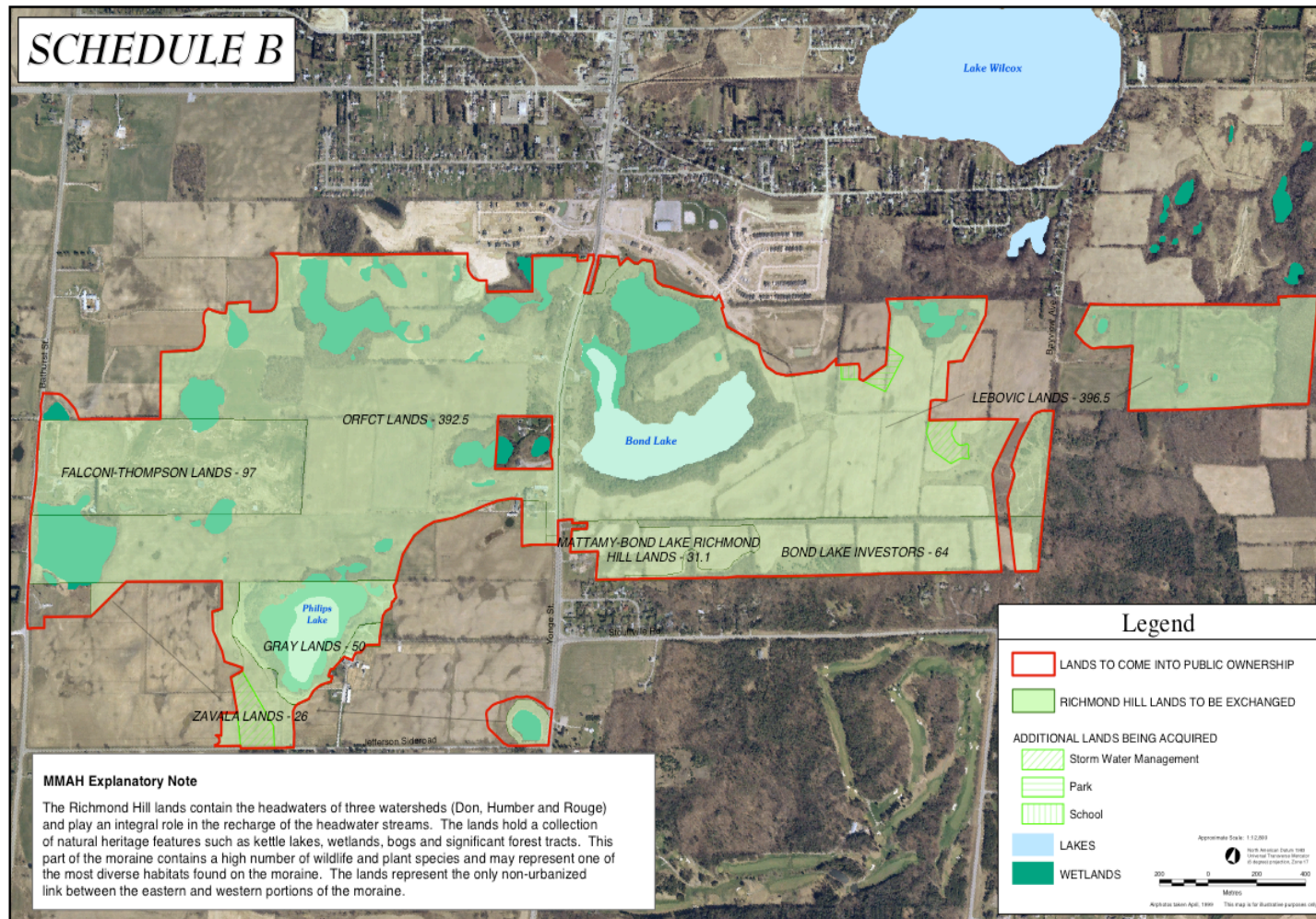
Figure 9. Additional lands acquired by the McGuinty government in 2004. Five parcels of developer-owned moraine land, totaling 20 hectares (51 acres, representing 900 housing units), were added to provincial-owned parkland in Richmond Hill through additional land exchanges by the McGuinty government in lieu of a campaign promise to halt all the 6,600 units permitted by the outgoing Conservatives (source: MMAH, 2004c).

In the end, 970 hectares (2396 acres) of 'environmentally significant' developer-owned land on the Oak Ridges Moraine in Richmond Hill (427 hectares or 1057 acres) and Uxbridge (541 hectares or 1339 acres) were traded for approximately 617 hectares (1524 acres) of ostensibly less environmentally significant (but apparently developable) provincially-owned land in Seaton (MMAH, 2008). Of the initial 2800 hectares that comprise the Seaton land assembly, the Province now owns approximately 170 hectares of developable residential land, 400 hectares of employment land, and 1500 hectares (~53% of the initial 2800 hectares) of natural heritage land that is protected from development (OMB, 2011). The 113-hectare discrepancy might be attributable to the fact that Mattamy received some lands outside of Seaton in Duffin Heights (south of Seaton) in exchange for Richmond Hill lands Mattamy purchased earlier from Bond Lake Investors (see Figure 9 for the location of the Bond Lake Investors' land holdings).

The Scalar Politics of Land Use Conflict and Resolution On and Off the Moraine

Ultimately, the provincial government would take over the planning process for the Oak Ridges Moraine and the Seaton lands in Pickering, which would lead to protection of the moraine. How this came about, however, says much about the relationship between developers and the state, and the power each exercised, albeit in different ways, over land use and land transformation. Protection of the Oak Ridges Moraine highlights the need to adopt a decentred view of the state, as Bevir & Rhodes (2003, 2010) discuss, rather than one that conceptualizes the state as a coherent and powerful structure. A decentred state is composed of multiple governmental and non-governmental actors, agencies, rules, traditions, and histories, (ibid.). In Ontario, state agencies at different governmental levels operate in diverse, often siloed ways, often deeply entangled with business interests, and at times leading to conflict between different state agents and actors. In the early 2000s, even while local municipal governments and planning departments were attempting to both use and shirk power to control development on the moraine, both municipal and provincial government actors in Pickering were playing different political games. The next

chapter describes and analyses, in detail, politics of conflict and its resolution on the Oak Ridges Moraine. Developers were key institutional actors in this resolution, as was the institutional framework in which they exercised power. This framework relied on consensus and negotiation, which served both to moderate environmental opposition to development and reframed developers as stakeholders on the same footing as environmental groups. Electoral politics also played a role, which implicated different levels of government actors, provincial, regional, and municipal. Politicians and environmental activists in Pickering also became involved in the Oak Ridges Moraine disputes, especially through negotiation of the Seaton lands that were exchanged for lands on the moraine. Similar to the historical complexities of land use development and conflict in the Toronto region more broadly, the specific articulation of actors and politics in Seaton, Richmond Hill, and Uxbridge were deeply connected to the complex history of planning and policy-making going back to the 1960s and perhaps even earlier.

Chapter 4. Politics of the Oak Ridges Moraine Conflicts and the Seaton Land Exchange

Land use conflict on the Oak Ridges Moraine was a specific set of land use contestations that occurred over a particular (albeit lengthy) period of time. Its resolution was also quite specific, formalized as the *Oak Ridges Moraine Conservation Act, 2001* (MMAH, 2001a), which authorized development of a comprehensive plan for land use on the Oak Ridges Moraine, through the *Oak Ridges Moraine Conservation Plan* (MMAH, 2002a). Despite this specificity, the Oak Ridges Moraine conflicts should not be read as discretely bounded in space and time, nor should they be understood as the exclusive terrain of environmental activists and the policy-makers who ultimately enacted conservation legislation. These battles must also be understood as occurring within the existing institutions of planning and development, within which developers and the development industry are deeply entangled.

Historical institutionalists pay particular attention to the ways in which past decisions and policies have the potential to influence institutional stability and change (Pierson, 2000). One element of the Oak Ridges Moraine story perhaps seems marginal but is quite central to the specific parameters of the Oak Ridges Moraine - Seaton land exchange: the politics of land use in Pickering and, specifically, the role of the Duffins-Rouge Agricultural Preserve in framing Seaton as suitable for urbanization. The politics of the Duffins-Rouge Agricultural Preserve came to be an important driving force in enacting conservation policy on the Oak Ridges Moraine. The land exchange was not only a means through with the provincial government could resolve conflict in northern municipalities of the Toronto region, it also stirred up politics of land use and conservation in Durham Region, specifically Pickering, and served to emphasize deep divisions between local and provincial politics. Using the Oak Ridges Moraine conflicts, its interconnections between diverse sites and groups of actors, and its resolution, this chapter illuminates the power and politics of land development and land use decisions. Analysis of specific conflicts and sites of conflict provides an opportunity to understand the politics of development more broadly, emphasizing the role of land developers in the planning and governance of land use. This analysis also illuminates the

importance of key actors in the articulation of conflict in specific sites, including the often very personal

relationships, rivalries, and coalitions that characterize local politics.

Election-Time Politicking in Pickering

The year 2003 was an important one in the history of the Oak Ridges Moraine conflicts. It was an election

year in Ontario, with the provincial Conservatives attempting to ward off the Liberals and remain in power

for another four years. By 2003, the land exchange between Richmond Hill and Seaton had been

announced by the Conservatives (although the details had yet to be finalized) as a compromise compelling

developers on the moraine to give up their lands in Richmond Hill and Uxbridge in trade for lands of

equal value in Seaton, Pickering. This exchange, through the so-called Crombie Principles (MMAH,

2002b)[45], included a commitment to preserve "in perpetuity" (ibid: 13) the Duffins-Rouge Agricultural

Preserve (DRAP) in Pickering for agricultural use, a contentious position that would come to have a

significant bearing on the 2003 provincial election results.

For a variety of reasons, in the various planning exercises conducted on the Seaton lands dating

back to the first 1975 plan (Figure 10), an agricultural preserve had always been part of the new satellite

community (Almack, 2004).[46] Although the term path-dependency is too strong in that the idea of an

agricultural preserve did not *determine* future plans, the vision of an agricultural preserve in Seaton

nevertheless was a powerful driver of subsequent plans for Seaton. The agricultural preserve became

firmly entrenched in planning documents and popular consciousness as an essential land use for this area.

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[45] As part of the process of developing Oak Ridges Moraine Conservation legislation and land exchange process, Minister of Municipal Affairs and Housing, Chris Hodgson, appointed former Toronto mayor David Crombie to lead a team in order to come up with principles to guide the land exchange. This team, the North Pickering Land Exchange Review Panel, published its conclusions in 2002 as six main principles, the last of which reiterated a 1999 memorandum of understanding to maintain agricultural easements on land in the DRAP that was then being sold by the Ontario Realty Corporation to private landowners (MMAH, 2002b)

[46] Although the concept of an agricultural preserve has become dominant in plans for Seaton, based largely on the original 1975 plan, urban development has also been considered an option in other planning exercises. For example, in 1988, John Bousfield and Associates prepared a report for the Ontario Ministry of Government Services called 'A Plan for Seaton West' (Bousfield Associates, 1988). Their proposed development concept included a variety of land uses for the agricultural area, including residential and commercial development, and an 'open space system', part of which was imagined as agricultural land.
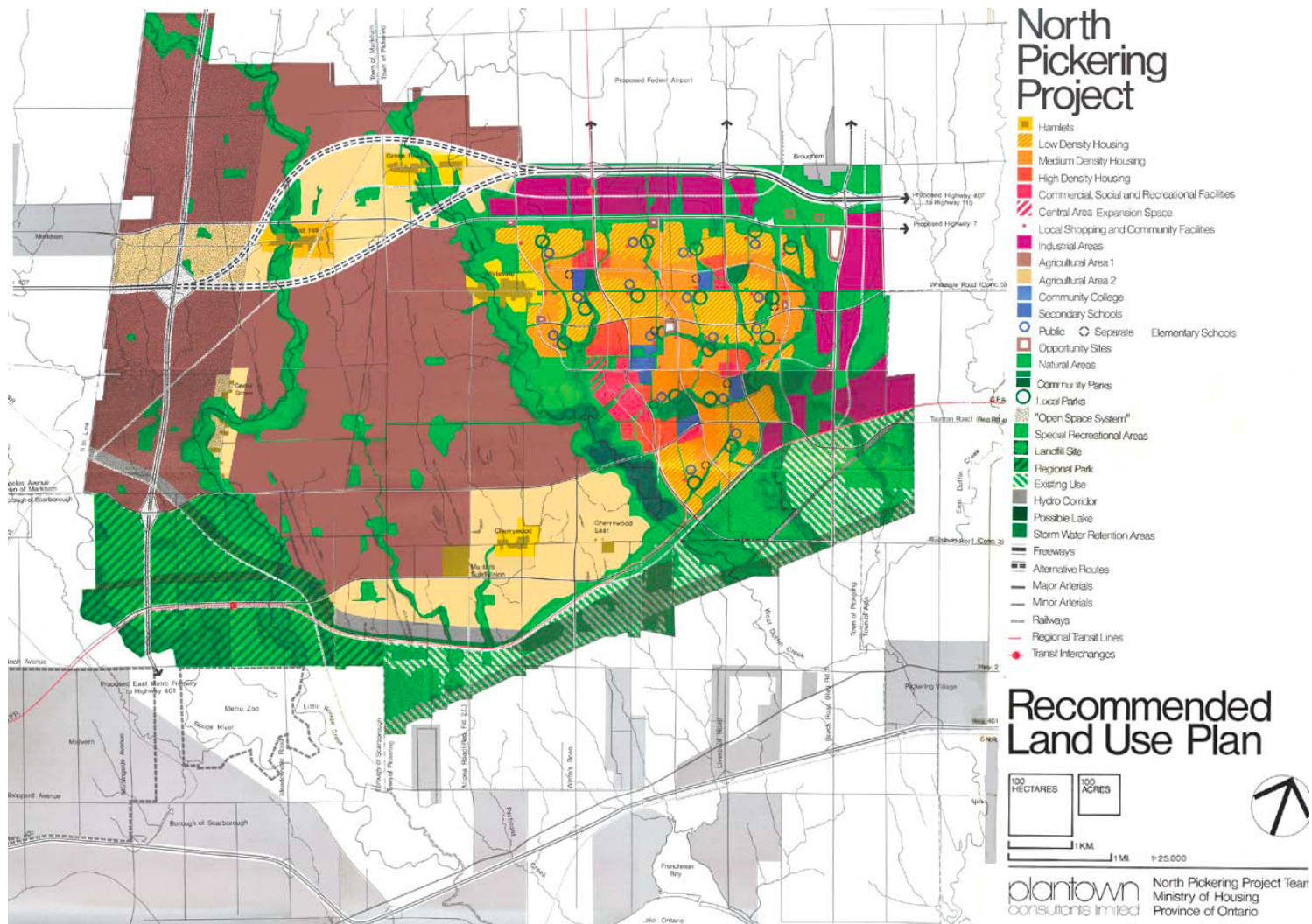
Figure 10. Land use plan recommended for the new north Pickering satellite community in 1975. The West Duffins Creek marks a dividing line between the proposed built up urban area to the east and an agricultural area to the west (source: MMAH, 2006a).

In these plans, Seaton is split into two parts following the 'natural' borders of the West Duffin Creek running through it: the agricultural preserve to the west, which was given the name Duffins-Rouge Agricultural Preserve or DRAP in 1993 (Buckles, 2005), and an urban area to the east. After the Progressive Conservative government gained power in 1995, some of the DRAP land was put up for sale by the Province with the intention that this land, which had been expropriated from farmers in the 1970s, would be sold back to farmers for agricultural use. In order to ensure this land use, permanent agriculture, agricultural easements – legal restrictions on the use of property for agricultural purposes – were placed on the land prior to their sale (Almack, 2004). What started out as an informal planning vision became more formally institutionalized through legal means. These easements were held by the City of Pickering (MMAH, 2002b; Wright, 1995, December 14). According to a municipal politician I interviewed (August 6, 2014), the City of Pickering was given control over these easements as a political compromise. Even though the Province had ultimate control over the sale and future planning of the lands, it was felt that Pickering should be given at least the appearance of some control over its use. As a result, the DRAP was formalized in 1999 through a memorandum of understanding that the use of these lands would be restricted indefinitely to agricultural uses (Legislative Assembly of Ontario, 2005a).

Despite the easements, many farmers subsequently sold their newly acquired land holdings to developers, who then lobbied Pickering council to have the easements removed. Almack (2004) suggests that many developers had given these farmers short-term loans to purchase the land from the Province in the first place. In the early 2000s, perhaps sensing a failed investment if the Crombie Principles and the Seaton land exchange would eliminate any possibility of development in the DRAP, these developers lobbied Pickering politicians and planners to develop the portions of the DRAP that the developers owned. In the early 2000s, as part of its official plan review process, the City of Pickering conducted a growth management study (Pickering, 2002a,b; Dillon Consultants, 2003; 2004a, b) that included in its scope all undeveloped portions of Pickering, including the DRAP lands and the Seaton land assembly (Figure 11). The Pickering growth management study was funded in part by the developers who owned land in the
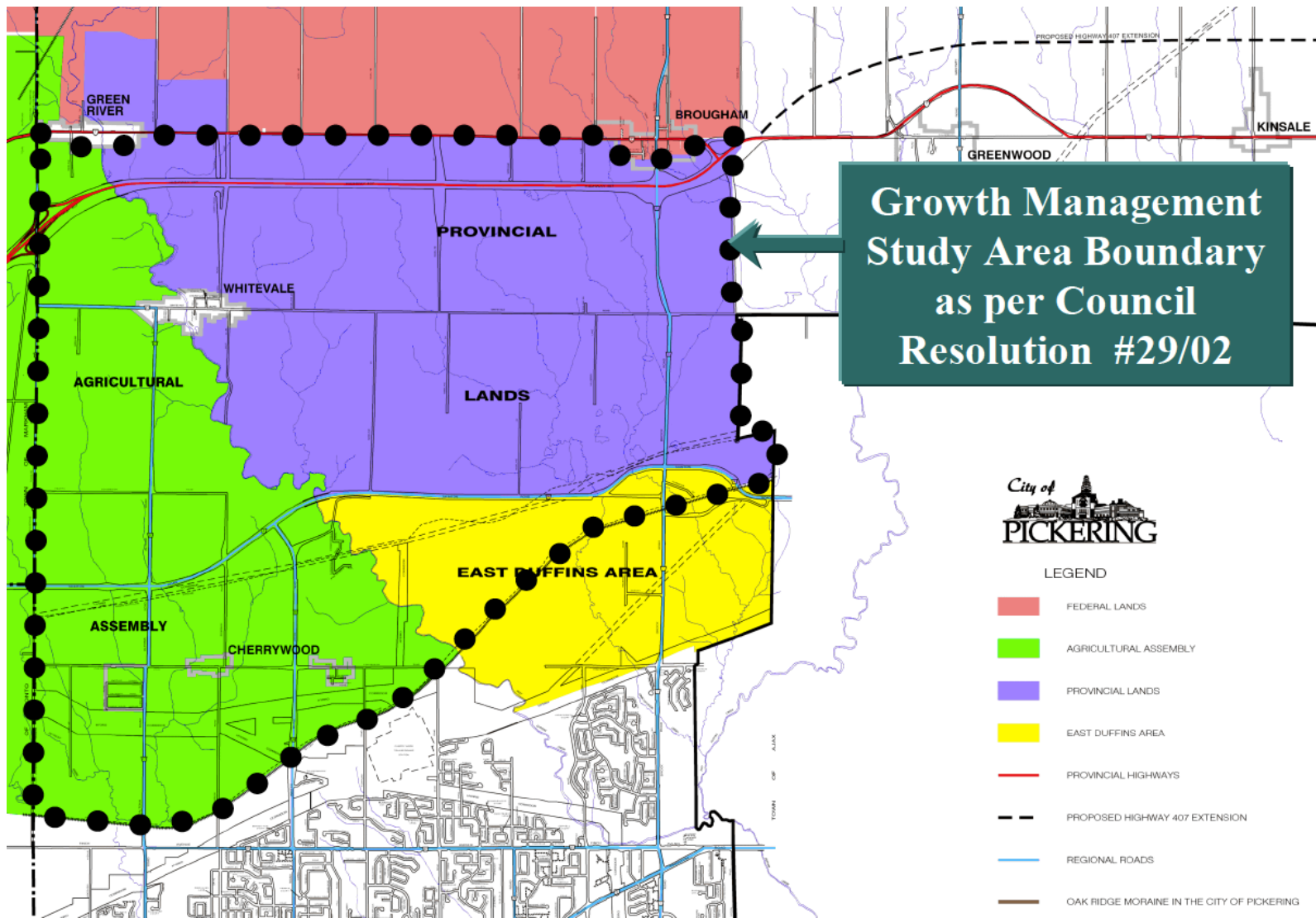
Figure 11. Boundaries of Pickering's Growth Management Study begun in 2002 (adapted from Pickering, 2002, April 1).
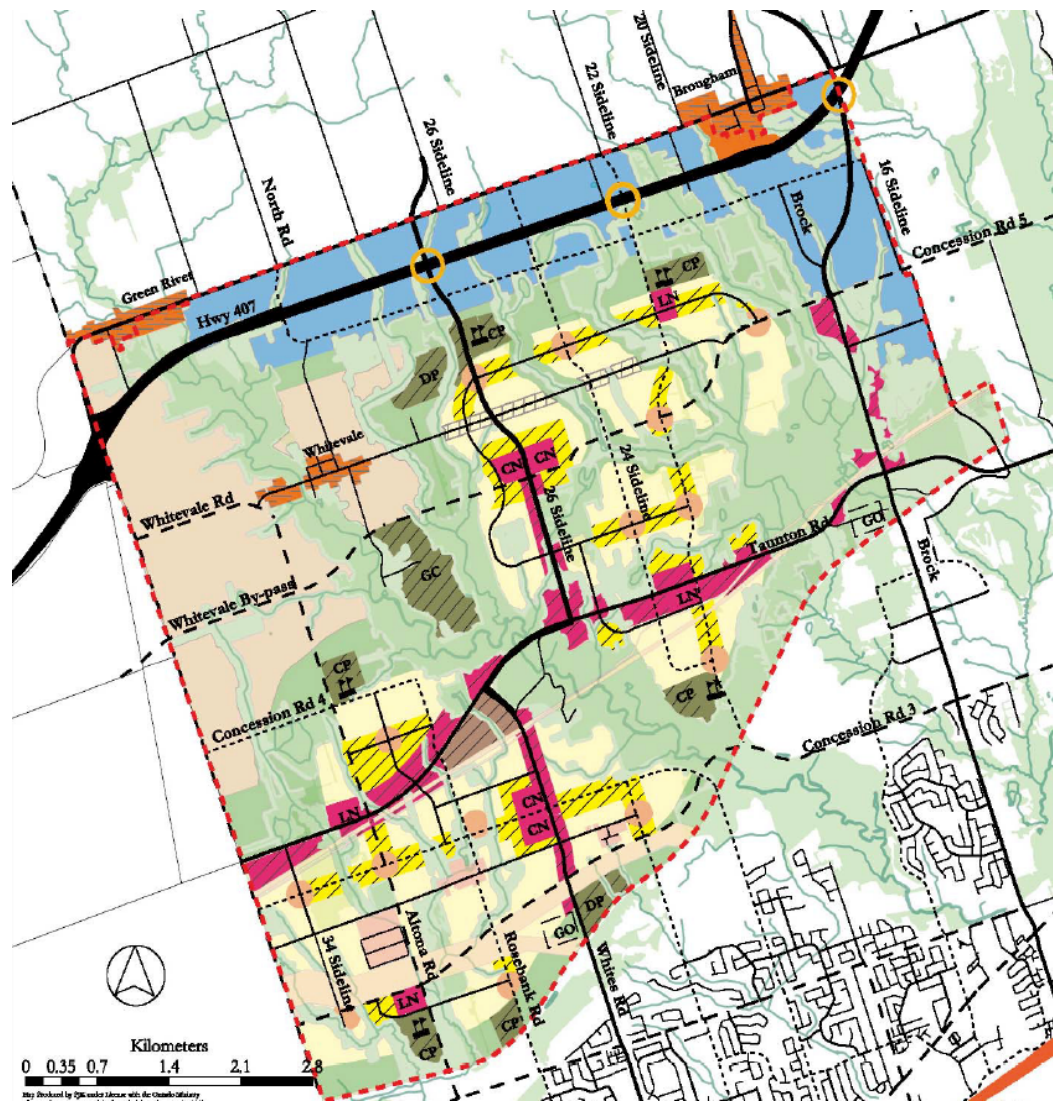
Pickering Growth Management Study

Figure 4: Recommended Structure Plan

Map Features

Urban Residential Areas
- Low Density Residential
- Heritage Corridor
- Medium Density Residential
- Special Residential

Open Space System
- Natural Heritage System
- Natural Heritage Corridors

Employment Areas
- Employment Area
- Major Institutional Node

Roads
- Type A Arterial
- Type B Arterial
- Type C Arterial
- Collector
- Local
- GO Potential Future GO Station
- O Proposed Interchange

- Study Area Boundary

Active Recreational Areas
- DP District Park
- CP Community Park
- Highschool
- GC Golf Course

Mixed Use Areas
- CN Community Nodes
- LN Local Nodes
- Mixed Corridors
- Neighbourhood Node

Other Designations
- Countryside
- Hamlet Study Area
- Rural Hamlets
- Hydro Corridor

Figure 12. Recommended structure plan from Pickering's Growth Management Study (adapted from MMAH, 2006a).

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DRAP, a point that was raised by critics of the DRAP land owners (e.g., Buckles, 2005). Through the growth management study, Dillon Consultants (2003) concluded that part of both the DRAP and Seaton should be developed, and part of both should be protected as agricultural (or countryside) and conservation land (or open space) (Figure 12). Based on the recommendations of the growth management study, Pickering planners, as well as then mayor Wayne Arthurs, broadly agreed with the developers that some of the DRAP, especially in the southwest, could be developed.

Two important political actors emerged during the 2003 provincial election campaign as opponents running against each other in Durham Region: Janet Ecker, then Conservative Member of Provincial Parliament (MPP) for the riding of Pickering-Scarborough East, and Pickering mayor Wayne Arthurs, running for the Liberal party. Ecker supported the Crombie Principles and the commitment to preserve the DRAP. Many environmental groups in Pickering supported Ecker based on these commitments. Against Ecker, Wayne Arthurs supported the prevailing position of Pickering's local government at the time, which favoured opening up some of the DRAP for development according to the growth management study. Arthurs campaigned aggressively against Ecker using the DRAP as a wedge issue, as this was a position that Arthurs knew had local support, although it went against even his own Liberal party's interests, which was to maintain the DRAP as part of a large greenbelt system. At the provincial level, neither the Liberals nor Conservatives had any interest in developing the DRAP. The Conservatives needed the DRAP preserved in order to push through the land exchange that would see Seaton developed, as maintaining the DRAP was part of the Crombie Principles. The Liberals needed the DRAP preserved in order to push through its proposed greenbelt, a land use conservation plan that it claimed would take the moraine legislation much further, putting a Liberal mark on a Conservative success story. Pickering municipal politicians, including Wayne Arthurs, were viewed as trouble-makers for the Provincial Liberal platform.

During Janet Ecker's campaign, which became polarized around either supporting the growth management study or committing to preserving the DRAP, a group called the West Duffins Community

Group Inc. placed advertisements in a local newspaper, and distributed brochures and lawn signs stating that Ecker opposed the interests of farmers and the environment, since her government was purportedly in favour of paving Seaton (Barber, 2003, September 17; Robb, 2003). According to the mayor of Ajax, the municipality immediately to the east of Pickering, this 'community' group was composed of landowners and developers who were using "back-door shenanigans to get rid of the agricultural easements that protect ... [the DRAP] from development" (Steve Parish in Barber, 2003, September 17). According to Jim Robb (2003) of the Rouge Duffins Greenspace Coalition, the West Duffins Community Group was a 'dummy group' of the West Duffins Landowner group, the DRAP land owners. The West Duffins Landowner Group made statements in various forums, including at the provincial legislature (Legislative Assembly of Ontario, 2004), arguing that part of the DRAP should be developed. Their argument was well prepared, often presented by lawyer Mark Flowers, and was generally supported by the Pickering council, as this argument aligned with Pickering's own planning vision. The argument was that development on the DRAP, instead of Seaton, would better protect the environment and the cultural heritage of Pickering (First Nation sites and historical rural settlements); that agricultural opportunities were greater in Seaton than the DRAP; that the DRAP lands were more readily serviced (water, sewer, electricity, roads), since they were closer to the existing urban area; and that the agricultural capabilities of parts of the DRAP were quite limited.

The West Duffins Landowners group was for the most part a group of developers and farmers interested in developing land. Yet in order to make their case, they presented a sophisticated argument, often using legal expertise, and framed this argument in terms of protecting the environment and agriculture. They even made it appear that the Progressive Conservatives, whom developers tend to support, had nefarious motivations, with the statement in one of their advertisements "What is the provincial government really protecting?", with the implied answer being, "their own political interests" (Figure 13). Thus, this example implicated political actors at different levels of government, and in ways

Figure 13. Example of an advertisement placed in a local newspaper, the *News Advertiser*, September 3, 2003 (photo of ad taken by author).

that were contradictory in the same way that the Oak Ridges Moraine legislation was contradictory, being enacted by the Progressive Conservative party of Harris-era neoliberal, pro-business conservatism. In this case, local politics had a very strong influence on the outcomes of a provincial election, at least for the riding of Pickering-Ajax-Uxbridge, but were contradictory to the platform of the Liberal party leadership. In some ways the landowners' campaign was successful, as Liberal Wayne Arthurs was elected based on the assumption that he would work for Pickering's interests rather than the provincial interest. However, Liberal leader Dalton McGuinty became the new premier of Ontario, and proceeded to carry out his plans to incorporate both the Oak Ridges Moraine and the DRAP into a larger greenbelt. In the end, therefore, the landowners' push to have the DRAP kept out of the greenbelt failed and Wayne Arthurs was forced to toe the Liberal party line. This did not happen without a fight, however.

In 2005, despite the provincial position in favour of restricting land use to agricultural activities, Pickering removed easements on some of the DRAP land under threat of lawsuits by one of the landowners, Duffin Capital Corp. (Pickering, 2005: 15). In December 2005, a provincial order led to reinstatement of the easements through Bill 16, the *Duffins Rouge Agricultural Preserve Act, 2005* (Ontario, 2005b), a move opposed by many within City of Pickering city council and planning department, but much to the approval of local environmental groups. Then in 2006, developer Silvio Degasperis, a principal in Duffin Capital Corp., through the corporate entity Hollinger Farms, filed a lawsuit against the Ontario Government for ostensibly infringing upon his development 'rights' by including some of his land – the Cherrywood lands in the DRAP – in the newly formed greenbelt. In order to do this, however, the landowner group argued against development in Seaton, as well as the land exchange, making many of the same arguments they used in support of the growth management study: that Seaton is more environmentally sensitive than the DRAP lands; that the DRAP lands are incapable of supporting agriculture; and that the DRAP lands should be developed instead of the Seaton lands. The Ontario Superior Court (Hoilett, Pardu, & Ground, 2007) ruled against Degasperis' group, however,

finding that the landowners were simply using the Seaton issue in an attempt to have their own lands

removed from the greenbelt. As the court ruled:

> the Applicants had no interest in the environmental assessment of the Seaton Lands and that their
> sole motive for bringing the Application was to frustrate, disrupt and delay the Land Exchange as
> a further step in their ongoing war with the Province and their attempts to harass and intimidate
> the Province into permitting development of their lands adjoining the Seaton Lands. (Hoilett et al.,
> 2007: 2)

This was very strong language coming from a court, but it seemed to put an end to this battle between a

very particular set of developers and the Province of Ontario. However, the actions of these developers are

worth taking note of. As is argued in chapter 4, developers are certainly not a monolithic or predictable

category. They are also not the 'development industry'. Against the claims of rational choice

institutionalists, the interests of the development industry are not simply those of the aggregate of

individual actors attempting to rationally maximize their utility (Hall & Taylor, 1996). Individual actors

have their own histories, strategies, and motivations, albeit within a specific institutional setting (Bevir &

Rhodes, 2006). The actions of the development actors in this case were specific, often contradictory, and

mainly based on the interests of individual firms, as opposed to the industry as a whole. The campaign

against Ecker (and subsequently McGuinty) was a very specific campaign based on a particular disputed

land area, and on behalf of individuals who did not necessarily act in a predictable way. Yet this example

illustrates the type and range of actions that are possible and available to developers, some of which are

institutionalized and legal, and others which skirt the boundaries of legality/illegality.[47]

Rationale for the land exchange: The spectre of property rights and fairness.

Although the election-time rhetoric about the land exchange, the suitability of the Seaton lands for

development, and the future of the DRAP emphasize the role of politics in the production of ideas and

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[47] For example, according to Jim Robb (2003), general manager of the environmental group Rouge Duffins
Greenspace Coalition (RDGC), land speculators and developers were making under the table deals with farmers in
order to control their land, and appointing developer representatives to 'community groups', thus disguising the
groups' interests.

discourses[48] (Schmidt, 2008), this local-level scrutiny is only one dimension of contestation about the land exchange that came to the fore in the early 2000s. Different community groups, municipal planning departments, and municipal councils had their own histories of land use and conflict, as well as their own local planning cultures. These different historical paths to land use conflict in Seaton textured deeply the terms on which community groups, activists, and political actors constructed and advocated for their interests. Citizens and politicians in Pickering had long been subjected to provincial and federal plans for developing the Pickering lands, and the land exchange was seen as another chapter in that history. From the perspective of Pickering and Durham Region, the land exchange was less about the Oak Ridges Moraine or the Greenbelt and more about the long-standing Seaton issue and decades-long efforts to include an agricultural preserve as part of the North Pickering Project land assembly.

From the perspective of Oak Ridges Moraine activists, the land exchange was contested for other reasons. For one, there was some debate around the rationale for the land exchange as the best way to protect the Oak Ridges Moraine. A number of environmental groups saw the exchange as essentially giving developers free land, or at least free development rights. This argument is based on the formal institutional framework within which land use is governed in Canadian provinces. In Canada, private property rights are not constitutionally guaranteed (Donnelly & Tryanski, 2009), and provincial and federal governments retain ultimate control of land use for the public good, even if in practice, private property rights are generally respected (Donnelly & Tryanski, 2009; Pond, 2009). Thus, formally, ownership of land does not give the owner 'absolute dominion', in Blackstone's (1783) terms: an unqualified individual right to use land for the purpose of wealth enhancement and preference-satisfaction. Simply purchasing or owning land does not formally give developers the right to develop it and profit from it. However, as legal institutional theorist John Brigham (1990) notes, property and property law operate not only according to formal rules but are textured by 'interpretive parameters' or 'traditions'.

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[48] Schmidt (2008: 305) uses the term discourse here in a very specific way, as a "generic term that encompasses not only the substantive content of ideas but also the interactive processes by which ideas are conveyed. Discourse is not just ideas or text (what is said) but also context (where, when, how, and why it was said)".

Traditionally, developers might expect that ownership usually implies the right to develop eventually, especially in municipalities in which they have built long-term relationships with planners and politicians. For many opponents of the land exchange, however, the institution of property is not simply an economic means to rationally allocate scarce resources, but, following Rose (1991) and Alexander (1997), serves also to protect the public interest. In Alexander's (1997) terms, property as 'commodity' is only one half of the property duality, which stands for the dominant, economic, wealth-enhancing, and individual liberty-based understanding of property. Activists on the moraine were concerned with the other side of the property duality conceptualized by Alexander: property as 'propriety' – a vision of property that has as its goal the maintenance of a so-called 'proper' social order.

Protecting the 'public interest' was the main line of argumentation activists used to oppose the land exchange. Glenn De Baeremaeker, then president of Save the Rouge Valley Systems Inc., stated in a *Toronto Star* article that the land exchange was "a betrayal of the public interest" (Keung, 2002, November 27). He went on to opine that the Province was "paying developers for the land that they should not be compensated for. The government is actually encouraging urban sprawl when they should be stopping urban sprawl" (ibid). De Baeremaeker suggested the province could simply legislate limitations on land use, rather than providing developers with developable lands elsewhere. Clayton Ruby, lawyer for Environmental Defence, argued that developers were given a gift by the provincial Conservatives at public expense (Swainson, 2003, October 21). According to this argument, the developers should not have been given the higher-valued Seaton lands simply by owning land on the moraine: they did not earn the lands by going through the time-consuming and expensive process of gaining development permissions. They were simply given the higher-valued lands free. A letter to the editor in the *Toronto Star* doubted the sincerity of the Conservative government in its efforts to save the moraine, suggesting the land exchange illuminated their real priorities:

> The Tories pretended to protect the moraine by arranging land swaps for developers, so they could build on similarly sensitive lands near Pickering. Then, the Tories held secret negotiations with developers so they could build on the Oak Ridges Moraine, too (Hotte, 2003, November 7).

For these activists and authors, the real issue was that developers were compensated at all, regardless of the specificities of the lands they were given. Part of this critique was the relationship between developers and politicians. It seemed that developers were getting a good deal because of their close relationships with politicians, epitomized by the fact that the land exchange negotiations were done in secret. This secrecy led many to speculate that developers were getting more than their fair share of land, whether or not there was evidence to support this claim. What is missing from these critiques is an attempt to understand the deeper rationale for the land exchange, apart from the seductive notion that politicians were simply trying to assist their friends. Understanding this deeper rationale requires an analysis of the complex history of efforts to protect the moraine; the long-standing and contentious ownership by the Province of Ontario of the Seaton lands; and the political desire by the government of the day to resolve the Oak Ridges Moraine conflicts quickly and in the least contentious way possible. It also requires closer attention, as institutional theorists insist, to how governance, the law, and political decisions operate on the ground in practice, through the actions of networked individuals receiving information, making meaning, and acting within their own institutional contexts (Brigham, 1990; Hillier, 2000; Lowndes & Roberts, 2013; Schmidt, 2008).

According to a developer I interviewed, who was involved in the land exchange, a land exchange was attractive for the provincial government because it had up to that point been unable to develop the Seaton land despite 40 years of planning for the Seaton new town (Developer Interview, May 15a, 2013). By trading development rights with the Richmond Hill developers, Seaton would finally get off the ground. The developer further explained that the very need to compensate these developers was driven by fear of a lawsuit: "They certainly weren't going to bring in the legislation having us hanging out, because then there would be a big lawsuit. So they wanted to make a deal which was made prior to the legislation being enacted". The development industry estimated that the lawsuit could have cost the Province up to $1.5 billion (Gorrie, 2003, October 25). Journalist Peter Gorrie (ibid) suggested that lawsuits against the Province were unlikely to be successful, but the very threat of a long legal fight was itself a lengthy,

expensive, and politically unattractive proposition for the government. Timely legislation would first require that the concerns of developers be addressed.

A municipal planner, who was formerly an assistant deputy minister (ADM) with the Ministry of Environment, implied in an interview with me that developers were compensated for political rather than strictly legal reasons:

> ... there's two courts: there's the court of law, and since you write the legislation, you can write it in such a way that you can't be sued. But then there's the court of public opinion. And the court of public opinion means that, you know, if people ... bought into a situation where they thought they had certain rights and now you're taking those rights away, well the court of public opinion will speak to that. And ... so I think there was some sympathy, even in the media. It was that, well, you know, you've got to some way figure out some ... some fair compensation. (Planner Interview, August 14, 2013)

This statement emphasizes the notion of rights: that compensating developers was not an act of favoritism for developers themselves, but was done to maintain an underlying ideology of respect for property rights.

The planner went on to explain that the government was also trying to maintain a good relationship with developers – not as individuals or friends, but as an industry – since the provincial government was generally in favour of development and economic growth:

> ... the government made it very clear ... that while they had taken ... what many called a draconian action in terms of freezing the land, that the government would be fair as well. So I think it was seen as, on balance, better to cooperate with the government as opposed to fighting them on this one. And you might remember that, at the time ... it was a Conservative government, which I think is generally seen as being reasonably favourable to development and economic growth ... so the fact that you had a Conservative government basically freezing land ... I mean, that's something that both the Liberals and New Democratic party, which were both in opposition, were in many ways calling for. (Planner Interview, August 14, 2013)

As this interviewee explains, the Conservatives under Mike Harris froze development not necessarily because they wanted to, but because they were under political pressure to do so by their constituency. Ideologically, the Harris government was opposed to government 'interference' in business, including the land development business. It grudgingly took action in 2001, mainly to protect its electoral base, which was calling for protection of the moraine. But it certainly was not going to abandon its corporate allies – land developers – and ensured that they were ultimately treated fairly. For the market-oriented Harris

government, the commodity-propriety framing of property conceptualized by Alexander (1997) was not so much a duality. Rather, the proper social order for the Harris government was to be achieved *through* property as commodity. Being fair to market actors meant that any policies that might harm free enterprise needed to be balanced with those that would protect it.

The Role of the Newspaper Media in the Oak Ridges Moraine Conflicts

The Oak Ridges Moraine conflict was complex and interwoven with economics, politics, local defense of property, and broader concerns about property rights. As a result, the Harris government was faced with a challenging and dynamic political problem in that what began materially as a site-specific conflict over competing land uses took on multiple overlapping and contradictory dimensions at a much broader scale. The newspaper media in the Toronto region, especially the two large dailies, the *Toronto Star* and the *Globe and Mail*, played an important role in scaling up the Oak Ridges Moraine controversy. A number of scholars have noted the power of the newspaper media, especially the *Toronto Star*, in framing the issues and setting the agenda about the negative effects of development on the moraine (Edey et al., 2006; Sandberg et al., 2013; Whitelaw & Eagles, 2007). Sandberg et al. (2013) quote a letter to the editor in an issue of the *Toronto Star* that articulates this role of the newspaper in keeping the moraine on the agenda: "I am thankful to the Star for not losing sight of how important it is that the Oak Ridges Moraine does not get developed. Every day there is an article concerning this issue and it is how I keep myself apprised of this situation that has become so important to me" (Calnan, 2000 in Sandberg et al., 2013: 93). Newspaper stories became an important means through which the Oak Ridges Moraine conflict was presented to the broader public, in framing the conflict, and in emphasizing specific aspects of the conflict.

Communication theorists point to the importance of 'framing' and 'agenda setting' in the media (Scheufele & Tewksbury, 2007). 'Framing' refers to the way in which an issue is characterized in media reports, whereas 'agenda setting' suggests mass media play an important role in influencing which issues are important to audiences (ibid). Both understand the media to have a powerful role in how issues are

perceived and conceived by the general public. Furthermore, political theorists Bevir and Rhodes (2006) have found that political actors spend considerable time reading newspapers and formulating policy based on the reporting and framing of events through newspaper and other media. Although there are often many, competing discursive framings of a particular issue, social movement scholars Gamson and Modigliani (1989) point out that media are often able to influence and simplify popular discursive understandings of an issue. Framing – the characterization of an issue – necessarily reduces the complexity of an issue, as news stories are constrained by airtimes and audience interests (Gans, 1979). Resulting from this reduction is a reliance on simplified 'storylines' or 'condensing symbols' that "suggest the core frame and positions in shorthand", allowing a complex issue to be captured through symbolic devices, such as catchphrases and metaphors (Gamson & Modigliani, 1989: 3; also Hajer, 1995). These condensing symbols can also be mobilized for political purposes, as rhetorical devices[49] intended to convince audiences of a certain position without the need to fully unpack the position in detail.

Part of the reduction in the complexity of the stories told about the Oak Ridges Moraine in newspapers stems from the actual journalists who covered and wrote about the conflicts. Furthermore, *how* the agenda was set and the issues framed is closely connected to the relationships fostered between these journalists and environmental activists. Although many different journalists from the *Toronto Star* and *Globe and Mail* wrote about contested development on the moraine beginning in the early 1990s, by 2000 these articles were being penned by a small number of journalists, sometimes writing almost daily about the dispute. Writing for the *Toronto Star*, David Lewis Stein and Gail Swainson were particularly prolific; Wallace Immen and John Barber wrote the majority of articles about the moraine conflicts for the *Globe and Mail*.[50] These journalists focused regular attention on the backlash against urban development from moraine residents and environmental activists. They covered Ontario Municipal Board (OMB)

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[49] Rydin (2003) explains rhetorical devices as techniques used to persuade an audience. She identifies three main rhetoric devices usually used in rhetoric analysis: ethos, which establishes the credibility of the speaker; pathos, which describes the mood of the speech; and logos, describing the paths or procedures of argumentation.
[50] Between January 2000 and December 2001, Immen wrote 46 articles, Barber wrote 19, Stein wrote 22, and Swainson wrote 76 articles.

hearings and municipal council meetings, and covered major policy announcements. They kept the Oak

Ridges Moraine conflicts in the news and in the public eye. But some journalists, such as David Lewis

Stein, wrote opinion pieces that framed the issues in a particular way, often with a specific environmental

agenda seemingly aimed at convincing the province to protect the moraine through legislation.[51]

Debating science on the moraine.

The *Toronto Star* actively framed the Oak Ridges Moraine in specific ways and helped to politicize

development on the moraine by framing the issue as one that government actors needed to pay attention

to, whether or not it was 'scientifically' accurate. A number of people I interviewed pointed to the role of

the media in politicizing development on the moraine, and in bringing the story to a group of people who

had the political clout required to compel the government to pay attention. According to a municipal

planner, who was formerly an assistant deputy minister (ADM) with the Ministry of Environment:

> ... the *Toronto Star*, in particular, really led the charge on the need to protect the Oak Ridges
> Moraine, and ... governments certainly take notice when, you know, when there's a lot of media
> coverage ... . There were people in Caledon ... who were concerned about [i.e., resistant to] seeing,
> you know ... increasing development out in Caledon ... and when you're talking about people in
> Caledon, these are people who are pretty well connected into government. (Planner Interview,
> August 14, 2013)[52]

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[51] Stein capped off a number of his articles with statements about his views about protecting the moraine. For
example, " It still rests with Richmond Hill politicians to preserve the moraine or to break it up with a wall of
subdivisions" (2000, February 24); "why would any rational person allow more subdivisions on the moraine and then
spend millions pumping water from Lake Ontario to supply the northern cities of York Region? The government of
Ontario has some explaining to do." (2000, May 11); " they had better protect the moraine" (2001, May 18); "for the
moraine, the only reasonable position is to say, 'Stop!' We owe it to our children and, in my case, grandchildren"
(2001, August 16).

[52] Caledon is a wealthy municipality north of Toronto characterized by its quaint villages, such as Inglewood,
equestrian parks, and large rural estates (what *Globe and Mail* journalist John Allemang, 1985, January 26, called
'castles in the hills'). Caledon is an interesting case in local response to growth pressures. Caledon's planning
department has been very careful about managing its growth, capping it at approximately 85,000 by the year 2021
(Cordileone, 2004, May 15). Critical of this approach to growth, development industry land economist Frank Clayton
suggests "Caledon is anti-growth"; he further argues that municipalities that fail to take on their fair share of growth
in a time of rapid population increase can become "enclave[s] for the rich" (ibid). Many influential business and
political 'elites' live or have second homes in Caledon, a factor that has been attributed to the ability of Caledon to
resist development of subdivisions and aggregate quarries (Pullen, 2014).

A land exchange developer also told me that the *Toronto Star* and environmental groups fueled the development freeze, which was a political rather than a scientific decision:

> ... politically, they [the Harris government] were getting hammered by the *Toronto Star* and they didn't have a choice [but to freeze development] . ... [P]olitically a lot of things were done that were not scientific. ... On the other hand, things do get done politically, and, you know, the broader picture: was it wrong to do what they did? I don't think it was necessarily wrong. Did they treat us fairly? At the end of the day we did get development in Richmond Hill and we could get land in Seaton. (Developer Interview, May 15a, 2013)

This developer had formed a particular view of the science behind designating sensitive Oak Ridges Moraine land based on his involvement with the Oak Ridges Moraine Technical Working Committee struck by the Liberal and NDP governments in the early 1990s. He suggested that moves to halt development on the moraine were based not on this science, but on political movements fostered and disseminated by the *Toronto Star*. The Harris government, according to this story, was reluctant to block development, but due to media attention and growing popular opinion was compelled to do something. Popular opinion was successfully cultivated, especially by the *Toronto Star*, by framing the Oak Ridges Moraine as a 'rain barrel'[53]. The rain barrel metaphor drew on scientific descriptions of the Oak Ridges Moraine in and compelling ways, most notably as a groundwater recharge area containing both shallow and deep aquifers, as well as a headwater source for over 30 streams (e.g., Intera Kenting, 1990). Thus the rain barrel metaphor served as a powerful idea and discursive construct (Schmidt, 2008) with the potential to frame, not only for civil society actors but also key policy makers, the moraine as an important object worthy of protection. The rain barrel metaphor was used extensively by the *Toronto Star* to frame the moraine as a valuable but bounded source of water: "its deep aquifers collect, store, filter and then release water to some 65 watercourses" (O'Reilly, 1999, October 23). The *Toronto Star* first used this metaphor in a 1994 article by Tracy Hanes (August 4) after a draft report of the Oak Ridges Moraine Technical

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[53] It is difficult to conclude with certainty why the rain barrel metaphor was so effective. Likely, the simplicity of this metaphor was important: a rain barrel is relatively easy to visualize; and it suggests a finite resource that can be easily contaminated and therefore must be protected. However, the rain barrel was not the only framing device used during the Oak Ridges Moraine contestations. Others included framing the discussion in terms of sprawl; emphasis on bioregionalism through an ecosystem approach to planning (with 'cores' and 'corridors' prominently featured); and habitat destruction (Sandberg et al., 2013, chapter 5).

Working Committee was released. This metaphor was then used over 50 times in *Toronto Star* articles

between 1994 and 2014, 33 of which were in 1999 and 2000[54]. The idea of a sensitive rain barrel with

discrete boundaries, popularized by the *Toronto Star*, environmental groups, and some scientists

conflicted with developers' knowledge of the moraine, which relied mainly on the opinion of their expert

witness at OMB hearings, hydrogeologist Ken Howard from the University of Toronto. For example,

Debbe Crandall of Save the Oak Ridges Moraine, describes the rain barrel as a relatively closed system,

sensitive to development that reduces its ability to function:

> I liken the moraine to a public rain barrel, where a neighbour on one side is siphoning water off
> and on the other side someone is trying to put a lid on the barrel that would keep more water from
> refilling it. (Crandall in Stein, 1999, November 19)

Hydrogeologist Ken Howard, who, while not necessarily disputing the rain barrel metaphor, disagrees

with the idea of a closed and fragile system, contests the notion of the Oak Ridges Moraine as a well-

bounded recharge area:

> The Oak Ridges Moraine is one of the most studied, best understood aquifers in Canada. ...
> However, it is not the rain barrel of Ontario and, because of its size and volume, it is much more
> resilient to the effects of land use change than any other Ontario aquifer. (Howard in Swainson,
> 2000, July 5)

In an earlier *Toronto Star* article, Howard argues that the rain barrel should refer to the entire region, not

simply the Oak Ridges Moraine, given that aquifers are not confined to the Oak Ridges Moraine: "The

Oak Ridges Moraine isn't the rain barrel of southern Ontario ... . The whole area is the rain barrel" (in

McAndrew, 1999, November 21). Yet by reproducing the image of a rain barrel, the *Toronto Star* and

organizations like STORM were able to frame the debate as chiefly about water, which became a

particularly sensitive topic when in May 2000 seven people died and many became seriously ill in the

Ontario town of Walkerton due to *E. coli* bacterial contamination in water wells (O'Connor, 2002).

Walkerton served as a catastrophic example of what could happen if the drinking water supply was

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[54] Results obtained using the Proquest search engine March 20, 2015.

neglected by government rather than protected (McElhinny, 2006). As discursive institutionalist Vivien

Schmidt (2008) notes, the power of ideas in political decision-making should not be underestimated. The

newspaper media played a key role in disseminating these powerful ideas. The *Toronto Star* was

instrumental in setting the agenda for its mass audience of protecting the Oak Ridges Moraine. Through its

repetitive mobilization of the rain barrel metaphor, it suggested to its readers that the water issue was *the*

most important reason for protecting the moraine. It also shifted a land use dispute away from an

economic and political struggle over property rights towards a nature-based framework capable of gaining

traction at a wider scale involving diverse actors.

The Oak Ridges Moraine conflict became a battle of competing claims to ideas and expertise

forwarded by competing interests. However, 'expertise' can be contested, and within planning and political

institutions, some forms of expertise are privileged over others.[55] The OMB hearings in 2000 and 2001

ended up being battles of so-called experts, where scientific consultants for the developer proponents

argued vehemently that development would not harm the recharge function of the moraine, and where

competing scientists argued the reverse on behalf of governments and environmental groups. The *Toronto*

Star, for its part, gave daily accounts of these hearings and argued in favour of conservation legislation in

its editorials. For the provincial government, this was an untenable position to be in, not only because of

the competing views of scientists, but also because the Harris government had an interest in maintaining

the support of both sides of the debate. Setting up a land exchange became one way to address demands

by those advocating for increased protection of the moraine, as well as satisfying developers' interests and

maintaining a positive relationship with them. The Province could claim that it was both protecting the

moraine and protecting the economy and the property rights of landowners on the moraine.

The Hazy Dimensions of Land, Politics, and the Law

In enacting legislation on the Oak Ridges Moraine, while the provincial Conservative government

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[55] See chapter 7 for a discussion of the connections between expertise, scientific knowledges, and power.

responded to political pressure to resolve a conflict that was swiftly eroding its popularity, it waded into

dangerous political territory by forcing together land use regulatory mechanisms that only rarely become

so entangled. These efforts can be framed broadly as attempts to protect property rights through land use

regulation and adjudication through common law, and the strong constitutional power of provincial

governments to limit land use, generally at the expense of private property rights.[56] In developing

legislation on the Oak Ridges Moraine, the Province did not intend to acquire significant land holdings, as

this would involve very expensive negotiated land purchases and/or expropriations. The primary

regulatory mechanism envisioned was to control land use through zoning, a process that freezes the

zoning as rural or agricultural at the time of legislation. In strictly technical legal terms, this means that the

process was not considered an expropriation[57] and therefore none of the compensation requirements

associated with land expropriations were triggered by Oak Ridges Moraine legislation (Lindgren & Clark,

1994). However, written into the Oak Ridges Moraine legislation was a transitional development

provision that permitted developers who had submitted applications prior to the legislation to have their

applications evaluated in some way, depending on the status of the application and depending where on

the moraine land was located. This transitional clause was also dangerous politically, as it seemed to give

some developers continued permissions to develop land – in effect respecting their 'property rights' – even

as local residents and activists were being assured that the Oak Ridges Moraine was being protected from

development.

The concept of transition is a means through which governments can introduce new policy in a

way that is seen to minimize disruption to existing practices. In the case of the moraine, the government

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[56] American legal theorist Eric Freyfogle (2010) discusses a somewhat different, although related, framing of the relationship between property and liberty, perhaps reflective of different institutional traditions in Canada and the United States. According to Freyfogle, American legal scholarship and practice often distinguish between land use regulations, which are often perceived by landowners as limiting liberty, and property law, which is often perceived as protecting liberty.

[57] Expropriation refers to a change in ownership of property. According to the Environmental and Lands Tribunal Ontario, the Ontario Expropriation Act "allows a municipality, approval authority or a public agency to take property for a purpose deemed to be in the public interest, even though the owner of the property may not be willing to sell it. Any interest in land and improvements, such as buildings, may also be expropriated" (OMB, 2010).

wanted to minimize pushback from the development industry. According to Joe Vaccaro (2013), COO of the Ontario Home Builders Association, new policy must be 'bridged' in order for developers to respond to uncertainty generated by the policy. This includes uncertainty about how approvals made but not yet implemented in the 'old' policy world[58] will be carried over to the new; how investments already made in infrastructure for new developments will be used in the new policy world; and how pre-sales of homes or employment centres will be managed if sales are no longer permitted to go through. Some of these concerns were relevant to the Oak Ridges Moraine developers, although some critics argue that conservation policy was being developed long before it was enacted, and developers should have known it was coming (e.g. Liberal MPP Mike Colle in Corcoran, 2003). Furthermore, a particular policy world is constituted not only by formal institutional arrangements but also routine practices and relationships that are not necessarily part of a legal-political framework (Hillier, 2000). Developers may have developed relationships with local governments and formed expectations of how the development processes works. This does not necessarily mean, however, that these expectations equate to development rights.

As part of the Oak Ridges Moraine legislation, transitional or bridging clauses specified that if an application process has been started by a developer prior to November 17, 2001[59] but municipalities had not yet made a decision, that application was considered transitional and would be further evaluated according to new ORMCP rules (Figure 14). Applications with draft approval prior to November 17, 2001 were permitted to proceed based on the usual pre-ORMCP process (i.e., were considered 'grandparented' or 'grandfathered' rather than transitional), which also contained restrictions for development on certain

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[58] The terms old and new here refer to regulatory regimes before and after, respectively, a new policy is implemented. The differences can be significant, which is why the development industry pays close attention to land use legislation.
[59] Minister Hodgson declared the development freeze May 17, 2001; six months later the freeze was lifted but the new legislation specified areas that were off limits to development.
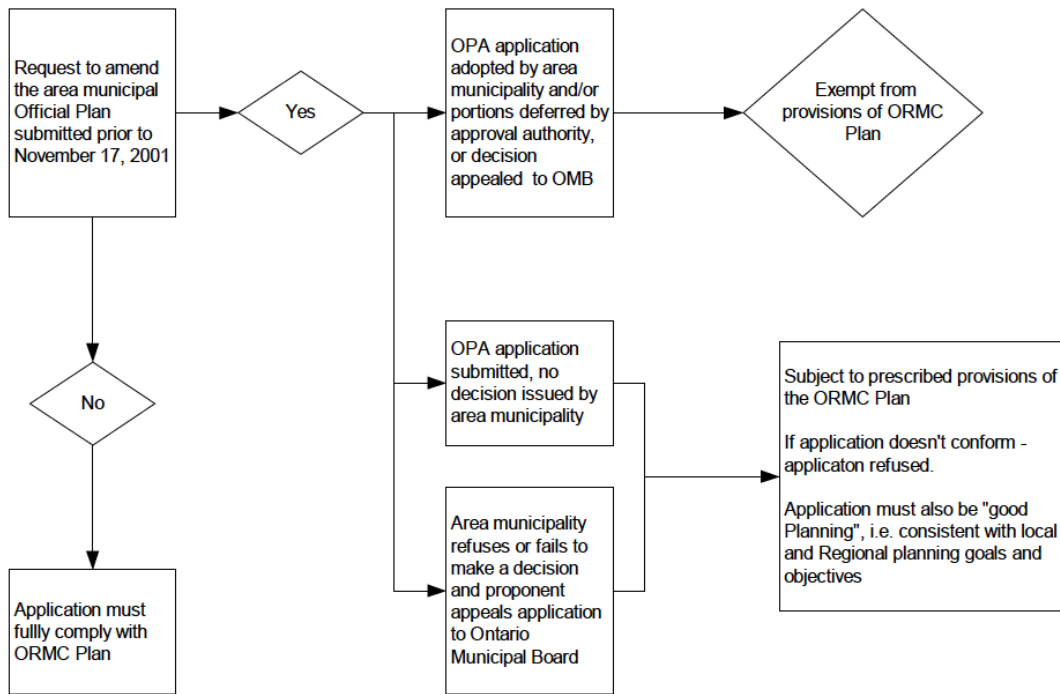
Figure 14. Procedure for determining and processing development applications in the *Oak Ridges Moraine Conservation Act* area considered grandfathered (exempt from the Act) or transitional (adapted from York Region, 2003).

types of lands, such as provincially significant wetlands. No applications were permitted after November 17 as a result of the development freeze.

There were different categories of transitional development applications based on the type of land parcel in question. If applications were for so-called 'settlement areas' (i.e., areas designated for urban development), the normal application process could continue as there were few planning changes stemming from ORM legislation in settlement areas. If applications were for lands categorized as natural core, natural linkage, or countryside areas a number of new provisions in the Oak Ridges Moraine legislation were to be incorporated into the application process (York Region, 2003). In addition, the *Oak Ridges Moraine Conservation Act* also contains provisions to 'bootstrap' related 'pre-applications' to

transitional applications (Melling, 2004). Bootstrapped applications are those that are related to or necessary for transitional applications to be feasible, but which are themselves not considered transitional (Melling, 2004).

York Region published lists of transitional applications in the early 2000s. These documents show that there were nearly 100 transitional applications in York Region, but that well over half of these were located in settlement areas and thus would be allowed to proceed according to pre-November 17 planning rules (York Region, 2002). In other words, they were grandparented applications. Only about 10 applications were truly transitional and subject to the new ORMCP guidelines.

The Yonge East, Yonge West development applications that became part of the land exchange were also considered transitional but were treated differently than other applications for a number of reasons. First, these applications were already before an OMB hearing prior to the development freeze and were already highly politicized, especially through sometimes daily media reports (Edey et al., 2006; Sandberg et al., 2013). Second, these applications were located in the so-called pinch point of the moraine, which, based on a 'cores and corridors' model of ecological connectivity, would, if developed, be seen as cutting the moraine in half at Yonge Street. Third, these lands were owned by some of the most powerful developers in the Toronto region and it was feared by many that their power and influence would result in their gaining development permissions from the OMB. These key corporate actors were deeply influential to the political decision to treat these applications differently from others. As a result, when the land freeze was declared, the province, instead of legislating that the existing zoning be preserved, assumed planning authority using a minister's zoning order and then proceeded to negotiate with these developers, in the end giving developers permission to build 6,600 housing units (later reduced to 5,700 by the McGuinty government through land exchanges). The province also made a deal to transfer ownership of the remainder of these lands to the province in exchange for provincially owned land in Seaton.

According to a provincial planner that I interviewed, the permissions to build the 6,600 housing units were unnecessary as this land had no urban designation, since it had not yet been fully approved for

development (Planner Interview, April 17, 2013). One land exchange developer planner suggested to me that the land had at least some 'status' (Developer Interview, April 26, 2013). Status here means that some form of planning was in process: that there may not have been approvals but that development applications had been submitted, giving developers a 'reasonable expectation' of the right to develop. Status also acknowledges that developers have already been working with local planning staff in their formulation of development applications, especially given the complexity and expense of providing complete applications (see Appendix B). A private planning consultant that I interviewed reiterated the claim about status as a legitimate stage of land development that itself changes the land designation: "These lands had some status. They were in process. They had plans of subdivision – not approved, but ready. So ... they certainly had some status. They weren't ... agricultural" (Planner Interview, April 26, 2013). Indeed this status was what defined these applications as transitional in the first place, although it does not imply that development rights would be conferred. On the contrary, many of these lands had been identified as environmentally sensitive for years. For example, the Town of Richmond Hill had been trying to acquire Bond Lake and surrounding lands since the 1960s, but cost was always an inhibiting factor. In 1987 Lebovic purchased the 243 hectare (600 acre) parcel of Bond Lake land for over $150 million and then planned for its development ever since, despite objections from the Province, York Region, the Town of Richmond Hill, and the conservation authority (Taylor, 1988, December 20).

The notion of status, while framed by the developer and planner I interviewed as merely a stage in the development application process, is also deeply related to property and value. It is notable that both the developer (Developer Interview, April 26, 2013) and planner (Planner Interview, April 26, 2013) I interviewed referred to the land itself, rather than the application process, as having status. Going through the various stages in the development application process was actually increasing the value (referring here to price, not value in Marxian terms) of land. This status is what allowed developers to make their property rights claims, as they perceived the entitlement process – gaining state permission to a certain land use – as creating value. They considered the constitutional power of the Province to be illegitimate

vis-à-vis the routine institutional practices they were used to, which involve dealing with local planning departments and going through the routines of preparing and submitting development applications. For others, however, such as environmental activists, the status of the land had not changed simply because plans had been submitted to change its permitted use. The land was a groundwater recharge area, wildlife corridor, sensitive ecosystem, forest, or recreational amenity. This status is more complex, but also less amenable to economic formulations of property that privilege land as equivalent unit of exchange in the marketplace: property as commodity (Alexander, 1997).

An additional element undermining the argument that the Richmond Hill lands had a certain level of development rights – status – was the fact that all levels of government as well as the conservation authority were arguing against their approval at the OMB hearings in 2000, a situation that is usually taken seriously by OMB adjudicators. On the other hand, the OMB during the Harris years was, according to some commentators, extremely 'development friendly' (Livesy, 2000). Furthermore, according to Debbe Crandall of STORM, the particular board members hearing the Richmond Hill case seemed to be siding with the developers and their expert witnesses (Crandall Interview, June 4, 2013).

A development lawyer interviewed by a *Toronto Star* reporter suggested that honoring property rights during the land swap was not simply about satisfying developers' demands, but was also about economic development more broadly. According to this lawyer, although the province technically has the right to limit development rights without paying damages, doing so "would be undemocratic and would send a terrible signal to the business community about the reliability of future government contracts in Ontario" (Melling in Cordileone, 2003, October 25). However, this 'undemocratic' move was indeed carried out for some developers with transitional lands, and certainly for many other types of land owners (e.g., farmers) affected by moraine legislation, as well as greenbelt legislation that would come in 2005. Thus the issue of fairness emerges with respect to other landowners who hold transitional development applications. These applications will be adjudicated case by case by local planning authorities, using the regular planning framework that includes municipal planning departments and the OMB (see Burnett,

2005 for some examples). There are no guarantees that these applications will be approved, whereas the land exchange developers were at least guaranteed development rights through the land exchange process. A crucial question thus remains: why were these select few developers given permissions to build 6,600 housing units as well as development rights in Seaton, while other landowners were not given the same privileges? The answer seems to be a mixture of: fear by provincial government representatives, such as Minister of Municipal Affairs and Housing Chris Hodgson, of an OMB ruling in favour of development; fear from provincial politicians of a lawsuit by developers; an unwillingness by provincial politicians to jeopardize the relationship between the province and these particular powerful and well-respected developers; an unwillingness to chill the relationship between the province and economic development more broadly; the need to resolve the Richmond Hill problem expeditiously in order to 'save' the rest of the moraine; and the latent desire by the province to find a suitable developer to take responsibility for the Seaton lands. Furthermore, in the initial stages of developing Oak Ridges Moraine legislation, environmental groups, such as STORM, and some media representatives were themselves advocating for some form of land exchange – a density transfer – in order to preserve sensitive moraine lands, especially given fears that the OMB would decide in favour of developers (Crandall [of STORM] in McAndrew, 2000, February 12; *Toronto Star*, 1999, September 23). Density transfers were also discussed in a conference in 1991 called 'Greenways and Green Space on the Oak Ridges Moraine: Towards Co-operative Planning' (Fisher et al., 1991). This conference was hosted by Trent University, and featured panel presentations by many environmental groups and researchers, including Don Alexander of STORM (an earlier, though not entirely separate, incarnation of the Save The Oak Ridges Moraine Coalition founded in 1989; Crandall Interview, June 4, 2013), and well-known conservation planner Randall Arendt. As part of a strategy to protect the Oak Ridges Moraine, Arendt recommended "the transfer of densities and development rights from the Oak Ridges Moraine ... to an urban area such as the planned new town of Seaton" (Fisher et al., 1991: x). Although little evidence can be found to link Arendt to the actual land exchange, by the late 1990s the idea of an exchange was certainly on the minds of environmentalists, such

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as STORM members, as one possible option to protect the moraine. Especially given the similarity in terms used by STORM and Arendt (density transfer) it is likely the idea of a land exchange originated with the environmental actors involved rather than politicians or developers.

Questions of value.

Notwithstanding arguments for or against compensation, the land exchange was and remains controversial in terms of the valuation process. Whereas many of those involved in the negotiations are pleased with the results in that at least the process 'saved' the moraine lands (Urquhart et al., 2001, November 1) many other critics point to the secrecy of the deal, the loopholes within the Oak Ridge Moraine legislation, and a sense that developers received much more value than they gave up (e.g. Glenn De Baeremaekker in Swainson & Brennan, 2002, March 7; Liberal MPP Mike Colle, 2002, March 8). Furthermore, many City of Pickering councillors, who had no prior knowledge of the land exchange, were wary of a land use planning decision which would directly affect Pickering, but one over which they had little say (e.g., Pickering mayor Wayne Arthurs in Swainson, 2001, November 3).

One of the problems with assessment of the land swap is that the province never released the Minutes of Settlement to the public, leaving the door open to supposition. However, there are a number of independent assessments of the swap, some of which seem to have had access to at least some of the details. By piecing together the details of the swap as offered by both its proponents and critics, one can begin to understand some of the key points of contention around the land exchange.

Dillon Consultants (2006), on behalf of the City of Pickering, carried out one of the few critical assessments of the land exchange in 2006. This assessment was part of a review of an Environmental Study Report began in 2004 that the Ontario Realty Corporation[60] (ORC) was required to do as part of the environmental assessment process for completing the land exchange. One of Dillon Consultants' more

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[60] 'Environmental Study Report on the Acquisition of Oak Ridges Moraine Lands in Richmond Hill and the Sale or Disposal and Severance of Lands in Pickering (Seaton)' by Marshall Macklin Monaghan Limited, on behalf of the ORC, dated January 2006, EBR Registry Number XN06E0001.

significant critiques is that the gross area for Richmond Hill (approximately 1057 acres) was compared to net areas of the Seaton ORC properties, even though at minimum 25% of the Richmond Hill land should have been considered environmentally sensitive and therefore not developable. Net areas in Seaton include only 'table land', which is flat and suitable for development, and exclude features identified as environmentally sensitive, rivers, and riparian buffer areas. On maps, the boundaries of exchange lands granted to developers (Figure 15) create a patchwork interconnected by a natural heritage system (NHS) that includes rivers and other environmentally sensitive landscape features (Figure 16).

The Dillon report further argues that the Richmond Hill land, which was given a value of approximately $28 million (approximately $26,000 per acre) was compared to the total area of Seaton (approximately 8,000 acres) even though only a portion of this acreage is tableland capable of supporting development. This results in undervaluation of Seaton land that ended up being selected by developers for exchange, and overvaluation of the Richmond Hill land given up by developers. A land use planning lawyer I interviewed had similar concerns about the valuation of the lands being exchanged (Lawyer Interview, May 8, 2013). He pointed out that in most developments, a certain percentage of the lands (usually around 5%) are set aside for environmental protection (e.g., as parkland dedication), and in Richmond Hill it was normal to increase that percentage, since this area contained large areas of provincially significant wetland. As an example, two development applications by Crossmar Investments and the Duke of Richmond Developments located immediately south of Yonge East, Yonge West lands were approved in Richmond Hill in 2000, increasing the urban area of Richmond Hill by 669 acres. Of these 669 acres, 260 acres or nearly 39% were designated as natural areas off limits to development. This was considered necessary based on provisions in the Provincial Policy Statement, the 1991 Oak Ridges Moraine Interim Guidelines, and the Region of York Official Plan (York Region, 2000b). Based on this precedent, even if the proposed Yonge East, Yonge West developments would have been approved based

Figure 15. Parcels of land granted to the four land exchange developers. An additional developer, Coughlan Homes, owns land south of the Seaton land exchange area (Pickering, 2011).
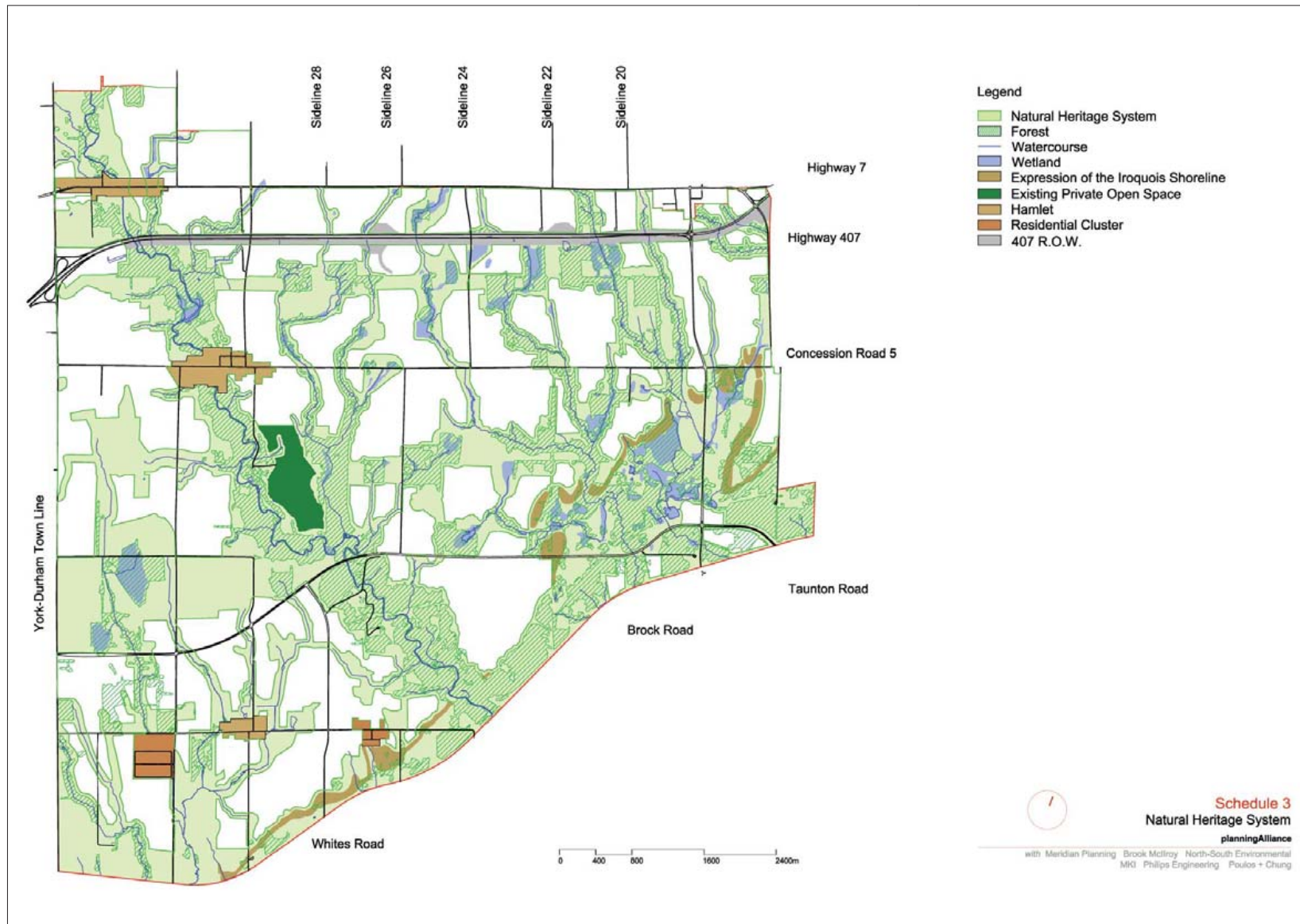
Figure 16. Natural Heritage System of the Seaton lands (MMAH, 2006a).

on pre-November 2001 planning rules, a large portion, perhaps over 30%, would likely have been

protected from development. Yet the lands exchanged were treated as if they were entirely developable.

As the lawyer stated to me:

> What's unusual in this case is the lands that they preserved were all either provincially significant
> wetlands, regionally significant forest ... sensitive kettle lakes – moraine lakes. The environmental
> features on there just could not be built on, period. The OMB was likely to turn down a big part of
> that development. (Lawyer Interview, May 8, 2013)

Yet when Minister Hodgson declared a minister's zoning order in June 2002, this lawyer claims

developers were given development rights for much of the land that was actually developable, and then

given Seaton land in exchange for the 'hazard' lands in Richmond Hill:

> Developers got good land to build on in Richmond Hill, probably got all they deserved and more
> ... then they take an acre of provincially significant wetland in Richmond Hill and they swap it for
> a beautiful prime piece of tableland in Pickering. ... This is swapping environmentally sensitive
> hazard lands that the board [OMB] was unlikely to approve for prime development land, which
> has about 10 times the value. (Lawyer Interview, May 8, 2013).

Although land exchange maps indeed show large areas of environmental hazard lands in the land

exchange areas (see chapter 3, Figure 9; MMAH, 2004c; Richmond Hill, 1998), whether or not these

lands were actually included in the land swap is unknown, although these details would likely be in the

Minutes of Settlement. Yet if the Duke of Richmond and Crossmar developments (not part of the land

exchange) are compared with the Yonge East, Yonge West developments (part of the land exchange), it is

difficult to imagine that a similar natural heritage system would not also have been set aside prior to the

province stepping in. In other words, the existing institutional planning framework would likely have

prevented development on so-called hazard lands and protected areas in Richmond Hill even without the

Oak Ridges Moraine legislation. By stepping in, the province in effect authorized a land exchange that

gave developers just as many, if not more (or at least more quickly) development rights than they would

have received with the existing planning framework.

Another factor playing a part in land valuation had to do with the costs required to develop the

land. According to a developer consultant, the Richmond Hill lands were more ready for development –

they were further along in the development process – in that the main trunk sewers were already in place along Yonge Street, whereas in Seaton, the trunk sewers had yet to be built (Consultant Interview, June 6, 2013). Furthermore, many developers in Richmond Hill had already carried out studies, so some investment had already been made, whereas these studies would have to be started anew in Seaton (notwithstanding the 40 years of studies already conducted by the Province in Seaton). These arguments can be contrasted to those of the provincial planner I interviewed who suggesting the Richmond Hill lands were agricultural (Planner Interview, April 17, 2013). His argument is based strictly on land use categories, where land (and its attendant value) is considered to be *either* agricultural *or* urban, based on a single decision by a planning authority. His notion of 'development ready' is based strictly on whether development permissions – entitlements – have been granted, regardless of how much money has been spend by developers on infrastructure or studies. He considers these investments part of a speculation process that comes with no guarantees. Furthermore, this planner argues that off-site infrastructure (the main trunk sewers and water mains that service a subdivision) is paid for by the regional municipality, not developers, either directly or indirectly through development charges.[61] Either way, according to this planner, it is not a real cost to developers. Developers themselves claim development charges are passed on to the new homeowner, and any costs borne by municipalities or regions are recouped through property taxes. Using this reasoning, costs of building trunk sewers should not be included in their calculus of servicing land.[62] That said, as is outlined in chapter 4, developers are increasingly being asked by municipalities to front-end finance and build municipal infrastructure. Although developers recoup these costs through development charges, this financing arrangement has other effects. For one, it requires developers to have access to large amounts of capital. It also gives developers considerable status and influence over planning decisions.

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[61] Through development charges, new house buyers and developers pay a tax that is applied for costs of infrastructure to service additional housing.

[62] Developer costs to service land include: the costs to remove trees, grade land, dewater, and prepare the sites for house building; costs of installing roads, water and sewer pipes, and other infrastructure within the subdivision; costs of studies required to gain development permissions in the first place; costs of fees to various governmental bodies; and so on.

Another dimension complicating the valuation process associated with the land exchange has to do with the ultimate expected land use. In documents related to the land exchange, there is little evidence that the type of structure (e.g., single detached housing, townhouses, high rise buildings) intended to be built on the Richmond Hill lands versus the Seaton land was ever part of the valuation process. In other words, the *intensity of land use* does not seem to have been included in the land exchange discussions, even though expected intensity of use is a strong determinant of land valuation. Yet Seaton has always been conceptualized as a higher density development than the prevailing norm, and will certainly be at higher densities than the subdivisions in Richmond Hill near Philips Lake and Bond Lake would have been. Only one interviewee, a consultant for one of the land swap developers, mentioned building *lots* (measuring housing units) rather than land (measured in hectares), suggesting that the developers received more development lots in Seaton than they gave up in Richmond Hill (Consultant Interview, June 6, 2013). In other words, lots in Seaton will be smaller, but more expensive per unit area, and subdivisions will have a higher density than they would have had in Richmond Hill.

It is possible to approximate the differences in land use between Richmond Hill and Seaton by using Macleod's Landing as an example of the prevailing norm in subdivision development. Macleod's Landing in Richmond Hill is one of the subdivisions that was approved for development as part of the land exchange. It also became a protest site in late 2003 when Aspen Ridge opened its sales offices and starting pre-selling homes despite Dalton McGuinty's pre-election promise to halt these and other developments on the moraine (Funston, 2003, October 19). In other words, Macleod's Landing is the exact type of development that the land exchange was intended to stop, and so comparing this development to what is proposed for Seaton is a reasonable way to compare these lands for valuation purposes.

By 2014, Aspen Ridge Homes, a subsidiary of the Con-Drain Group, had built out all of the residential portions and some of the commercial portions of Macleod's Landing. Google Earth Streetview imagery (Appendix C) shows the residential portion of Macleod's Landing completely built by September

2014, and construction of the commercial area along Yonge Street well under way. Google Earth historical imagery (also in Appendix C) shows a completely bare site in 2002, very minimal construction activity prior to 2007, but then a nearly complete residential subdivision by 2009. Although imagery from 2008 is missing, this is likely when most of the actual house building activity occurred.

An Aspen Ridge brochure for new homebuyers shows this development to consist of low-density single houses and townhouses (Figure 17). According to Tarion Corporation, the new home warranty administrator in Ontario, the residential portion consists of 840 units of low-rise freehold housing units (Tarion, 2014). This subdivision can be compared to a Zavala Developments (also a subsidiary of Con-Drain) draft plan of subdivision proposed for Seaton (GHD, 2012). The Seaton development is a much higher density development, mainly because Zavala and some of the other land exchange developers planned to build a variety of building types with low, medium, and high densities, not exclusively low density (Table 5). Furthermore, given that land and house prices increased in the Toronto region substantially between 2004 and 2015, it is likely that Seaton will represent significant profits for the land exchange developers due simply to inflation of land prices over time. In this case, the 'time is money' trope holds true, but has an opposite meaning to what is usually implied. Time is profit if inflation and increasing land and house prices outweigh costs borne over time to hold and finance land. Therefore, as contentious as the land freeze and land exchange were to developers, it is likely that the firms receiving land in Seaton will do quite well financially by developing in Seaton rather than Richmond Hill and Uxbridge.

Figure 17. Section of an Aspen Ridge Homes' brochure for Macleod's Landing showing different frontages of low-rise housing lots, including townhouse lots (adapted from Aspen Ridge Homes, 2012).

Table 5. Residential and mixed use units proposed for Seaton based on draft plans of subdivision submitted by developers to the City of Pickering in 2012.

Land exchange developer	Low density (units)	Medium density (units)	High density (units)	Mixed corridor (units)	Total number of units
1133373 Ontario Inc.	1564	1090	0	293	2947
Lebovic Enterprises Ltd.	54	76	0	0	130
Mattamy	1173	866	367	286	2692
Oak Ridges Farm Co-Tenancy*	1255	2336	946	0	4537
Zavala Developments Corporation*	203	206	10	0	419
Zavala Developments In Trust*	189	24	0	0	213
White Sun Developments	1225	1416	0	0	2641

* Some maps and documents (e.g., MMAH, 2006a) refer to these firms collectively as Metrus.
Source: GHD (2012).

The Land Exchange as a Political Solution to a Planning Problem

The land exchange was not only driven by perceived and conceived conflict based on property law. Additional factors were important to the timing and actors involved in the land exchange. According to Debbe Crandall, member of STORM who was on the Oak Ridges Moraine Advisory Panel formed in 2001, in order for negotiations to proceed for ORM protection, the Richmond Hill issue needed to be resolved and taken off the table (Crandall Interview, June 14, 2013). Once this was done, developers felt they were being taken seriously and were much more cooperative and enthusiastic above developing guidelines for development on the ORM. But this also meant that the Richmond Hill negotiations needed to be done quickly and behind closed doors. It was a fundamentally undemocratic process.

The linkage between the land swap and development of ORM legislation was contradictory in many ways, but perhaps the best example is the inclusion of major ORM landowners in the advisory panel. According to Leith Moore (Moore Interview, October 29, 2013), a planner with the development firm Sorbara Group (since this interview he has left Sorbara), former chair of BILD, and former president of OHBA, stakeholder panels are generally assembled to develop broad provincial policy objectives (stakeholder panels will be discussed further in chapter 4). Developers are usually selected as representatives of the development industry, rather than for their specific interests. The way developers are invited is usually through the development industry associations, where a provincial minister will invite the development association to the table and then the association will select a representative to carry out this role. Developer Neil Rodgers of the development firm Tribute Communities, and a former president of the Urban Development Institute, gave a similar description of how stakeholder members are selected (Rodgers Interview, March 29, 2014). He suggested that the government

> ... asked us who we may want to put forward as some names, we put forward some names. Obviously, we wanted to put our best and brightest. We wanted to put the people who had, we believe to have the most competency in the field, who could bring ideas and solutions, as opposed to simply just, you know, grandstanding. ... [S]takeholder groups, the ones that are really, very, very adept, are the ones that are the most reasoned, will understand that public policy is by its very nature ... a function of compromise.

Although perhaps other stakeholder panels work according to this logic, the ORM advisory panel seemed to follow a different model. For one, Minister Hodgson needed to resolve the Oak Ridges Moraine conflicts quickly, and perhaps for this reason he included the three developers who had significant land holdings on the moraine. These were Alfredo Degasperis, who through the company Metrus had significant land holdings on the ORM; Mario Cortellucci, who in 2001 partnered with Joey Tanenbaum to become a major landowner of moraine land in Uxbridge; and Peter Gilgan, whose firm Mattamy came to own land south of Bond Lake on the moraine. Thus, the developers involved in the advisory panel were directly impacted by the legislation they had a powerful hand in creating. It is difficult to conclude that the interests of the development industry, rather than their own interests, were being served by their involvement, at least during the initial stages when the Richmond Hill lands were being negotiated. This view is articulated by a former Ontario government scientist (now a private consultant), who was involved in the Oak Ridges Moraine and Greenbelt stakeholder panels:

> ... the assumption one would have is they were speaking for the land developer but I think they were probably speaking for their own ... their very narrow interests in terms of the kind of holdings they had and the kind of development they wanted to do. And I don't think there was a lot of concern for the, let's say, the small guy, or, you know, or ... the smaller development firms that might get stuck with some land say on the Oak Ridges Moraine or the Greenbelt where development was no longer an option. (Consultant Interview, July 25, 2013)

As Debbe Crandall (Interview, June 4, 2013) suggested, if the stakeholder panel was an exercise in compromise, the particular strategy was to first satisfy individual developer demands, and then deal with the broader issues that would affect the development industry in general. This deviates markedly from the model of stakeholder negotiations described above by the developers in interviews.

The Curious Case of Gan Eden

In addition to land in Richmond Hill, a development proposal in Uxbridge was also the subject of land use conflict on the moraine, and one of the Uxbridge landowners, Mario Cortellucci was included on the ORM stakeholder panel. This development proposal was in many ways quite different than the Richmond

Hill proposals, with a different set of processes and actors at work that resulted in the inclusion of these lands in the land exchange.

In late 1996, Jay-M Holdings, a private holding company owned by Joey Tanenbaum, proposed to build a college campus, an arts centre, and a condominium complex on a parcel of land known as Gan Eden in Uxbridge, a town northeast of Toronto on the Oak Ridges Moraine (Hanes, 1996, December 5). This proposal was withdrawn in October 1997 but resubmitted in altered form in early 1999, and appealed to the OMB after the mandatory 90-day period due to non-decision by Durham Region. While the proposal was at the OMB, then Ontario Environment Minister Tony Clement wrote a letter to the chair of Durham Region, suggesting the Region could seriously consider the proposal (Boyle, 1999, October 27). Many journalists, as well as leader of the opposition Dalton McGuinty, accused Clement of corruption, leading to a lawsuit by Clement against McGuinty on charges of defamation (Finlayson et al., 2001), which were eventually withdrawn. In September 1999, Stephen Diamond, lawyer for Jay-M Holdings, suggested his client would be willing to part with the Gan Eden lands through a land exchange (*Toronto Star*, 1999, September 23). This is the first mention of the exchange that would eventually take place, not only with these lands but also the Richmond Hill lands. In June 2001, developer Mario Cortellucci purchased an interest in the Gan Eden lands from Jay-M Holdings and subsequently withdrew their OMB appeal, which had not yet been resolved. Despite withdrawal of the appeal and widespread disapproval of the Gan Eden application by all levels of government, the Gan Eden lands were nevertheless included in the land exchange that was part of the *Oak Ridges Moraine Conservation Act* announced in November 2001 (MMAH, 2001a). Cortellucci and Jay-M Holdings were thus granted developable lands in Seaton, even though the Uxbridge lands were not considered developable at the time. After the land exchange, Jay-M Holdings/Cortellucci (also referred to as Uxbridge Valley/Jay-M Holdings) then sold their Seaton lands to White Sun Development (Georgieff et al., 2008), a builder likely affiliated with Sundial Homes[63].

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[63] The address for White Sun Developments Limited listing in 2014 City of Pickering election campaign contribution lists (e.g., Renaud & Rutland, 2015) is the head office address of Sundial Homes; the president of Sundial is listed in various Pickering corporate records as the contact for White Sun Developments (e.g., Bigioni, 2015).

Most interview participants suggested that whereas the Richmond Hill land swap was a bad deal but legitimate, the Uxbridge land swap was illegitimate and should not have happened. According to a provincial planner I interviewed,

> ... in Uxbridge, that guy should have got nothing. He had nothing. ... And both York and Durham said there's no way we're extending the York-Durham sewer over the moraine up to Uxbridge. ... Tanenbaum had nothing going for him. And for him to get any land from that – or Cortellucci, subsequently I guess, I don't know ... . (Planner Interview, April 17, 2013)

Liberal municipal affairs critic Mike Colle suggested in question period in the provincial legislature that Cortellucci was given special privileges by the Conservative government because of the financial contributions Cortellucci and other developers had made over the years:

> I want to ask you again how your government can justify another high-risk land speculation deal by your number one and biggest donor, Mario Cortellucci, who gave your party $1 million. How is it justifiable for Mr Cortellucci, your biggest donor, who bought this land in Uxbridge that was frozen by your government, that the town of Uxbridge declined to rezone and to which the regional council in Durham unanimously said no rezoning, to still have bought this land? Now we find out that he is going to be compensated with public land in Seaton. How many acres of public land – 6,000 acres in Seaton – are you going to give Mr Cortellucci for his high-risk speculation? (Legislative Assembly of Ontario, 2003).

In the end, 1332 acres of Uxbridge land were exchanged for 250 acres in Seaton. It is difficult to assess the fairness of this exchange, because the terms have never been made public. However, one community activist (Activist Interview, March 22, 2013), who was involved in some of the Gan Eden OMB hearings, suggested that only a small portion of the Gan Eden land were actually developable, given that the terrain is forested and hilly:

> ... if you look at the Tanenbaum lands, the 1300 acres in Uxbridge ... about 550 acres had absolutely nothing to do with the development. It was just separate chunks of land in Uxbridge ... that ended up being zoned 'core' in the moraine plan when it came in, that weren't part of the development at all; and another couple hundred acres where he was going to put a golf course ... . So if you look at the land that was actually going to be developed in Uxbridge, it was ... a fairly small percentage.

That the 1332 acres in Uxbridge were valued as equivalent to only 250 acres in Seaton during the exchange process reflects the types of land being exchanged. Whether the Uxbridge owner should have

been compensated at all is a matter of debate. Ultimately, however, the politicians and activists who were directly involved in the Gan Eden dispute, especially those from Uxbridge, were for the most part pleased that the exchange happened because it created certainty that these lands would never be developed (e.g., Hayward, 2007, August 21). Nevertheless, both the Richmond Hill and Uxbridge land exchanges were very contentious and political, mainly because they brought to the fore the close relationships between politicians and developers, and because developers seemed to be benefitting from a land use regulation intended to rein in the activity of developers.

Power Struggles Over Land Use in the Toronto Region

Land use conflict in the Toronto region in the early 2000s illuminated many of the existing institutional arrangements and power relations in the land use planning and development process. Analyzing these conflicts provides useful insights into these institutions and power relations that are often beneath the surface and difficult to detect. Most notably, this analysis illuminates the relationships between development corporations and the state. In the realm of land use planning and development, development corporations are deeply reliant on decisions made by state agencies and actors. Indeed, anticipating and predicting state decisions can represent a significant form of value capture from land for developers. One interview participant, a provincial planner, suggested to me that gaining development permissions from municipal authorities represents one of the primary forms of profit for developers, an accumulation of investment capital and borrowing power that can then be used to leverage other projects:

> ... the conversion of agricultural land, the value in converting land, is ginormous. Like the increase overnight: the minute it goes from agriculture to urban, whether they build on it for 20 or 30 years doesn't matter. The value is such that they can go to the bank and it's equity for them. It goes from 10 or 20 grand an acre to $200,000 to $400,000 an acre. (Planner Interview, April 17, 2013)

Developers and the development industry are also actively involved in influencing policy decisions and occupy a privileged position vis-à-vis the land use planning system. Even in the face of land use conflict, as the Oak Ridges Moraine contestations illustrate, developers are often able to have their interests

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preserved and respected by politicians and decision-makers. As Oak Ridges Moraine conservation legislation was being formulated, developers were given a new role as governance actor and policy development partner. Yet the relationship between developers and the state is not without tension. The provincial government has the ability to exercise strong, direct forms of command-and-control governing, and in the case of the Oak Ridges Moraine, threatened to limit the ability of developers to develop and profit from their land. Many landowners indeed lost the ability to develop their land on the moraine, although during formulation of conservation legislation, generous concessions were made to those firms that had begun the development process, especially those firms that were large and politically well-connected. Furthermore, strong state approaches that restrict the activity of developers seemed to be exceptional and were used only momentarily as interim measures to resolve political conflict. Developers themselves were given a key role in resolving the Oak Ridges Moraine conflict and were instrumental in devising the parameters of Oak Ridges Moraine conservation legislation. In order to understand this power of developers, especially the strong relationship that seems to exist between developers and state actors, it is necessary to analyze the evolution of the development industry over time in the Toronto region. Part of this inquiry must include an economic analysis, and a deeper understanding of what is at stake for developers economically when state policies are enacted that are likely to influence developers directly. The next chapter focuses on the structure and economics of the Toronto region greenfield development industry in order to provide clues to the driving forces underpinning developers' relationships with the state, including developer resistance to new policies that threaten to challenge the status quo. With this understanding of the structure and economics of the development industry, both the building boom of the 1980s and the strong influence developers had on looming land use planning reforms in the 1990s and 2000s can be understood more deeply.

Chapter 5. Structure and Economics of the Development Industry in the Toronto Region

As one of the key institutional actors in urban planning and development, land developers operate within a complex economic and political context, and make myriad decisions that influence the governance and planning of urban regions. In order to gain some understanding of when and why developers make these decisions, it is necessary to investigate the economics of land development and house building. In this chapter, I will evaluate the complexities of the Toronto region development industry, some of which may be unique to the Toronto region and some of which may apply to developers more generally, asking why these developers behave the way they do. Underpinning this local nature of development is an understanding that the organization of corporations and government agencies matters a great deal, as institutional theorists assert (Lowndes & Roberts, 2013). In the governance and development of land in the Toronto region, the intersecting complexities of corporate organization, financing arrangements, and institutions of property and land use planning law shape in profound ways the parameters of government intervention into land use. This was especially the case during development of Oak Ridges Moraine Conservation legislation, when the provincial government attempted to enact land use policies with widespread implications for land developers. Bubbling to the surface of what proved to be a contentious period in the history of land use planning were deeply engrained assumptions around the role of provincial and municipal governments in protecting or jeopardizing the property 'rights' of land developers in expanding urban-rural fringe areas of the Toronto region. The economics of land development is in part a study of the relationship between the state land use regulatory system and the corporate world of land development actors that both require and resist state actions to satisfy their interests.

Urban-rural fringe, or greenfield, subdivision developers in the Toronto region are but one component of the development industry in the Toronto region. The label *greenfield developers* generally

refers to firms that purchase 'raw'[64] land, use the land use regulatory process to convert raw land to urban land, and then build residential suburban subdivisions. Therefore, this analysis focuses on a specific part of the development industry, and it may not be applicable to firms that mainly redevelop and build on existing urban land. Other types of development not discussed at length include the building of commercial and industrial buildings, the building of high-rise commercial and residential buildings, and small-scale infill development. Many academic works in urban land economics are based on classical economic theory, relying on supply and demand arguments to explain developer behaviour, the cycles of economic growth and decline in the development industry, and the effects of policy on the development industry (e.g., Cadman, 1978; J. Harvey, 1992; Miles et al., 2007). More aligned with urban theorists critical of classical economic approaches to developers and development (e.g., Ball, 1983; Harvey, 1978; Rydin, 1986), my analysis of developers also contains a critique of urban land economics with the understanding that under a capitalist economic mode of production, land development is constitutive of uneven exercises of power and integral interrelationships with the state that deeply influence the governance and practice of land development.

This chapter also elaborates upon and problematizes the term *development industry* as both an aggregate group of firms that operate individually and as an association of firms that has the potential to act in unified and powerful ways. I provide some details about this industry in the Toronto region, paying some attention to the history of the development industry, but focusing mainly on the period after 2000. This is important, because the development industry underwent significant restructuring in the late 1990s, as I explain below. I focus on select dimensions of the economics of development, including how land is purchased and financed, and how the timing of development can impact profitability. In doing so, I draw on a hypothetical subdivision development scenario published by the economic consulting firm Altus (2013), as well as data from a publicly traded firm, in order to spell out the different elements of the development process and the costs and profit margins of development. Having a deeper understanding of

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[64] Although 'raw' land could include a wide variety of land uses, such as woodlands and environmentally sensitive areas, in the Toronto urban-rural fringe, it usually refers to agricultural land.

the economics of development is necessary in order to understand the response of developers to government policies that have the potential to change their operations. As argued in the previous two chapters, this deeper understanding is also required in order to analyze the narratives and strategies developers use in an attempt to keep their operations going.

The Development Industry: What Is It?

Development industry is a summary term for a wide variety of firms, institutions, and governance structures related to the development of land for the purposes of urbanization and the construction of residential, commercial, industrial and institutional buildings, infrastructure, and so on. Many actors and agencies are involved, including investors, land developers, builders, government agencies and actors, professional agencies and related actors (planners, architects, and engineers), financial agencies and actors, and finally, consumers. The term development can mean many things including: land use change and/or intensification (Wilkinson & Reed, 2008); the process of constructing buildings (Lichfield & Darin-Drabkin, 1980); and the legal change in use or the right to a legal change in use (Cadman, 1978). Rudin (1978: 1) usefully defines development as the "complicated set of linked decisions resulting in the conversion of [a] parcel from one land use to another". Within this definition, the pre- and post-development land use is not specified, suggesting development can occur with any number of different types of land use conversions. However, for the purpose of this discussion, I roughly follow Rybczynski (2007) and focus in particular on greenfield development, which refers to the process of converting 'raw' or 'bare' land into urban lots for building upon (but not the actual building process). Development includes the legal, technical work done by planners, lawyers, engineers, hydrogeologists, and other consultants; physical alteration of the landscape, including tree clearing, top soil removal, grading, installation of pipes, roads, and other infrastructure; and subdivision into lots that can then be sold or built upon. Much of the development process, therefore, cannot be detected through visible alteration of the landscape.

As opposed to development, building refers to the basic process of marketing, constructing, and selling or leasing buildings (Rybcznski, 2007), although in the Toronto region most firms do both development and building. Despite this separation of activities into development and building, the terms *development industry* and *construction industry* are often used more broadly, including not only developers and builders but a whole suite of associated firms and institutions related to land use planning, development, and building. For the purpose of this chapter, the term *residential development industry* is used broadly to include a wide variety of firms that engage in some aspect of residential land development and/or housing construction. In the Toronto region, many firms conduct a wide variety of these activities, including developing land, building infrastructure, and constructing houses. However, this institutional framework did not always define the Toronto region development industry. The industry in its present form is the result of a series of economic, cultural, and social forces that can now be recognized as important institutional and practical turning points of the Toronto region development industry.

Characteristics of the Development Industry in the Toronto Region: Present and Past

The Toronto region greenfield subdivision development industry in its current form has a relatively recent history. The pre-World War II land development sector was, as Rudin (1978: 1) describes, "a loose collection of many amateurs, individual investors and small companies". In Canada in the 1930s, the social and economic instability of the Depression prompted the federal government to pass the *Dominion Housing Act, 1935* (Canada, 1935), which provided financing to builders and consumers of new housing (Bourne, 1993; Harris, 2004; Hulchanski, 1986; Sewell, 1994). One result of the *Dominion Housing Act*, as well as subsequent housing legislation (e.g., the *National Housing Acts* of 1938 and 1944), was the institutionalization of large mortgage lenders as the dominant financial source for builders and buyers (Harris, 2004). Another was the emergence of a well-organized corporate suburban development industry (Bourne, 1993; Lorimer & Ross, 1976). The financial and development industries are now so entrenched that changes to development practice are slow and extremely difficult to provoke.

Responding to a growing demand for homeownership, and driven by government policy, large, professional, corporate land development and house building industries emerged both in the United States and Canada after 1945 (Harris, 2004). Consumers, meanwhile, emboldened by a new mentality that all classes of people could and should be homeowners (Fishman, 1987), and enabled by a new mobility in the form of the personal automobile, began to idealize and in turn normalize what is now labeled a preference for single detached housing in the suburbs.

By the 1950s and 1960s, housebuilding in Canada was decidedly corporate; large tracts of land were being opened up in the urban-rural fringes of Canadian cities on which were built thousands of relatively inexpensive, mainly detached single-family houses on relatively large lots (Bourne, 1993; Harris, 2004; Lorimer & Ross, 1976). From the 1950s to the early 1980s, suburban development in the Toronto region was a relatively straightforward task as there were fewer land use regulations than today (McKellar, 1995). Small firms were able to purchase small plots of land, subdivide, and sell to small builders, with little government regulation (Rudin, 1978). As journalist Alex Bozikovic (2008, December 8: 46) states in his profile of developer Marco Muzzo:

> [U]ntil the 1980s, the development game was relatively simple. Municipalities around the GTA [Greater Toronto Area] were eager to enlarge their property-tax base and thousands of young families were on the hunt for affordable housing – and developers were only too happy to oblige.

Furthermore, in most Canadian cities in the 1950s, although private real estate firms would buy and subdivide land, local municipalities carried out much of the servicing work – road construction, installation of water and sewerage systems – that is now done by private developers (McKellar, 1995; Sewell, 1994). Thus, development was very lucrative, even for small firms, as the capital required to purchase raw land was relatively low compared to the expected return on investment. Increasingly, however, in the 1970s and 1980s, municipal and provincial government regulation resulted in more uncertainty for developers, leading to a shift in the structure of the development industry. In order to minimize risk and to take on the additional up front cost of financing infrastructure, firm size increased, land holdings increased, and developer pressure on local municipalities increased (Spurr, 1975; Rudin,

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1978). Developers applying for development approvals in the Toronto region in the late 1980s and 1990s were not small firms asking for approvals of small, isolated plots of land.[65] They were large consortia asking for major official plan amendments in order to build thousands of housing units.

Rudin (1978) suggests large firm size also enabled firms to carry out operations in different localities, and suggests this was happening to some extent with developers active in the Toronto region in the 1970s. Although some firms currently and in the past operated in more than one region, province, and even in the United States, this seems to be the exception rather than the rule. Most Toronto region developers are very local, restricting their operations to the Toronto region, and perhaps a few other areas, such as Niagara, Kitchener-Waterloo, and Ottawa (Table 6). That they are local does not mean they are small, however. Rudin (1978) is correct in stating that firm size increased after the 1950s, and most have now become more vertically integrated.

In the early 1990s, the development and housebuilding industries in effect merged to become the development-building industry (Leitch, 2006, September 22). During this time period, almost all Toronto region land developers also started building houses, and all builders over a certain size began to purchase and develop land to supply themselves with lots. I interviewed a number of developers who all gave essentially the same explanation for this turning point that would influence the institutional structure of the development industry. According to this explanation, during the recession of the late 1980s and early 1990s, developers were unable to sell their land profitably, so those able to survive the recession diversified by forming or purchasing house construction companies in order to hedge their losses by capturing the profit that the lower risk venture of construction yields. As a result, developers no longer would sell their land to outside builders but would retain their developed and subdivided lots to supply their building arms. Conversely, builders had to become developers in order to supply themselves with lots. This integration of the development and building industries as well as its very local character is quite

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[65] This is especially the case with the development consortia that were at the centre of the Oak Ridges Moraine conflicts in Richmond Hill. These applications were for areas of land and numbers of housing units previously unheard of in the planning history of Richmond Hill.

Table 6. Some of the major greenfield developers in Toronto region and housing units sold in 2013*.

Company	Company Founders/Owners	2013 housing units sold freehold/condo	Comments
Brookfield Residential	Public Started as Costain Homes, then became Coscan Homes, then Brookfield (Hanes, 2012, April 28)	503/0	Often partners with Metrus; active in both Canada and the United States
Con-Drain Group: (Metrus Developments; Aspen Ridge Homes; Country Wide Homes)	Private Degasperis family (Alfredo, Angelo, Antonio founders)	Aspen Ridge: 340/379 Country Wide 356/0	Operates in the Toronto region
Conservatory Group	Private Ted Libfeld	242/46	Operates in the Toronto region
Coughlan Homes	Private Jerry Coughlan	38/14	Operates in Durham Region in the Toronto region
Emery Homes	Private Robert Cumming	103/0	
Empire Communities	Private Golini and Guizzetti families	223/542	Operates in the Toronto and Niagara regions
Fieldgate Homes	Private Jack Eisenberger	566/0	Partnered with Lebovic in Bond Lake; operates in Toronto region
Lebovic Homes	Private Joseph and Wolf Lebovic	84/0	Operates in Toronto region
Geranium	Private Earl Rumm and Barry Feiner	175/0	Operates in Toronto region, Simcoe region, and Port Hope
Goldpark Homes	Private Peter Cipriano	23/0	Operates in Brampton, Barrie
Great Gulf	Private Elly and Norman Reisman	458/190	Started small/regional (Ontario) but now also operates in U.S.
Greenpark Homes	Private Carlo Baldassarra	581/187	Operates in Toronto region
Kaitlin Corporation	Private Daniell family	47/152	Specializes in luxury subdivisions in Toronto-Kingston corridor (gated communities; golf course communities; waterfront communities; etc.)

Mason Homes	Private Gord Mason	104	Operates in Toronto region, Hamilton, St Catharines, Barrie, Peterborough area
Mattamy Homes	Private Peter Gilgan	2471/39	Closest to a U.S. style production builder
Monarch Group (Taylor Morrison)	Public/private Was Canadian division of public UK-based firm Taylor Wimpey; along with U.S. division Taylor Morrison, was sold in 2011 to private investment consortium (TPG Capital, Oaktree Capital Management, JH Investments Went public in 2013 Canadian division sold to Mattamy in 2014	662/1318	
Remington Homes	Private Bratty family	0/138	Operates in Toronto region, Midland (Georgian Bay area of Ontario); also builds commercial and industrial buildings, mainly in Markham; own and are developing Markham Town Centre
Rosehaven Homes	Private Guglietti family	244/0	Operates in Toronto and Niagara regions
Sorbara Development Group	Private Sorbara family	40/53	Operates in Toronto region
TACC Developments (Arista Homes)	Private Degasperis family: John (founder), Carlo, Silvio, Michael	303/0	Operates in Toronto region; Distantly related to the Con-Drain/Metrus Degasperis family
Tribute Communities	Private Al Libfeld and Howard Sokolowski	307/68	Operates in Toronto region

* These numbers include sales attributed to parent companies and so exclude sales done by other firms, if any, within the corporate umbrella.
(Sources: BILD, 2014b; Tarion, 2014; firm websites).

different than in the United States, where there still exists a separation between land development and house building, and where the house building industry is dominated by large national firms that build thousands of homes per year, which are often cheaply made, relatively inexpensive to buy, and highly standardized (Rybczynski, 2007).

There are currently many developers in the Toronto region, most of which both develop land and also construct buildings.[66] These firms are, in effect, developer-builders. The Building Industry and Land Development Association (BILD), an association representing the development industry in the Toronto region, lists approximately 400 builder/developers among their membership (BILD, 2014b). Of these, there is a wide variety of firm size and specialization (see Buzzelli, 2001 for a description and analysis of firm size in Ontario and Canada). Table 6 lists some of the larger firms that have residential, greenfield, subdivision development as a major component of their operations. Developers that play a prominent role in my research are the major firms that were part of the Oak Ridges Moraine - Seaton land exchange. These are Lebovic Enterprises, Mattamy Homes, and Metrus Developments (hereafter Metrus/Con-Drain)[67] (see Table 7 for their recent housing production numbers). I interviewed representatives from each of these firms. In addition, I interviewed representatives from Sorbara Development Group, Tribute Communities, and BILD, mainly because these representatives have been active with the industry associations. Although Lebovic, Mattamy, and Metrus can all be characterized as large, greenfield, subdivision developers, they are very different in terms of their histories, products, production numbers, geographical operating areas, and corporate philosophies. Although Table 7 gives some clues as to production numbers (in terms of house production numbers, Mattamy seems to be the largest and Lebovic the smallest), it says little about these other dimensions of the three firms or of the longer-term production

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[66] Many, although not all, Toronto region developers and builders are members of the Building and Land Development Association (BILD). In 2014 there were 383 BILD members in the builder/developer category (BILD, 2014b).

[67] Metrus Developments is a subsidiary of the Con-Drain Group of Companies, which itself is a outgrowth of the concrete and drain contractor 'Con-Drain' that was founded in the 1950s.

rates and land holdings. These three firms – Metrus/Con-Drain, Lebovic, and Mattamy – will be discussed

throughout this chapter to illustrate similarities and differences among firms in the Toronto region.

As Table 6 suggests, most land development firms in the Toronto region in 2013 were privately

owned corporations operating locally within the Toronto region. This contrasts with land development

firms in the 1970s, which Rudin (1978: 26) describes in the following way: "Most Toronto area

development companies of any size are Canadian public corporations or the wholly-owned subsidiaries of

foreign public real estate concerns. Some large, private companies are active, but it seems that corporate

growth necessitates stock issues eventually". The increase in size and diversification of development firms

in the 1960s and 1970s was relatively short-lived, however. Many firms, including large publicly traded

companies, disappeared from Canada during the recession in the late 1970s and early 1980s, heralding the

reemergence and dominance of the small private firm (McKellar, 1993). In 2014, most firms were still

private, although many were quite large in terms of house sales per year. It would seem that going public

Table 7. Housing units sold (freehold/condominium) by year for select Toronto region
developers between 2004 and 2013. Aspen Ridges and Countrywide are affiliated with Con-
Drain/Metrus.

	Aspen Ridge	**Countrywide**	**Mattamy**	**Lebovic**
	Freehold/Condo	*Freehold/Condo*	*Freehold/Condo*	*Freehold/Condo*
2004	738/0	0/0	2538/16	91/0
2005	1048/0	0/0	3679/4	94/64
2006	1134/0	27/0	2785/256	276/90
2007	543/109	161/0	3287/79	141/5
2008	543/55	352/0	2969/33	105/1
2009	267/128	191/0	3232/456	17/0
2010	744/387	344/0	2169/431	1/0
2011	275/7	298/0	2330/1	18/0
2012	548/2	524/0	2245/0	62/0
2013	340/379	356/0	2471/39	84/0
10 year total	6180/1016	2253/0	27705/1315	889/160
10 year mean	618/107	225/0	2771/132	89/16

Source: Tarion (2014)

It would seem that going public is not the inevitable result of growth as Rudin (1978) suggests. The main advantage of private firms going public, according to business scholars (e.g., Baron, 2014; Geddes, 2003), is the increased availability of capital to fund expansion. However, there are many disadvantages, and for a development firm, these are especially important. Loss of control is likely the most important, as decision-making shifts from a small number of principals, who can act quickly and for their own reasons, to a large, abstract body of shareholders, financial analysts, and the media (Geddes, 2003). Public firms also disclose to shareholders and sometimes the broader public business strategies and financial records (ibid.). This disclosure is not necessarily in the best interest of developers. Many developers purchase land years in advance of developing it, in areas not yet designated as urban. Assembling this land may in certain times and places be done stealthily in order to prevent competitors – from local developers as well as local and foreign investors (Miles et al., 2007) – from buying land in the same area, and to prevent existing land owners from increasing their asking price (Ratcliffe et al, 2009).[68] Developers may also want to keep their plans out of the public spotlight in order to avoid potential public opposition to their plans (Miles et al., 2007).

As evidenced by the dominance of private firms operating in the Toronto region, it would appear that the advantages of remaining private currently outweigh those of going public, even for the largest firms. Mattamy, the largest Toronto region greenfield developer (by housing sales), has not gone public but is attempting to grow by diversifying its product lines and by moving into other areas, especially in the United States (Blackwell, 2014, December 17). As of 2014, only two greenfield residential development firms in the Toronto region were publicly traded: Brookfield Residential and Monarch Group, which is the Canadian corporate entity of Taylor-Morrison based in the United States.[69] By contrast, in 1974, some of

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[68] Although beyond the scope of my research, an interesting question to address is how and when developers purchase land. Although some interviewees talked about developers approaching and making offers to farmers, it would be insightful to know the various ways in which land is advertized (or not), bought, sold, and marketed (or held off the market), and if these aspects of development have changed over time.
[69] In late 2014, Mattamy purchased the Canadian division of Monarch (Blackwell, 2014, December 17).

the largest land developers in the Toronto region (Bramalea, Cadillac-Fairview, Costain, Monarch, Revenue) were public firms, although many large firms were private (Rudin, 1978)[70].

Firm size can be measured in many ways: revenue per year; number of employees; degree of vertical and horizontal integration; amount of land holdings; and so on. For this research, I generally refer to firm size as a function of the number of units built or sold per year, as this provides a proxy for other dimensions of firm size, such as land holdings or revenue. Although housing sales pertains mainly to house building firms, most house building firms are now part of larger building and development firms. In term of housing units per year, the largest firm in Canada is Mattamy, producing slightly fewer than 3,000 units per year in Ontario (Mattamy Homes, 2015; Tarion, 2014).

Michael Buzzelli, a geography professor at the University of Western Ontario, is one of the few academics to have recently studied house builders in Ontario. Buzzelli (2001) considers firms to be small if they produce one to 25 units, medium if they produce 26 to 100 units, and large if they produce over 100 units per year. Thus, according to Table 6, most Toronto region firms are medium to large, and Mattamy is exceptionally large. In terms of employees, even the largest firms have relatively lean staffing requirements, although Buzzelli (2001) suggests that the reliance on subtrades leads to vastly understated measurements of firm size if measured solely by salaried staff. The actual work of a building firm is mainly administrative, managerial, and supervisory, while activities such as legal and architectural work are specialized and contracted out, and the actual building process is dominated by specialized trades, which are also contracted out (Buzzelli, 2001: 117). One builder interviewed by Buzzelli states the business model in the following way: "I have money. I go out and buy some lots, I hire other people to do everything, and I make the profits" (Buzzelli, 2001: 121). Rudin (1978) suggests that this structure is advantageous for development firms in order to avoid the losses that might be incurred during times of economic slowdown, when workers would be idle. Using subtrades allows for greater labour flexibility,

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[70] Rudin (1978) overstates the dominance of public firms and underplays the importance of large private firms. Similarly, Spurr (1976), based on research conducted in 1974, suggests most large firms in Canada are publicly traded. However, of the 47 development firms surveyed, 17 (36 percent) are private firms, some of which are large and well-known, such as Minto and Olympia & York.

although there is some risk of labour shortages during building booms. Nevertheless, home building is essentially management and construction itself is the realm of the subcontractor. This seems to be the case for both medium and large firms, the only real difference being in numbers of units produced per year. Although in Buzzelli's study the average firm had 36 salaried employees to carry out the management and supervisory work, larger firms do not necessarily have larger staff contingents. It is not uncommon for large firms to have only about 10 permanent salaried staff (Buzzelli, 2001: 113).

Buzzelli's work investigated the housebuilding industry from 1945 to 1998, which for the most part did not include land development. As is discussed below, most firms are now developer-builders, which means that staffing requirements are more complex. As developer Leith Moore, then with the firm Sorbara Group, explained to me, development is a much more political and complex process than housebuilding (Moore Interview, October 29, 2013). It is not uncommon for developer-builders to have land use planning staff and other specialists on their salaried payrolls. Mattamy, Lebovic, Con-Drain/Metrus, and many other large developers rely on their own land use planning staff to carry out the work of producing development applications for submission to municipalities, writing official plan amendment applications, and arguing the firm's cases at various provincial and municipal planning and standing committees. It is plausible, therefore, that many of the firm size and structure details presented by Buzzelli (2001) have changed, paralleling significant changes to the development industry and the development process in the Toronto region since the early 1990s. However, within firm building divisions, staffing is likely to be lean, as the technical stages of house building continue to be carried out by subtrades (Martin, 2014).

In the Toronto region, most greenfield subdivision developers operate in a relatively small geographical range (Table 6). There are very few firms that have moved beyond Ontario, fewer still beyond Canada. In order to overcome the challenges of moving beyond a local operation, Ball (1983), writing about the British industry, suggests that regional or national firms put in place divisions that operate semi-autonomously. Of the privately owned firms operating in the Toronto region, Mattamy and

Great Gulf have expanded into the United States. In so doing, they have established regional offices, each with their own management and staff. Mattamy, in particular, is taking advantage of this geographical expansion, given it has only about a 10-year land supply for greenfield subdivision development in the Toronto region (Blackwell, 2014, December 17).[71] National and international builders active in the Toronto region also satisfy the need for local knowledge and relationships by forming partnerships with other firms. Brookfield Residential, for example, received land in Seaton as part of the land exchange, but their portfolio is being handled by Metrus. Cooperative arrangements, such as consortia or joint ventures, are formed for a variety of reasons. Gaining access to those with local knowledge and existing relationships with local institutions and organizations are key elements of the picture (J. Harvey, 1993).

The local nature of greenfield subdivision developers and builders is not unique to the Toronto region, although explanations for this are not necessarily consistent or convincing. In general, however, the complexity of local institutional rules and cultures seems to be important. According to Miron (1993: 355): "given variations among local markets in financing, in zoning and building code requirements, in land subdivision, in labour practices, and in building technology and practice, it is not surprising that firms largely concentrate in one local market". Rudin (1978) suggest that firms are local because of the internal management challenges of building and development: "Both housing construction and land development are management-intensive activities relying a great deal on personal contacts, supervision and non-routine decision making" (20). According to Ball (1983), the local element has to do with information. He argues that land development and house building require accurate information about markets, and good management requires frequent meetings and close relationships between developers and land owners, planners, builders, and others. When I asked developer Leith Moore about the local nature of firms, he included in his explanation the need for local knowledge suggested by Ball – the benefits of developing comfortable working relationships, and the local nature of formal or informal land use planning rules:

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[71] This has been ameliorated somewhat by its 2014 purchase of the Canadian division of Monarch Corporation, which gives Mattamy additional greenfield land supply in Ontario as well as instant entrance into the Toronto high rise market (Blackwell, 2014, December 17).

If you know a market it's easier to deal in a market, 'cause you know the ins and outs, the little nuances, much better. ... [D]evelopment is very local, development and building. Getting the land use approval ... I'm much more comfortable in certain municipalities than others. ... . I can't even think of going to another province. It would be just mindboggling, 'cause all the rules are so local. So, people tend to get to know the rules in their market. (Moore Interview, October 29, 2013)

Developer Neil Rodgers used the term comfort, which can mean a variety of things – "one's comfort in operating in the municipal environments that were here" (Rodgers Interview, March 24, 2014) – but he also referred to establishing a brand, suggesting many homes are sold through word of mouth.

A number of developers I interviewed referred to land holdings as a very important component of why certain firms are able to grow but still remain local. Although land development is risky, firms that acquired land early and that have extensive land holdings are able to engage in fairly long term and careful planning. As land development is somewhat monopolistic, firms that own large land holdings can control to some extent how and when it is developed, and can wait out economic downturns. In these cases a history of land ownership is very important. Combined with the close political and professional relationships fostered between developers and planning authorities, there is little incentive for these firms to move beyond the Toronto region, especially considering that as a primary receiver of migrant newcomers, demand for new housing is relatively stable and predictable. In other words, these firms stay local simply because they can: owning large banks of land in a quickly growing urban region has translated into success. The flip side is that firms that are late players and do not have extensive land holdings, such have Mattamy[72], have tried to compensate by keeping their housing numbers high and by building in other regions. But reliance on a high production rate is risky and subject to economic downturns, such as was experienced in the Toronto region in 1992 and 2008/2009. Firms such as Lebovic, that are well established, well financed, operationally diverse (they build office and residential buildings and lease office and commercial space), and have a large land bank are able to be more variable in their housing output per year (Table 7).

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[72] Whereas firms such as Con-Drain have been actively acquiring land since the early 1970s, Mattamy began as a homebuilder in 1978, and only began building in large numbers at the subdivision level, which requires land assembly in order to do so, in the late 1980s (Mattamy Homes, 2015).

The connections between land holdings, the local nature of firms, and the political connections underpinning land development are topics that have been analyzed from both admiring and critical stances. An oft-cited example of large, powerful, and politically connected development actors is the 'Bratty-Degasperis-Muzzo triumvirate' of Rudy Bratty, Alfredo Degasperis, and Marco Muzzo (Bozikovic, 2008, December 8), that began in the early 1960s. Each partner specialized in one element of development:

> DeGasperis's sewer and water-main contracting company, Con-Drain, supplied the infrastructure for their projects, and Muzzo's drywall business, Marel Contracting, helped finish the houses. Bratty's job was to acquire the actual land and deal with the legal and political issues around getting it developed. (Bozikovic, 2008, December 8: 46)

In addition to this rather simplistic story, these three developers partnered in a wide variety of development projects and owned interests in different house building firms, which also sometimes included others (Ferguson & King, 1988, October 26). This cooperative relationship allowed these developers to outcompete other firms, to develop powerful connections with politicians and planning staff, and to gain in-depth knowledge of planning and development that allowed them to successfully navigate the planning and development approvals system (Bozikovic, 2008, December 8).

Although Bozikovic's *Globe and Mail* article is rather upbeat, emphasizing the life achievements of Rudy Bratty and his family, the Bratty-Muzzo-Degasperis partnership was not without its critics, especially in the late 1980s when Toronto region suburban municipalities were growing rapidly. In 1988, the *Globe and Mail* published a series of articles about the development boom in York Region under the moniker 'Behind the Boom', in which Muzzo, Bratty, and Degasperis feature prominently. These articles, written by Jock Ferguson and Dawn King in October and November 1988 were highly critical of the power of developers to influence decision makers and to dominate the local land market. In particular, these articles emphasized the huge profits developers made by convincing local councils to approve their lands for development (October 26) and the close connections between developers and politicians, including developer financing of election campaigns (October 26, November 1a; see also Ferguson &

Nunes, 1989, August 8a & b, August 9). They also showcased the ability of developers to convince the

regional engineering authority to grant developers sewer connections for new developments, often by

finding 'spare' capacity (October 28), and the friendships between decision makers and developers

(October 28). These journalists highlighted close relationships between developers, and engineers,

building inspectors, and politicians (October 29); preferential treatment municipal politicians give to

certain developers (October 31); and the unequal power and influence of large, monopolistic developers

(November 1b).[73] Because of the close scrutiny these investigative articles gave to developers, readers

were given a rare glimpse into the actors involved in the planning and politics of land development and

construction, including the connections different firms had with each other based on friendships and

family ties. These articles also help us understand how institutionally embedded certain development

actors were and likely still are in the local land use planning and governance systems. Key state actors,

such as engineers and municipal councillors, were understood to be highly influential to the development

trajectory of the Toronto region in the 1980s.[74] In some ways, these actors and processes are specific to the

Toronto region. The relationships involve individual actors, and are fostered over time through personal

and political connections.

The close relationships between state and corporate actors seems crucial to the success of

developers in the Toronto region. Close relationships between development actors and local political and

planning actors partly explains why, in the Toronto region, developers seem to be not only local but also

very territorial, each firm operating in only a small number of municipalities. One interview participant –

an environmental lawyer – suggested that this has to do with developers' relationships with local

government representatives, framing it in fairly stark terms of paying off local government councils, but

also in terms of having local knowledge of others that developers have to work with: "You can't afford to

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[73] It is worth noting that in 1998, Jock Ferguson was implicated and found guilty in a libel lawsuit filed by a York
Region employee who was dismissed after a series of Ferguson articles in 1991 (Lane, 1998). Some of the reporting
from the 1988 articles was used as evidence that Ferguson was 'targeting' the employee.

[74] One key state actor noted a number of times in these articles was the Regional Commissioner of Engineering in
York Region, who was portrayed as an influential figure in allowing developers to connect to regional sewage
infrastructure, a necessary requirement for building subdivisions (Ferguson & King, 1988, October 28).

hop scotch around and buy up all these town councils. You have to ... you know, focus on your own little

area ... you know who the inspectors are, you know who the contractors are". This statement alludes to

many of the influential relationships illuminated in the *Globe and Mail* articles discussed above. One

developer suggested to me that it wasn't so much an issue of territoriality or influencing specific councils,

but of concentrating in those municipalities where developers have had success in the past getting their

development applications approved – not a strategic move but the effect of a positive working

relationship:

> It's just a lot more fun to work with municipalities that are cooperative ... I mean, we owned land
> in Newmarket when I joined here. So, for 30 years [i.e., they have owned the land for at least 30
> years] – a sequence of mayors but it's always been positive. And, you know, one thing that
> happens, if they have a problem, we'll try to solve it. If I have a problem, they'll try to solve it with
> me ... . It's all about people relations. (Developer Interview, April 26, 2013)

Developer Leith Moore (Interview October 29, 2013) also suggested that firm size is an important factor

in terms of operational range and the ability to expand beyond a certain territory:

> We're not a huge company, but we're big enough. And so we move around. We're in Toronto, and
> from Mississauga to Oshawa, and from Fergus to Alliston. And there's some mobility. But the
> bigger companies will try and spread their bets around different towns. You have different cycles
> of availability of land and services. And so ... you like to spread it out a bit. Some guys who are
> smaller can't. So they're going to be an east end builder or a northern builder or a western builder.

Although what constitutes size is not clear in these statements, firms that are highly capitalized or have

access to capital will be more able to buy or option[75] land in different markets without over-extending the

risk inherent with delays in approvals or market downturns.

Despite the local characteristic of developers and what is often described as a 'small town' and

'boosterish' industry (e.g., Nuttall-Smith, 2009), many Toronto region firms have adopted very

sophisticated neo-Fordist production models of vertical integration, with firms creating or purchasing

subsidiaries that specialize in and profit from each stage of the land development and housing production

process and its inputs (Eccles, 1981; Faulconbridge, 2009). A move towards vertical integration may itself

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[75] An option is an agreement between two parties where a potential buyer of land purchases, for an agreed upon fee,
the right, but not the obligation, to purchase land at a later date for a negotiated price (Miles et al, 2007).

be stimulated by the unique characteristics of the supply chain in land development and housing, where more control over the components of the chain helps to minimize risk (Eccles, 1981). Perhaps more important, as outlined above, the personal relationships between corporate and state actors are suggestive of a relatively close-knit group. Key actors, such as the Bratty-Muzzo-Degasperis partnership, became incredibly knowledgeable and influential figures in the development industry, as well as in the governance and planning of suburban development. Knowledge, political connections, and a particular economic climate created the conditions for this group to dominate the development industry, at least in York region. It also created the conditions for close relationships to be fostered among development firms, local politicians, and planning staff to such an extent that subdivision approvals were seemingly easily obtained by a select group of developers (Bozikovic, 2008, December 8).

For the most vertically integrated firms, such as the Con-Drain Group of Companies, headed by the Degasperis family, the degree and sophistication of integration occurred slowly, over a period of decades, rather than through rapid growth. According to the 'History' webpage on the CountryWide Homes website (CountryWide, 2015), the original Con-Drain company was gradually diversified when the Degasperis brothers saw they could run a more efficient and larger operation and reap additional profits by adding subsidiary companies to the Con-Drain umbrella.[76] This occurred over a period of approximately 50 years.[77] The result is that Con-Drain has one of the highest degrees of vertical integration of all Toronto region development firms, having diversified into almost every aspect of the development industry, including quarries and recycled aggregate plants (Strada Aggregates) that supply its construction arms with aggregate material (MHBC, 2010).

Vertical integration changes how developers operate, as each subsidiary within the umbrella may not necessarily operate according to the expected neo-classical principles of 'rational' capitalist

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[76] CuntryWide Homes is a subsidiary of Con-Drain. The name Con-Drain amalgamates the words concrete and drain.
[77] The Con-Drain Group of Companies includes or has included the following subsidiaries: Aspen Ridge Homes, CountryWide Homes, Metrus Developments, Metrus Properties, Condor Properties, Crowle Fittings, Con-Cast Pipe, Con-Span Canada, Sky Cast Inc., Fellmore Electrical Company, Strada Aggregates, Con-Elco Utility Contractors, Aquatech Dewatering Company (Con-Drain, 2014; CountryWide, 2015).

accumulation. Although in capitalist society the main underlying rationale is profit and accumulation,

these can take many forms and can include a diversity of other rationales. One common theme in

interviews with developers and planners is the rationale of keeping existing operations going. Many firms

formed associated companies specializing in land development, house building, property management,

infrastructure construction, and so on. To speak of an overarching rationale for either the umbrella firm or

the individual subsidiaries is misleading and masks the practical imperatives of each type of firm. Land

may be purchased as a short or long term investment. Speculative investments rely on increases in value

over time due to inflation and/or increased demand (Goldenberg, 1981). Alternatively, a firm may

purchase land not as an investment and perhaps not even to generate a profit, but rather to feed the

building arm of the corporation. In this case it is construction and all its component operations, rather than

land development, constituting the dominant elements in rate of return calculations. According to a

planning commissioner for a Toronto region municipality,

> Part of the motivation ... is just maintaining, like, you know, keeping everyone busy ... you've
> created this infrastructure ... vertically integrated chain, and keeping that going is a big deal. And
> ... there's a lot of other investors that have a stake in that. (Planner Interview, July 22, 2013)

The integrated development firm thus seems to become a semi-autonomous machine that must be fed. A

municipal planner made the same observation about one high volume builder that was pressuring the

municipality to speed up the approvals process: "These were big, sophisticated developers ... they had like

four building crews,... they just needed to … buy, get approvals, and build" (Planner Interview, May 9,

2013). This need to feed the building machine makes the entire development process more sensitive to

change, such as policies that constrain development or increase timeframes for development. On the other

hand, firms that are more diversified or less reliant on high housing construction numbers may be less

sensitive to approvals of certain types of buildings, and may be able to shift their focus onto other types of

activities, such as office or condominium construction (Ball, 1983; Rydin, 1986).

 For the large publicly traded firm Brookfield, vertical integration allows it to 'create' value from

each step of the development process. According to Brookfield (2013), these steps include not only

development, but also strategic investments in land in different global markets. Development includes entitlement – which involves planning, engineering, and securing municipal approvals – and increases the value of land. Development itself includes site grading, and installation of utilities (sewer, water, electricity), parks, roads, and sidewalks. This process also increases the value of land. In some markets Brookfield both develops land and builds homes. Interestingly, its rationale for building homes (rather than simply developing land) seems as much to do with obtaining market knowledge as profiting from the house construction. As Brookfield (2013) states, "[h]aving a homebuilding operation allows Brookfield Residential the opportunity to extract the value from the land and provides the Company with market knowledge through direct contact with the homebuyer". Although there certainly is some profit in house building, extracting value from land seems in this framing to be less about selling homes and more about gaining knowledge about which sites will provide lands that can be profitably marketed and sold. House selling is simply the final step in the value capture chain, not the most lucrative, although necessary for capital to be grounded in specific sites and economies.

Economics of Land Development

A very important part of the structure of the development industry centers on how firms profit from land and the building process. However, economic analysis of land development and house building for residential subdivision in the Toronto region is difficult to analyze since most large land developers are private firms that have no obligation to publish economic data; and are often vertically integrated, making analysis of any one subsidiary within the umbrella difficult. It is necessary, therefore to use a combination of secondary sources, such as consultant reports and newspaper articles; qualitative primary data, such as interview testimony; data from two publicly traded firms in the Toronto region, Brookfield and Monarch; data from industry agencies, such as BILD and Tarion; and academic literature, especially from the United States and Britain. Using these sources, the process of development, from land acquisition to house sales, can be analyzed to gain a better understanding of the economic complexities of the development process.

The starting point for the development process is land. Developers and investors require land to carry out their operations, whether or not they carry out physical transformations of the landscape. The various motivations and rationales for why developers select particular sites, the timing of development, and what form development takes are highly local and contingent dimensions of development. The relationship developers and investors have with land is also at the heart of power struggles and contestations around the transformations of land. The relationship development actors have with the state, and the ways in which they exercise power is complex, far from straightforward, and often involves struggles implicating state and civil society actors. Understanding the economics of land development allows us to more fully understand the perspectives of developers in these contestations, as well as how developers value and use land, which often conflicts with alternate ways of using and valuing land.

Land acquisition.

Developers acquire land using a number of different financing tools and processes. Financing of real estate is complex and differs across various real estate sectors. As the focus of this study is residential greenfield development, this will also be the focus of this financing discussion. A fundamental problem developers navigate in the land acquisition process is managing tensions between risk and reward. The change in land value between raw land and land slated for urban development can increase 10 or more fold. However, the timing of this land use change, or whether it will happen at all, is not certain. That said, the location of raw land directly impacts its risk/reward profile. As Rydin (1986: 25) notes, based on the British development industry, sites located on so-called 'white' land – i.e., land adjacent to urban areas but not yet designated urban – are only somewhat risky, since, although some investment is required to obtain planning permissions, these permissions are highly likely and the potential rewards are very high. Developers in York Region in the 1980s practiced this exact model of land acquisition. As journalists note, the Bratty-Degasperis-Muzzo partnership was so successful in the 1980s because it purchased land early enough to acquire the land for relatively low prices and in locations in front of the expanding urban-

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rural fringe in pro-growth municipalities, which they could convince to approve their land for urban

growth (Bozikovic, 2008, December 8; Ferguson & King, 1988, October 26). The willingness of

developers to bear the high costs of attempting to gain development approval – by navigating the planning

system, fostering relationships with local governance actors, and using the court system when necessary –

indicates the potential gains to be made by converting raw land to urban land (Rydin, 1986: 26).

     In the early 1970s, much attention was paid to the value of land in urban-rural fringe areas of the

Toronto region, not only because the growth rate was high, but also because the federal and provincial

governments began expropriating and assembling land in Pickering, Scarborough, and Markham for the

proposed new international airport and the new satellite town in North Pickering – the North Pickering

Project (NPP). These land expropriations resulted in publication of land transactions and land appraisal

reports.[78] In one report, appraiser E.J. (1975) noted that lands with the highest values were those located

within urban boundaries close to municipal services and which could be developed immanently. Next

highest in value were those outside of, but nevertheless proximate to, urban boundaries. Based on the

Toronto-Centred Region (TCR) plan that was being proposed at the time (Ontario Regional Development

Branch, 1970; Ontario, 1971), these areas fell within 'zone 1' of the TCR. Examples of transactions in

Strachan's analysis show relatively high prices in this category of approximately $25,000 per acre

(approximately $62,000 per hectare) in 1974. Lands with the lowest value fell outside of these areas and

were considered to have 'agricultural' land value. Appraisers in the early 1970s valued this type of land in

the Pickering, Markham, Scarborough area at approximately $4,000 to 6,000 per acre for small parcels

(e.g., 20 acres) and approximately $2,000 to 4,000 for larger parcels (e.g., over 100 acres) (Ozog, 1973).

Land appraisers Strachan and Humphries (1975) note that the size of the land parcel is an important factor

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[78] The Archives of Ontario has archived numerous land appraisal reports in relation to the NPP. These appraisals, although written for specific properties, end up being mini case-studies about the relationship between government policies and land speculation. For example, an appraisal by the firm W.R. Kellough and Associates, dated 9 June 1975, is over 200 pages long, includes timelines of provincial government plans to build waterworks and pipeline infrastructure, links these projects to plans to carry out the Toronto-Centred Region studies, and documents the response of developers and investment firm in where they purchased land and for what price.

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in how much investors and developers pay for it. In general, for larger parcels, although they require a

larger initial outlay of capital, the unit price per area is much lower than for smaller parcels.

In Ontario, and Canada more generally, the character of the tension between risk and reward has

changed over time, paralleling broader structural and institutional changes in the development industry

that saw an increase in firm size and a move towards generalist firms active in all aspects of land

development and house building. The small firms characterizing the development industry in the 1950s

and 1960s were financed differently than the large firms that dominate the industry in 2015. The former

relied on expensive, short-term, project-based construction loans (Rudin, 1978: 23), whereas large, well-

established firms have more financing options[79], most notably through institutional lenders (e.g., banks,

credit unions, insurance companies, pension funds) and, to a lesser extent, private lenders (Gowlings,

2013). Well-established, well-capitalized firms are better able than small start-ups or individuals to

leverage existing land assets due to their close contacts with local banks and experienced private lenders

(Walsh, 2010).

Land that is considered raw or bare (often agricultural land) is financed differently than land in

urbanized areas, and represents a higher risk to financing institutions. Banks consider raw land risky as it

has a low value compared with urban land, valuation processes themselves are often difficult due to the

fewer number of historical transactions in a particular locality, and there is uncertainty about when and if

raw land will be approved for development (J. Harvey, 1992; Miles et al., 2007; Walsh, 2010).

Furthermore, raw land produces little revenue but generates debt-servicing costs, such as property tax and

mortgage interest (Miles et al., 2007). Thus, raw land is at higher risk of loan default than urban land.

According to Toronto region mortgage expert Joe Walsh (2010), in financing for raw land in a rural area,

the loan to value ratio from an institutional lender will be quite low, often near 50%. If the land is in a

developed area with residential services (i.e., water and sewerage systems, roads), the ratio increases to

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[79] The different financing options available to development firms, and rules governing taxation of various investment schemes are incredibly complex and beyond the scope of this analysis. See KMPG (2012) for some explanations of Canadian real estate investment and taxation, including how different forms of ownership (co-ownership, joint ventures, partnerships, corporations, trusts, Real Estate Investment Trusts) are taxed differently.

between 65 and 75%. In other words, most developers must mainly self-finance the purchase of raw land, especially if land is well outside urban areas. According to developer Leith Moore (Interview October 29, 2013), this means that even 'speculative' land is not as profitable as is often assumed. As he stated, even if a developer acquired land for a low price the cost of self-financing that land for many years can outweigh the benefits of its increase in value over time in terms of opportunity costs: "They've invested a lot back then, and waited a long time ... foregone profits waiting for it". On the other hand, developers have to invest less of their own money to purchase urban land but the increase in value as the land is developed is much less. Although during certain periods developers and investors can make windfall profits simply through buying and selling land in relatively short periods of time (land flipping), on average, profits are much less than these scenarios suggest. Of course the details are important and increases in land values of 10 and 20 times surely outweigh any so-called opportunity costs, especially if those opportunities can be achieved using highly leveraged capital or tax-deferred capital, as is common. [80]

The practice of optioning land is an additional way developers can manage risk, seizing the opportunity to acquire land but delaying the commitment to buy until a certain degree of certainty can be achieved that land can actually be developed. An option is an agreement between two parties that for a fee gives a potential buyer of land the right, but not the obligation, to purchase land at a later date for a negotiated price (Miles et al, 2007: 168). For a developer, options allow for the minimization of risk while providing a level of certainty in terms of the ability to purchase, as well as the purchase price itself. Only the buyer may choose to exercise an option or let it lapse. Options are useful for a number of reasons (Miles et al., 2007). First, options are a legal contract and can be legally bought and sold, allowed to lapse without penalty except for the option fee, or exercised. Second, options give developers time to secure financing, planning permissions, and partners at relatively low cost and with the certainty of a potential

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[80] Leverage refers to the ratio of the borrower's cash to the amount borrowed for an investment, and approximates a "loan-to-value ratio" (Miles et al., 2007: 184-185). Private Canadian firms can also use cash from deferred taxes for investment purposes. Canadian corporate tax law is complex, ever changing, and beyond the scope of this discussion. However, in general, real estate firms can avoid (technically defer, but it is a long-term deferral) paying some year to year income taxes by reinvesting profits back into property as expenses (Castaldo et al., 2014; KPMG, 2012).

purchase price. Third, options give developers the possibility of assembling land that may be owned by a large number of landowners. If some landowners refuse to sell or option their land, a developer can back out of a project at minimal cost.

In general, optioning land is preferable to buying land because less capital and risk are required by the developer. The developer can first attempt to increase some of the certainty about developing a piece of land before purchasing it. However, according to one developer I interviewed, in a high growth land-constrained setting such as the Toronto region, it becomes difficult for developers to option land (Developer Interview, May 7, 2013). Landowners know it is a seller's market and will insist on selling outright or on very short terms. By way of example, Brookfield Residential, which operates in both the United States and Canada, owns all 54,000 of its Canadian lots (mainly in the high growth cities of Calgary and Toronto), but in the United States still uses options for approximately seven percent of its lots (Brookfield, 2013). Because competition for land is so high, land owners are asking developers to buy their land rather than option it, and because developers have such high demands for land, they will often take the risk as long as development seems likely in the near future. This also means that the developer is taking on more risk. The implications of this are unclear, although it is plausible to assume that developers will try to minimize their risk in other ways. Some of these other ways include: diversifying their land holdings spatially and in terms of the type of development (e.g., greenfield, existing urban, residential, commercial); forming consortia so that the risk is dispersed rather than taken on by one firm; increasing informal negotiations and relationships with decision makers; and increasing financial contributions for infrastructure, such as roads and water and sewerage systems, to provide local decision-makers with incentives that might increase the likelihood of having their development applications approved.

According to real estate professor James McKellar (1993), most developers are risk averse, preferring instead to take a cautious approach and to favour time-tested development processes and built forms. McKellar (1993: 139) characterizes the development industry as very conservative, "treading cautiously on new ground, adopting changes in building practice only when absolutely necessary and

pursuing an approach to building that could be termed 'business as usual'" (139). For McKellar (1993: 142), this conservative stance is a form of risk aversion based on perceptions that new or different is risky: "There is a perception in the industry that the firm that entertains minor variations from the norm courts disaster. This shared view is a strong disincentive to the advocates of new ways". Perhaps for this reason, many subdivisions in the Toronto region seem to adopt a similar form, and developers tend to repeat successful development patterns over and over again. Whether or not this is the case, it is necessary to understand the investments made and rates of return for subdivision development, bearing in mind that developers as a group are conservative, risk averse, and wary of policy changes than may upset the risk/reward tension. Only then can one get a sense of where the risks might present themselves in the development process and how developers might attempt to manage these risks. Acquisition of land is only one part of the development process, many other of which also carry various potential for risk and reward.

Development balance sheet.

A very useful source of land development economic data is a report done by the economic consultant firm Altus Group, commissioned by BILD, for the purpose of critiquing development charges (Altus, 2013). The commissioning of this report by the development industry is itself illustrative of development industry concerns, which according to one representative are anything that adds to production costs or impacts the ability to sell product (Usher, 1999, October 16). The Altus (2013) report contains hypothetical low-rise development costs and revenues for a typical 500-unit subdivision in six Toronto region municipalities: Oakville, Brampton, Markham, Bradford West-Gwillimbury, Ajax, and Toronto.[81]

Altus construction cost guides (Altus, 2014, 2015) provide in-depth data on housing construction costs for select Canada city regions, including the Greater Toronto Area. For residential single-family houses, Altus uses three categories of production-built houses (basic, medium, and high quality) ranging

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[81] Government charges are based on 2013 data; housing and land prices and servicing costs are based on 2009 data indexed to 2012 values.

from $80 to $390 per square foot, with larger homes and larger production numbers tending to cost less

per square foot (Altus, 2014). Numbers increased slightly in 2015, increasing the speculative basic and

medium quality costs per square foot to $90 and $120 respectively, although leaving the other categories

unchanged. Townhouses, which have become more prevalent in new subdivisions, average a lower cost

per square footage, ranging from $80 to $215 per square foot (Altus, 2014). Townhouse costs decreased

slightly for 2015 (Altus, 2015). For this analysis, however, the single-family detached model will be used,

as this housing type currently dominates most subdivisions. For a 500-unit subdivision of 2000 square foot

homes, the square foot price would be on the lower end, perhaps near $110. Based on this, an estimate of

profit margin for a 500-unit subdivision development is approximately $82 million or 46% (Table 8).

Higher construction costs will alter these numbers dramatically. For example, increasing the house

construction costs to $150 per square foot decreases the profit rate to approximately 19%.

Table 8. Economic analysis of hypothetical low-density residential subdivision in the Toronto region.

	Costs ($)	Costs per 500 unit, 46. 3 hectare subdivision ($)
Land[1]	575, 058 per hectare	26, 625, 174
Servicing[2]		8, 887, 968
Government charges[3]	51% of 118, 386 per unit	301, 188, 515
Home construction cost	110 per square foot, 2000 square foot home	110,000,000
Total costs		**175,701,657**
	Revenue ($)	Revenue per 500 unit, 46.3 hectare subdivision ($)
Price of new house	515, 000	257, 500, 000
Revenues minus costs		81, 798, 343
Profit rate		46.5%

1. Land costs are an average between raw land and residential land cost numbers supplied by Altus (2013).
2. Servicing includes road works, water and sewer works, site preparation, and engineering works (Altus, 2013).
3. Government charges in this report include many different fees charged by all levels of government, including municipal development charges, parkland dedication, approval and permit fees, property and land transfer taxes, Tarion warranty enrolment fees, HST, and so on. Of all government charges on low density housing, approximately 51 percent are paid directly by developers/builders and 49 percent are paid directly by the homeowner (Altus, 2013).
Sources: Altus (2013, 2014).

A number of variables have the potential to increase or decrease profit margins. House building itself is not particularly risky, as the process of building a house is quite routine and the process and costs are very well established by house building firms (Rybczynski, 2007). Although costs of materials, labour, and government fees may change over time, and the economic climate itself may change, there is not much risk from project to project. Land acquisition and development, however, is fraught with risk and uncertainty, since land development is highly regulated and delays are common. Local opposition to development projects has the potential to delay or defeat projects. Additional costs, such as the costs of supplementary engineering or environmental servicing studies and OMB hearings will add some costs, although for a large project these represent a small additional cost per unit. The greater costs would arise as a result of delays in the form of debt servicing, especially if the land was purchased rather than optioned. Delay costs could be exacerbated in a climate of declining or stabilizing house prices, but perhaps offset in a rising market if delays coincide with increased selling prices.

An additional variable is the cost of land itself. Land values in the Altus (2013) report, especially raw land, were assumed to be relatively high. If raw land was purchased speculatively for low relative cost, then profits on land would be significantly higher. There are no guarantees that speculative raw land will be approved for development, so purchasing this type of land is risky. But it also promises great reward if development approvals are forthcoming. Development of Erin Mills in Toronto provides an example of the profits that can be reaped through land assembly, price inflation over time, and development. Journalist Susan Goldenberg, writing in the late 1970s, provides details about the change in value of land over a 30-year period (Goldenberg, 1981). In the mid-1950s, E.P. Taylor's Don Mills Corporation assembled approximately 6,000 acres (approximately 2,428 hectares), paying $1,000 per acre, which according to Goldenberg was three times the market value at the time. Thirty years later, the per acre value was given at over $120,000.

Although private firms generally do not publish their economic data, housing sales numbers are publicly available through Tarion, allowing for some insight into the size of firms in terms of housing

sales. Tarion is a publicly regulated private firm that administers warranty protection for new house buyers under the *Ontario New Home Warranties Plan Act* (Tarion, 2014). Mattamy, the largest builder in Canada by volume, sold between 2004 and 2013 an average of 2,904 units per year (Table 7; Tarion, 2014). At a profit rate of 10%, this represents between $100 and $145 million in profit per year. Unfortunately, housing sales numbers say little about the corporate rates of returns for firms like Mattamy, as a firm's assets, especially land holdings, are a key component of calculated rates of return. Indeed land supply is an important element of land development operations, not only for calculating rates of return, but also for the timing and location of development.

Land supply.

A firm's land supply is a very important variable in the economics of land development, how it conceptualizes risk and the effects of government policy, and how it strategizes about future projects. Since most firms in the Toronto region are private, land supply numbers are difficult to ascertain, although occasionally firms will give hints about their holdings. One exception, Brookfield Residential, is a publicly traded firm that publishes annual corporate reports. Although Brookfield's Canadian land holding are mostly Alberta-based, as of February 2010, it was holding approximately 9,500 lots in the Toronto region (Brookfield, 2013). Many other firms refer to land supply not in land area or number of lots but in years. Thus, according to one newspaper article (Blackwell, 2014, December 17), Mattamy currently holds a 10-year land supply, which is slightly less than 30,000 lots based on current operations.

Planning restrictions on land supply can enhance the monopoly power of landowners, especially if the land they own is not in restricted areas (Rydin, 1986: 29). According to Brookfield (2013), it controls a large supply of lots in a supply-constrained market, which puts it in an advantageous position. One can surmise that land constraints due to policies such as the greenbelt, provide an advantage for some developers, especially if they are not holding land in areas off limits to development. Although land within the greenbelt boundaries becomes 'frozen' or 'sterilized' (i.e., can not be developed into urban lots), the

land maintains some value as agricultural land and land outside of greenbelt boundaries increases in value as overall supply declines.

According to Edel (1981), firms that have land speculation as their primary motivation are less concerned about development permissions in the short term; they are able to use both downturns, to buy low, and boom times, to sell high. With larger firms, housebuilding is only one activity among many. With these firms, according to Rydin (1986: 31), writing about the developers in the U.K., "[t]he commitment to maintaining production levels is not therefore a high one. Production is undertaken primarily to enable speculative gains to be made". Rydin suggests housebuilding is simply the endpoint of the development and construction process for many large firms, but the main profits derive from land development over the long term. Brookfield's corporate goals seem to fit this long-term outlook. Brookfield (2013) suggests that it has an advantage over other firms because it is active in both recovering U.S. markets, and more stable Canadian markets. It suggests that economic downturns are advantageous, as they provide opportunities to acquire land. Edel (1981: 33) makes this very point: that large developers can capitalize on economic downturns through predatory behaviour, the accumulation of cheap land, and through internal restructuring. For Brookfield, being in both a depressed and more stable market at the same time provides them with advantages both for sales and acquisitions. Not all firms have significant long-term land holdings and some rely more on house building than land development. Where profits are based on house construction (whether firms are large or small), land restraints can seriously impact lot supply and construction activity, resulting in increased developer opposition to land restraints (Rydin, 1986: 31). Firms such as Mattamy, that rely on high house production numbers, are increasingly concerned about the decreasing supply of large tracts of land in the Toronto region, stimulating this firm to look beyond the Toronto region for business opportunities (Blackwell, 2014, December 17).

According to Rydin (1986), land restraint policies, such as greenbelts, will tend to favor small sites (and small developers) over large ones, at least in the short term. However, this often results in large developers moving into smaller markets and outcompeting smaller developers, resulting in conflict among

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developers, and a tendency by large developers to push up land prices (Rydin, 1986: 31). The ability of a small number of large firms to control a market – market concentration – was indeed a focus of attention in the Toronto region in the 1970s and 1980s, when small developers and landowners complained about what seemed to be oligopolistic behaviour by a small number of large developers; these firms bought the majority of developable sites, often by outbidding competitors, resulting in an escalation in land prices (Carroll, 1988; Ferguson & King, 1988, October 26; Muller, 1978).

In the Toronto region, many of the assertions by Rydin (1986) relating to the uneven profits taken from different aspects of the development process are complicated by the restructuring of the industry in the 1990s. During this period, the 'traditional' separation of land development and house building firms became blurred and the development industry became dominated by large, generalist, vertically integrated firms (Leitch, 2006, September 22). Furthermore, in the Toronto region, according to developers, enactment of the *Greenbelt Plan* (MMAH, 2005b) and the *Growth Plan for the Greater Golden Horseshow* (Ontario Ministry of Infrastructure, 2012) resulted in a perceived shortage of the large tracts of land near urban areas that developers prefer. In the hypothetical subdivision presented above, the land area required for the 500-unit subdivision is nearly 50 hectares. Recent transactions of land at this scale in near urban areas of the Toronto region are increasingly rare, and when they do occur, involve unprecedentedly large sums of money. For example, in 2012 Metrus Developments purchased an approximately 77 hectare site in Vaughan for $175 million, or $2.27 million per hectare, a price much higher than the 2012 Toronto region average of $1.56 million per hectare for low density sites (Love, 2012). This was not a speculative buy, as the land was within the City of Vaughan's urban areas and the former owner, Helmhorst Investments, had already gone through much of the development approvals process (Vaughan, 2012). Speculative[82] profits are increasingly difficult to glean for firms not already rich in land supply. Speculative profits may become less important for vertically integrated firms, as they are able to profit from every stage in the land development process, not only from the conversion of raw land to urban land.

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[82] See chapter 3 for a definition of speculation.

Timing of development.

The timing of development and the type of land purchased are closely related. Temporally, developers refer to 'long-term' and 'shorter-term' land. Long-term land usually refers to raw lands that have been purchased somewhat speculatively (Spurr, 2008; Taylor Wimpey, 2009), implying that the future of the land is uncertain, but in favourable conditions of rapid price increase, significant profits can be made simply through buying and selling (Spurr, 1976)[83]. Speculation can be risky, in that raw land may never be developed or increase significantly in value, although there are many ways in which risk can be mitigated. Short-term land, on the other hand, usually describes expensive land that has already been designated by local municipalities for urban development, and which developers expect to develop within approximately five years (Brookfield, 2013). The timing of development itself can influence land prices. According to Ball (1983: 64), larger firms have faster turnover times, which allow them to pay more for land. They can do this because less investment is made financing land while waiting for it to be sold as lots or houses.

Brookfield (2013) presents two scenarios that make connections between the price of long-term land and land that is expected to develop quickly. In the former category (about 10 years from purchase to sale) in their hypothetical scenario, land is purchased at $130,000 per acre, held for a number of years, then developed and sold with a profit margin of approximately 50%. Residential land, on the other hand, is expensive to buy at approximately $340,000 per acre, but is developed quickly and sold within five years with a profit margin of nearly 30%, or 6% per year. Raw land is more profitable but is also more risky and may incur significant debt servicing costs, depending on how the land is acquired and held. Residential land may be less risky, but is also less profitable. On the other hand, residential land is expensive to buy, which is risky in and of itself. Thus, the balance of long term land and land for immediate development is for developers a matter of balancing risk while ensuring they have healthy portfolios for future growth.

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[83] Speculation is often considered to be an 'unearned increment': the individual taking of socially-created land value (Smith, 1976). 'Betterment' or speculation taxes are sometimes applied in order to capture this public value, although in Ontario, the Ontario Land Speculation Tax was short lived, being enacted in 1974 as a reaction to rapidly land prices in 1972 (Ontario Land Compensation Board, 1981) and repealed by 1978 (Ontario, 2011).

Land Developers as Institutional Actors

The greenfield residential subdivision development industry in the Toronto region has evolved considerably since the Second World War. The most visible changes are manifested in the landscape, as suburban subdivisions of single-detached housing have become the dominant housing form in the Toronto region. Critics of suburban development and sprawl usually point to this visible manifestation of development (e.g., Blais, 2010; Burchell et al., 2005; Sewell, 2009; Solomon, 2007). But less visible are other changes and aspects of the development industry that have deeply influenced how development is carried out. In the 1950s a corporate development industry emerged, one that built larger numbers of houses per year, and which began to take on all aspects of development: engineering, planning, installation of utilities, road construction, and so on. Some development firms in the Toronto region in the 1960s and 1970s were large, multinational, publicly traded firms, although large private firms also comprised a large part of the development industry, and they dominate the industry in 2015. Probably the most dramatic shift in the structure of the industry occurred as a result of the recession in the late 1980s, when nearly all land development firms began to build houses, which was previously done by only a small percentage of firms. This changed the entire industry in important ways. Firms became larger and often became involved in joint ventures. Small house building firms for the most part disappeared. Many firms became integrated and diversified, perhaps realizing, through their experiences with the recession, that although profits from land speculation and development could be immense (often requiring 20 years for realization), development is a high stakes game. Although house building and other types of construction are less profitable than land development, they are also less risky. Integration also gives firms more control. Land can be 'absorbed' by firms' own building arms, meaning the timing of development and the land supply required in any given period can be matched more precisely to the house construction process.

The development industry also became more organized after the recession of the late 1980s, and industry associations had to represent integrated firms, rather than those dedicated to only land development or house building. At the same time as the industry was restructuring, increased government

regulation on development meant that firms had to become experts at planning. Major environmental

policies, such as the Oak Ridges Moraine legislation, greenbelt legislation, as well as *Planning Act* reform

had significant impact on developers, restricting where developers could operate and requiring developers

to carry out more planning studies prior to submitting development applications, a time-consuming and

expensive process. Firms also had to manage the longer time frames it took for development applications

to be approved once submitted, often a 10-year process. Part of this management is fostering relationships

with local planners and politicians, learning how to navigate the local planning system, and creating a

bank of both short-term and long-term land to ensure adequate supplies of land for both immediate and

future development.

Developers operate in a specific context that includes particular sites, local governments, and

economic climates. Although, as many developers told me, good developers constantly need to make high

stakes decisions, often using 'back of the envelope' pro formas that quickly anticipate the rate of return for

a given purchase and development of land, the process of getting to the return stage is highly local and

sensitive to change. Developers must know the local cultures in which they operate. These cultures

include the way a particular planning office works and whether or not individual actors know each other

and have a positive working relationship. Relationships with politicians are key, and pre-consultation with

politicians prior to a development application can lubricate the process immensely and foster the notion

that politicians, planners, and developers are partners. The culture of the Ontario Municipal Board (OMB)

is also important, and developers must know how to formulate a development application that can pass

muster at the OMB. This requires technical planning and legal expertise, but also a good working

relationship with OMB adjudicators, as well as municipal politicians and planners with whom developers

often negotiate at the OMB. The need for detailed local knowledge, and a familiarity with the workings of

the political and planning institutions in which they work, are important reasons that development firms,

even large ones such as Metrus, are highly local. Ultimately, although developers can indeed reap very

lucrative profits through the dramatic process of converting 'raw' land to urban subdivisions – a process

that makes developers seem greedy and villainous to some – profits are not assured. A key, but often hidden, dimension that is required for developers to succeed is their role as institutional and political actor. This role shifts beyond the world of technical expert and practitioner toward that of political actor. Developers are political actors that exert incredible effort in order to have their voices heard by politicians and other policy makers. It is to this role that the next chapter turns.

Chapter 6. Power and Politics of Land Development: The Active Role of Developers in the Planning and Development of Land

Land use planning in the Toronto region in the late 1990s and early 2000s was constitutive of conflict between diverse interests, including developers and other land owners attempting to profit from land, and environmental and homeowner groups invoking the public and environmental good through protection of the land from development. These conflicts put at centre stage conflicting notions of how land should be used and valued, and provided a window into the complex and power-laden processes and institutions involved in the planning and governance of land. These conflicts put in the spotlight land developers, and the role of land developers in the planning and governance of land.

This chapter analyzes the varied ways in which developers attempt to have a voice in policy and planning in the Toronto region in order to have their interests privileged over others. The central element of analysis is the power of the development industry (and individual developers) and the different ways in which power is exercised. The analysis focuses in particular on developer and development industry involvement in and response to significant changes to the planning system in the Toronto region. These include the enactment of environmental policies, including Oak Ridges Moraine (ORM) legislation in 2001 and Greenbelt legislation in 2005, that on the surface seemed to put limits on capitalist accumulation from land, but upon further analysis do not necessarily undermine the power of the development industry.

Part of this analysis is to determine the varied ways in which developers intentionally and methodically attempt to have a voice in policy formation and its enactment. Given a decentred understanding of the state and its functions (Bevir & Rhodes, 2006), developers can be understood as networked governance actors with considerable power in land use regulation and policy. As such, this chapter also analyzes the institutionally embedded ways in which developers are incorporated into the planning system and the ways in which the structure of the industry itself contributes to certain institutionally embedded practices and relationships. Throughout the chapter, I analyze how the power of the development industry is construed by the media, interview participants, and other actors in order to

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analyze how developers are perceived by these different actors and how developers themselves respond to these perceptions. For example, the power of developers can be construed in quite different ways: as democratic engagement; as valuable expertise; as resource; as raw capitalist money power; and as undue political and economic influence. In the final two sections of this chapter, I utilize case study examples to analyze instances where developers are involved in policy formation, and what this involvement says about the relationship between developers and the state, and the potential avenues available for developers to exercise power within the planning and development process.

Developers as Policy Actors

Developers attempt to have their voices heard by governments and within government policy for a number of reasons. Development industry representatives are quite explicit about their desire to be 'at the table' and to be in communication with government representatives in order to make their views known (OHBA, 2013a). As this chapter shows, developers have many opportunities to speak to policy makers, and industry associations see this as part of their mandate in order to serve their constituency – developers, builders, and related businesses.

The development industry has different avenues and tactics through which it affects policy. Whereas in interviews, many planners and environmental activists spoke of developer involvement in a mostly negative way – as a form of influence that compelled governments to act in ways that compromised their integrity – developers spoke about their pressure on governments in very different terms, generally seeing themselves as disadvantaged or as providing a public good that was often being thwarted by governments. One developer suggested to me that developers are often able to identify problems and solutions that governments might miss or disregard for political reasons:

> I'm an engineer. And I had always been told, once you understand the problem, you're halfway to the solution. ... So, I would come back to planning issues, Greenbelt and Places to Grow. I don't know that they [the Province] necessarily knew what the full problem issue definition was. (Developer Interview, April 26, 2013).

In this context, one rationale for the development industry to have their voices heard is to provide an additional layer of expertise in order to ensure that planning decisions are based on evidence rather than only politics. According to developer Leith Moore (Interview, October 29, 2013), municipal councils often disregard sound planning evidence for political reasons, meaning that developers must insist on having 'facts' heard: "most councils look down upon professional advice from planners, as being ... they're not accorded the same status of expert as you would think. ... I find a lessening respect for the professional within the political decision process." Similarly, developer Neil Rodgers, who was involved in the Greenbelt and Places to Grow consultation processes, suggested that many of the recent policies made by the McGuinty Liberals in the mid-2000s were done for political rather than 'rational' reasons, and that they have done more damage than good (Rodgers Interview, March 29, 2014). He specifies, in particular, a focus on the greenbelt, which was put in place in 2005, rather than transit:

> UDI [the Urban Development Institute] urged the province to get the Greater Toronto Transportation Authority moving. It was one of McGuinty's original campaign promises that he was ... abysmally slow in getting off the ground. He chose to ... do other things before, perhaps, one of the most important things in terms of ... a foundational element of a modern metropolitan region that will work well.

Rodgers also argues that the development industry needs to be involved because public policy often has consequences that are unforeseen by the policy makers but often predicted by the development industry. He suggests that the greenbelt was one such policy:

> We thought it was an idea that hadn't been completely thought out. ... Okay, so you've done this but what will be the unintended consequences? And there will be unintended consequences. Make no doubt about it. So, understand what those are now ... you have to have some release in the system so that you do not create this unintended consequence. (Rodgers Interview, March 29, 2014)

Another developer involved in the greenbelt consultations made a similar statement, connecting enactment of greenbelt legislation with consequences of increased land and house prices:

> There was pressure from the environmental side to stop rampant sprawl. .... So the greenbelt came in. But what did that do? All that did was create the perception that there was going to be a shortage of land and then sure enough, we continued to grow within what was already approved.

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We didn't get any new white areas[84] approved, and as a result affordability does not exist in southern Ontario. (Developer Interview, April 26, 2013)

The development industry predicted that the greenbelt and growth plan would lead to low housing supply and increased housing prices, which they now claim have happened. As is discussed in chapter 6, the link between government policies restricting urban boundaries and increased land prices is well rehearsed by the development industry but contested by other analysts, such as the Neptis Foundation and provincial and municipal planners, who claim there is adequate land supply until 2031 within existing municipal land budgets (e.g., IBI Group, 2003; Neptis, 2015a,b). Based on development industry predictions of increased land prices that a greenbelt would ostensibly cause, Neil Rodgers (Interview, March 29, 2014) suggested that developers could have prevented land shortages from happening if they had been provided with opportunities to develop elsewhere. It is for this type of reason, posits Rodgers, that the development industry must pressure the government. If it does not, the government may make decisions that are harmful to the development industry and the broader public. As is discussed below, the narrative of developers protecting the public good is something new for the development industry and is part of an organizational turn the industry took in the late 1990s in its move to become more effective as an industry association, with more unified messages to government and the public.

With regard to the municipal level of government, developers in interviews spoke in pragmatic terms of working with rather than fighting municipalities, at least in those municipalities that are open to collaboration. In a municipality where developers have good relationships with municipal staff and politicians, according to one developer, "you can afford to own land there and know with some predictability that you're going to get your approvals and go forward" (Developer Interview, April 26, 2013). On the other hand, if municipalities are, as this developer phrases it, 'anti-development', "then staff get the message and your application languishes, you have to go to the board, spend time and money on

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[84] 'White' areas in planning and development refer to lands that are not yet designated urban but that are considered by many (developers and planners) to be future growth areas. The term white belt in the Toronto region is often used to describe lands between the urban area and the greenbelt.

that, and feel that you're fighting every step of the way" (ibid). Responding to my query about the power

of municipalities in land use planning decisions, another developer, Brian Johnson of Mattamy Homes,

offered that while municipalities may not have ultimate authority over planning decisions, they

nevertheless have an ability to make the development process smooth or difficult for a developer:

> [F]rom a developer's perspective time is money, and ... if a ... municipality wants to be difficult
> and drag you through the mud and spend time arguing issues and ... forcing developers to take
> something to the Ontario Municipal Board... . So ... they do have a lot of power. (Johnson
> Interview, Jun. 3, 2013)

Johnson explained one of the reasons politicians might oppose development or at least give the appearance

of opposition: "They're sort of cowardly, these politicians. ... They establish positions which are patently

unreasonable ... because they've got some ratepayers group, you know, on their ass about it. So they say,

'well we're going to fight this one'". Leith Moore (Moore Interview, October 29, 2013) made a similar

comment, connecting politicians' opposition of development proposals with building political capital,

meaning that they must take on positions that oppose developers for political rather than technical reasons.

Moore suggested that local councillors, while not necessarily personally opposed to development, oppose

it publicly for political reasons, taking credit for the opposition while also gaining the development when

it ultimately is approved through the OMB:

> [S]ometimes the councilor just says, "Listen, I get what you want to do. And you're a good
> developer. You're a good builder, and my planners support it, but you know I'm not. And you're
> going to refer it to the board and you're going to win. So, ... you have no problem." (Moore
> Interview, October 29, 2013).

In a recent study of the OMB, Aaron Moore (2013) makes a similar claim about municipal politicians: that

in order to appease their constituencies, councillors may oppose a development knowing full well it will

be approved at the OMB. However, this process takes time and is generally a step developers try to avoid

through negotiation. As a result, negotiating with local residents, politicians, and planning staff has

become a routine part of the development process, from a developer's perspective a necessary step in order

to speed up the process. Yet developers also realize that much of this negotiation cannot prevent political

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decisions from going against them, and thus are very well prepared to present well-researched planning evidence at OMB hearings. Some developers end up bypassing the negotiation step and move straight to the more adversarial OMB hearing[85], although developer Leith Moore suggests this is not a desired form of planning and development:

> We'll go talk to anybody and everybody; we process it ourselves. If I'm not doing that and I'm just going to the Board, why waste time talking to everybody. ... [A] lot of people choose to do that now. They're just tired of talking to people so they just ... they plan on it from the beginning ... . I don't think that's great development. I don't think it's good planning. It's probably something we need to eliminate. And by the way, it overloads the OMB with too many cases they shouldn't have to handle. (Moore Interview, October 29, 2013)

In contrast to the stereotype of the influential and powerful developer, what emerges from this picture is a complex process where developers use different strategies and tactics in order to move through the process of planning and development. Municipalities can be quite variable in how receptive they are to development, resulting in very different types of relationships between developers and government officials. Furthermore, different development firms may be more or less willing and able to spend time and money on developing relationships and negotiating with local politicians, planning staff, and residents.

Industry associations.

> Industry associations are a good voice in dealing with government.... Politicians will listen to those organizations more so than individual builders with a gripe or concern. They certainly don't win every time they go see a politician, but they frequently do. (former Ontario Home Builders' Association president Colin Parsons in Hanes & Beeby, 2012, July 7)

One of the main avenues through which developers as an industry attempt to have a voice in policy development – an access point they utilize as networked governance actors – is through industry

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[85] Under the *Planning Act* (MMAH, 2011), developers have the right to have their development applications processed by municipalities within 120 days, failing which, developers can appeal to the OMB for reasons of 'non-decision'. If municipal council, due perhaps to citizen pressure, reject a development application, developers can appeal municipal council decisions at the OMB. Although some developers try to address the concerns of local residents and municipal councillors, they are not obliged to do so and can argue their case instead at the OMB.

associations, such as the Urban Development Institute (UDI), the Ontario Home Builders Association (OHBA), and the Canadian Home Builders Association (CHBA). The CHBA began in 1943 as the Housing and Urban Development Association of Canada and is the federal umbrella organization for the local house building associations such as the OHBA (Spurr, 2008). UDI was founded in Calgary in 1958 to represent land developers' concerns, and formed numerous regional chapters (Spurr, 2008), including UDI-Ontario. In 2006, UDI-Ontario merged with the Greater Toronto Home Builders Association (Leitch, 2006, September 22), which in 2007 was renamed the Building and Land Development Association or BILD (*Toronto Star*, 2007, June 23).

Although these industry associations have many functions, including providing networking opportunities for members, they also play an important role in representing the industry to different levels of government. One developer calls these associations 'the contacts' with the Province, suggesting that associations are more able to communicate with the Province as a single, powerful, unified voice than are individuals (Developer Interview, April 26, 2013). According to another developer (Developer Interview, May 7, 2013), developer associations are more able and can take more time to understand broader issues that may be beyond the interests and capabilities of individual developers. Developer Brian Johnson of Mattamy Homes suggested that although individual developers are very competitive and independent, they also realize that they need to cooperate sometimes for the greater good of the industry:

> [T]hey are a bunch of independent-minded individuals that understand that ... cooperation is necessary, and, you know, stand your ground and protect your interests but don't be bloody-minded because ... particularly the big guys, if they play games with each other ... they'll pay for it in the long run. (Johnson Interview, June 3, 2013)

Although BILD emphasizes that developers are a community of businesses who share an ethic of social and corporate responsibility (BILD, 2014e), Johnson suggests that developers find themselves within the BILD membership for practical reasons; developers do not build communities for altruistic reasons:

> I find most developers are pragmatic. They'll always cut a deal. They're not nice guys in the sense that, "Oh well yah, you're a good guy, here you go," ... [T]hey're motivated by money, it's as simple as that. ... [I]t's certainly not about altruism. (Johnson Interview, June 3, 2013).

Johnson also suggests that development is increasingly contentious, but that making one's case as a well-organized association is more effective than fighting as individuals: "as opposed to a developer making themselves unpopular with the municipalities it would be better to have ... a more quasi ... I guess a front-man for your argument" (Johnson Interview, June 3, 2013). In summary, developer associations have a number of roles as representatives of the industry: developing relationships with decision-makers; translating the language of politicians to the development industry; and advocating for development industry interests in a way that individual developers may not be able to do.

Although many interview participants stressed the connections between developer associations and the provincial governments, developer Neil Rodgers explained to me how each association specializes in communicating and negotiating with different levels of government. According to Rodgers,

> [T]he Ontario Home Builders Association speaks ... generally to the provincial government on matters of provincial interest and legislation and regulation policy. At a municipal, regional level, it is the BILDs of the world, the Durham Home Builders, the Halton Home Builders – whatever it might be, right? – who are more ... attuned to the local issues that affect their members locally or regionally. ... So the Ontario Home Builders ... I think there's 31 local home builders under the OHBA ... they are all members of the Canadian Home Builders Association. (Rodgers Interview, March 29, 2013)

According to the OHBA, its primary purpose is "to positively impact provincial legislative, regulatory and tax policies that affect the industry" (OHBA, 2014b). It does this by meeting and communicating with provincial politicians and civil servants; hosting conferences and other events; and publishing a variety of position papers, responses to government policies, housing economic reports, and so on (OHBA, 2014a,b). As such, the OHBA is a fundamental element of political, planning, and development institutions, especially those tied to the provincial level of government.

Given that the Toronto region is the largest and fastest growing urban region in Ontario, BILD, although ostensibly a local branch of the OHBA, is very powerful, well-staffed, and well-financed. According to developer Leith Moore, "The staff at BILD ... it is the biggest staff in the province for a builder organization. It's well-financed, well supported by the industry" (Moore Interview, October 29, 2013). He explained that although BILD deals mainly with local levels of government, suggesting local

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governments are very important to the development industry, the OHBA often relies on BILD for expertise, and BILD members are regularly called upon to assist the OHBA on provincial matters. He also suggested BILD represents a wide array of firms related to land development, "all aspects from land development through building. So ... you've got everything from Tarion – warranty stuff – to technology, to land development, DCs [development charges] and approvals" (ibid). Through industry associations, developers have multiple channels through which to speak to governments at various levels, and many of these channels have been institutionalized. For example, OHBA regularly speaks to standing committees at the provincial legislature when new legislation is being developed. OHBA, BILD, and other associations regularly host annual industry dinners, luncheons, barbeques, golf tournaments, and charities (BILD, 2014d), where provincial ministers and other politicians are often invited and speak to, and are spoken to by, the development industry.

At the municipal level, the development industry often hosts municipal politicians for panel discussions about topics of interest to the industry (BILD, 2014c). Also at the municipal level, according to a provincial planner in an interview, the building industry is often consulted when a new regional or municipal planning commissioner is being appointed (Planner Interview, April 17, 2013). Indeed, the current president and CEO of BILD, Bryan Tuckey, is a former planning commissioner of York Region (as well as a former acting ADM with the provincial Ministry of Municipal Affairs and Housing). The overall image that emerges is evocative of the 'revolving' door of political and corporate elites described by Leibovich (2013): effectively a social and professional network where highly motivated individuals begin their careers in the public service, and move on to well paid positions in industry, often as lobbyists. As institutions, the planning and political systems have many overlapping actors and relationships with the development industry, although many of these relationships are largely invisible on the surface.

Lobbying.

The development industry is adept at communicating its messages to governments through well organized lobbying. The building and land development industry associations are the main lobby groups of the development industry; in the Toronto region, this means mainly BILD and other local associations of the OHBA. According to a private planning consultant who works for a number of greenbelt municipalities, the organizations that would become BILD – the Greater Toronto Homebuilders Association and the Urban Development Institute – became much more organized as lobby groups in the early 2000s when the development industry found itself unable to effectively respond to a number of policy changes:

> BILD is now more aggressive as lobbyers than they used to be. And I think they may be more aggressive now because of ... a tsunami of provincial legislation that came out in the mid-2000s. You know it was a lot of stuff: new Planning Act; new Provincial Policy Statement; *Places to Grow*; *Greenbelt Plan*; all came within two or three years of each other. And I don't think the development industry was ready for all that. (Planner Interview, April 26, 2013)

Becoming more organized also meant that what were formerly separate associations representing the building industry (GTHBA) and the development industry (UDI) became united as BILD. Although the rationale for the merger has more to do with the blurring of the lines between the two industries themselves, mainly for economic reasons as is summarized in chapter 4, the timing of the merger allowed the newly amalgamated organizations to become a more effective lobby group. According to the first CEO of BILD, Stephen Dupuis, the merger of the two industries was intended to "help them to lobby government more effectively by giving them a more powerful voice" (cited in Leitch, 2006, September 22: G9). According to Dupuis, this was necessary because "[t]he opposition that builders and developers face in creating new housing developments is 'relentless'" and because builders and developers "face an inordinate amount of attention from provincial legislators" (ibid). Some of this attention was fueled by civil society activism. The development industry saw this opposition to development as a threat and reorganization allowed it to counter that threat. Prior to the McGuinty era (2003-2013), which was characterized by increased regulation of the development industry, there was less need for the

development industry to lobby government. The provincial government under the Conservatives' Mike Harris (1995-2002) and Ernie Eves (2002-2003) was less interventionist than the McGuinty regime, and was explicitly committed to free-markets through a roll-back of regulatory mechanisms, especially related to environmental protection (Krajnc, 2000; Winfield & Jenish, 1998).

Development industry associations, such as BILD and OHBA, operate mainly through negotiation and consensus, attempting, within limits, to avoid more direct confrontation. According to developer Neil Rodgers, developers realize that their ability to have an effective relationship with governments relies on political savvy and a deep commitment based on carefully reasoned arguments:

> [P]ublic policy is by its very nature ... a function of compromise. ... [Y]ou cannot win all the time. And if you believe you will, you will be ... you will be serving a disservice ... to your constituency, to your members. And so you have to be reasoned, you have to come with facts. You have to come with arguments. You have to know when to give and when to stand firm. (Rodgers Interview, March 29, 2014)

Rodgers sees the role of BILD and OHBA as one of exercising soft forms of power: to convince, to compromise, to rely on cooperation, and to only fight when absolutely necessary. Rational argument ostensibly based on fact is the order of the day. This contrasts significantly with the actions of some individual developers such as Earl Rumm of Geranium Corporation and Silvio Degasperis of TACC, who have at times acted very aggressively and forcefully, seemingly less interested in quietly negotiating, becoming involved instead in drawn out feuds and lawsuits with community groups and government agencies (Monsebraaten, 2006, September 28; Wilkins et al., 2012). According to a land use lawyer who often works with developers, aggressive tactics are not the norm for developers, since in general they are confident that they can ultimately win without resorting to this form of power:

> [T]hey're usually very ... professional. ... [D]evelopment in southern Ontario, it's a question of whether you're going to make $800 million dollars or $900 million dollars. And ... at the end of the day they know that they're big winners. (Lawyer Interview, May 8, 2013)

Aside from the development industry associations, there are other forms and agencies of lobbying that provide direct ties between the corporate world and governments, often through individual actors who

have worked in both corporate and government capacities. A provincial planner describes the effects these

lobby groups have:

> [Y]ou look at these lobbyist groups – Strategy Corp or any of the big ones – most of the people in there, the big players, are ex-movers and shakers in provincial government. Either as bureaucrats, or in some cases as politicians themselves. And, you know, look at this casino lobbying going on, and the chair of Metrolinx is actually a registered lobbyist for one of the casinos. (Planner Interview, April 17, 2013)

This planner further suggests that although the development industry does not appear to be connected to

this type of lobbying world, the individuals are indeed part of an informal institutional process that

involves a lot of behind the scenes negotiation:

> If you look at the lobbyist registry, you won't see too many entries ... on development issues. There's a handful, but not many. And yet we know they're in these government offices and political offices ... . And they put together very slick presentations. They pound home all these numbers, jobs, taxes, DC's [development charges] ... . It's a big machine. And it's not unlike big oil, big pharma, big mining, whatever, big auto. (Planner Interview, April 17, 2013)

The point this planner is stressing is that individuals matter. The experiences and personal networks of

specific actors mean that there is slippage between individuals and the roles they play in the revolving

door between public and corporate service. Many former government actors, who in their previous roles

were acting in the so-called public interest, are using this institutional knowledge and personal contacts

but are now working for corporations for private gain. Furthermore, there is slippage in the notion of

public interest itself: what is deemed to be in the public interest often becomes articulated in strictly

economistic terms of jobs and tax benefits. Economistic understandings of the public interest are

especially strong when it comes to the financing of municipal services, and when developers take on

philanthropic roles to support things like community centres and hospitals.

The Politics of Finance

The development industry often supports municipalities, individual politicians, and political parties

financially. This support is indicative and further reproduces a very close relationship with state and non-

state corporate actors. Here, two different forms of financial support are discussed: support of municipal infrastructure and services, which may have indirect policy implications; and financial support of the political 'machine', especially through election campaign contributions, in order to more directly affect policy. The latter form is especially important when developers act not as individuals but as a unified industry, aggregating their individual contributions to form a well organized and potentially very powerful revenue source for preferred candidates.

Private financing of public infrastructure.

Complex institutional change in Ontario since the 1990s has resulted in a situation where the development industry has become more concentrated: firm size is increasing and the number of large firms is decreasing (Spurr, 2008). These changes have taken the form of increased regulation of development, and increased downloading by the state to development firms to carry out the servicing work (installations of pipes, roads, utilities) that subdivisions require (McKellar, 1995). Furthermore, suburban planning and development in Ontario since the Second World War has undergone a scalar increase where units of planning and development are fully serviced subdivisions, rather than building lot or block (Sorensen & Hess, 2015). As a result, development firms often form project-by-project consortia in order to navigate the increasingly cumbersome planning system with less risk than an individual firm would be willing to bear, and to provide the capacity to build the hundreds of housing units, commercial properties, schools, and other amenities subdivisions require. According to a provincial planner, these large developer consortia are increasingly taking on the role of financing infrastructure (especially sewerage and water supply systems) for municipalities and regions:

> [T]hese development companies have become so big, and so engrained in the whole Bay street financial community, that they're assuming roles in front ending [i.e., financing] infrastructure that government used to do. 'Cause municipal and provincial politicians have gotten very reluctant to use long term debentures for infrastructure. (Planner Interview, April 17, 2013)

The 'financial community', such as banks and insurance companies, has long been involved in the development industry, often as partner in joint ventures (e.g., the Toronto Dominion Bank and Fairview Corp in the early 1960s; Goldenberg, 1981). However, the shift towards infrastructure financing by the private sector is relatively new. Although the causes of this institutional shift are complex, one element is the downloading of responsibilities from federal and provincial governments to municipalities in the 1980s and 1990s coupled with decreased funding for cities, most notably through Mike Harris' 'Common Sense Revolution' in 1995 (Keil, 2002). Municipalities in the Toronto region, for their part, are now reliant on limiting funding sources, such as property taxes, user fees, and development charges, and have been unwilling or unable to use their dwindling budgets to carry out many of the infrastructure investments that different levels of governments financed in the past (White, 2007). The defunding of cities can be seen as part of a broader, global, neoliberal turn in urban governance and planning that insisted upon provision of public utilities and services through the privatization of state-provided services (Jessop, 2002; Keil, 2002; Peck & Tickell, 2002).

In the Toronto region, as in many Canadian city regions, the state has traditionally played a large role in the planning and financing of regional infrastructure, such as trunk sewers, water pipes, and roads; some of the costs of this infrastructure was then recouped through development charges as new developments came on line and used these services (McKellar, 1995). When these development consortia front-end finance infrastructure, they shift the risk from the public to the private sector. The provincial planner I interviewed suggests this is very compelling for municipalities: "Municipal politicians ... really like that. It moves them from risk, or having to have that money up front, and then they'll reach deals where, as guys come in to build, they'll take their share" (Planner Interview, April 17, 2013). The planner claims this also has implications for the reputation and status of developers: "So this has been a huge shift in the image of developers, a part of it, as well as their marketing and ... as partners, enablers, risk takers" (Planner Interview, April 17, 2013). The implications of this are a shift in power dynamics, where developers end up in positions of power, able to influence what gets developed and where:

> [D]evelopers now have really elevated stature, 'cause they've got enough money to front end this infrastructure. ... And they use it as leverage, right? To get what they want. And part of the challenge is, they want to oversize stuff, for their other land holdings. And then use this argument, "Well, this is expensive, so we want to make the most efficient use of it, so we better bring in more land to help pay for it," and it's just a vicious circle, right? –in terms of urban sprawl and pipelines in particular. (Planner Interview, April 17, 2013)

As theorists of neoliberal urbanism (e.g., Theodore et al., 2011) and austerity urbanism[86] (e.g., Peck, 2012) have shown, cities have increasingly been governed according to the 'rule of markets', namely unregulated market competitiveness and economic efficiency. Budgets, rather than the welfare of urban residents, are the priority. Within this context, it becomes very difficult for municipalities and even the provincial government to say 'no' to growth when the power to provide infrastructure that municipalities need, such as proper sewerage systems, rest not with those charged with promoting the public good, but with the private sector whose primary motive is profit. Furthermore, relying on the development industry to provide these essential public goods means that developers will try to recoup their investments made in infrastructure through additional development.

Another factor contributing to the expense of planning applications and the consequent increasing concentration of the development industry are *Planning Act* reforms enacted in 2006 through the McGuinty Liberal government's Bill 51 that required developers to submit complete applications (MMAH, 2006b). The amendment was largely a reversal[87] of previous development application streamlining processes carried out in 1996 by the Conservative Mike Harris government (Legislative Assembly of Ontario, 1996). The Harris government took a variety of steps to relax environmental regulation and streamline the development process. Bill 20, the *Land Use Planning and Protection Act 1996* (Legislative Assembly of Ontario, 1996), was intended to undo many of the progressive but time consuming elements of the development process passed by the previous NDP government to "promote economic growth and protect the environment by streamlining the land use planning and development

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[86] According to Peck (2012), austerity governance has many of the same traits as neoliberal governance but is more extreme; it represents an intensified form of neoliberal urbanism, especially since the economic crash of 2008.

[87] This reversal was in effect a re-uptake of planning reforms undertaken by the NDP government in the early 1990s, which was immediately halted by the Conservative government when they gained power in 1995 (Pond, 2004).

system through amendments related to planning, development, municipal and heritage matters"
(Legislative Assembly of Ontario, 1996: 2). 'Streamlining' of the development process also meant that
what was considered to be a complete development application was greatly reduced, in effect requiring
only a form to filled out and the required fees paid (Pond, 2004) as the point in time when the 'appeals
clock'[88] would begin to run (Longo, 2007). Streamlining also reduced the time period for municipalities to
consider development applications. Municipalities were given 90 days rather than the previous 180 days in
order to render a decision on a development application before a developer could appeal to the OMB
(Legislative Assembly of Ontario, 1996), and public consultation periods were reduced from 120 to 65
days (Pond, 2004). Bill 20 also legislated a 'one window approach' to provincial involvement in OMB
appeals. The Ministry of Municipal Affairs and Housing (MMAH) became the only provincial agency
permitted to represent the provincial interest at OMB hearings, depriving ministries such as the Ministry
of Natural Resources of having their expertise counted unless explicitly requested by MMAH (Pond,
2004; Winfield & Jenish, 1998). The Harris government also formulated a new Provincial Policy
Statement that reduced municipal requirements for social housing, schools, parks, and hospitals when
planning new developments, and also allowed for less stringent regulations on building near sensitive
environmental features (Pond, 2004).

 One result of all these changes is that developers often put forward very abbreviated applications
(sometimes as groups of developers with multiple applications) overwhelming local municipal planning
staff, who had little chance of completing their work within the 90-day period (Pond, 2004). Developers
would then appeal their applications to the OMB for reasons of non-decision on the part of the municipal
planning authority. Municipal planners were also often ill prepared for OMB hearings as developers were
not required to submit studies and evidence to municipalities as part of their applications; instead, they
often brought these out at OMB hearings to strategically build their cases (Pond, 2004).

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[88] The appeals clock measures the passage of time from when a developer submits a development application to the
point where the approvals body renders a decision, which can then be appealed to the OMB. If the clock runs out
before a decision is rendered, the applicant can appeal to the OMB for reasons of non-decision.

In 2007, *Planning Act* reform meant that complete applications had to include all the necessary studies or other elements that would be required in order for an approval authority to make a decision. But these studies are expensive and risky, because they happen prior to application approval. In other words, studies might be done and millions of dollars spent, but an application still rejected. One result is that developers often form consortia in order to share, amongst the participating firms, the expense and risk of submitting complete applications.

This increasing financial capability of developers and developer consortia has had a number of effects. Municipalities have become dependent on developers and developers' relationships with financial institutions. Using their well-established relationships with financial institutions, which give them access to large amounts of capital, developers gain a reputation with municipal official as able to fund infrastructure and other services municipalities require. The strong position developers have to finance infrastructure and municipal services sets up a relationship of dependency between municipalities and developers, one that privileges large, well-financed firms. In one way, then, developers are heroic figures that come to the table when various levels of government seem to have decreased their responsibility for cities. But there are negative consequences as well. The most obvious effect of this situation from a planning perspective is that municipalities become dependent on developers, and developers can exercise considerable power over planning and development decisions. The provincial planner I interviewed stated: "The control that the industry has, or influence and financing on infrastructure, is really driving the planning framework. I think in ... probably overall in a negative way" (Planner Interview, April 17, 2013). As municipalities increasingly become dependent on developers, municipal autonomy starts to erode and they fear saying no to, and alienating, developers and the lucrative development charges and infrastructure provisions that development brings.

Financing politics.

The development industry tries to affect policy more directly in a number of ways, including through personal relationships with politicians and through various forms of financial contributions. The success of municipal election campaigns, in particular, is closely tied to the amount of money candidates spend on self-promotion and advertising (Cullen, 2014; Environmental Defence, 2010; MacDermid, 2006, 2009). In Ontario, municipal candidates are authorized, through the *Municipal Elections Act, 1996* (Ontario, 1996), to use a limited amount of money, goods, and services[89] for the duration of a campaign period. Contribution sources may include individual Ontario residents, Ontario corporations, trade unions representing Ontario employees, and candidates themselves (and their spouses) (MMAH, 2013a). Contributions are limited to $750 per contributor per candidate, and $5000 per contributor in a single jurisdiction (ibid.). Associated corporations are considered to be a single contributor (MMAH, 2013a), although Cullen (2014) and MacDermid (2006, 2009) have shown this rule to be difficult to enforce and frequently broken, mainly because it is difficult to determine which firms are associated. Spending limits are $7,500 plus $.85 per eligible voter for the head of council candidate (such as a mayoral candidate), and $5,000 plus $.85 per eligible voter councillor or school trustee candidates (MMAH, 2013a).

Many of the relationships and forces between state actors and development corporations become visible and exaggerated during election campaigns, where developers are able to support preferred candidates with financial contributions or supportive media statements, and where politicians may take on an issue that they feel will give them political traction. Developers can be very influential to an individual's or a party's election platform, at least in terms of financing campaigns. Whether or not they have the power to dramatically impact the popularity of a candidate is less clear, although competitive campaign funding is usually necessary for a candidate to be elected (MacDermid, 2009).

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[89] Volunteer labour, fundraising contribution under $10, authorized free political advertising, and bank loans are not included as contributions (MMAH, 2013).

Developer campaign contributions are a well-documented way in which developers and the

development industry have an ability to support certain election candidates or to develop relationships

with politicians. The provincial planner I interviewed sums up these relationships:

> [W]e have a very, very powerful, influential, sophisticated development industry that's been very involved in ... certainly the Liberal and Conservative parties in terms of fundraising. They still do these backyard barbeques. Despite all the actual campaign contribution limits, the parties do these fundraisers. And the industry as a whole, who knows how much money they've poured into that. (Planner Interview, April 17, 2013)

Glenn De Baeremaeker, an environmental activist and now also a municipal politician, suggests that

campaign and other financial contributions are all about building relationships, relationships that are

permitted within the planning and political institutional framework, and thus cannot be described as

'corruption' (De Baeremaeker Interview, May 22, 2013). He also makes the observation that although

individual contributions do not seem very concerning, it is the contributions in aggregate that make them

powerful:

> [T]he development industry is so rich and so powerful, if Ernie Eves[90] wants to become the premier here in Ontario, who pays the million dollars to run his campaign? This industry – not any one person – but the industry as a whole. And the industry as a whole comes in and says, there's an IOU. Now, it's not a swap for a swap because that's outright corruption and bribery. But when somebody gives you a $100,000 or $800,000 to your campaign or to your team – 'cause there's lots of Conservatives all over the province, and they give out cheques everywhere, so there's lots of ways to skirt the law – when you do that, you become friends ... . There's no bribery in your, say our, relationship. We just have become friends. (De Baeremaeker Interview, May 22, 2013)

This notion of friendship was reiterated by a number of participants, especially surrounding the Oak

Ridges Moraine - Seaton land exchange, when the Conservatives, before being defeated in the 2003

provincial election, made deals with developers giving them rights to build on the moraine and to receive

land in Pickering. According to this framework of friendship, it was not the campaign contributions per se,

or a direct *quid pro quo* arrangement. It was a broader relationship based on shared interests. The flip side

of this scenario is that it is politically difficult for politicians, especially Conservative or Liberal

politicians, to oppose the development industry. Unless a candidate is locally popular and can fundraise

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[90] Ernie Eves was the Conservative Premier of Ontario between 2002 and 2003.

through individual donations, being excluded from development industry funding can severely limit a

politician's financial ability to run a campaign and get elected.

Although many interview participants used the term friendship, developers themselves, in

interviews, suggested a more instrumental relationship. As one developer stated, "Most politicians always

want something; not under the table; I don't mean anything untoward. But there's always an ask"

(Developer Interview, May 7, 2013). Another developer implied that they supported a mayor at one point,

not because of friendship, but as part of a process of convincing him and the town that they would benefit

from development:

> [O]ver time, we've got some people that really started to think: "Hey, this community can't survive
> with 10,000 people. We need to do something. And the creek's getting polluted." So, you know,
> the four developers, we ended up supporting the mayor and we got an official plan that ... the
> community was on side with the expansion; the developers put up the money to bring the sewers
> here, which benefitted everybody. Now of course if you're anti-development you may see it
> differently. But from our perspective, that's what you have to do. (Developer Interview, May 15a,
> 2013)

In this framing, the relationship is one of pragmatic necessity; campaign contributions are intended to

serve a specific purpose. 'Support' in various forms is an element of the informal and formal institutional

process of making development happen.

A number of other sources provide some insights into the role of campaign financing. One is a

story about the Calgary development industry, which made media headlines in 2013. Although Alberta

and Ontario campaign financing rules are different, the broad rationales and ways of operating are likely

similar. The other source is research by political scientist Robert MacDermid, who published a number of

articles about industry (including development industry) financing of municipal and provincial election

campaigns in the Toronto region (MacDermid, 1999, 2000, 2006, 2009).

In Calgary, the development industry made headlines when video footage of a November 2012

development industry meeting was posted online (and subsequently embedded in an online *Global News*

article; Geddes, 2013) of a group of developers discussing which candidates to support in the upcoming

municipal election in October 2013. In this video, developer Cal Wenzel is speaking to about 100

development industry representatives, strategizing about how they can support or oppose various

municipal candidates and how much money is required:

> When you're looking at getting rid of, you know, an incumbent, ... [the challengers] are suggesting that they need somewhere in the area of a $150 to $200,000 in their campaign funds. ... [I]t's really quite important that you get on that.

The developer also speaks to the way developers can be strategic about who they support: that in Calgary,

they will not be able to defeat all the 'anti-development' candidates, but can support enough candidates to

exercise some control:

> It doesn't matter if you've got the mayor on your side or not ... . As long as you've got eight votes, you can control whatever happens. So ... we have to ensure that we end up with the eight votes. ... So unless we kind of are assured that we've got somebody who is business marketed, business orientated, we could be in for a long, hard haul.

While many analysts portrayed the tone and content of the video as brazen and unethical, more interesting

for this analysis is the response by the developer to the controversy, which he gave in an April 24, 2013

press conference. In that press conference, he provided some rationale for development industry

strategizing, suggesting there is nothing wrong with that practice in a free and democratic society such as

Canada:

> I have made no secret I haven't been happy with the governance we have been receiving in Calgary for some time. But an attempt to buy a council, buy an election, that's absolutely ridiculous. That insults every one of us who hold our integrity near and dear, and especially insults councillors. As I said, I have concerns over how Calgary City Hall is run, and I believe there is room for a better grade of democracy. I am a committed Calgarian who worked hard to build this community. ... But limiting urban development restricts growth of single-family homes, and at a recent CMHC poll, 63% of the people had suggested they wanted to own a single-family home. That is market driven. Yet we seem to be under a social engineering program. (Calgary Herald, 2013)

Speaking in particular about the types of candidate the development industry prefers to work with, Wenzel

states: "Basically, all I'm looking for is someone who is maybe ... pro-business and utilizes a lot of

common-sense. ... [A]ll I would like is that they use common sense on every decision they make. I don't

expect anything else" (Calgary Herald, 2013). Part of this 'common sense' is that developers and

government work together: "At one time our industry used to ... regard the city as total partnership. You know, now, I don't know what's happening here. It's like we're the enemy. Ah, you know, all we want to do, you know, is build homes for people" (ibid.). As is noted and analyzed in chapter 6, a recurring defensive image-building strategy is used by the development industry to frame itself in terms of the public good, whether that is housing provision, contributions to GDP, or the provision of jobs. Left out of this framing is the profit made by developers, the influence developers have on government decisions and those who do not benefit from these forms of common sense and public good, or whose lens of what counts as common or public is wider than the elements usually referred to by the development industry.

Also noticeable with these remarks from the developer are the ways in which he downplays his motivations, framing them as very ordinary. If anything, Wenzel casts developers as modest and victimized actors simply responding to market demand, rather than elite political actors working at supply and demand sides of the political and economic system. The power of the development industry is entirely downplayed. So are any possibilities that negative consequences may result from a political stance emphasizing rapid development. These are described by MacDermid (2009: 10): "[u]nsustainable urban sprawl, high transportation costs, environmental degradation, and a weak sense of community that undermines political organization and representation, are all traceable to pro-development councils and the provincial regulatory framework for urban development". Although perhaps MacDermid overstates his case and provides little empirical evidence to support it, certainly Wenzel's assertion that development is virtuous and common sense is not shared by his opponents, who make very different arguments.

A crucial element that can be learned from this example is the desire and ability of the development industry to work as a group to make their voice heard during political campaigns. In Ontario, municipal campaign contribution limits of $750 per contributor per candidate (MMAH, 2013a) seem to suggest that the potential to exercise power through campaign funding is limited. However, when an industry works together to pool individual member contributions, and does so for a number of different candidates, the opportunities are magnified (MacDermid, 2009). Furthermore, as MacDermid (2009)

notes, municipal campaign contribution limits do not cover many of the costs of fundraising events or post-election parties, providing additional possibilities for influence through political funding.

At the heart of developer financing of municipal politics is the dependency developers have on municipal politicians for a pro-development climate and the dependency candidates have on donations to finance their campaigns. As a number of commentators suggest, the promotion and regulation of real estate development is one of the primary functions of municipal governments, largely because development represents the primary source of municipal revenues, especially through taxation and development charges (MacDermid, 2009; Sancton, 1983; Tindal et al., 2012). Local governments in quickly growing areas with large amounts of undeveloped land are especially dominated by development concerns (MacDermid, 2009). Even in Ontario, where the provincial Ontario Municipal Board often has the final say on development approvals, municipal governments are very important and can make the process of development smooth or difficult for developers (Developer Interview, April 26, 2013; Rodgers Interview, March 24, 2014). In single-tier cities such as Calgary and Ottawa, where all of council votes on city-wide issues, the development industry is interested in all wards, not only quickly growing ones.

In the Toronto region, MacDermid (2009) has shown that development industry political contributions are more concentrated in quickly growing municipalities, and that contributions are much more important for municipal as opposed to provincial or federal campaigns. One interview participant, an environmental and community activist (Activist Interview, March 22, 2013), surmised that the possibilities for developers to influence politicians is often strongest at the municipal level for two main reasons: councils are small, therefore gaining the allegiance of one or two councillors can be very effective; and local politics is often about land development, meaning developers are most interested in what happens at the municipal level. According to this interviewee,

> [T]he possibility of corruption is far more difficult to control at a municipal level than it is at any other level. I mean when you consider ... [developer] owned land, whether it's worth $20,000 an acre or $200,000 an acre: the difference is just can you get some kind of thing through local council? And you just need one or two people changing their vote and then suddenly, you know, in these fringe municipalities just outside Toronto where there's ... so there's a lot of money at play, and I think in most cases there isn't corruption, but I think in some cases there is and

certainly there's a lot of influence and certainly if you go down to any election, there's, at any level, where is the money coming from? It's coming from development companies. (Activist Interview, March 22, 2013)

Financial contributions by developers and the development industry to politicians, and the close relationships they seem to have are often framed by the media and in popular opinion as 'corrupt', although what is meant by corrupt is rarely explained precisely. According to Dodson et al. (2006: 2), juridical understandings of corruption focus on "improper behaviour in the regulation and administration of due land development processes". This behaviour is specific and is related to rule-oriented processes. However, there are also broader notions of corruption that have to do with adverse development outcomes (Dodson et al., 2006). Interestingly, many interviewees seemed to equate informal relationships and dealings with corruption. In some cases, informal mechanisms, such as lobbying and fund-raising, although not necessarily corrupt, can be considered unjust in that they privilege connected and powerful people (Hillier, 2000). On the other hand, even though many informal processes are deeply engrained elements of the planning system, institutional theorists recognize a whole variety of informal mechanisms, such as local knowledge, informal associations, and differential local enactment of formal rules that are legitimately mobilized as part of the development process (Ruming, 2007). Conversely, many activities that are often more readily construed as corrupt or at least give corporate actors an unfair advantage, such as campaign contributions, are legal and formalized within the electoral process.

Developers also support political parties at the provincial level of government (MacDermid, 1999), although the Province is more involved in broad policy rather than the daily land use decisions that municipalities make. Whether provincial or municipal, developers have institutionally engrained relationships with politicians and civil servants that move well beyond election time funding. A developer explained to me how different political and bureaucratic figures are always within developers' sights: "You'd have relationships with all facets of government. Political and bureaucratic ... for very different reasons ... bureaucrats give advice to councils and I guess the province, and it's the politicians who are the decision-makers" (Developer Interview, May 7, 2013). Developers may work with bureaucrats, but their

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interactions take on the appearance of being technical and administrative rather than political. The fact that development is very local also means that part of this local character is about personal and professional relationships; developers establish relationships with those who are important to the success of their operations. Having a close relationship means creating the potential (if not the actuality) to influence outcomes to some extent. These actors are not simply objective, operating according to a precise set of rules. They are situated within a particular political, economic, social, and cultural context, and often, informal relationships are powerful and can help the process. Part of this is organizational: simply knowing how the system works and who the actors are allow one to be organized and efficient. But there is also an element of trust and a sense of common purpose. As Toronto city councillor Glenn De Baeremaeker explained, politicians may see developers as colleagues or even friends, and this will likely help at various points when decisions need to be made (De Baeremaeker Interview, May 22, 2013).

A number of interview participants (Consultant Interview, June 14, 2013; Moore Interview, October 29, 2013) and authors (e.g., Rybczynski, 2007) suggest that most political-corporate relationships involve land development actors rather than builders, mainly because land development is a very political process, whereas construction and construction permits are mainly technical. According to Stephen Dupuis, former CEO of BILD, the building industry is more concerned with building code and other technical issues, whereas developers are concerned with land use regulations (cited in Leitch, 2006, September 22). According to a green energy building consultant who had extensive experience dealing with developers and builders, "Land acquisition is a different kind of deal because, you know, ... the links to local government are pretty strong. And that's usually the channel that most guys go" (Consultant Interview, June 14, 2013). The flip side of this statement, is that government plans (e.g., growth plans; boundary extensions) that call for more development create ideal conditions for political negotiation, since job and population allocations essentially equate to land development opportunities (Rydin, 2003: 134). This, in turn, means that developers have an increased likelihood of developing their land as long as they are at the table. The provincial planner I interviewed stated,

People need to realize, jobs and population equal land. Right? And if you don't have the land today, it means there's the case for some private land owner – developer – to make the case that their land should be brought into the urban envelope, and they stand to gain windfall profits. (Planner Interview, April 17, 2013).

When municipalities develop population and job targets without changing their urban boundaries through official plan amendments, an opportunity is created for developers to try to convince local decision makers that their particular lands should be given development permissions. Although population and growth targets are developed municipally, based on provincial requirements, it is the actions of private developers that determine which lands in particular are the ones that should be selected to reach the targets. Personal connections, knowledge of the planning system, previous relationships, and financial inducements are all part of the toolkit developers use to successfully gain development permissions. In this framework, developers must be understood as being a part of – deeply embedded within – the political and planning institutions governing land use. The next section provides two examples to illustrate a changing role of developers in the governance of land: as privileged stakeholder in consultation processes that informed Oak Ridges Moraine legislation in 2001 and greenbelt legislation in 2005. Although these are two discrete examples, this shift in the role of developers as partners and collaborators has become recognized as part of a neoliberal turn in urban planning and development (Gunder, 2010; Sager, 2015; Tasan-Kok & Baeten, 2012).

The Institutional Embeddedness of the Development Industry within the Planning System[91]

Planning and political theorists have directed our attention to the ways in which the regulation of urban land use and development in late capitalism is characterized by a shift in direct, command-and-control

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[91] This section draws partly on joint work I did with Gerda Wekerle (Wekerle & Leffers, 2013). We developed a paper for the Association for Environmental Studies and Sciences annual meeting in June 2013 titled: 'By invitation only: Reframing the power of developers over land use change'. The paper was presented by Gerda Wekerle as part of a session she co-organized with Stephen Hill and Stephen Bocking called 'Contested countryside: Understanding land-use conflicts in rural and ex-urban areas'
(http://www.aess.info/content.aspx?page_id=22&club_id=939971&module_id=134800)

modes of governmental responsibility to manage physical urban development towards an emphasis on

economic development – entrepreneurialism – especially evident in public-private partnerships and

consensus-based planning exercises (Allmendinger & Haughton, 2012; Gunder, 2010; Harvey, 1989;

Haughton et al., 2013; Tasan-Kok & Baeten, 2012). According to this account, governing institutions have

shifted away from command-and-control, hierarchical, and bureaucratic regimes characteristic of the post-

WWII managerial welfare state, towards a form of decentred governance that takes on a more indirect

role. As opposed to direct forms of governing (Bevir & Rhodes, 2001), governance is described using

terms such as 'steering' (rather than rowing) (Gualini, 2001) and 'supportive container' that fosters

economic development through collaboration with stakeholders (Healey, 1998). As opposed to strong,

hierarchical, and top-down forms of rule, governance is characterized by soft, networked, and plural forms

of power implicating a range of actors and institutions (MacKinnon, 2000). Planning itself has ostensibly

changed from the realm of supposedly detached and objective experts who develop ideas and present them

to governments, towards strategic and collaborative planning where many different public and private

groups and individuals collaborate to develop planning strategies (Healey, 1998: 1537). Some critics of

this neoliberal turn in planning draw on the concept of *the postpolitical*, mainly through French political

theorist Jacques Ranciere, (e.g., 1999), to draw attention to the hidden ways in which collaborative and

spectacular planning exercises can stifle 'real' politics characterized by dissension and debate (e.g.,

Allmendinger & Haughton, 2012; Davidson & Iveson, 2014; Haughton et al., 2013; Macleod, 2011, 2013;

Swyngedouw, 2005, 2007, 2009). According to Swyngedouw (2009) debate and disagreement have been

replaced by exercises that seek consensus and conflict resolution, often by using experts and technical

forms of knowledge, or by significantly delimiting alternative parameters and opportunities for democratic

scrutiny. Whereas with hierarchical forms of governing, the state is authorized and recognized as using top

down power, postpolitics disguises the dominance of powerful groups, reframing them as partners with

shared common goals. In the planning realm, advisory committees, expert roundtables and panels, and

collaborative stakeholder process all represent postpolitical exercises that reframe the power of dominant

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economic development actors as problem solving in the service of the public interest. The solving of

problems is the primary goal: a means to restore the order that fosters a climate of economic certainty,

rather than heightened democratic engagement that can become messy and lead to economic crisis.

Somewhat paradoxically, the Conservative Harris government, in attempting to resolve conflict on

the Oak Ridges Moraine in the late 1990s and early 2000s, used both hierarchical command-and-control

and more collaborative approaches to governing. Some scholars have characterized Harris' first term in

office (1995-1999) as a blatant agenda of 'roll-back' neoliberalism (Keil, 2002; Peck & Tickell, 2002).

This form of rule relies on increased power to the head of government (the Premier and Cabinet), a

reduction of the civil service, and social programs, and an increased role for private enterprise. A strong,

hierarchical state is required to enable a more decentred form of rule, although networked governance

actors tend to be those that have traditionally occupied seats of power: corporations and political elites.

Crises resolution on the moraine in the early 2000s reflected an increased role for private enterprise.

Quarry operators and land developers owning land on the moraine became directly involved in developing

a governance plan for protection of the moraine, one which would ultimately include many provisions for

protecting corporate interests in the form of transportation and utility infrastructure, aggregate quarries,

and housing (Wekerle et al., 2007).

The Oak Ridges Moraine Advisory Panel: An orchestrated consultation process.

> Another Crombie panel! Another sprinkling of Red Tory process dust, another round of secret
> meetings to 'advise' the government on how to make sure Fred and Joe[92] get what they need
> without being forced to face a nasty public accounting. (Barber, 2002, March 9: A19)

On 28 June 2001, the provincial government, under Premier Harris and Minister of Municipal Affairs

Chris Hodgson, appointed the Oak Ridges Moraine Advisory Panel. The Oak Ridges Moraine planning

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[92] Although Barber uses the names Fred and Joe to indicate what he perceives as a close, friendly relationship
between the Conservatives and certain developers, Fred and Joe also refer to specific people: Alfredo Degasperis,
principal of Metrus Developments, and Joe Lebovic, principal of Lebovic Enterprises.

process was modeled after 'Lands for Life', a negotiation- and consensus-based land use planning exercise conducted from 1997 to 1999 that resulted in a strategy for developing and protecting Ontario forests (OFAAB, 2002). This planning process was 'sold' to the Conservative provincial government by a representative of Ontario Nature, who had been central to the Lands for Life exercise, as a way to resolve a heated political battle over sprawl and preservation of nature on the Oak Ridges Moraine (Sandberg et al., 2013). Similar to Lands for Life, this exercise brought traditional adversaries face-to-face in order to develop land use recommendations for the Oak Ridges Moraine: regional politicians, four environmental organizations, three developers, one representative of the agricultural industry, one representative of the aggregate industry, and one academic (Table 9). The Oak Ridges Moraine Advisory Panel hosted four public consultations and several stakeholder group meetings (closed to the public) over the summer of 2001 (Sandberg et al., 2013). At the end of this process, the province published draft land use planning recommendations (MMAH, 2001c), which triggered further public consultation. In November and December 2001, a draft conservation plan was introduced in the provincial legislature, which was also available for public response (Legislative Assembly of Ontario, 2001b).

Modeled after Lands for Life, the Oak Ridges Moraine Advisory Panel can be read as an example of institutional learning (March & Olsen, 1984), and a transfer of policy actors and knowledge (McCann, 2011). It can also be seen as a decentred form of governance (Bevir & Rhodes, 2006), where state actors used their own beliefs and values to put in place processes and actors they felt would help resolve a problem. The Harris government transferred knowledge and policy ideas through political figures and environmental groups that provincial officials knew and trusted based on previous working relationships. The Oak Ridges Moraine consultation process was carefully choreographed, using similar procedures and actors in order to manage a land use crisis in a way that seemed open and democratic but which was in practice 'by invitation only' (Wekerle & Leffers, 2013). According to Ontario Nature advisory committee representative Rick Symmes (quoted in Sandberg et al, 2013: 152), those invited to the negotiation process

Table 9. Land use planning initiatives in Ontario that used stakeholder consultation processes to resolve conflict.

Land use planning initiative	Stakeholder group	Participants and affiliation	Sector	Other key people
Ontario's Living Legacy (Lands for Life) (1997-1999)	Ontario Forest Accord Advisory Board	Gail Beggs, ADM MNR (Ministry of Natural Resources	Province	Chris Hodgson, Minister of Natural Resources, launched initiative
		Peter Wallace, ADM, MNR	Province	
		M.L. Willick, ADM, MNR	Province	
		Don Hopkins, Abitibi Consolidated	Industry	John Snobelen, Minister of Natural Resources after 1997
		Jim Lopez, Tembec Forest Resource Management	Industry	
		Craig McManus, Domtar	Industry	Ron Vrancart, Deputy Minister of Natural Resources
		John Riley, Nature Conservancy	NGO	
		Rick Symmes, FON	NGO	
		Tim Gray, Wildlands League	NGO	
Oak Ridges Moraine Conservation Plan (2001-2003)	Oak Ridges Moraine Advisory Panel (summer 2001)	Ron Vrancart, chair	Province	Chris Hodgson, MMAH
		Bill Fisch, York Regional Chair	Region	
		Roger Anderson, Durham Regional Chair	Region	Ron Vrancart, leader of government consultations
		Dick O'Brien, TCRA	Region/ Environment	
		Jack Wilkinson, OFA	Industry	
		Mario Cortellucci, Cortel Development	Industry	Jim Faught (FON, formerly with MNR) spoke to legislature about FON involvement
		Peter Gilgan, Mattamy	Industry	
		Fred Degasperis, Metrus	Industry	
		Denis Schmiegelow, Highland Creek Sand and Gravel	Industry	
		Robb Ogilvie, facilitator, Ogilvie, Ogilvie & Co.	Law/Industry	Stephen Diamond, Facilitator, Oak Ridges Moraine Settlement (lawyer for some of the developers, such as Cortellucci, suggested a land swap very early on)
		James McKellar, professor York University Schulich School of Business, Real Estate Program	Education/Industry	
		Rick Symmes, FON	NGO	
		Debbe Crandall, STORM	NGO	
		Russ Powell, CLOCA (a land stewardship NGO)	NGO	
		John Riley, Nature Conservancy	NGO	

Ontario Greenbelt (2003-2005)	Greenbelt Task Force, established February 2004	Alan C. Veale, Regional Municipality of Niagara	Region	John Gerretsen, MMAH
		Robert MacIsaac, Mayor of Burlington	Municipality	Gail Beggs (involved in negotiating team during industry stakeholder consultations: source, Hansard and interview)
		Mary Lou Garr, OFA	Industry	
		David J. Steward, Mattamy Homes	Industry	
		Donald J.P. Ziraldo, Inniskillin Wines	Industry	
		Carol Hochu, Aggregate Producers' Association of Ontario	Industry	
		Fraser Nelson, Metrus	Industry	
		Rod Northey, Birchall Northey	Law	
		Michael Bunce, Professor, U of T	Education	
		Russ Powell, Central Lake Ontario Conservation Authority	NGO	
		Deborah Schulte, Humber Watershed Alliance	NGO	
		Natalie Helferty, Natural Heritage Consulting	NGO	
		Jim Faught, Ontario Nature (formerly FON)	NGO	

were "moderate, middle of the road folk", who were able to facilitate discussion in the spirit of non-confrontation and to come to a quick solution. According to STORM's Debbe Crandall (Interview, June 4, 2013) the environmental representatives Rick Symmes and John Riley were "veteran conservation guys [who] knew how to negotiate". They were already familiar to Minister Hodgson because of their involvement with Lands for Life: "he had people that he knew, which was Rick Symmes from Ontario Nature, John Riley, Nature Conservancy. He worked with people that they were comfortable with" (Crandall, interview). According to Cartwright (2003), the Nature Conservancy of Canada depends a great deal on corporate donations, tends to be conservative in its activism, and avoids public criticism ogovernment policies. Ontario Nature, according to Cartwright, although willing to publicly criticize governments, mainly works through quiet negotiations.

With the environmental voice represented by these moderate ENGOs, the expectation was that given a limited time frame and working with a mediator, these adversaries could deliberate, arrive at a consensus, and de-escalate a contentious political issue. A key actor in this process was then Minister of Municipal Affairs and Housing, Chris Hodgson, who according to Rick Symmes, "wanted to get things done. He wanted to leave a legacy" (quoted in Sandberg et al., 2013: 152). Debbe Crandall suggested to me that Hodgson was more concerned about resolving the ongoing conflict in Richmond Hill than developing a conservation plan for the entire Oak Ridges Moraine: "That was our frustration ... that [Richmond Hill] is but one percent of the moraine. ... [It] became obvious that Minister Hodgson was linking the passing of the Act and the Plan to a resolution of that" (Crandall Interview, June 4, 2013). According to one of the panel members (ORMAP Interview, July 29, 2012), Hodgson essentially gave the group an ultimatum: come up with a solution or the Province would step in and legislate one. As such, the broad purpose and outcome of the process was largely pre-determined before it started.

The mandate of the Oak Ridges Moraine Advisory Panel was not about conservation per se, a process one would expect to be time-consuming and difficult to agree on. Rather, the goal was to develop a conservation strategy that would be palatable to the interest groups invited to the panel. Indeed, the

participants were chosen in such a way that confrontation and conflict were largely absent from the panel

discussions. According to Debbe Crandall (Interview, June 4, 2013), although it took some time for the

panel members to establish trust, through the skill of the panel facilitator, the process ended up very

conciliatory:

> We became extremely good friends, all of us. It was phenomenal. It was a one-month process and
> at the beginning it was ... Rob Ogilvie was the facilitator, brilliant guy. ... [I]t took a long time to
> establish some kind of level of trust and ground rules.

But this level of trust was established only after the developers had conflict over their own land interests

resolved, at which point, they were much more willing to discuss more general conservation issues. The

parameters of what was being discuss became much reduced and were manipulated in order to achieve

success:

> Early on, it was brought forward that what we needed to do before we could move forward ... we
> had to take the Richmond Hill lands off the table. 'Cause they were muddying everything ... . [S]o
> the first recommendation to the Minister was, retain someone ... appoint somebody to help resolve
> that issue. Because it was such a flashpoint. ... So once that was off the table ... I think the
> developers possibly felt that they were being taken seriously. (Crandall, Interview, June 4, 2013)

Rather than using a democratic process to face conflict head on, removing the most contentious lands from

debate essentially reduced the role of the advisory panel to those issues that could be easily resolved. As

such, it is highly significant that the developers involved in the Oak Ridges Moraine Advisory Panel were

those that were at the center of the conflict – it was their lands that would be affected negatively by

legislation they had a hand in drafting. They were able to exercise power in order to serve their interests

first, after which they were more than willing to consult and debate. The fact that these lands were dealt

with through a land exchange before the rest of the moraine could even be open for discussion indicates

the power these developers had. It also suggests that the panel was struck, not necessarily to develop a

comprehensive plan for protecting the moraine, but rather to resolve a conflict quickly.

Stakeholder processes were relatively new to Ontario politics in 2001, but according to developers

I interviewed, development industry representatives are usually invited to stakeholder processes not as

individuals but as industry representatives (Developer Interview, April 26, 2013; Moore Interview, October 29, 2013; Rodgers Interview, March 24, 2014). The provincial government usually contacts the development industry association (BILD or OHBA), which then forwards a representative based on their experience and knowledge. Representatives such as Leith Moore and Neil Rodgers are often selected based on their experience with discussions with provincial and municipal governments. They are well-educated planners working for development firms, rather than the principals of the firms. In the ORM process, however, the developer representatives on the panel were the principals of firms that owned land in Richmond Hill on the moraine. It was their land that was the subject of the dispute and they were chosen for this reason. Thus, although the process was based on Lands for Life, and would similarly be used during the Greenbelt Task Force process, the ORM process was unique in that it was partly (arguably chiefly) intended to solve a political problem quickly, rather than to only develop broad provincial policy.

The Greenbelt Task Force.

In the fall of 2003, the new Liberal provincial government led by Premier Dalton McGuinty fulfilled election promises to begin enacting a greenbelt. Stakeholder and public consultation processes for the most part mirrored the Oak Ridges Moraine process. In February 2004, the Minister of Municipal Affairs and Housing, John Gerretsen, appointed a stakeholder advisory body, the Greenbelt Task Force, to develop principles and to lead public and stakeholder consultations (MMAH, 2004d). The composition of the Greenbelt Task Force included representatives of municipal and regional municipalities, five industry representatives, including two developers and one from the aggregate industry, and five NGOs, of which four represented environmental organizations (Table 9). From February to May 2004, the Greenbelt Task Force met weekly and also met with municipal officials and other stakeholder groups. It published a discussion paper in May 2004 (MMAH, 2004d). Following this publication, six public meetings were held across the greenbelt planning area and more than 1000 written or email submissions were also received (MMAH, 2004e). In August 2004 the Greenbelt Task Force produced a recommendations report (MMAH,

2004e). From these recommendations, provincial inter-ministerial teams then developed a draft greenbelt plan (MMAH, 2004a), which was followed by more public consultation in the fall and winter of 2004 and 2005, and approval in February 2005 (MMAH, 2007). Public consultations were conducted late in the process and were not permitted to challenge the broad intent and outline of the draft greenbelt discussion paper. Similar to the Oak Ridges Moraine process, the development industry was privileged by being represented as a key stakeholder in the stakeholder consultation process.

As Table 9 shows, a number of key actors were involved in more than one provincial planning process, likely transferring knowledge and ideas from one process to another. Both John Riley, of the Nature Conservancy, and Rick Symmes, of Ontario Nature were involved in Lands for Life consultation roundtables (Ballamingie, 2006) and also became involved in the Oak Ridges Moraine Advisory Panel. Provincial Minister Chris Hodgson was involved in Lands for Life and orchestrated the Oak Ridges Moraine Advisory Panel. The ENGO Ontario Nature was involved in Lands for Life, the Oak Ridges Moraine Advisory Panel, as well as the Greenbelt Task Force, giving this organization a unique opportunity to have its environmental voice heard. But the involvement of well-known scientists and activists can be read as both transfer of knowledge and management of dissent, since these groups and individuals have proven themselves to work well within the system as opposed to challenging and disrupting it. According to Cartwright (2003: 115), this is a bargain ENGOs tend to make in order to garner an invitation in the first place: "To be able to bargain directly with policy-makers, and even to win enough public support to force policy changes within a limited time-frame, they need to appear 'reasonable', willing to compromise". In accepting the invitation to participate, environmental groups also accept the principle of a negotiated outcome, in effect agreeing to compromise in order to gain acceptance into policy-making circles. Because of this compromised position, there is indeed a transfer of knowledge and ideas but the emphasis seemed to be procedural: how to conduct a successful process and how to resolve conflict, rather than how to present and address meaningful concerns in a democratic exercise that allows for all voices, not only those that can move the process along. Symmes (quoted in Sandberg et al.,

2013) articulates this position. As opposed to the voices that emerge from town hall meetings with diverse concerns and interests, "[w]e prefer strong, top of the house representatives to try to get a common resolution and draft in place. Then the public can come back in. ... I like it less confrontational". The resolution and draft necessarily pre-exclude voices that do not match the concerns of 'top of the house' representatives, such as government agencies and more 'professional' ENGOs.[93] A further incentive to participation is the possibility of being invited to subsequent negotiations, and to having a voice in further decision-making exercises. Some of the ENGO stakeholder participants are also figures that have moved between the state bureaucracy and a professionalized environmental organization. Having had experience with a government ministry, they have moved to the private ENGO sector, while maintaining a certain status as insider to the system. For example, John Riley of the Nature Conservancy of Canada was an ecologist with the Ontario Ministry of Natural Resources in the 1980s before taking on positions with the Federation of Ontario Naturalists (now Ontario Nature), and then the Nature Conservancy.

As a state project of crisis management, these collaborative processes are not intended to significantly challenge the existing economic order. To maintain this order, the development industry is perceived as a key stakeholder whose input is required in order to make the process successful. For the purpose of this research, two questions are of critical importance. What does it mean that developers have such an important role in the formulation of land use policy in the Toronto region? How does this role differ from other ways that developers are known to impact the political and economic system in order to achieve their goals?

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[93] Cartwright (2003) asserts that a key factor influencing an ENGO's tactics is the nature of its support. He suggests more professional ENGOs spend considerable energy on fundraising from more 'passive' sympathizers, whereas grassroots organizations depend on volunteers more immediately devoted to a particular cause. Professional ENGOs, due to their ability to fund research, are often perceived by the political establishment as more legitimate than more grassroots and activist organizations (Cartwright, 2003).

Reframing the Role of Developers: A New Agenda of Heroic Public Interest Actor

It has long been recognized that developers often contest, negotiate, and even litigate land use conflicts over specific sites that they own and want rezoned in order to extract value from land and the land use regulatory system. As many developers noted, in interviews, developers are agents of change. The development process is often met with opposition that must be dealt with, either through the regular planning process, or through more confrontational means, such as the courts. Through these means, developers are powerful actors who often are able to work with the land use regulatory and legal system to their benefit. Developers are also often portrayed as engaged in behind-the-scenes networking and lobbying to support the growth machine, especially through campaign contributions to municipal and provincial politicians (Logan & Molotch, 1987; MacDermid, 2009). This networking and lobbying is both a formal and state-sanctioned process but it also involves numerous informal ties and negotiations. In both instances, developers are perceived as acting in their economic self-interest, using relatively well-known procedures that are often reported in the media. Through these processes, the media have cast developers as both hero and villain: as virtuous, neoliberal, entrepreneurial success story, or as greedy and corrupt.

The increasing use of stakeholder-based processes, however, represents something quite different. Developers are no longer simply profit-maximizing capitalists (virtuous or corrupt) but become part of the planning system working for the public good. This re-imagined framing of developers can be read through Alexander's (1997) dialectical understanding of property: property as commodity (self-interested economic preference maximizer) and property as propriety (concerned with maintaining a 'proper' social order). Property developers are usually understood as having the 'traditional' liberal property role, expressed in economic terms, where land is understood as an object of individual preference satisfaction. Against this role, it is planners, not developers, who are charged with the public interest – property as propriety (Alexander, 1997; Rose, 1991). Stakeholder, consensus-based processes, where developers are given an active and privileged role, reinterprets developers (including their primary underlying economic motives) as responsible advocates for the public good. Perhaps because they are strong economic and

political actors – these qualities are deemed virtuous in a neoliberal era – they are assumed to have important things to say about the public good and a unique ability to contribute to it.

The emergence and institutionalization of developers into the planning system through consensus-based stakeholder processes represents a different role for developers and other corporate actors in the land use policy process of the province – that of publicly mandated and legitimated policy actor called upon to act on behalf of a wider community and in the public interest. Stakeholder-based advisory boards invite developers and other corporate actors to sit at the table and structure the consultation process for citizen engagement, draw together diverse interests, and make recommendations. This creates a publicly-sanctioned and institutionally-legitimized role for corporate actors that is additional to their existing opportunities to influence public policy. Specifically, it provides corporate actors with an opportunity to negotiate face-to-face with state and NGO actors who may, in the past, have been strong opponents. By designing a stakeholder process that invites developers to the table, governments transform developers from the villains commonly portrayed in media accounts to legitimate stakeholders operating within a public process (Wekerle & Leffers, 2013). Instead of viewing developers only as capitalists or profit-driven entrepreneurs, they become networked governance actors – part of a process working towards a negotiated and jointly agreed upon outcome for the public good.

Participating in a public process requires individual developers to move beyond simply protecting their private interests with respect to land use change at specific sites. They are being asked to consider the long range planning needs at a regional scale where their own interests are merely one of many land and other resource interests and sites of conflict. As this research suggests, industry associations are likely an important agent in the transition of developers to governance actors at a broader scale. Participating in a public process also means that developers' expertise becomes acknowledged and deemed valuable. Developers' status is elevated when they come to be seen as key stakeholders in networked governance processes of conflict resolution, not to mention as corporate heroes that make valuable contributions to the

growth and prosperity of urban regions. Furthermore, as financiers, the status of developers has increased in proportion to the unwillingness or inability of municipalities to take on that role.

Paying attention to specific events, such as the lawsuits filed against Dalton McGuinty by Hollinger Farms in 2006, provides some clues to what is at stake when governments enact policy that developers might perceive as harmful. The very willingness of developers to spend time being stakeholders in processes that may have little effect on them directly (although, sometimes the direct effects are quite clear) tells us something about the value development firms place in their role as well-respected governance actor. Developers seem to care deeply about their image, some seem to value opportunities to represent the development industry, and some seem to embrace the role as partner and expert in stakeholder processes. The next two chapters investigate the public image that some developers seem to value. In these chapters, stories told about developers by others, especially in conjunction with land use conflict, illustrate both negative portrayals of developers – images developers might be expected to actively contest – and more positive images of developers as community leaders, experts, and philanthropists. These chapters shift the focus away from the development process for a moment (and the land use conflicts that illuminate them), emphasizing rather the narratives that might explain why developers have become so organized in recent years as an industry. The following chapters also analyze how industry associations create opportunities for developers to engage actively in attempting to influence policies that they perceive as harmful to their continued ability to profit from land in the Toronto region.

Chapter 7. Development Industry Stories

> Our association prides itself on acting as the voice of the development, building and renovation industry in the GTA and we are working with our partner associations to ensure that the challenges facing our industry are addressed by all levels of government. Government actions such as lending-restriction modifications, growth plan management, or regional approval practices all impact the new home industry in the GTA — an industry that is vital to the economic success of its residents through creation of new employment, infrastructure and opportunities (BILD president and CEO Bryan Tuckey, 2012, November 9)

The above quotation is narrative. It tells a story. This narrative was written by an important figure in the development industry, Bryan Tuckey, president and CEO of the Building Industry and Land Development Association, a well-organized and well-funded development industry association. It was published in a particular forum, a Saturday issue of the *Toronto Star*, where Tuckey has a regular column.[94] It tells of the importance of the development industry and it gives an argument for why it is important. It emphasizes particular things – the notion of partnerships, the 'challenges' the development industry faces due to government restrictions, and, perhaps most importantly, all the contributions the development industry makes to the economy of the Toronto region. The development industry in the Toronto region mobilizes this and other types of arguments to maintain its interests in land amid growing resistance from state regulators and civil society actors. The development industry goes to great lengths to protect its interests by telling stories about the connections between government actions and the effects of these actions, which are usually framed as 'challenges' or 'unintended consequences'. These include federal mortgage rate restrictions, provincial land conservation policies, federal and provincial building code changes, and local and regional development charges. As these stories illustrate, developers, especially as an industry, are very political and work hard to convince politicians and society more generally of the benefits of

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[94] Since October 1999, the president of the Building Industry and Land Development Association or BILD (previously the Greater Toronto Home Builders' Association - Urban Development Institute or GTHBA-UDI) has authored a regular weekly column in the *Toronto Star*, presenting the position of the development and building industry. The president of RealNet, a market research firm and member of BILD, also pens a monthly column (usually in the Thursday real estate section of the *Toronto Star*), often about housing supply and prices.

development, and to argue against those who oppose development. The development industry is active in

lobbying government and promoting its interests through advertising, industry-sponsored newspaper

columns, presentations to government[95], and through the appeal of planning decisions at the Ontario

Municipal Board (OMB). The development industry relies on key narratives when formulating its

arguments, which ultimately have very practical consequences if it is able to convince decision makers to

grant permissions for land use transformation. Many of these narratives also emerged in personal

interviews I conducted with developers and planners. But these narratives are carefully formulated to

forward the interests and perspectives of the development industry. Analyzing these can make clear the

assumptions upon which they rely, and what perspectives and evidence the development industry seeks to

marginalize.[96]

According to Maarten Hajer (1995) politics, conflict, and policy-making are constituted by

struggles over meaning in order to solve a problem: meaning of what constitutes scientific knowledge;

meaning of what constitutes a policy problem; and meaning over what is an acceptable solution. It is also

crucial to ask how these meaning-making exercises are used, and how differentials of power work to

privilege certain forms of meaning over others. Recent environmental land use policies and developer

responses to them are a useful point of entry into an analysis of the ways in which different meanings are

made about a problem, how to solve the problem, and what evidence is used to both define and solve a

problem. These meanings and solutions are offered and enacted within an institutional framework in

which certain rules, norms, and assumptions can texture how claims are made (Lowndes & Roberts,

2013). In the Toronto region, this institutional framework has a number of dimensions that gives the

planning and development systems a high level of complexity, which itself means that planning and

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[95] Developers 'speak' to government representatives in various ways: through development industry sponsored events (lunches, charities, conferences); through presentations at the Ontario Legislature (e.g., at standing committees when new legislation is being proposed); through direct communications to politicians and other government representatives; and through indirect communications, such as newspaper articles.
[96] One of the more notable categories of information not published by the development industry is corporate economic data, such as rate of return or profits. Economic data is usually presented in macroeconomic terms, such as contribution to GDP, number of jobs, dollars of investment, number of housing units built, and so on.

development is conservative, risk averse, and resistant to dramatic change. The forms and processes of

development have been historically sedimented, especially since the 1950s, and are now taken for granted

(Sorensen & Hess, 2015). The planning system within which development permissions are granted and

development itself is regulated is complex but largely engrained in formal and informal procedures and

cultures. Economic imperatives underpin developer specific decisions that are shaped by financing rules

and diverse rationalities and interests.

'Interests' here has a specific meaning. Patsy Healey et al. (1988) use the concept of 'interests' in

developing an institutional framework that bridges systemic Marxist formulations of interests based

strictly on class, and positivist, pluralist notions of individual and group interests that are said to be

competing to generate democratically generated outcomes. I adopt an institutional approach to interests

that recognizes structural power, while understanding that this power is exercised in diverse and locally

contingent ways that often disturb traditional notions of class interests (Rydin, 2003). Competing

'interests' in property and land can take the forms of consumption side versus production side interests

(Plotkin, 1987). Conflicts can also take shape between producers' such as the development industry and

the aggregate industry[97]. I suggest that framing interests strictly in terms of class is too narrow for this

discussion, the most immediate reason being that intra-class (i.e., capitalist class) interests are diverse vis-

à-vis land use. Aggregate producers conceptualize land as a resource much differently than do land

developers, and this influences their interests in land. On the other hand, developers, especially as

represented by an industry association centered on the Toronto region, have come to lobby different levels

of government based on relatively coherent terms that ostensibly reflect a common interest. It then

becomes possible to identify key narratives put forward by developers, and to frame developers as an

interest group. That said, developers are not a homogenous group and some developers resist these key

narratives, highlighting different interests within the category 'developer'. Paying attention to these

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[97] Aggregates are construction materials such as sand, gravel, clay, and crushed bedrock mined from pits and
quarries. Aggregates, such as crushed limestone gravel, are used in massive quantities as a base material for roads,
houses, and other structures (Ontario Ministry of Natural Resources and Forestry, 2014).

resistances and counter-narratives is illuminating in that they help identify but also challenge the coherence of these dominant narratives.

I use the term narrative to describe purposeful, rhetorical (i.e., intended to convince an audience), and strategic forms of language. Narratives in this framing are, as Fincher (2004) states, "forms of thinking/talking that see events as being presentable as a coherent story ... [that] transmit meanings, often creating or justifying institutional roles and power relations" (p. 330). For the point of clarification, the term narrative, in this sense, differs in important ways from the term discourse, although some theorists, such as Hajer (1995) seem to use them interchangeably. Hajer (1995) employs a neo-Foucauldian framework and conceptualizes discourse as speech and human agency. I consider the term discourse, at least in Foucauldian usage, to refer to societal norms and structuring forces that authorize what is included and excluded as 'truth' (Waitt, 2005), rather than strategic and purposeful uses of language used to transmit meaning and justify a particular power relation (Fincher, 2004). This chapter pays specific attention to well-rehearsed messages, and strategic use of language that is intended to convince an audience. These narratives that developers use to justify their practice and lobbying efforts reveal relationships between developers' interests and the institutional framework in which they are embedded. However, as Bevir and Rhodes (2006) imply, organizations, such as development industry associations, are populated by individual actors working within particular cultures and traditions, and acting to some extend on their own situated beliefs. When analyzing development industry narratives, therefore, I also pay attention to the individual actors telling the stories, the contexts within they present certain arguments, and the medium they employ to convey messages to particular audiences.

Developers mobilize well-rehearsed narratives and 'storylines' in industry-sponsored publications to governments, in advertising, and media publications. The term storyline refers to a condensed or short-hand form of a narrative, often through the use of metaphors (Hajer, 1995). According to Hajer (1995: 56), the power of storylines rests in their ability to simplify complex concepts and "suggest unity in the bewildering variety of separate discursive component parts of a problem". Some narratives emphasize

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developers' concerns about housing affordability and land supply, and they draw on particular storylines to reproduce these concerns in a variety of media. Other narratives are more defensive and emerge when developers are challenged to defend their arguments. For example, developers and builders, when questioned about the profitability of development and construction, will point to the risks involved, the long delays incurred, market uncertainties, and the trope that 'time is money'.[98] Another recurring theme is the notion that because the development industry is professional and hires experts, their arguments are based on facts, as opposed to arguments of rate-payers, politicians, and others, that are ostensibly based on politics or protecting narrow self-interests. Given that storylines present a simplified and metaphoric set of terms to draw attention to a problem, they also contain within them contradictory arguments that, with analysis, disturb the coherence of storylines as well as the broader narratives to which they refer.

This chapter focuses on two main groups of narratives, their associated arguments and storylines, and the practical implications of deploying these narratives for the politics and governance of land use. Analyzing these narratives allows me to uncover the assumptions upon which they rely, and the 'inscription devices'[99] (Latour & Woolgar, 1979; Li, 2014) articulating what is emphasized, what is left out, and who the intended audience is. Developer narratives use rhetorical devices such as storylines and tropes[100] (Rydin, 2003) to support their claims and to naturalize the assumptions on which their arguments are based. The first group of narratives, the politics and anti-politics of developer-led governance, includes claims that developers simply respond to, rather than influence, markets, policies, and housing preferences. These narratives assert that developers are not political but rather they are experts at execution and that they rely on facts rather than politics when they advocate for land use change. The second group of narratives encompasses heroic development industry stories that frame developers as

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[98] Not surprisingly, the *time is money* trope usually refers to money as a cost; rarely is the flip side taken into account: that investments in land tend to appreciate with time, and especially so in rising markets.

[99] Li (2014: 595) suggests inscription devices work through particular "ways of seeing, counting, classifying and rendering some things visible while occluding others". Inscription also involves 'enrolling' or capturing objects, actors, processes, etc. in order to render a concept coherent.

[100] Whereas storylines are symbolic forms of language, such as metaphors and catchphrases, that are used as proxies for complex ideas and positions (Gamson & Modigliani, 1989; Hajer, 1995), tropes (more precisely rhetorical tropes) are commonly used language devices (comparable to clichés) used to develop persuasive arguments (Rydin, 2003).

good corporate citizens. These narratives work by reframing self-interested economic imperatives as also working in the public interest. These narratives include claims about the contributions developers make to the economy; the desire of developers to provide affordable housing; and the ability of developers to fill a need for new housing, especially for new immigrants, as a public service.

Tensions arise when developers adopt coherent but contradictory storylines and narratives. This coherence hides dissent from both within the development industry and from critical voices outside the industry, such as the Neptis Foundation (Allen & Campsie, 2013; IBI Group, 2003; Neptis, 2015a, b) and the Pembina Institute (Burda, 2012; Burda & Keesmaat, 2015). These dissenting voices help illuminate some of the shaky ground on which developers' arguments and storylines rest. This includes the diverse ways in which individual developers perceive and conceive the impacts of government policy. As Hajer (1995) notes, the very power of a storyline is that it simplifies and renders coherent that which is complex. Breaking down the coherence of a storyline, as Neptis has done with reference to land supply (e.g., Neptis, 2015a), and as the Pembina Institute has done with consumer preferences (Burda, 2012) undermines the unquestioned assumptions and the diverse forms of knowledge upon which storylines rely. Furthermore, the development industry in the Toronto region is composed of very different types of developers that have very different interests. Conceptualizing the development industry as monolithic with agreed upon messages results in inaccurate understandings of how different firms operate differently, align with, or diverge from purported development industry interests.

The Politics and Antipolitics of Developer-Led Governance

The development industry in the Toronto region is well-funded, well-organized, and extremely influential to planning and political decision-makers. Part of its power is derived from the stories it tells, the way it frames issues, and the solutions it proposes. The industry often hires well-known economists to frame developers' concerns in terms that appear to be objective and scientific. The Building and Land Development Industry Association (BILD), arguably the most powerful development industry association

in Ontario, has commissioned well-respected economic consultants and market analysts, such as Hemson Consulting (e.g., 2005, 2012), Will Dunning (e.g., 2011, 2012), and Altus Group (e.g., 2009; 2013). It uses these firms and their expert credentials to carry out studies and analyses that interpret problems and solutions in ways that support the interests of the development industry. Even in areas of scientific uncertainty, such as whether or not the Toronto region is currently experiencing a housing bubble, arguments are presented in such a way that key messages can be put forward: messages that usually involve asking government agencies to reduce development restrictions. George Carras, an economic analyst with RealNet (purchased by Altus Group July 2014), is very consistent in presenting his simplified message that government policies intended to limit sprawl and intensify development have driven radical changes in the housing market, the most important of which is that they have led to increased land prices. He presents this message in a variety of forums, including the *Toronto Star*, in which he has a monthly column. Although RealNet presents itself as an independent, scientific market analysis organization (RealNet, 2014), it is part of the development industry institution. According to BILD, RealNet is the "official source for new-home market intelligence" (BILD, 2014a), and as part of the industry, RealNet constructs knowledge in the interests of the development industry.

In warnings about the effects of government policies, the consistent message forwarded by the development industry is that government policies and fees result in high house prices and decreased affordability. For example, Bryan Tuckey, president and CEO of BILD, has used his weekly *Toronto Star* column to write at least 10 articles portraying what he perceived as the negative effects of increasing government fees on new developments (e.g., Tuckey, 2013, August 16). The targets of BILD and RealNet's constant critique of land shortages and government fees seem to be, respectively, provincial policies that constrain land supply and local municipal development charges that add to the cost of the development and building process. These industry representatives hope to achieve the continuation of a business model where developers, builders, and investors (including institutions such as banks and mortgage brokers) can continue to develop land, mobilize the investment potential of high-priced urban-

designated land, and build houses in large numbers to maintain high growth rates. These narrow imperatives seem to be driving the specific articulation of both the problems and solutions to current urban development practices and regulation.

The interpreting and framing of problems in ways that are driven by specific solutions has been conceptualized by anthropologist Tania Li (2007) as 'rendering technical', and a form of 'governing' (or governmentality) that serves particular ends. For Li (2007), governmentalities of 'development' and 'improvement' make visible only those problems for which there exist a technical, scientific solution. Similarly, James Ferguson's (1990) concept of the 'anti-politics machine' works by framing problems in ahistorical and decontextualized ways such that they can be 'solved' through previously defined scientific, expert action that fits within a specific rationality. This action removes politics by erasing the social, cultural, and historical dimensions from the field of what is being framed as the problem area. When the development industry uses simplified narratives, such as decreased housing affordability, it also creates the parameters for solving this problem, even though these parameters deal only with those aspects of affordability that can be addressed by continuing capitalist accumulation through land development.

Timothy Mitchell, in his (2002) *Rule of experts: Egypt, techno-politics, and modernity*, argues that all categories of social understanding, such as economics, science, and private property, are fabrications: practical projects assembled from diverse human and nonhuman materials and ideas. Focused on American development projects in post World War II Egypt, Mitchell refers to technology, science, and expertise as 'techno-politics'. Techno-politics, similar to processes of 'rendering technical', refer to a modernist program of assembling and concentrating certain forms of knowledge and expertise in ways that serve particular (often corporate and nationalist) ends but that hide failures, false starts, and political rationalities along the way. Techno-politics, like anti-politics, is a particular form of organizing complex human and non-human things and ideas in which grand intentions of improvement and development – modernization – are, as Mitchell states, "always somewhat overrun by the unintended" (Mitchell, 2002: 43). But in telling the stories of modernization, these failures and the complex work of assembling

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expertise are often denied. Expertise, as Mitchell shows, emerges not from human ingenuity and planning, as modernist stories assert, but rather from diverse material practices, long periods of trial and error, and political and economic rationalities that all are deeply entangled. Expert stories and projects hide this complexity, arranging the world instead "as one in which science was opposed to nature and technical expertise claimed to overcome the obstacles to human improvement" (Mitchell, 2002: 51). Within this framework, science and expertise can be portrayed as self-evident, apolitical, and objective, even though they might be part of political and/or economic programs, driven by diverse and perhaps contradictory rationalities, and often overrun by unintended consequences.

According to theorist of environmental history and policy, Stephen Bocking, who has written extensively on the politics of the Oak Ridges Moraine, the "redefinition of political questions as matters for science result[s] in an impoverished debate, with those most affected denied entry" (2002: 12). By 'solving' conflict through technocratic rationality, important political and ethical debates become stifled. Without these debates, the winners often end up being those who are financially able to commission scientists and scientific research designed or interpreted to support their particular interests (ibid.). In his book *Nature's Experts: Science, Politics, and the Environment*, Bocking (2005) suggests that this use of wealth to support or influence scientific knowledge has not gone unnoticed:

> Citizens are increasingly unwilling to accept uncritically the judgments of experts, and this has become one of the primary political dynamics of environmental decision-making. Often this resistance reflects awareness of the close ties between scientists and powerful economic and political interests (4).

The use of science is not the objective solution to solving 'wicked problems' (Rittel & Webber, 1973)[101], such as what landscapes to protect and which to develop into houses to best benefit society and the environment. The use of science, and even the questions scientists address and methods they use to do so, are deeply political and power laden processes: they are neither clear nor self-evident. Civil society

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[101] Rittel and Webber (1973) contrast 'societal' problems, which are 'wicked', with 'tame' problems that are mainly technical and more likely to be solvable with a single 'correct' answer. Whereas wicked problems, which are complex and changing, are never solved once and for all, with 'tame' problems, such as a certain math question, the task and the solution are clear and the problem can actually be solved (ibid: 160).

activists are increasingly aware that science cannot be used in isolation to solve environmental disputes and land use conflicts. However, in the Ontario planning system, arguments made by experts – arguments considered to be objective, rational, and scientific – are still privileged over the voices of civil society actors. Especially at OMB hearings, experts argue their cases before an OMB member, who then passes judgment based on the 'better argument' as it relates to land use planning legislation. However, as Bocking (2005: 21) notes, science-based technical knowledge has a privileged status that can be co-opted, by "translating the authority of science into political power". Furthermore, by using numbers and expert arguments, the development industry can claim that it is not acting politically, but rather that it is simply stating the truth, truth being something that can be revealed clearly, and with finality, through science. Techno-politics in this case becomes a modernist program that privileges economic growth and the visions of planning experts, while claiming that planning knowledge and economic imperatives are part of a rational and objective logic.

The following sections hone in on two main lines of argumentation used by the development industry, in which they claim to be apolitical. These lines of argumentation are that *developers are responding, not acting*; and that *developers rely on facts, not politics*. Somewhat paradoxically, the *developers rely on facts, not politics* argument also underpins the common trope that planning is politics. It does so by conceptualizing politics as negative, distorting, and short-sighted – a force that victimizes developers.

Developers forward their arguments in media and industry publications, and in statements to the Ontario Provincial Legislature. They also gave these arguments in personal interviews with me. Developers were particularly vocal during development of land use regulations at the provincial and municipal levels, including the *Oak Ridges Moraine Conservation Act, 2001* (MMAH, 2001a) and the *Places to Grow Act, 2005* (Ontario, 2005a, c). During development of the Oak Ridges Moraine Conservation legislation, developers participated in different ways, either through invitation or by using existing institutional procedures. A select group of developers was appointed to the Oak Ridges Moraine

Advisory Panel that was based on a consensus approach to problem solving (MMAH, 2001c; see chapter 5). But developers and development industry representatives also spoke at legislative committee sessions at the Ontario Legislature, a forum intended to give individuals and organizations a democratic voice during the formulation of provincial legislation (Legislative Assembly of Ontario, 2014b).

Developers are responding, not acting.

As ostensibly apolitical actors, developers often argue that they do not make planning or policy decisions about what land is to be developed, what form housing takes, the price of houses, or who lives in the houses built. This argument limits the agency of developers to technical processes of developing land and building houses. Accordingly, the 'real' drivers of built form, housing type, and housing prices are said to be supply and demand market forces (driven by consumer preferences), and government policy. The *developers are responding, not acting* argument relies upon a number of framings and tropes that mask the power and influence of the development industry on government policy and built urban form. For example, the trope that people have to live somewhere (and therefore should live in new suburban homes built by developers), was used on a number of occasions by developer interviewees to argue against regulatory constraints on land. These tropes are often deployed when the development industry feels threatened by government policy or negative media attention and is compelled to argue its case. Other arguments rely on unquestioned assumptions about what types of housing people prefer and often connect ages and stages of people's lives with housing type. Through these arguments, developers present themselves as simply reacting – responding to broader macroeconomic or societal forces that the development industry itself is powerless to influence.

During a legislative committee session in December 2001, Jim Murphy, then director of government relations for the Greater Toronto Home Builders' Association, argued against the *Oak Ridges Moraine Conservation Act*. His argument was based largely on a *developers are responding, not acting* argument, in this case, responding to existing growth rates:

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The Greater Toronto Area is growing by 100,000 people a year. We're one of the fastest-growing urban centres in North America. These people have to live somewhere. The building industry— our members—do not create demand; we respond to the demand (Legislative Assembly of Ontario, 2001b: G-436).

The trope that people have to live somewhere relies on the fairly easy to understand notion that with a growing population, more houses will have to be built. It renders technical the question of land and housing, reframing these complex socioeconomic issues as simple problems of quantifiable housing shortages. It leaves out entirely any specific articulation of the different options people might have in terms of housing tenure, cost, location, and built form, or the structural forces at play that influence where and how people live. In order to address these details, the development industry often gives clues about the assumptions it relies upon when it argues for continued land extensive subdivision development, assumptions that leave unquestioned the purportedly natural desire people have to live in owner-occupied, single-family, detached, ground-related houses in the suburbs. These assumptions serve to render their arguments technical and objective, erasing the charged politics that is often triggered by land use transformation.

One assumption that underpins the *developers are responding, not acting* argument is that rules that developers follow are external to developer action – that governments make the rules and developers simply follow them. Despite a growing body of evidence that suggests that the interests of developers are seriously considered by provincial policy makers when enacting legislation (see chapter 5), development industry representatives nevertheless maintain that developers passively respond to government legislation and bylaws. Developers simply follow the rules that they encounter.

Suggesting that the development industry is undervalued by the government and the public for all the work they do, and that it is being blamed for perceived negative forms of development, a developer association representative stated that developers do not make decisions about where development happens or what form it takes (Developer Association Interview, February 26, 2013): "[Developers are] just reacting. They're experts at execution. These guys know how to build buildings." In other words, they are

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not political. They are technical actors that come on stage only after political decisions have been made. Although this is a narrative that to some extent denies developer agency, it is mobilized strategically in order to locate responsibility for perceived negative outcomes with state and market forces. This allows developers to deny that they are the cause of negative interpretations of built form, such as the continued construction of automobile-oriented single-family detached housing in the suburbs, and failure to adapt to contemporary planning rhetoric, such as mixed-use, dense, and walkable communities. It also casts developers as somewhat uneducated (at least formally) or disinterested in politics, but in a way that nevertheless paints developers in a positive light. According to this story, developers are technicians as opposed to political actors or elite 'armchair' analysts, such as academics.[102]

One developer, in an interview with me, brought up both land use planning regulations and federal immigration policy to suggest that decisions made by different levels of government put in play forces and rules over which developers have little control. Developers are simply responding to these forces:

> You have an open, public system, which we have to go through. And we follow the rules. And of course our industry always says, 'Don't change the rules.' So, you list the rules and we'll live with them. If it's the Oak Ridges Moraine and we've got to do this, this, and this, then that's what we'll follow. As long as we know going in that you have opposing points of view. You have immigration of 200 or more thousand a year, of which 70% probably come to Toronto. And we need 35 to 40,000 units a year. So, how many more apartments can you put downtown? People have to live somewhere. (Developer Interview, May 15a, 2013)

One crucial point that comes through from this interviewee's (Developer Interview, May 15a, 2013) testimony is the notion that the planning system is open and public, suggesting that first, developers have little opportunity to influence the system behind the scenes, and secondly, that the system is accessible to civil society actors who have as much power as do developers to have their say. This framing of the system as open and public discounts the wealth and power of the development industry and the influence that this wealth and power potentially gives the industry over land use planning decisions (i.e.,

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[102] When asked why academics pay little attention to developers, most developers were delighted to tell me how complex development is, and how developers are highly intelligent about development and much more knowledgeable than university academics. That said, most development firms now employ well-educated, university trained planners, market analysts, economists, engineers, and so on.

through the ability to hire experts to adjudicate disputes, finance election campaigns, and fund studies and infrastructure). It also discounts the privileged position developers have with respect to the planning system compared to the public who, according to this informant, have equal access to this system.

Disrupting somewhat the notion that developers simply follow the rules, the concept of politics can also be construed in another way, which suggests a juxtaposition between the development industry and most individual developers. This has to do with interest in politics. According to one developer I interviewed, the very purpose of industry associations is to advocate on behalf of developers and builders who have little time or interest in this activity, despite its importance for their operations. This developer, who is himself both a planner and involved in BILD, suggested that political involvement for most developers "isn't in their wheelhouse" ...

> They're operating businesses, and most of them are family owned and operated. And so they don't have the wherewithal or the desire to ... advocate on behalf of the industry. ... They get the importance of it. But sometimes speaking to a provincial politician ... they don't even speak the same language. (Developer Interview, May 7, 2013)

This does not mean that the development industry simply follows, but rather that individual developers choose to have their interests served by an association speaking on their behalf. They perhaps 'simply react' but their interests are nevertheless served.

The very structure of the development industry also creates complexity around what is understood as simply following the rules as opposed to a more active role in shaping rules. According to one developer I interviewed, Leith Moore (Interview, October 29, 2013; see also Stephen Dupuis in Leitch, 2006, September 22), the actual process of land development is very political and developers must be politically astute. Politics in this context refers to both interactions with the governing apparatus as well as the navigation of land use conflict that often accompanies land development. The implication is that, even though most firms are developer-builders, those companies that traditionally specialized in the development of land had and continue to have close ties to local government and planning departments, given that it is through these channels that development applications are processed. Building, on the other

hand, is more technical and requires few relationships with planning departments or local politicians, unless rezoning is required. Firms that began as builders only are unlikely to have the political contacts and history with local municipal leaders that well established development firms do. In this context, simply following the rules may indeed apply to some extent, at least those rules developers have traditionally worked with.

The notion of simply following the rules works well with unquestioned assumptions underpinning liberal economic theories of supply and demand. The rules in this case are that people need to be housed – there is a demand for housing –and that their preferred house is single-family detached. Agency is assumed in this framing to rest solely with consumers, their preferences, and the demand their preferences make on the market, itself an external structural force. Market rules, in this framing, render technical and deny the complexity of housing options and provision. When a developer also uses the trope *people have to live somewhere*, it seems simply a matter of common sense that developers need to build more housing of a type and in a location that consumers want. There is no need for politically charged debate, according to this narrative. The naturalization of the rules of supply, demand, consumer preferences, and structural market forces entirely minimizes the historical, economic, social, and cultural dimensions that induce people to live in specific ways and places. Certainly not all people can or do live in owner-occupied housing, single-family housing, new housing, or professionally built housing, and this is where development industry strategies and messaging become simplistic and overstated.

Developers assert that they simply respond to, rather than shape, forces beyond their control, some of which are said to be cultural. Some of these supposed cultural forces are based on heteronormative assumptions that housing consumers, at various stages in their lives, require and prefer a particular housing type. This 'life course' (or 'ladder of life') assumption articulates a view of housing preferences as an orderly progression, generally linking stages in one's life (i.e., young adulthood, young parent, empty nester, retiree) with a host of social accomplishments, including acquiring and inhabiting a certain housing type (Fincher, 2004; Perin, 1977). Life course assumptions posit that people in different stages of their

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lives prefer certain housing types and use their urban landscapes in particular ways. 'Families', usually understood as single generation households of heterosexual couples with children, are framed as the typical consumers of ground-related detached homes in the suburbs. Single-family detached homes are supposedly preferred by families who want the space and safety of the suburbs in which to raise children. Alternatively, narratives around condominiums, while also assuming heteronormativity, usually portray condominiums as preferred by single young professionals, many of whom are women (Kern, 2010).

Reliance on consumer preference and life course assumptions to frame developers as simply responding allows developers to argue convincingly that their work – subdivision development of single-family housing – is a critical, albeit self-evident, public good. In a legislative committee session during development of *Places to Grow* legislation (Legislative Assembly of Ontario, 2005c), a number of development industry representatives drew on consumer preferences and life course assumptions to suggest that the provincial government should not dictate the form and location of housing. Drawing on this line of argumentation, Anthony DeSantis Jr., then president of the Hamilton-Halton Home Builders' Association, asserted:

> [W]e're responding to the demand. You can't force people to buy something they don't want. If they can't find something they want, they will move somewhere else. It's just a fact of life. If they can't find a single-family home with a yard for their children to play in, they'll move somewhere else. (Legislative Assembly of Ontario, 2005c: G-984)

In this statement, preferences are conceptualized as one dimensional and detached from other social forces based mainly on space, and strongly determinant, almost to the point of being an innate human quality. This statement also suggests housing consumers are autonomous actors with complete flexibility and mobility to move to locations where their preferences can be met. Also at a *Places to Grow* legislative committee, Frank Clayton, a land economist representing the development industry, makes statements based on consumer preference assumptions:

> The legislation is trying to tamper with the kind of housing market that people want. They're saying that 76,000 households will not be allowed to have a single detached house. That's what the legislation is saying: 'We're going to stick you in apartments in brownfields and intensification and in greyfields, and you're going to like it'. (Legislative Assembly of Ontario, 2005b: G-959)

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These comments suggest, first of all, that the existing housing market has been 'tampered' with (influenced by forces other than consumer preferences), and second, that existing forms of housing, which happen to be the preferred form, are a right that is being disallowed by the *Places to Grow* growth plan. Furthermore, brownfield, greyfield, and apartments are presented as inferior to single detached houses, spaces that no one should be forced to live in.

During Clayton's testimony, then Conservative MPP Tim Hudak, seemingly of like mind with Clayton, encouraged Clayton in his testimony, indicating his own ideas of the benefits of private property, homeownership, and consumer choice:

> I think a fundamental policy we should support is encouraging home ownership, that people would have their own private property. I think this is a good economic policy. I also think that we have *hundreds of years of culture* where people like to have a bit of space. (Legislative Assembly of Ontario, 2005b: G-959, my emphasis).

It is interesting that Clayton, as an economist, is representing the development industry as an expert. But his testimony is then used by Hudak, who draws on his own opinions and personal ideologies to make his claims. In a recent *Toronto Star* article, BILD's Bryan Tuckey similarly forwards ideologies of home ownership in expressing his expert opinion: "Home ownership is a universal concept that symbolizes success and prosperity" (Tuckey, 2015, April 4: H7). Despite assertions that the development industry relies on facts, as discussed below, these so-called facts are being deployed not only within state (the Provincial Legislature) and media institutions, but in a way that is intended to convince politicians and decision-makers on the need for less regulation of land development. The facts are constructed through exercises of power, and serve to produce and reproduce dominant social and economic norms.

Clayton goes on to agree with Hudak's statements about consumer preferences:

> You're right. The demographics are right in those age groups where people want home ownership. Not everybody wants low-density, single detached houses, but a lot more than want apartments. There's no question about it (Legislative Assembly of Ontario, 2005b: G-959).

Here Clayton directly connects housing type with life course assumptions – that certain age groups want to own homes, especially single detached homes – and that the evidence supporting his claims are beyond

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doubt. But the 'rule of experts' hides much. Despite Hudak's claim about hundreds of years of culture, both

Clayton and Hudak rely on assumptions of consumer preferences that are relatively recent in North

America (and absent in many other places; Haila, 2014)[103], the effect of a variety of political and

economic decisions made especially in the post-World War II period (Bourne, 1993; Harris, 2004;

Hulchanski, 1986). What is being framed here as culture (and thus not easily changed) is a fairly

deliberate set of policies and economic plans that created the ideal conditions for mass homeownership

and the birth of a corporate development and building industry that now relies on this culture to exist.

Reframing political and economic decisions as cultural is itself an exercise of power that serves to

downplay the subjective and socially produced nature of mass homeownership and preferred built urban

form, which are, ostensibly, single-family, ground-related, detached houses in corporate subdivisions.

Reframing deeply political questions as simple matters of cultural norms is one of the ways contested

questions of land use are translated into technical, objective problems with expert-driven solutions.

American urban historian Robert Fishman (1987) undermines the argument that suburban housing

represents an objectively preferred form of domestic living. He traces the emergence of 'American-style'

corporate suburbs to 19th century Britain, referring to these British suburbs as a "conscious cultural

invention" (8), of the bourgeois elite that differed significantly from the pre-modern 'sub-urbs' (i.e., 'less

than' urban) populated by the lowest classes. According to Fishman, this 19th century invention was

fueled by a cultural motive of escaping cities in the name of leisure and neighbourliness, and an economic

motive of profiting from the development of cheap agricultural land. American historian Kenneth Jackson

(1985) emphasizes the cultural forces driving emergence of the 19th century suburb in the United States,

pointing in particular to the growing importance and moral superiority in the American psyche of the

private family and the single-family household – a safeguard against the so-called ills of society.

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[103] Haila (2014) queries why even in the absence of spatial restraints, some cities favour density, others are dominated by mid-rise buildings, and some develop land extensively: why some cities grow horizontally, some others grow vertically, and some others recycle land) (e.g., Hong Kong, where only 26 percent of the land is developed, but at very high densities). Historical building regulations and local land ownership particularities seem more important than any 'inherent' human desire for space.

According to Jackson, as capitalism and industrialization in the 19th century United States was producing a gendered rift between the public and private sphere, the family and the family home became the 'woman's sphere' intended to cultivate religious and moral virtues. Homeownership and the single-family home came to be seen as "paragon[s] of middle-class housing ... the goal to which every decent family aspired" (Jackson, 1985, 50). Urban historian Dolores Hayden (2003) argues that the house and yard, rather than the neighbourhood or town, became the idealized symbol of the American Dream.

In the early 20th century in both the United States and Canada, these sensibilities were emphasized by governments and a nascent land development industry, fueled in part by the economic and population booms of the 1920s, massive housing shortages during the depression in the 1930s, and the need to house and employ returning veterans in the post-World War II period (Bourne, 1993; Harris, 2004; Hulchanski, 1986). However, the corporate suburbs that emerged after 1945 were radically different from the elite spaces of the 19th century, as suburban housing became seen as the model form of affordable housing for a quickly growing population (Jackson, 1985). State-sponsored programs and incentives to promote housing production and ownership as economic investment tools, coupled with growing financing, insurance, land development, and house building industries resulting in rapid suburban development after 1945 in Canada[104] and the United States. Consumers, meanwhile, emboldened by a new mentality that all classes of people could and should be homeowners (Fishman, 1987), and enabled by a new mobility in the form of the personal automobile, began to idealize and in turn normalize what is now labeled a 'preference' for single detached housing in the suburbs.

Nelson (2013: 9) predicts that the dominance of the single-family suburban housing model – and the large profits this development model has generated – will not last:

> Since the end of World War II, home ownership in the United States rose from 55 percent in 1950 to 69 percent in 2004. By 2030, however, it will be less attainable or even desirable. Reasons for this include rising energy costs, falling incomes, lagging employment, shifting wealth to upper

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[104] In Canada, federal promotion of the suburbs began in the early 1930s with passage of the *Dominion Housing Act*, which provided financing to builders and consumers of new housing (Harris, 2004). One result of the *Dominion Housing Act* was the institutionalization of large mortgage lenders as the dominant financial source for builders and buyers (Harris, 2004).

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classes, and tighter mortgage underwriting requirements. Added to these reasons are market trends including key population and sweeping generational changes.

Knox (2008) also suggests a growing disenchantment with the suburbs, as the ideals of a personalized dream conflict with the standardized and rationalized reality of suburban living, not to mention the (often misplaced) fear of crime.

Perceiving shifting trends in housing preferences, at least in the Toronto region, development industry representatives have recently rearticulated their mapping of life course and consumer preference assumptions onto built form in its promotion of townhouses. On the surface, this rearticulation hints at an institutional shift in planning and development norms away from the dominance of the single-family detached suburban house. According to Carras (2014, November 29: H6), "The 'grow up and not out' imperative of the growth plan [the Growth Plan for the Greater Golden Horseshoe] and its intensification policies have resulted in a shift in the supply of new housing in the region away from lowrise and toward highrise. It's also made townhouses look like an attractive and affordable alternative to single-family, detached homes". Similarly, BILD (2014, October 25: GT12) suggests townhomes "are a cost-effective housing option that suits the needs of buyers across the spectrum, whether it's first-time purchasers, young families with kids, or move-down buyers looking to part ways with their larger detached homes". Preferences for townhouses are explained as a low cost ground-related alternative to single-family detached housing, where price is a strong determinant of preference (BILD, 2014, October 25). This statement seems to suggest that preferences are not the objective reality they are often stated to be, given that price seems to have a significant influence on preference. Furthermore, this narrative of the desirability of townhomes disrupts life course assumptions, given that townhomes are portrayed as suitable for every life stage. That said, townhomes hardly represent a radical departure from traditional life course assumptions. Townhomes are simply a more adaptable form of housing – a hybrid between single-family detached and low-rise apartments. Townhomes represent very little change and innovation in development practice and built form. Many are simply a slightly more dense form of suburban subdivision

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housing. Using the same basic technology and financing rules as single detached housing, townhouses are cheaper to build (CMHC, 2014), can be built at slightly higher densities, cost less for buyers, and therefore have become a new form of mass produced housing. As the commissioner of planning of a Toronto region municipality suggested to me, the risk-reward payoff from townhouses are clearly on the side of builders, because the relatively lower prices of townhouses makes them attractive to new home buyers:

> [D]evelopers ... know they can sell townhouses like hotcakes, right? Because they're at a market point where, like a townhouse ... is almost 600,000 nowadays. ... So ... they can sell these. If they build their standard old lots at 40 to 50 [units] per acre, that's ... like a million plus now ... . So, from an affordability and saleability of it ... they know that they can liquidate townhouses on a weekend. (Planner Interview, July 22, 2013)

It appears that townhouses, rather than single-family detached homes, may represent the future, or at least an additional form, of standardized housing in the suburbs. Alluded to, but not emphasized, in these remarks is the influence of house prices on preference, a connection that is discussed below.

While not interrogating the life course concept conceptually, Nelson (2013) suggests that demographic shifts are currently occurring in the United States that challenge dominant assumptions. He draws on statistical data that indicate decreasing household size. Coupled with this data, he carries out demographic modeling to suggest that the percentage of households without children is expected to dominate by 2040. Nelson suggests that these trends will be paralleled by a decrease in house size and an increase in rental units as opposed to owner-occupied housing. Nevertheless, life course assumptions continue to inform how developers and politicians think about and build cities.

If Nelson (2013) is correct and the American Dream is over, then what Tim Hudak calls hundreds of years of culture is in actuality a minor deviation of approximately 80 years from a dominant urban housing trend for which large single detached houses far from urban centers were the exception, not the rule. A 2010 survey commissioned by the American National Association of Realtors suggests the dream is coming to an end, mainly because of traffic. It showed that 60% of Americans are willing to trade off large house sizes for shorter commute times (Belden Russonello & Stewart, 2011). In a study commissioned by the Royal Bank of Canada, the Pembina Institute suggests that the dream is a

compromise rather than a preference (Burda, 2012). It surveyed residents living in the Toronto region, asking housing preference questions based on 'location-associated attributes'[105] and house price. This survey suggests a dominant housing preference model completely opposite of that put forward by the development industry. Development industry narratives suggest most people, especially families with young children, prefer large single-detached houses in the suburbs. This is the basis for their claims that this form of housing should be made more 'democratic' and 'affordable'. The Pembina results, however, suggest that if price was held constant or eliminated from the decision-making process, most people would prefer to live in more central, attribute-rich locations with lower daily commute times. Pembina suggests that if price were held constant, over 80% of survey respondents would prefer to live in modestly sized houses, townhouses, or condos close to transit and amenities. According to these studies, large suburban housing is not a 'preference', but a compromise driven mainly by the lower price of housing in attribute-poor locations requiring higher levels of commuting. Housing consumers are held captive, not by their preferences for space and isolation, but rather by their budgets.

It is striking that even in interviews with developers, many of whom are well travelled and refer to trips to places like New York and Copenhagen, the consumer preference model was put forward as such an obvious fact that questioning it would be unthinkable. A developer I interviewed, in explaining the rationale for provincial subsidy of suburban development, stated: "There's probably a general belief that, you know, people would prefer to live in a single-family house if they were given their choice" (Developer Interview, June 3, 2013). A private environmental consultant, who is a former provincial civil servant, alluded to this 'preference' by drawing on his own housing situation: "I don't know about you, but I don't want to live in an apartment ... I'm lucky that ... I have a single-family house" (Consultant Interview, July 25, 2013). Another developer, also drawing on his own personal experience, uses a life course narrative to explain housing preferences. He uses the example of his two children as evidence to

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[105] 'Attributes' in this study refer to services and places people use on a daily basis: stores, restaurants, schools, and places of work

support this narrative, suggesting that when they are young and single, they want to live downtown, but

when they start having children, they will likely move to the suburbs:

> One has moved to an apartment at Yonge and Davisville and the other's going to be moving to a
> condo at Bloor and Yonge. ... So I'm saying, "Why are you living at Yonge and Davisville?"
> "Cause it's where the action is." "Fine, you live there. That's your life." That trend's going to
> reverse. Ten years from now, he won't be in an apartment at Yonge and Davisville; he'll be
> changing diapers and looking for – already looked for – a single-family home. I can guarantee you
> that, I know that. So that's all to do with demographics and kids in their twenties saying, "It's time
> to get out of suburbia." (Developer Interview, April 26, 2013)

These are not simply individuals giving their opinions on what type of housing they and their family like

to live in. As Ruth Fincher (2004) notes, developers are influential 'city-builders' whose gendered and life

course ideas guide how they build cities. In the Toronto region, these are some of the most powerful and

influential actors in the governance and development of the largest urban region in Canada. Reproducing

narratives about preferences and the life course, and translating them into the built form of cities is a bold

exercise of power that relies on cultural arguments in order to support economic imperatives. These are

exercises of antipolitics and cultural hegemony that have very material repercussions. Yet these moral and

cultural assumptions mask underlying economic rationalities. According to Roweis and Scott (1987: 134),

consumer tastes and preferences "are purely epiphenomenal. They are part of a larger cultural momentum

that is itself embedded in, and grows out of, a global, social/historical process". New institutionalists

March and Olsen (1984: 739) writing both about market preferences and political preferences (i.e., choice

of a political candidate), argue that "preferences and meanings develop ... through a combination of

education, indoctrination, and experience". In Canada, suburban preferences were fostered by specific

government and economic decisions made in the post 1945 period. Preferences are made to fit this form,

they do not determine it. Yet in neoclassical economics (and development industry discourse), preferences

are taken to be a fundamental driver of urban development. As Roweis and Scott (1987) argue,

preferences cannot be conceptualized outside of the web of social, political, cultural, and legal relations

that govern human interactions. It is within this context that people can be said to acquire (or be compelled

to acquire) preferences. The history of suburban housing is an apt example of how this can work.

Developers rely on facts, not politics.

In a similar vein to the *developers are responding, not acting* narrative, which relies on assumptions that developers simply follow external rules (policy, market rules, consumer preferences), the narrative that *developers rely on facts, not politics* is commonly employed to suggest a contrast to what politicians and civil society actors do. I question not only the strategic use of the term fact as a way to legitimize an argument, but also problematize the very concept of fact as an objective explanation of reality. The work of Bruno Latour is most notable here, for paying attention to the work done, and the institutional machinery required, to establish knowledge as scientific fact. As he states in *Pandora's Hope*, understanding that a phenomenon exists means that "it has been entrenched in a costly and massive institution which has to be monitored and protected with great care" (1999: 156). Latour and Woolgar (1979) suggest that scientific facts are socially constructed using 'inscription devices' that transform material phenomena into forms (texts, diagrams, figures, numbers) understandable to humans. Even the most well respected scientific knowledge has been produced within a historical, economic, social, and cultural framework that textures and limits the parameters of what becomes known as fact. As Timothy Mitchell (2002) shows, scientists, such as engineers, are framed as experts with the ability to deploy dominant modernist ideas and ingenuity by 'blackboxing' the political and economic rationalities, false starts, resistance by humans and non-humans, and alternative forms of knowledge that constantly put into question the objectivity of experts and their science.

For many developers politics is the opposite of facts: a subjective-objective duality. In *Politics of Nature*, Latour (2004: 22) suggests that 'facts' are understood as risk-free objects with clear boundaries. Without these boundaries, life gets complicated and can have negative effects (ibid). Life can become political and decisions more difficult to adjudicate. Developers seek to avoid these negative effects by mobilizing arguments and seeking institutional avenues that privilege 'fact-based' evidence. Institutional avenues include statutory consultation processes and OMB hearings. Bocking (2002: 12) notes the useful boundary work at play when developers deploy fact based arguments: "Corporations ... often insist that

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regulatory decisions be based on science. They do so both because they can outgun [i.e., better fund] their

opponents in the scientific arena, and because it places boundaries around an issue: by defining it as

scientific, it avoids the need to consider difficult ethical or political issues". That said, many developers

are willing to engage in politics to some degree: by speaking to community groups; by negotiating with

residents and local politicians; and by presenting their plans to the public for feedback. But they do this for

a particular reason: to make their plans more amenable to public uptake; to decrease public backlash to

their projects; to reduce delays; and perhaps to maintain an image of community builder. They also carry

out these exercises with the knowledge that they can usually get their way by presenting their facts at the

OMB. According to many developers I interviewed, the OMB is an agency that merely interprets facts,

and although it is a human system that can sometimes get it wrong, in general it favors those with the

'better argument', i.e., one based on facts and with those that comply with planning policies.

In October 2014, Steve Upton, chair of BILD and vice president of development with Tridel (a

Toronto region development firm), was appointed to the transition advisory council of John Tory, mayor

elect of the City of Toronto. The purpose of this group was to give advice to the new mayor as he

developed his vision for the City of Toronto. Apart from the fact that the transition advisory team

consisted of well-connected people who "know what goes on at City Hall" (Levy, 2014, October 29),

Upton's understanding of this role is noteworthy:

> It is an incredible opportunity to engage Toronto's newly elected mayor in a fact-based and
> solutions-oriented discussion about issues that are critical to continue building quality, complete,
> vibrant and affordable communities. ... I want to be part of an honest dialogue. (Upton in Tuckey,
> 2014 November 8: H6)

Facts and honesty are presented as something the mayor needs (i.e., lacks), without which the

development industry will suffer.

With a similar nod to what he perceives as a *lacuna* of facts, Bryan Tuckey (2014, November 22:

H2) applauds a Ryerson University Centre for Urban Research and Land Development (CUR) study for

supporting the well-rehearsed development industry criticism of development charges.[106] This report, although published by Ryerson University, was written by land economist Frank Clayton, who is a research fellow at Ryerson, but is also a frequent expert spokesperson for the development industry and member of BILD. Stating that this report came from Ryerson University itself lends credibility to the report. Tuckey refers to CUR as "Ryerson's expert-led Centre for Urban Research and Land Development" (2014, November 22: H2). Even though Tuckey presents this expert research as new ("It's great to see the experts confirming what our association has been saying for many years"; ibid.), Clayton himself is one of these association members that has long opposed and written about development charges (e.g., Clayton Research, 1989).

According to Tuckey, the debate about development charges has thus far been somewhat lacking: "I applaud CUR for taking a fact-based approach to this report and helping elevate the debate about infrastructure funding in our region" (ibid.). A closer look, however, shows that the report (Clayton, 2014) contains little that can be construed as fact, although a footnote in the report suggests the research on which it is based is forthcoming. The report is a policy commentary based on Clayton's expert opinion.[107] In it, Clayton argues that since municipal water and sewer infrastructure expansions are funded by development charges on new houses but serve existing residents as well, these charges are unfair. This claim is difficult to assess without access to data, such as the capacity of these infrastructures prior to and after expansion, and the proportion of the expansion intended to serve new and existing residents. Regardless of whether or not there is evidence to support the commentary, it is interpreted by Tuckey as fact-based because it is written by an expert affiliated with a university. Facts and expertise are often portrayed by the development industry as lacking vis-à-vis government policy and regulation.

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[106] A critical analysis of development industry criticisms of development charges follows in a later section of this chapter.

[107] The policy commentary includes the disclaimer: "The opinions expressed in this Policy Commentary and the research report on which it is based are those of the author only and do not represent opinions and views of either CUR or Ryerson University" (Clayton, 2014).

One developer I interviewed (Moore Interview, October 29, 2013) emphasized the importance of facts, suggesting a declining respect for professional planning expertise by local politicians and citizens.

> We were at a public meeting recently ... where the public stood up and berated staff for being biased on not working for the people of the community. And the councilors were ... you know, "Get 'em, get 'em. ... I mean they're just talking facts: traffic flow, numbers. Just facts. But people sometimes want what they want these days and expect people to just agree with them.

These so-called facts, such as traffic study data, are interpreted as apolitical and objective, even though their parameters have been derived and are often used in the interests of some at the expense of others. This narrative also portrays residents as selfish and uninformed, and local politicians catering to these groups in order to build political capital rather than to do what is best for the community. This developer also suggests experts have a greater knowledge about planning and development (and its effects) than do residents, who are vocal but do not really know enough to make a compelling argument:

> I don't know too many public meetings where people actually have enough information... to go head to head with professional transportation, engineering, and planning people. But they will, and they think that if they say it, it bears as much weight as the professional. And I think that's maybe a bit of a warping of the way things should be. (Moore Interview, October 29, 2013)

Professional planners are characterized as having a superior form of knowledge than local residents, who are portrayed as merely trying to protect their property values or other forms of self-interest. This is a case of dismissing civil society opposition by claiming that they are NIMBYs.

Understanding what is going on when developers and planners are proposing land use change and vocal residents oppose these changes requires a nuanced analysis rather than simplistic characterizations of actors as ignorant or elitist. On the one hand, urban scholars such as Valverde (2012) show that resident participation is often dominated by those occupying privileged positions who are often able to have their rights asserted to the detriment of the rights of others. The developer above sums up the position of these residents rather cynically:

> "I think I'm affected. I think my land values will go down. I'm not sure I like the character of the people that are coming. I'm not sure I like the character of the community change they're introducing" – which is all just code word for, "I'm not sure I like the people you're bringing here". (Moore Interview, October 29, 2013)

On the other hand, attempting to overcome the dominance of privileged groups by giving more weight to technical expertise, facts, and narrow parameters defined by bureaucratic processes is dangerous. The antipolitics machine conceptualized by Ferguson (1990) makes political decisions look like technical solutions. Although certain forms of public consultation within the planning system seem to attract the select few who have the time and resources required to oppose developments (Grant, 1994), considering the planning system to be the realm of technical expertise hides the politics of development. This sets up an anti-politics framework more amenable to the priorities of economic and political actors than those of ordinary urban residents, who are dismissed as uninformed or 'selfish NIMBY againsters'. A more democratic approach would be to find ways to include more voices, not fewer, into the planning system.

In a binary framing of professional expertise versus that of the public, the underlying interests of developers become lost, even though the profit imperatives of developers are the trigger for a development application in the first place. Planning experts carrying out traffic or other types of studies are, in effect, working for developers, investigating the impacts of a development on traffic or the environment, not to satisfy the needs and desires of existing residents, but to show how developments can be made to work and problems mitigated. Planning here becomes a conflict-mediating tool – a mechanism to displace politics rather than one intended to create space for political engagement (Healey et al., 1988, Metzger et al., 2015). One developer (Rodgers Interview, March 24, 2014) framed the relationship between planning staff and developers as one of customer service: planners were criticized for not providing satisfactory service to developers, who are customers who have a right to have their applications processed in a timely manner according to the *Planning Act* (MMAH, 2011). One must also interrogate to what extent the anti-politics character of public participation in planning and OMB hearings produces a certain form of public that participates: a reactionary and necessarily well-educated, well-resourced citizen that fails to represent a wider proportion of the population. The very structure of the OMB, with its emphasis on expert knowledge, its court-like setting, and its privileging of the 'better argument' by well-paid lawyers (A. Moore, 2013), suggests an institutional architecture off-limits for the majority of civil society actors – a

political forum certainly, where land use interests are disputed and adjudicated, but not a democratic forum, where all citizens can be heard.

The development industry often reproduces the well-known trope that *planning is politics*. Perhaps it is for this reason – a sense that since planning is politics, then development must become political as well – that the development industry has indeed become very active in politics. The current raison d'être of industry associations such as BILD, is to lobby government and to represent developers' and builders' interests. Industry associations are active in trying to influence land development and house building. Tuckey (2013, April 20) suggests this role in a *Toronto Star* article:

> Over the last six months, I've made it a priority to meet with key influencers, such as chief economists at major banks and members of the media to try and shed some light on the complexities of the new home industry in the GTA. As the voice of the land development, home building, and professional renovation industry, I believe it's BILD's job to lend our expertise and to provide an on-the-ground view of how high-level decision-making affects what is being built in your community.

BILD also supports and promotes higher education and skilled trades training by sponsoring courses at George Brown College, Ryerson University, the University of Waterloo, and the University of Toronto (Tuckey, 2013, September 14). The Ontario Home Builders' Association is also quite active, rather than a passive responder to rules. Its monthly newsletter is even called *The Builder Advocate: Your Voice at Queen's Park*. In this newsletter, it outlines the various topics that it must advocate for on behalf of its 4,000 member companies across Ontario (e.g., OHBA, 2013b). Prior to the 2014 provincial election, it even published a primer called *Effective Participation in the Political Process* (OHBA, 2014a). The rationale for this document is given in the following way: "The upcoming provincial election presents an opportunity for local associations to have a significant impact on the political decisions that shape their communities, set the provincial agenda for the next four years and ultimately, directly impact the residential construction industry" (OHBA, 2014a: 3). The document then goes on to list recommendations for its local associations on speaking with election candidates, using the media to forward OHBA's position, and hosting receptions for election candidates.

Although planning is politics is a well-known phrase in planning theory (e.g., Burchell &

Sternlieb, 1978) as well as in development industry discourse, the precise meaning of this, including what

is meant by politics itself, is up for debate. Some critical urban theorists, such as Swyngedouw (2009), pay

close attention to whether what is being referred to as politics is 'truly' or 'properly' political. Metzger et al.

(2015: 4) suggest that the political can be thought of as "the ultimate ungovernability of the heterogeneous

and multifarious bundles of entanglements and partial connections that we choose to label as 'societies',

as well as the related necessary limits in space ... and time of any governance arrangement". This suggests

a fraught but necessarily complex arrangement of living with difference and conflict, rather than

submission to a particular institutionalized social order. It is reminiscent of Chantal Mouffe's notion of

agonistic pluralism, a form of pluralism where difference and conflict must be lived with in a democratic

society (Mouffe, 2005). Planning is politics in this context would imply a direct link between the activities

of planning and truly democratic engagement that works through and accepts conflict. This does not seem

to be what developers refer to, given that politics tends to be viewed as time-consuming and distorting of

the facts, which are ostensibly clear and objective.

American political theorist Aaron Wildavsky (1973: 132) describes power as "the probability of

changing the behavior of others against opposition". Planning is politics for Wildavsky refers to the ability

of planning and planners, as they carry out their work towards some desirable future objective, to

convince diverse others to behave differently through the management of disagreements about social

goals. Politics in this framework suggests differential exercises of power, but ultimate resolution of

conflict. Similarly, Burchell and Sternlieb (1978: 84) suggest that politics in planning works through

coercion and persuasion: "It tries to achieve purposes by building support for the purpose and mobilizing

the supporters to push the scheme forward. It thus deals in personalities, deals, rallies, slogans, banners,

struggles and confrontations". As opposed to the radical politics implied by Metzger et al's (2015) notion

of ungovernability, Burchell and Sternlieb's framework constitutes a pluralist form of democratic

engagement, where as a starting point, various interests are assumed to have equal status and influence

(see also Healey et al., 1988). These interests can then be convinced or coerced into behaving in a certain way. According to Mouffe (2005: 10), liberal pluralists assert that "we live in a world in which there are indeed many perspectives and values ... but that, when put together, they constitute an harmonious and non-conflictual ensemble". The antagonistic or conflictual elements of politics are thus negated in liberal pluralism (ibid). To confront politics in this way is to understand (and perhaps accept) that there will be winners and losers as conflict is resolved, but that it is one's democratic right to influence the conflict resolution process. This seems more akin to what the development industry means by planning is politics: exercising both convincing and coercive forms of power in order to be a part of the decision-making and planning process.

Yet for the development industry, the meaning of politics is also suggestive of polarities between objective, 'common-sense' planning decisions, which developers ostensibly prefer, and the 'distorting' influence of diverse interests the development industry suggests thwart good planning and development. According to this view, politics is a realistic, albeit discouraging aspect of the world that gets in the way of good development and should be circumvented if possible. This view is made clear through recent debate about the need for the OMB. Responding to recent challenges to the OMB, including campaigns to abolish the OMB in Toronto, BILD published a number of articles in the *Toronto Star* and elsewhere defending the OMB (Tuckey, 2013, September 17; Tuckey, 2013, December 21; Tuckey, 2014, July 19). Its arguments are not based on the widely held view, although one that is not always defensible (A. Moore, 2013), that the OMB is 'development friendly'. Rather, BILD and other representatives of the development industry argue that the OMB is necessary because it takes the politics out of land use planning decisions. According to OHBA CEO Joe Vaccaro, paraphrased by *Toronto Star* blogger Penny Munoz,

> The OMB is much better equipped [than city council] with the tools and expertise to assess matters from a perspective that considers city priorities over other, political charged interests. ... Faced with public backlash and concerns over electoral popularity, councillors approach these matters from an extremely biased position that often has less to do with planning and more to do with politics. (Munoz, 2014, April 23)

This quotation implies that scalar land use conflicts emerge when the narrow interests of local politicians and their constituents jeopardize the public good of the city as a whole, a public good that can be more properly adjudicated through the court-like setting of the OMB, where experts debate interpretations of land use planning law and board members can make unilateral decisions based on the better argument. The framework sets up a binary between expert knowledge and political rationalities. Developer Leith Moore made a similar assertion to me in an interview: that the purpose of the OMB is to take the politics out of planning. "The board is a necessary evil, as an adjudicator that doesn't have to listen to the emotional debate. Just give me the facts from good planning and good engineering and let's get a decision" (Moore Interview, October 29, 2013). Here politics is emotion that distorts facts, facts being the realm of planning and engineering experts.

In all of these cases, politics is seen to be negative, something that gets in the way of rational, fact-based planning knowledge. Politics is resident opposition based on self-interest, rather than the public interest as determined by experts. Politics is the deal-making that goes on for 'political' reasons, such as vote-getting (for local politicians), and tradeoffs and promises (such as between politicians and corporate elites); personal ambition; legacy building, and so on. Politics is planning, as understood by the development industry, implies that politics gets in the way of good planning. It is certainly not a celebration of the ultimate ungovernability of a population with all the conflict and messiness that implies.

Somewhat different from this negative view of politics in planning, developer Neil Rodgers, in an interview with me, used the well-known phrase (albeit it usually refers to politics), "planning is the art of compromise" (Rodgers Interview, March 24, 2014). He made this statement in response to my question about whether, or how often, developers use the OMB in order to avoid conflicts generated by land use change proposals. He suggested that developers are quite willing to meet the demands of different interests, and to compromise within certain limits. It is only after this has been done that most developers feel it appropriate to have the OMB adjudicate a planning decision:

> Why shouldn't you use all your efforts to manage a situation and ... attempt to address the
> concerns of the ratepayers, of the council ... of the municipality, or seek some form of a

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settlement, some type of compromise? ... You cannot win all the time. ... And so you have to be reasoned, you have to come with facts. (Rodgers Interview, March 24, 2014)

Planning as the art of compromise is suggestive of an instrumental politics based on economics. According to Mouffe (2005: 13), this instrumental form "envisages politics as the establishment of a compromise between differing competing forces in society". As opposed to deliberative models that envision politics as performed through moral debate, instrumental models conceptualize politics as the realm of economics (Mouffe, 2005). In this context, developers envision politics as something that can be navigated through the rational deployment of expert knowledge intended to convince those opposed to development, and likely to be privileged at OMB hearings.

The development industry also refers to politics as the activity of government, specifically regulation of the development industry. Developers often use the trope that the development industry is one of the most regulated (Tuckey, 2013, November 23), often suggesting it is more regulated than other industries, such as aviation or nuclear power (Developer Interview, May 15b, 2013; Kapogines, 2012). These regulations are the primary target of development industry associations, and the development industry fears that "all kinds of strange things can happen" (Kapogines, 2012: 42) if it fails to pay attention and become involved. In other words, the government (especially the Province of Ontario) might pass legislation that will harm the development industry. A developer suggested to me a similar motivation for development industry involvement: to ensure that the province avoids making poor decisions, framing the interests of the development industry as also benefitting the province:

> [T]hat's what it's all about, is to have a voice to make sure a policy isn't detrimental ... to the well-being of the Province. I mean, everybody says it's to the well-being of yourselves, but ... you know what? I come back to my theme: growth is good for the Province. (Developer Interview, April 26, 2013)

Another developer offered that the voices of developers are a necessary counter, especially for job creation, to the often overpowering influence of environmental groups on government policy:

> [G]reen organizations ... they pull government in one very consistent way. I think our organizations collectively provide balance to the discussion ... they bring more of that economic

pillar to the forefront. At the end of the day, who's creating the jobs? The last time I looked, everyone needs a job and a place to live. And it's not Environmental Defence Fund. (Developer Interview, May 7, 2013)

In giving these various rationales for development industry association political activity, the development industry makes a number of assumptions. First, it assumes that governments have incomplete information or they are lacking in understanding about development and the development industry. Second it assumes developers are able to fill this knowledge gap through their expertise and access to research. Finally, it assumes that it is one of the government's responsibilities to insure that policies are not harmful to the development industry, at times implying that the development industry's interests are synonymous with those of the province. Politics in this framework means being involved in government decisions in order to keep irrational government decisions in check, perhaps giving in slightly on occasion, but in the long run ensuring that the development industry interests are protected. Politics here has little to do with democratic representation or 'agonistic pluralism' (Mouffe, 2005) – a celebration of difference within society rather than a problem that requires resolution. This interpretation of politics *vis-à-vis* the development industry goes a long way into understanding why the industry is so vocal but at the same time very careful about fostering an image of objective, rational, fact-based industry. It abhors politics even as it relies on a certain notion of politics in order to satisfy its interests.

Heroic Development Industry Stories

The development industry actively constructs its own image by fostering positive media stories. In order to do this, it is not uncommon for the development industry to reframe its own interests as the public interest by portraying its membership as good corporate citizens. The industry relies on a limited number of key arguments related to economic development and satisfying the public need for housing. The development industry, through BILD, also emphasizes its public-good motivations through its involvement with Habitat for Humanity. According to Bryan Tuckey, president and CEO of BILD, the

development industry has been partnered with Habitat for Human for 11 years, with the shared goal

ostensibly being to "end the cycle of poverty by building affordable homes for low-income families. ...

We're both in the business of building homes people can afford and we are both strong advocates of

affordable home ownership" (Tuckey, 2014, November 29: H7). Again, the message forwarded by this

narrative is of an industry concerned with the public good, although it ignores entirely the negligible

number of social or other forms of non-market housing built over the land decade compared with the

number of market houses built by the development industry.

Narratives put forward by the development industry are usually coherent and on message (much

more so than interview testimony of individual developers), and their concerns centre on a very particular

person: the housing consumer. The primary housing consumer, according to the development industry is

an owner or potential owner, and is often a new immigrant. This serves the narrative very well because the

Toronto region receives a high number of immigrants every year and growth forecasts suggest the Toronto

region – the Greater Golden Horseshoe – will receive approximately 3.7 million newcomers in the 30 year

period between 2001 and 2013 (Hemson, 2005; Allen & Campsie, 2013; forecast based on 2001 Statistics

Canada data).[108] New homebuyers – often immigrants – are presented as being unfairly disadvantaged by

bearing such high costs of new housing, something that the development industry is ostensibly concerned

about. This section will interrogate these concerns. A number of narratives used by the development

industry portray developers in heroic terms as serving a public good. Here I focus on two heroic

narratives: the development industry as driver of the economy; and developers and builders as producers

of affordable housing.

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[108] Total immigration rate for Canada since 1990 is over 220,000 per year (Citizenship and Immigration Canada, 2012). Hemson (2012) predicts Ontario will receive 46.7% of these immigrants in the next 30 years. Hemson (2012) also predicts the Greater Golden Horseshoe will receive 89% of immigrants to Ontario, or approximately 41.4% of Canada's total (approximately 91,300 people per year, or over 2.7 million people in a 30 year period). Although beyond the scope of this research, it would be insightful to investigate how many new immigrants purchase new homes in the Toronto region. Some sources (e.g., CMHC, 2014) suggests the number to be quite low (less than 40%), which is rarely, if ever, acknowledged by the development industry.

The development industry drives the economy.

In Canada, debt levels continue to rise (Statistics Canada, 2014)[109], financialization in real estate markets

is increasingly associated with social inequality and polarization (Walks, 2014a, b), and economists are

increasingly concerned about the mortgage and consumer debt being taken on by Canadian homeowners

(e.g., Dobbs et al., 2015; Poloz et al., 2014). Yet the development industry consistently continues to rely

upon a narrative that homeownership is a virtue, and that both the jobs and spending associated with house

construction, maintenance, and renovation are positive elements in terms of the national and provincial

economic health. The storyline of the development industry driving the economy has been fostered by

development industry associations and individual developers. It is especially prevalent with the Ontario

Home Builders' Association (OHBA), which uses the metaphor of an engine, claiming in its annual

economic reports that the residential construction industry is "the engine that drives Ontario's economy"

(OHBA, 2011, 2012, 2013c). As a storyline, an engine driving the economy works well given that it can

mean many things and can be deployed in a unified manner despite contradictory ways in which

individuals might make their own meaning of the metaphor (Hajer, 1995). Furthermore, as a condensed

short-hand form of a narrative, an economic engine can be mobilized in advertising and media stories

without expanding on what the broader narrative might mean in actual practice, specific contexts, and

different spaces and scales. Its positive message is implied, and no further analysis is required.

When it does elaborate, the OHBA (e.g., 2012) uses the engine storyline to emphasize jobs,

wages, GDP, and tax revenue for governments that comes with residential construction and renovation.

Weekly BILD articles are often prefaced with statements of economic contributions in terms of jobs and

'investment' (a nebulous term itself: investment in what, where, how many degrees of separation from

initial development industry spending?), or are entirely devoted to these messages. A *Toronto Star* article

written by the president of the Urban Development Institute (a precursor to BILD) emphasizes economic

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[109] What is called 'household credit market debt' by Statistics Canada is composed of consumer credit, mortgage loans, and non-mortgage loans; as of the third quarter of 2014 in Canada, approximately 65 percent of household debt was mortgage debt (Statistics Canada, 2014).

activity generated and jobs created by residential construction, as well as associated consumer spending

resulting from homeownership itself:

> The homes we build or renovate generate more than $15 billion in economic activity, more than 200,000 jobs and $9.6 billion in wages paid … each new home or condo owner typically spends up to $10,000 in the local business sector … from lawn mowers to snow shovels, appliances, electronics, landscaping and gardening products. (Auciello, 2006, November 18)

Current BILD president Bryan Tuckey makes similar claims in his weekly *Toronto Star* articles,

emphasizing construction jobs, wages, and consumer spending. For example, in 2013:

> In the GTA, we know that more than 202,000 jobs were created in new home construction, renovation and related fields in 2012. Those jobs generated more than $10.8 billion in wages that show up as purchases across the local economy. (Tuckey, 2013, May 18)

A year later, Tuckey used the same messages and statistics to promote the development industry:

> Building and land development is still among the key economic drivers in this province. In 2012, the GTA saw 202,700 jobs created in new-home construction, renovation and related fields. ... Those jobs represent $10.8 billion in wages, which show up as purchases across the GTA economy. (Tuckey, 2014, January 9)

These narratives are used in a wide variety of other forums, such as submissions to Provincial Legislature

committees, advertising campaigns, and industry-sponsored events. Given that the economic contribution

narrative is simplified through the engine storyline, there is rarely any mention of type of job (skill level,

wage level, whether they are unionized, permanent, full-time, etc.), or fuller explanations of vague terms,

such as 'related fields' and 'investments'. Furthermore GDP is implied in this narrative as a virtue, despite

warnings since the advent of GDP as an indicator that it merely measures total economic output, not

national welfare (Kuznets, 1934). The engine is a production-side storyline with little regard for the well-

being of consumption-side actors, such as homeowners who take on mortgages and potentially additional

consumer debt in order to pay for the goods and services that tend to parallel home ownership.

Perhaps most importantly, as a storyline, the engine that drives the economy suggests that the

development and building industries are *leading* economic development and growth: that by fostering

growth in development and construction, broader economic health will follow. Focusing on specific

numbers, such as local job creation, also suggests that the development industry is actually *creating* these jobs. According to Tse and Ganesan (1997), notwithstanding exceptional circumstances such as postwar rebuilding, there is little evidence supporting the notion that construction output leads the aggregate economy, measured through such indicators as GDP. In their study of the Hong Kong development industry, they suggest that construction activity tends to follow changes in GDP, although in their study, construction economies were much more volatile than overall GDP. This observation about volatility is supported by Statistics Canada research, which suggests that historically, "employment in construction has been more sensitive to the ups and downs of the economy" (Statistics Canada, 2011: 72). Similarly, notwithstanding claims that the Toronto region development industry is exceptionally important economically (implying that it should be congratulated and fostered, rather than increasingly regulated), the real estate and related industries portion of GDP in advanced capitalist nations is indeed high, but relatively stable at between 5 and 8% (Ofori, 1988). According to Statistics Canada, the construction industry in Canada accounted for approximately 6% of the GDP in 2010 (Statistics Canada, 2011). Interestingly, the development industry rarely cites GDP contributions in terms of overall percentages, preferring to list large numbers, such as number of jobs, dollars of investment, and dollars in wages. Stating economic contribution in this way – as thousands of jobs and billions of dollars – is much more dramatic than simply stating what economists know: that the residential construction industry is relatively important to the GDP, but not exceptional, and despite greater volatility than the aggregate economy, is relatively stable and predictable at 5 to 8% of the GDP (Ofori, 1988).

In an interview, a developer association representative suggested that the development industry is an economic leader locally, since developers do not require government assistance, and since their economic contributions are locally beneficial:

> The industry has never, to my knowledge, gone to any government for funding. They're entrepreneurial by nature. They haven't been bailed out ... like the auto industry, you name the various industries ... they employ 193,000 people directly and multiply it, as compared with someone like Apple ... you get some retail jobs but the majority of things leave the country. (Developer Association Interview, February 26, 2013)

These arguments are used as a response to negative media attention developers often receive, as well as government regulations that developers perceive as harmful to the development industry. In an effort to foster a reputation of responsible corporate hero, the developer association representative asserts that developers are responsible, both to civil society for creating jobs, and to the state, in that they do not require assistance, and certainly do not deserve to be so heavily regulated by municipal and provincial governments. Much is left out of this narrative of corporate and personal responsibility, including a denial of government assistance. Most notable exclusions are the ways in which the development industry relies on planning controls to maintain land values, the land value created by the state through provision of infrastructure but captured by developers, and the ways developers are privileged institutionally within the planning and land regulatory systems. As Healey et al. (1988) note, land use regulations, especially those that constrain land supply, create certainty about land values and markets. Developers and builders also use the planning system to work through land use conflicts in order to have their interests negotiated and satisfied to various extents (Healey et al., 1988). Arguments about corporate responsibility de-emphasize the work done by the development industry to influence government and lubricate the system to provide key sites and infrastructure that benefit private development firms (Bozikovic, 2008, December 8).

Discourses of economic development were especially powerful during the late 1990s and early 2000s as Ontario was emerging from a recession, and again in the late 2000s when manufacturing in Ontario was suffering, as 'footloose capital' was increasingly moving manufacturing centers to sites of cheaper labour and laxer environmental regulation. The development industry in the late 1990s was itself recovering from recession and major restructuring, and interpreted constraints on the development industry as a chill on economic investment more broadly. This was indeed the case in 2003 when incoming Liberal Premier Dalton McGuinty promised to cancel the Oak Ridges Moraine - Seaton land swap in 2003. Indeed, protecting economic development became the primary rationale for transforming 'development rights' into 'property rights'. According to this rationality, developer contributions to the economy require protection, and legislating against these 'rights' ostensibly signals a chill to other

economic sectors in Ontario more generally, especially those that rely on government contracts.

The storyline of the development industry being the engine that drives the economy and growth is based mainly on supply-side macro-economic principles, which are also principles that governments rely upon when developing economic policy. In their industry association reports and newspaper columns, development industry representatives downplay micro-economic processes, such as the role of advertising in steering consumer preferences; the complex factors influencing price; and the role of influential actors that affect which land is developed and with what built form. Nevertheless, developers use micro-economic arguments, albeit in contradictory ways, that serve to justify macro-economic statements of driving the economy for the public good. These arguments then become calls for greater affordability of housing, concern for consumers' ability to become homeowners, and a straightforward connection between supply, demand, and price. The development industry argues that increasing prices are decreasing the ability of consumers to buy product, in effect decreasing demand for a certain category of product. It argues this despite concurrently reporting and celebrating elsewhere the high demand for ground-related houses, record housing sales, and an actual increase in the size of single detached homes (Carras, 2012, February 24). This argument ignores other factors that influence supply, demand, and price, including high immigration rates that pressure the housing supply; increased access to financing for houses due to low interest rates, which has fueled high household debt; and a focus on land and buildings as investments rather than housing. Supply of new land and new housing is only one factor, and unlikely to be the most important one, albeit one that government can be seen to influence. Developers cannot simply say supply is low; this is implausible because housing start numbers remain high (Carras, 2014, October 25) and research shows there is adequate supply of land as well as resale housing stock, not to mention an increasing supply of investor-driven rental condo apartments (Allen & Campsie, 2013). Supply is also influenced by how land is used: building at higher densities, for example, can dramatically impact the numbers of housing units that can be built on a particular parcel of land (Taylor & Van Nostrand, 2008). Microeconomic arguments, such as consumer preferences, are weak arguments that are often argued in the

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absence of research and convincing evidence but using general life course statements or narratives based on personal experience.

A counter-narrative to the storyline of the development industry as the engine that drives the economy is often forwarded by critics who suggest that if anything, development costs society: that sprawl is fueled by government subsidies put in place in the 1950s (Blais, 2010). In this counter-narrative, the costs of sprawl are enumerated as evidence that land-extensive forms of development are economically inefficient and require government subsidy through funding of highways and other infrastructure, and through differential property tax formulations where 'urban' residents pay their fair share and more, whereas 'suburban' residents pay less than they should (what constitutes urban and suburban in these arguments is unclear). Blais (2010) also argues that development charges have been misapplied, and tend to punish compact forms of development. She argues that this mispricing happens because development charges are often applied as a single rate across a municipality with little regard for location of developments, and are charged on a per unit basis, which leads to a lower per square foot charge for residential units occupying large plots of land. Amborski (2011: 34) summarizes this assessment of development charges as a subsidy of inefficient development:

> Low-cost areas tend to subsidize high-cost areas, small lots subsidize large lots, and smaller units tend to subsidize larger units. As most municipalities do not apply area-specific development charges, relatively low-cost development that is adjacent to built-up areas where services are already extended pay the same per unit charge as areas further away. Consequently, as they all pay the charges based on the same average costs, low-cost areas tend to subsidize the high-cost areas.

In a slightly different narrative, residential development is sometimes portrayed as a cost borne by hosting municipalities or the province. A developer suggested to me that this is indeed often the case, but did not see this as problematic, given the need to provide housing for an expanding population, and the desire by most people to live in single-family housing:

> If we're going to allow our population to grow ... it's almost a public good, really, when you're ... helping development occur, you're providing housing for increases in population. Well we've got to put these people somewhere. ... And one of the ways to do it is ... to help finance infrastructure for residential development in the suburbs. (Johnson Interview, June 3, 2013)

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In this framing, development may indeed be a cost to the public in terms of providing infrastructure. But this developer argues that the provision of housing is also a public benefit, and that in the pursuit of decent and affordable housing for a growing population, it is the public's duty to facilitate house building.

The development industry's primary concern is 'affordability'.

Although planning controls that constrain development are complex and can both restrict and enable capitalist accumulation (Healey et al., 1988), the development industry has traditionally opposed these types of regulations. Thus, during the Oak Ridges Moraine land use conflicts, development of the greenbelt, and more recent discussions over the provincial growth plan, *Places to Grow*, the development industry put out messages that restrictions on development and urban boundary extensions have negative consequences, in particular the decreased affordability of housing. A well-rehearsed narrative thus emerges from the perceived relationship between restricted land supply and housing affordability.

Given the complex nature of the housing market in terms of housing choices and factors influencing the cost of housing, it is important to ask why the development industry draws so much on the narrative of affordability, and why it usually asserts that the cause for decreased affordability is local policies that constrain land[110] supply. One hypothesis is that the development industry is focusing not only on explanations that are consistent with its neoliberal ideology of free markets and minimal government intervention, but also those aspects of housing costs that it has some possibility of influencing. Making causal connections between decreased affordability and local and provincial government policies allows

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[110] While affordability discussions often focus on house prices the price of land has also increased. Land prices are constituted by a diverse array of factors, including perceptions of land shortages; manipulation of the land market by various investment schemes (Walks, 2014); shadow values from existing housing stock; and various municipal and provincial infrastructures and services that are provided to certain land parcels but financed by the general public (Slack, 2002). In terms of 'shadow value', according to Stephen Dupuis, former president of the Greater Toronto Home Builders' Association, house prices are set by the resale market, which is much larger than the new housing market (Legislative Assembly of Ontario, 1997). According to this assertion, the size of the market influences its role in setting price. On the other hand, Leith Moore, at a conference hosted by the Canadian Urban Institute and Neptis (CUI & Neptis, 2014), suggests new house prices are fueled mainly by increasing costs. These costs stem from increased time frames for development application approvals; increased government charges and fees that add up to an average of approximately $100,000 per housing unit; increased demand for studies and consultants; and increased land prices.

developers to target these levels of governments and to focus on supply-side economic factors. These

arguments can be quite effective. It is more difficult to effect change in macro processes, such as interest

rates, immigration rates, urbanization[111] rates, or other factors influencing demand.[112] What precisely is

meant by affordability, and affordability for whom, also have to be interrogated, especially given that

affordability is a social category that defies objective quantification (Streich, 1993). I propose that

developers use affordability as a more politically correct term for 'saleability', and that developers'

concerns are primarily with keeping sales numbers predictable in order to facilitate long term business

planning. In order to investigate the politics of affordability, the concept of affordability has to be

analyzed for its various meanings. This involves analyzing the rationale behind developers using this

concept, paying particular attention to what types of developers benefit from lobbying based on

affordability arguments.

Decreasing affordability is a constant refrain for BILD, both in terms of the causes of lack of

affordability and also the need for greater affordability. In general, BILD is referring to housing price

rather than house size or broader societal forces that influence the ability to house people. Having

identified affordability as a narrative, is it then necessary to know what is meant by affordability, why it

seems to be so important for the development industry, for which elements of the development industry

affordability is a problem, and how this narrative relates to the institutional arrangements in which

development takes place. A developer association representative (Developer Association Interview,

February 26, 2013) gave what is probably the underlying concern developers have with affordability:

"We, as an industry, worry about affordability because you need to have people who can afford to buy

your product and the type of product that they want". In other words, houses need to be affordable in order

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[111] Urbanization here refers not to urban expansion and development, but rather to the increasing proportion of people living in cities.
[112] In the 1970s, the Federal and Ontario Provincial governments were similarly faced with, and wanted to explain, the affordability problem. They concluded that increased land prices, rather than being caused by developer monopolies or local government policies that increase costs, were caused by many factors that converged. These included inflation, increased real income, stock market failure, population increases, changes to tax rules, and low interest rates (Fallis, 1993).

to satisfy the interests of the development industry – to allow it to keep building and selling houses – not

necessarily to satisfy the housing needs of society. In a 1999 *Toronto Star* column, Jeff Usher, then

president of the Greater Toronto Home Builders' Association, puts the interests of the development

industry even more simply:

> Development charges, building permits, taxes, fees and levies, strikes, warranty, etc. – all have an
> impact on the builder's cost of doing business. ... Anything that adds to the cost of housing is our
> target because the higher the base price, the fewer people can afford the product. (Usher, 1999,
> October 16).

The development industry is interested in selling homes in high, or at least predictable numbers.[113] A more

accurate term would be saleability, which emphasizes the ability of developers to sell houses rather than

the ability of people to buy them. This was summarized succinctly in 1997 by former Minister of

Municipal Affairs and Housing Al Leach during a Standing Committee debate on development charges:

> Every $1,000 reduction that you have in a home generates about 6,000 more potential buyers.
> Every time they [developers] can reduce the cost of a new home by $1,000, they have a potential
> of 6,000 more potential buyers. That's the benefit to the industry: 'If we keep that cost down, we'll
> sell more houses'. (Legislative Assembly of Ontario, 1997)

Keeping costs down is particularly important to developer-builders that require a continuous supply of

land to provide lots to their housing arms. As a developer explained to me in response to a question about

the potential benefits to an investor of high land prices, developers want to maintain a model that requires

continuous land development and housing sales, a model that can be jeopardized if ground-related houses

become too expensive:

> Most developers are actually home builders too. ... So, we also have a builder that needs to sell
> homes 'cause that's ultimately when we get paid. ... You could say, 'yah, I bought a piece of land;
> funny enough or lucky enough it happened to escalate in value as a consequence of constrained
> land supply.' But then you have to replace that land supply. And if you want to keep an even flow
> business model moving, like a Ford Motor Company would with a production line, I mean you get
> these interruptions 'cause you can't get the approvals, or your market diminishes because it
> becomes too expensive for the common folk to actually afford a home. Then I think the whole
> business model's on a tenuous footing. (Developer Interview, May 7, 2013)

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[113] Although annual housing sales are highly variable according to firm, Table 6 and 7 in chapter 5 provide some
numbers for select firms in the Toronto region. The largest home builder by number of units sold, Mattamy Homes,
often sells over 2,000 housing units per year in Ontario, most of which are in the Toronto region (Tarion, 2014).

The developer-builder investment model relies on house sales, as opposed to a strict land investor or speculator that relies on profits from the buying and selling of land, irrespective of whether houses are built on it and sold (Lichfield & Darin-Drabkin, 1980).

Framing affordability as saleability contrasts with messages in BILD articles in the *Toronto Star* that mask the business imperative behind serving a public interest. For example, Tuckey (2013, November 16) writes that affordability is about fairness for both consumers and the development industry, which is being undermined by increased government charges: "This kind of charge hurts a buyer's ability to improve his or her family's life in a new home, as well as our industry's ability to contribute to the economy. Fairness needs to be part of the discussion". In another example, Tuckey (2014, February 15) states, "With more than 100,000 people moving to the GTA every year, those prices put home ownership out of reach for many prospective purchasers, especially first-time buyers and new Canadians who already struggle to save for a down payment". This statement begins to reveal what is normally hidden in rhetorical narratives about affordability. BILD here is focusing on a particular segment of society, drawing on and further reproducing ideas about homeownership as a stage in life, a means to improvement in one's socioeconomic stature, and a measure of success.

These middle-class virtues have been very profitable for the development industry, and any talk of affordability by the industry must come with the important caveat that it is a particular clientele that they are concerned about. This is explained by Leith Moore (Interview, October 29, 2013) when I asked him what the development industry means by affordability and whether developers can actually provide affordable housing. According to Moore, "We're really building for people who can afford to buy a new house or move up – first time move up. You know, it's not affordable". The development industry cannot profit from truly affordable housing, so they do what they are good at – selling to the middle class aspiring to home ownership – and become concerned about affordability for this segment of the population. As Moore stated:

> The industry's pretty good at building for move up or even first time townhouses and stuff like that. But affordable housing? Naturally affordable housing? It's hard to do on new land because all

the inputs are so expensive. Why bother trying? Unless you build tiny, you can't really get there. So nobody tries anymore. (Moore Interview, October 29, 2013)

Moore further suggested that the existing housing stock is more affordable than new housing: "Even in condos it's hard to build an affordable unit. Cost pressures for new are huge. You can buy much more affordable if you buy an existing house in the inner suburbs than you can if you buy something new out in the 905". This claim is nowhere to be found in BILD narratives calling for affordable housing, although it suggests part of the rationale for the narrative is competition between the new housing and resale housing sectors. That said, in the Toronto region, location, rather than the age of a house, is also an important factor in house price, and there is wide variation in existing house prices. The City of Toronto is characterized by severe income polarization (Hulchanski, 2010); some areas have extremely high real estate prices – much higher than the 2014 average of $839,500 for a single detached house – whereas other areas are less 'desirable' (in real estate terms) and fetch lower prices on the real estate market (CMHC, 2014). Furthermore, extremely expensive houses skew upwards average house prices.[114]

A related complexity is the suite of factors driving house and land prices. Some developers (e.g., Mattamy's Bradley Carr in Gray, 2015) and many economists (e.g., Burleton & Petramala, 2015: 14) point to low interest rates as the primary driver of high house prices. However, BILD representatives stress local factors, such as local government policies that are said to constrain land supply (e.g., Carras, 2014, November 30) and government fees on new housing, often described collectively as development charges. The development industry in the Toronto region has a long history of communicating with different levels of government for the purpose of keeping costs down (Usher, 1999, October 16). However, its recent framing of development charges consists of a very specific interpretation of what constitutes these fees, how they have changed, and how they negatively affect developers and builders. In making its case, the

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[114] For example, the Toronto Census Metropolitan Area includes very wealthy areas, such as the Bridlepath, where prices can be in the tens of millions of dollars. A quick survey of the Toronto Real Estate board website shows houses in the City of Toronto priced as high as $28 million. Furthermore, bidding wars in 'preferred' neighbourhoods, such as Rosedale, are often well publicized, leading to the perception that the supply of single-family housing is almost nil (e.g., Pigg, 2014, December 5).

development industry, primarily through BILD, has published and reproduced charts and other visual

representations, sometimes through the media, to present government fees as unfair to builders and

housing consumers. It does so mainly by categorizing all government fees as development charges, and by

highlighting their recent increases in certain municipalities.

The critique by the development industry of development charges provides a compelling example

of how the industry uses rhetorical devices to exaggerate the fees municipal and regional governments

impose on developers, and to cite these as contributing to decreased affordability. In June 2013, Altus

Group Economic Consulting, commissioned by BILD, published a critique of what it calls 'government

charges and fees' on new developments (Altus, 2013). BILD subsequently published a series of articles in

the *Toronto Star* (BILD, 2013, October 19; Tuckey, 2013, August 10, August 16, August 24, September 5,

November 30) discussing these charges and fees, and a blog post explaining the *Toronto Star* articles

(BILD, 2013, September 30). In addition to this series, the development industry intermittently publishes

articles and reports criticizing development charges, often using similar, well-rehearsed arguments (Altus,

2009; Clayton, 1989; O'Hanlon, 2001, March 10; OHBA, 2015; Tuckey, 2013, March 2).

The Altus (2013) critique and other industry-sponsored publications can be dissected to show that

the development industry uses two techniques in order to frame its development charges narrative: it

exaggerates, through slippage in language, the magnitude of development charges by including a long list

of costs that developers bear as part of the development process, but which are not actually development

charges; and it vilifies development charges by reframing them as a tax, in particular a tax on 'new

neighbours' (e.g., Tuckey, 2013, August 16)[115]. This allows the development industry to claim that

development charges have increased recently, that they are a cause of increased house prices (i.e.,

decreased affordability), and that these costs are a unfair burden imposed on buyers of new homes.

According to the *Development Charges Act* (Ontario, 1997) development charges are fees

imposed by municipal councils on development activity (such as zoning bylaw amendments, minor

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[115] The online version of this article (Tuckey, 2013, August 16) uses the term 'development charges' in the article title. The print version (Tuckey, 2013, August 17) uses the term 'development fees'.

variances, plans of subdivisions, and building permits) to pay for the increased capital costs required to service new developments. In single-tier cities, such as Toronto, there are three development charge components: municipal development charges, education development charges, and transit development charges. In lower tier cities such as the City of Pickering in the Regional Municipality of Durham, there are additional regional development charges. In total, these development charges usually represent less than half of what Altus (2013) calls 'government charges and fees'. According to a Ministry of Municipal Affairs and Housing development charges consultation report (MMAH, 2013b), the rationale for development charges is two-fold: to cover the costs of additional municipal services, schools, and transit incurred from urban development; and to gain some control over the form of development. As an example of the latter, in order to encourage urban intensification, development charges for detached houses in the City of Ottawa are lower in the central urban area than in suburbs located outside of Ottawa's greenbelt (MMAH, 2013b).

The Altus (2013) report, when using the term development charge, appears to respect the definition of development charges in the *Development Charges Act* (Ontario, 1997). In a development charges table, it only includes lower and upper tier (i.e., local and regional) development charges, and transit and education development charges (Table 10). However, elsewhere in the report (e.g., Altus, 2013: A3), it lists, in addition to actual development charges, a plethora of other costs under the heading *government charges*: planning review fees; building and mechanical permits; engineering and servicing costs; property tax; hydro connection costs; parkland dedication; Tarion enrollment; CMHC mortgage insurance; HST; and land transfer tax. These government charges are not development charges. Most are costs associated with the development process, and development being a highly regulated activity, the costs are often associated with government agencies (e.g., planning departments) or private firms closely regulated by provincial legislation (e.g., Tarion Warranty Corporation).

Table 10. Municipal, transit, and education development charges (DCs) in select Toronto region municipalities (adapted from Altus, 2013).

	Oakville	Brampton	Markham	Bradford West Gwillimbury	Ajax	Toronto
DC Rates			*Dollars per Unit*			
Lower-Tier (Town/City-Wide)	18,957	25,351	19,626	29,024	12,029	19,412
Lower-Tier (Area-Specific)	n.a.	n.a.	3,500 [1]	n.a.	n.a.	n.a.
Upper-Tier	35,275	35,532	40,107	6,172	20,940	n.a.
GO Transit	1,032	476	314	n.a.	647	n.a.
Education	3,665	2,146	2,020	1,088	1,964	544
DC Revenues			*Dollars*			
Lower-Tier (Town/City-Wide)	9,478,500	12,675,375	9,813,000	14,512,000	6,014,500	9,706,000
Lower-Tier (Area-Specific)	n.a.	n.a.	161,875	n.a.	n.a.	n.a.
Upper-Tier	17,637,490	17,765,970	20,053,500	3,086,000	10,470,000	n.a.
GO Transit	516,000	238,195	157,000	n.a.	323,500	n.a.
Education	1,832,500	1,073,000	1,010,000	544,000	982,000	272,000
Total DC Revenues	29,464,490	31,752,540	31,195,375	18,142,000	17,790,000	9,978,000
			Dollars per Unit			
Average DC Revenue per Unit	58,929	63,505	62,391	36,284	35,580	19,956

[1] Area-specific DC rates are per hectare

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In BILD columns written by Bryan Tuckey, and in other columns that use the Altus (2013) data (e.g., BILD, 2013, October 19; Pigg, 2013, June 11; see Figure 18) slippage in language often serves to reframe all government fees as development charges, allowing Tuckey and other development industry representatives to exaggerate how large they are.[116] BILD also frames development charges as a tax, and then uses this assertion to state that they are a 'new neighbor tax' and thus are unfair to new house buyers (Tuckey, 2013, August 10, August 16). Using exaggerated numbers allows the industry to present development charges as unfair, and framing them as a tax shifts the focus away from developers and towards buyers of new housing, making the critique of development charges look like a public good argument. Arguably, some of the government charges listed by Altus (2013) can be construed as taxes (e.g., land transfer tax and HST). However, framing things like development application fees, building permits, and hydro connections as taxes is inaccurate. They are the cost of a good or service, in this case related to development of land. The property tax category listed by Altus (2013) is not a tax on development or new house buyers. It is paid by developers for the time period that they own the land. It is a tax on landownership, irrespective of who owns the land or whether it is slated for development (and which, incidentally, developers have many ways of deferring; KPMG, 2012).

BILD portrays development charges as increasing, allowing the development industry to make connections between development charges and house price, usually implying that development charges are an important factor in increasing house prices (or decreasing affordability of houses; e.g., Tuckey, 2013, November 30). In a development charges consultation report, the Ministry of Municipal Affairs and Housing (2013) suggests that this claim is exaggerated, and that the connection between development

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[116] In some of the articles, Tuckey writes about government fees and then lists them (e.g., Tuckey, 2013, August 10). In other articles he suggests development charges are only one of, but often the largest, government fee (e.g., Tuckey, 2013, March 2, August 10), despite evidence provided by Altus (2013) that development charges are usually less than half of all government fees. Some articles have the words 'development charges' in the title but then also include 'other government fees' in the body of the articles or in associated charts (BILD, 2013, October 19; Tuckey, 2013, March 2, August 16, August 24). In some of the later articles, Tuckey only uses the term development charges but uses numbers and examples that include other costs and government fees as if they were also development charges (Tuckey, 2013, August 24, November 30).
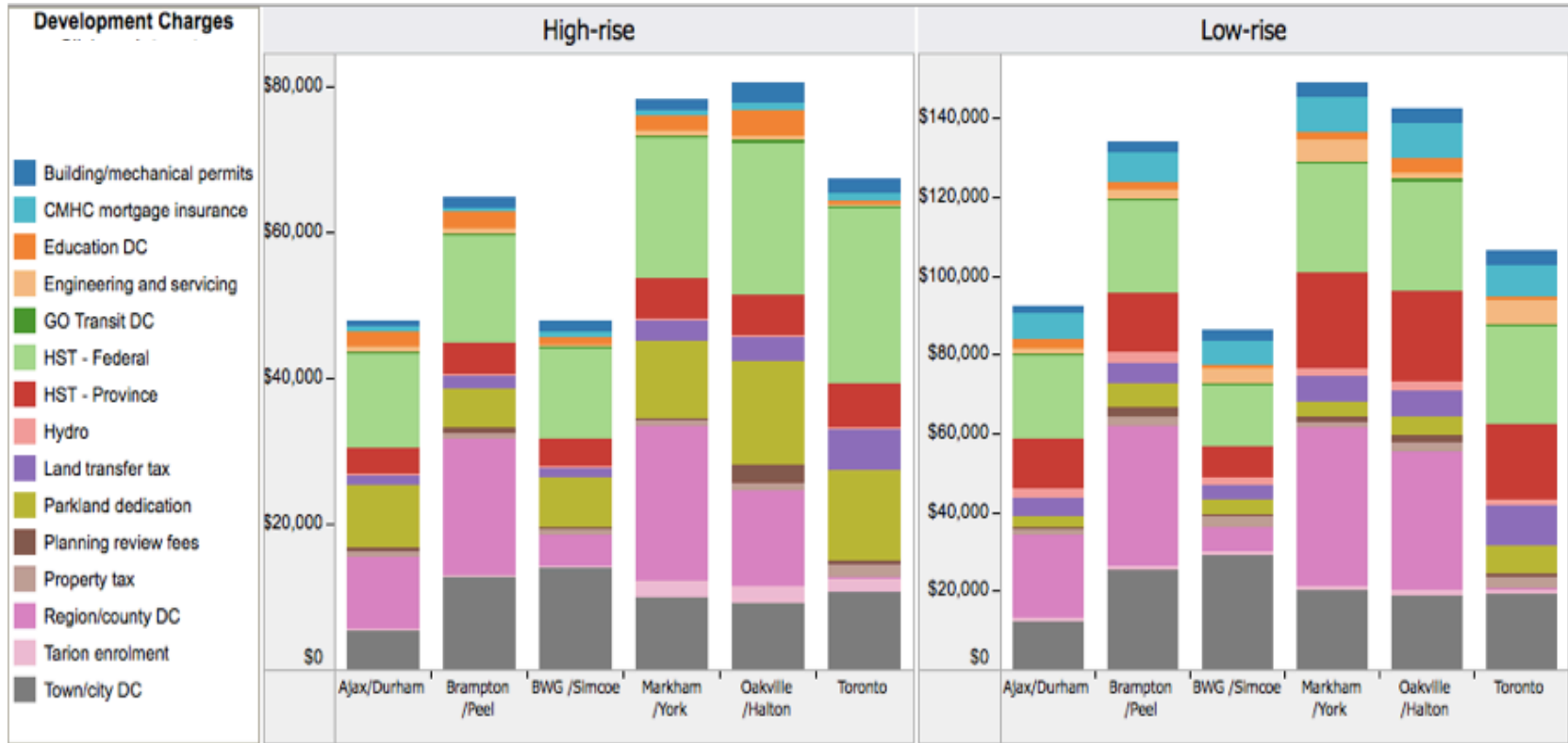
Figure 18. The reframing of costs of development as development charges in an interactive *Toronto Star* article and chart (Pigg, 2013, June 11). Although this chart was adapted from Altus (2013), what are listed as government charges associated with development in Altus (2013) are labeled in this chart as development charges.

charges and house price is overstated. While development charges appear to be increasing in some quickly

growing municipalities, MMAH (2013b) suggests that the rate per house has remained relatively stable (5-

9% of the house price), with rate increases occurring in very few municipalities (Figure 19). It argues that

house prices have indeed risen in many Toronto region municipalities, but house prices are driven by

many different factors, such as material costs and interest rates. Development charges follow, rather than

drive, increases in house prices. For the development industry, critiquing government charges and fees on

development, especially using the term *development charge*, serves two interrelated purposes: it allows the

development industry to protect its image during a period of intense development activity, profiting from

land, and in some cases land use conflict; and it puts pressure on local governments to decrease the local

charges they impose on developers, which have the potential to impact developer profits. Despite the 2008

global economic downturn, the Toronto region housing market has been extremely robust from 2010 to

2015, and developers have been able to profit from high housing demand and high house prices (Gray,

2015). This point is made by real estate professor James McKellar (in Pigg, 2013, June 11), who has

researched development charges (McKellar & Amborski, 2009) and remains un-persuaded by

development industry rhetoric:

> Affordability is becoming a major challenge across the GTA, and fees slapped on homeowners are
> part of the issue, but so are escalating land costs and the profits reaped by developers who are
> getting civic approvals to build higher, more lucrative, buildings or have farmland rezoned for
> more valuable residential construction. ... There's no question they are a reasonable cost for all the
> value that has been created (for developers) across the GTA from rezoning.

Although entirely ignored by the development industry, local planning authorities and the planning system

itself are part of a process through which developers are able to profit from land (Healey et al, 1988;

Rydin, 1986). In a robust market where both housing demand and house prices are high, the profits

developers reap must be included as a factor contributing to problems of housing affordability. As a

defensive measure, the development industry has an interest in downplaying how lucrative house building
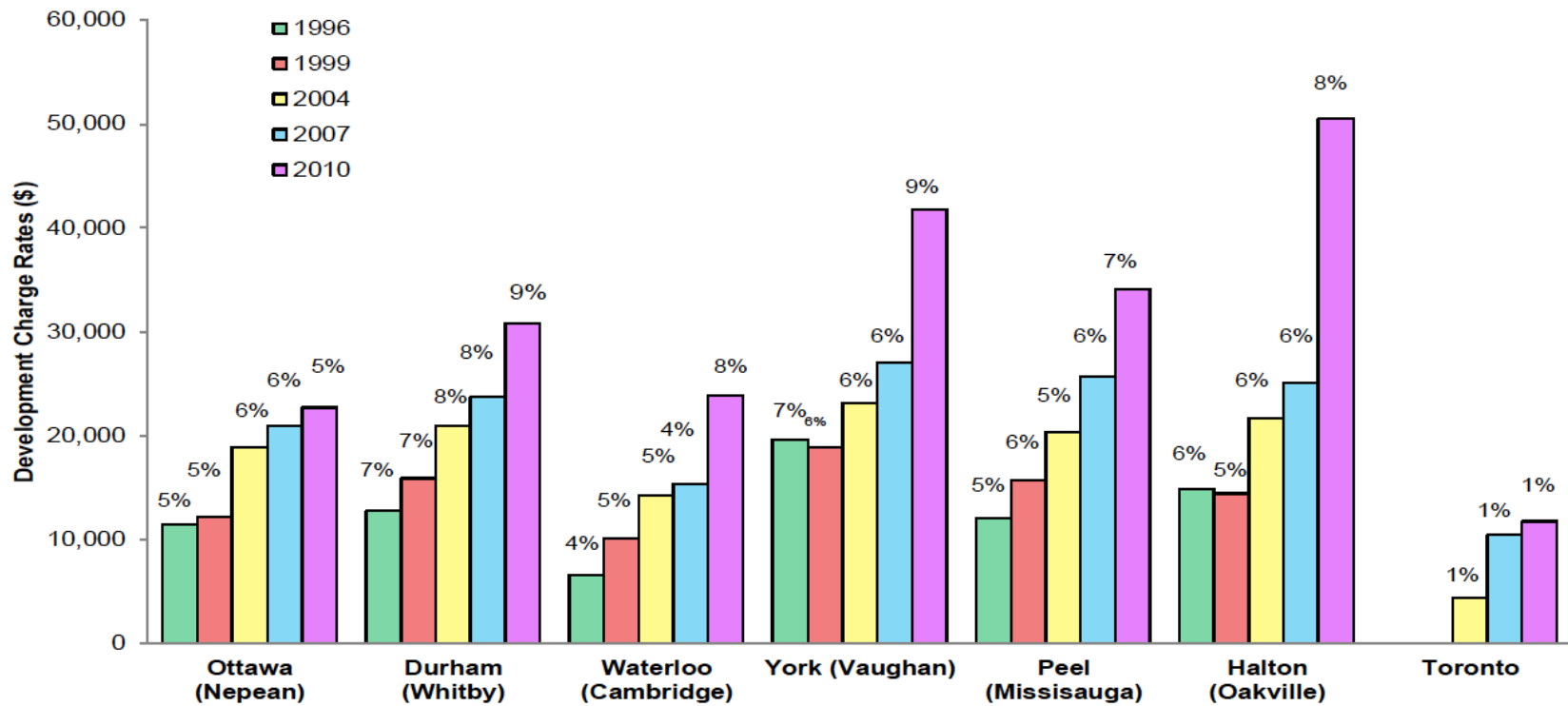
Figure 19. Municipal development charge rates in Ontario as a percentage of average house price (adapted from MMAH, 2013b).

is in a robust market, and instead shift the blame for high house prices onto governments. The development industry does not want to appear to be profiting excessively from high house sales and prices, given its supposed commitment to affordability. This partly explains why it frequently uses the well-rehearsed narrative that government policies (not only development charges but also land 'restraining' policies, such as the greenbelt) are causing increased house prices (e.g., Carras, 2014, November 29; Tuckey, 2013, November 30), despite evidence that other factors, such as interest rates, are much more important. It is difficult to conclude that development industry opposition to development charges is little more that an argument intended to distract attention from their own interests and profits in land. If anything, development charges facilitate development, as they provide a financial incentive to pro-development municipalities and serve to appease existing residents who might otherwise be concerned that costs of growth might lead to increased property taxes (Amborski, 2011: 7). Furthermore, the authority to develop development charge bylaws, according to the *Development Charges Act* (MMAH, 1997), rests largely with local and regional municipalities. Local development charges represent a dimension of development costs the development industry has the potential to influence through its relationships with local governments. Perhaps it is for this reason that the development industry draws so much attention to development charges, often exaggerating their magnitude by conflating them with other development or landownership related costs, and vilifying these costs by framing them as a tax, one that has negative effects on the affordability of new houses.

It would seem then, that although the development industry articulates a number of key concerns about affordability, the most important is maintaining a particular form of development in a particular market: greenfield suburban subdivision development in the Toronto region. As one developer (Interview, May 7, 2013) stated to me in an interview: "What's happened is housing affordability for grade related product, I think, is almost beyond the point of our consumers' affordability. ... [H]ow can people afford houses? Well, they won't. People will just buy somewhere else, i.e., they'll buy an apartment in Toronto". Developers that argue for affordability are building for a particular type of consumer – buyers of ground-

related product that can be built in large subdivisions in specific areas, mainly the outer ring of the Greater

Golden Horseshoe (Hemson, 2005, 2012; Allen & Campsie, 2013), which is essentially the expanding

urban-rural fringe of the Toronto region (Taylor et al., 2010). For this developer, increasing house prices

means that, in particular areas where the developer normally develops, their customer base will shrink. For

this developer, affordability is not necessarily a problem of housing itself, in that people will still be

housed. It is a problem for their particular practice, because their business model will have to change. Part

of this change, he suggests, might include moving into other geographical locations:

> When you're investing and the only investment you can make is a land developer, the one
> commodity that's the scarcest supply, i.e., land, you start to evaluate whether you want to invest in
> Ontario or other markets. And so people in our industry, and our company included, are making
> conscious decisions, and it's always good not to have all your bread in one basket ... but it's also ...
> impacted by public policy that effectively makes it so expensive and so difficult to get a planning
> approval, or to bring on a new community, that you weigh your lost opportunity of the investment
> and say 'Why am I doing business in Ontario when I can take my money and invest in Calgary,
> Saskatchewan – or Regina – or any market in the U.S'? (Developer Interview, May 7, 2013)

Interestingly, this quotation also indicates conflict between the interests of an individual developer and the

interests of a regional development industry association. Some developers, such as Mattamy and

Brookfield, are relatively footloose and are able to seek out markets that allow them to continue with their

existing practices of high production land-extensive greenfield development. But moving operations to

another province or to the United States is not in the interests of the Toronto region or Ontario

development industry associations, such as BILD. Their membership is Toronto region-based or perhaps

Ontario-based, and they are very much concerned with the industry leaving Ontario for other more

profitable locations.

Central to the affordability question, then, is the type of developer for which it is a concern, and

the type of housing consumer for which it is a problem. This gets to the heart of developer associations,

such as BILD, in terms of who they represent. A private planning consultant (Planner, April 26, 2013),

posited that BILD at times speaks for certain types of developers, in this case, those firms that do not have

enough land and thus are in jeopardy of running out of product:

> What's interesting about land supply is that there is a lot of supply, it just depends on who owns it. You know the whitebelt is owned ... by developers. So they're just getting ready for the next wave. It's those developers who don't have any land that are nervous. So BILD represents them all, but the ones who own the land are probably just fine. ... [D]evelopers are schizophrenic on this. They ... on one hand, the restriction on supply makes their land bank worth way more. On the other hand, they can't do their traditional ... keep purchasing outward. And I think that's what the greenbelt was intended to stop.

In other words, these 'traditional' developers – the ones that have always been able to profit on the conversion of agricultural land to urban land – are the ones with the most to lose from government policies, and it is these developers that the associations are trying to protect with their constant refrain about affordability.

Developer Brian Johnson (Interview, June 3, 2013) made a similar statement about land supply and developer type. For those developers that have large land banks, he surmised, constraints on supply and the attendant increase in land prices are not a problem. This developer was responding to a question about land shortages, suggesting that the notion of shortage or low supply is not quite accurate: "There's always lots of land. The question is, how much do you want to pay for it? And, you know, can you buy it at a reasonable price? And ... that's the problem" (Johnson Interview, June 3, 2013). Or at least it is a problem for a high volume production builder whose business model requires continuous land acquisitions in a relatively short period of time. On the other land, a large publicly traded international firm, such as Brookfield Residential, has stated that being active in different markets provides opportunities to buy and bank land during economic downturns, and to sell raw land or develop it for housing during periods of high land prices (Brookfield, 2013). Other firms, such a Metrus, are so vertically integrated and have such a large supply of land, that land constraints are also not necessarily a problem for them.

The Media is the Message for the Development Industry

I have argued in this chapter that the development industry is active in lobbying governments at different levels, and in fostering its image through the media, in order to maintain its interests in land. The main

goal of these efforts is the continuation of a specific form of development that has been institutionalized over the last half a century in Canada, and which is now very complex and carried out by powerful corporations and individuals. Developers, builders, and investors (including institutions such as banks and mortgage brokers) have much to gain from the continued development of land for suburban subdivision development. Many developers maintain large supplies of long term land that rely on the assumption that these lands will one day be developed. Recent government policies and planning reforms that threaten this form of development have led to massive lobbying campaigns by the development industry, through which they mobilize specific narratives in order to argue their case.

Development industry associations, such as BILD and OHBA use narratives in a simplistic and well-rehearsed way, re-iterating singular and coherent messages that suggest simple problems with simple solutions. Targeting planning reform and environmental policies such as the Oak Ridges Moraine conservation legislation, the greenbelt, and the growth plan, these simplified messages all imply that government regulation has constrained land supply; caused housing prices to increase; led to decreased consumer choice on where to live; and are a burden to developers. These narratives target specific policies, such as development charges and increased regulations on land use, and, by extension, specific levels of government, namely the Ontario Provincial Government and local municipal governments. The development industry targets these levels of government because they have a certain amount of influence in these arenas. Macroeconomic forces, such as global economic patterns, are rarely brought out in developer narratives, except when doing so supports existing arguments. For example, when arguing for the importance of the development industry to GDP, the development industry implies they are leaders in economic growth and are important to the overall economy of Ontario.[117]

Although the development industry, as represented by BILD, OHBA, and RealNet, mobilize simplified narratives that connect increased land and house prices with government policy, most

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[117] This economic importance is usually described in jobs (over 200,000 per year) and wages (over $10 billion) (e.g., Tuckey, 2013, May 18; Tuckey, 2014, January 9).

developers, in interviews, realize that the causes of increased house prices are multifaceted. One developer

suggests that it is a combination of low lot supply and low interest rates (Developer Interview, April 26,

2013). Another suggests that land constraints are a factor, but are not themselves driving high prices

(Johnson Interview, June 3, 2013). Other factors include: increased timelines for development application

approvals; high immigration rates, which lead to increased demand; low interest rates; shadow pricing

effects resulting from low supply of single-family housing; and the geography of the Toronto region that

creates a physical barrier to development due to Lake Ontario. Johnson enumerates the multiple factors

influencing high house prices:

> Things have gotten more difficult and arduous, and timelines are longer, for a number of reasons –
> immigration continues. I would argue that if we had more ... fewer constraints, more supply,
> prices wouldn't have gone up as much. That's probably a true statement and ... you know it's
> obviously quite difficult to put a number on that statement, like, 'Well how much?' I can't tell you
> but I can tell you that in cities that are less constrained – less land constrained ... you find as a
> general rule that prices are ... they don't go up as much and they don't go down as much because
> there's a greater supply that can come on. For example, if you looked at a city like, say Atlanta or
> ... Orlando or Houston. You know, big, large circular cities that don't have natural constraints –
> like Toronto's got the additional constraint of Lake Ontario ... you just see house prices not going
> up the way they have in Toronto. (Johnson Interview, June 3, 2013)

An Urban Land Institute report also cites rising construction costs as a factor influencing housing price,

suggesting there is competition between the real estate construction sector and the natural resource sector

for labour (Kelly & Warren, 2014: 82). In an interview with the Business News Network (Gray, 2015),

Canadian president of Mattamy Homes, Bradley Carr, cites numerous factors contributing to increased

house prices, including: increasing material costs; costs of carrying land (i.e., paying taxes and interest on

land as an asset); increasing government fees; a saturated local market (i.e., too many developers

competing for land); low interest rates; and an increased willingness of consumers to take on debt. These

statements are important for revealing some of the absences within dominant development industry

narratives, absences that are well-known but hidden even within the development industry. These

statements also indicate the strategic aspect of development industry statements and the power of framing

complex issues in simplistic and unified ways. Development industry representatives, such as Bryan

Tuckey, stay on message in talks (e.g., Vaughan et al., 2012[118]), weekly *Toronto Star* articles, and BILD

blogs. Tuckey, as a representative of the development industry, and a former chief planner of Peel Region,

is very cognizant of framing the interests of the development industry in ways that are consistent with the

solutions it proposes. For example, it is important for the industry to cite land restraining government

policies and development charges as the most important causes of increased housing prices, as these are

factors that are easy to understand and have some possibility of changing. Speaking with individual

developers, however, proved to be more fruitful in understanding developers and development beyond

these simple messages. Contradictions began to emerge with the dominant development industry

sponsored narrative, and issues such as environmental policy and even the interests of individual

developers were shown to be much more complex than BILD or OHBA suggests they are.

On the other hand, dissenting voices to the development industry provide important critiques of

simplified narratives. The most dominant counter-narrative to the low land supply narrative is probably

provided by Neptis, which published a report evaluating implementation of the Places to Grow growth

plan (Allen & Campsie, 2013). The rationale for this report was that although individual municipalities in

the Toronto region calculate their own land supply, the Province has not published these numbers for the

entire Toronto region, making it difficult to assess whether or not the growth plan is working. The main

findings are that municipalities are inconsistent in how they accommodate growth, with some

municipalities requiring excessive amounts of land to accommodate their growth forecasts. The starkest

counter-narrative to development industry assertions that the growth plan is constraining land supply

derives from this failure of the growth plan to meaningfully compel municipalities to intensify land use.

As Allen and Campsie (2013: 78, emphasis in original) state:

> It is ... interesting to compare these findings with claims by the development industry that the
> Growth Plan is restricting the supply of land and thereby driving up the price of housing. On the
> contrary, the Growth Plan is not restricting the amount of land available for development.
> Through the process of bringing municipal planning documents into conformity with the Growth

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[118] I attended this summit in September 2012 at York University, where Bryan Tuckey spoke about the role of the development industry, citing well-rehearsed messages about the development industry, including its economic contributions and jobs it creates.

Plan, municipalities have designated *almost the same amount of land* under the Growth Plan as they might have without the Growth Plan.

Based on this argument, the requirements of the growth plan are asking municipalities to do what they were already doing.

Although there will always be room to debate numbers and housing forecasts, one weakness of the Neptis report is that it fails to take into account the long term planning and land banking that developers do, and the institutional forces that have compelled development to operate in a particular way. When Allen and Campsie (2013) refer to land supply, this supply is based on official plan requirements for land supply over a certain number of years, often 25. Calculating land supply is thus a simple matter of calculating non-urbanized land with existing urban 'built-up' and designated 'settlement' boundaries and forecasting how long it will take to develop at specific densities. But land developers have a much longer outlook than official plans, and they maintain long term land banks that must constantly be replenished as they sell new houses. As a result, developers are competing to purchase land that will not be developed in the near future. But they are competing and driving up prices now. This leads to increased prices of all land, including land designated for the next wave of growth. Furthermore, land is owned not by a rational 'development industry', but by individual development firms that make decisions based on a variety of factors, many of which may not be considered by research organizations such as Neptis. Although Neptis may be technically correct in stating there is adequate land supply, it says little about who owns this land and what they plan to do with it. As a result, after greenbelt legislation was enacted in 2005 (MMAH, 2005a, b), there was increased land buying activity, as developers bought as much land as they could inside of the greenbelt. As developer Brian Johnson states in an interview:

> The direct response [to the greenbelt] has been that if there's land available with the greenbelt ... you'd be well advised to buy it. I don't think we can, you know, 'Well maybe we'll buy something inside the greenbelt later' because the point is, we've got a severely restricted supply and land inside the greenbelt is much more valuable than outside. (Johnson Interview, June 3, 2013).

That said, and as Allen and Campsie (2013) argue, assumptions that constraints on land supply will result in higher home prices relies on the starting premise that more land is needed for additional housing construction. Part of this is a density issue: that various forms of resistance exist to building at higher densities, and thus there is a shortage of houses. Part of this may be about shadow prices: that the prices of homes are set by a certain building type (single detached), increases of which are then felt across all housing types, such as townhouses and condos. Part of this is about developers' perceptions of land shortage and what this might mean in the long term, which results in increased transactions as developers compete with each other for what is seen as an increasingly dwindling resource. This, in turn, means they are paying more for land, even long-term land, which is driving up the price of housing. Some developers talk about land prices as if they are external to the development industry: that prices of land are simply what they are, somehow driven by an external market. Ignored in this assumption is that *the market* is an aggregate of developers and investors buying and selling and profiting from land, albeit one that seems to take on a life of its own – the so- called 'hidden hand' of the market. This is not consumer-driven; it is profit and competition driven. Consumer behaviour allows this to happen but is not determinant. For many people, price is the largest determinant of housing type and location (Burda, 2012). Perhaps all being equal, people will choose more space or shorter commutes, or a more scenic landscape, or a more vibrant area, or whatever other factor they deem to be important. But the starting point is a list of choices based on price. Given a certain need for space and amenities, the 'choices' rapidly diminish. The underlying fuel is the imperative to profit from land and housing. It is not helpful to blame developers for the need to profit, as this imperative is central to the current economic system. However, the claims of developer associations must be interrogated critically, as developers as an industry bear much responsibility for fostering a particular message about how cities should be built, and who wins and loses from building them in a certain way. One developer I interviewed (Developer Interview, August 5, 2014) was very critical of BILD for this very reason, and is no longer a member. BILD and OHBA are, in effect, lobby

organizations, relying on the current economic system for their gain, often at the expense of those needing housing, and reproducing existing problems with land consumption and unsustainable urban forms.

This chapter argues that the development industry, through narratives, often presents their interests as the public interest, reframing underlying profit imperatives as public good imperatives. The development industry has done this by relying on a number of narratives and other rhetorical devices suggesting that the development industry's main concern is housing affordability; that the development industry drives economic growth and job creation in Ontario; and that development firms are experts at responding to consumer preferences and government policy. Reframing their interests in this way hides the power and politics at play in the act of changing land use from mainly rural into urban uses, a process that creates massive profits and financing leverage, and political power for development industry actors and corporations. As Rydin (2003: 134) states, for developers, "the idea of providing housing for people (in aggregate) is transformed into the idea of providing land for housing development (in specific sites)". This transformation changes radically the terms through which housing is provided to populations. The contentious politics of land use and housing are rendered technical, reduced through narratives and the arguments of experts to mask the profit imperative of the development industry, and to reframe development firms as passive technicians – experts at execution.

Chapter 8. Developer Stories

The previous chapter draws attention to narratives about the development industry, including those told by industry representatives. Although developers are often referenced in the aggregate as an industry, developers also act as individual firms and actors whose activities and relationships are deeply influential to urban development and governance. Individuals matter: as founders of development firms; as members of family-owned firms making decisions about land use change; and as community leaders, perceived by many to be community and city builders. This chapter concentrates on stories about, and by, individual development actors as key agents in the development process, especially as principals of development firms and other influential individuals within development organizations. Stories about individual developers and their firms are quite different from development industry stories, which are well-rehearsed, broad, and simplistic, and which tend to frame the development industry as homogenous. Stories about developers, especially those found in newspaper articles, are very different. They are sometimes very personal, referring to the histories of a family firm or individual development actor. These stories often take a strong stance, either casting developers as heroes or villains. Philanthropy is an important part of heroic stories about developers, whereas the destruction of the landscape figures notably in critical stories told about developers, especially during land use disputes. Newspaper accounts are the main sources of public knowledge about developers as there is limited public information about firms, which tend to be privately held, or their principals. Analyzing these stories is important because they speak to different forms of power and a complex set of relationships with the state that are mainly absent in stories about the development industry. These forms of power play out through personal relationships between elite actors and state agencies, through actions carried out by individual actors and firms, and in ways that are often highly idiosyncratic and variable. These forms of power are often invisible, being mainly carried out behind the scenes through informal mechanisms, although they can become highly visible when media attention publicizes controversies, such as legal action and accusations of undue influence.

This chapter draws on a media analysis of developers I carried out with Gerda Wekerle in 2013,[119] and on research I conducted between 2012 and 2014 on developers and other actors related to development. This research includes interviews with developers and analysis of documents such as newspaper and magazine articles, and development industry publications. It is crucial to examine individual development firms and actors in order to understand the political and economic forces driving land use change and conflict. Individual developers do not only act as an industry or as a member of the capitalist class. To better understand developers, the analysis must move beyond investigation of the development *industry* or planning and governance *systems*. An analysis of developers can serve to highlight the differences between developers and query the repercussions of these differences in particular spaces and places. This analysis can also help account for both place-based differences in how developers operate, as well as some of the elements of development that seem more universal. Knowledge of developers' personal histories, experiences, and relationships with state actors can help us better understand the politics of land use transformations and land use conflict.

Media stories provide rare glimpses into the workings of developers. Media attention illuminates what is usually hidden, including the names of firms and actors, the development proposals that often are contested locally, and the processes and institutions of land use regulation within which developers operate. But media stories are not disinterested accounts, as we show in Leffers and Wekerle (2013). Stories of developers in media stories are often simplistic, draw on stereotypes, and are very polarized, characterizing developers as heroes or villains (Bourne, 2004; Lofland, 2004). Few newspaper stories about developers attempt to understand the deeper process of development or the complex economic, historical, and institutional context in which development takes place. Deeper understanding is not the purpose of these articles. Newspaper stories are written with an agenda and a particular institutional

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[119] An initial archival newspaper data set was provided by Gerda Wekerle, who had previously conducted literature searches of developers and the Oak Ridges Moraine as part of a large research project (see Sandberg et al., 2013: x-xi for more details). Drawing upon and then expanding this data set, we jointly developed the conceptual framework and methodology informing our paper. We also presented this material at the 'Suburban Revolution conference, hosted by the City Institute of York University in 2013) (Leffers & Wekerle, 2013).

context where the newspaper is navigating a number of imperatives, including an overarching corporate

imperative of selling compelling stories and advertising space in which sponsors can sell their own image.

In contrast to media stories about developers, many of the stories about developers in my

interviews were told by developers themselves. These stories were mainly about the pragmatic concerns of

developers, and about what developers considered to be the 'true' story of development: the complex,

financially risky, and time-consuming process of developing land and selling houses; the challenges and

frustrations developers face navigating the planning process; and the changing regulatory and political

environment in which developers must operate and adapt. One very interesting group of people I

interviewed were those that were deeply involved in development, but were not themselves developers:

consultants for developers; municipal planners; and development lawyers. These actors articulated

opinions and critiques of developers and development practice but they did so from a position that has

given them a deep understanding about how development works, which is not necessarily the case with

newspaper reporters and columnists. Opposed to media stories, stories told by these interviewees were

complex and nuanced, and often brought up issues ignored by media accounts. Furthermore, these actors

also have a broader view of development than many developers I interviewed, who mainly focused on the

experiences and concerns of their own firms. Paying attention to all of these stories, therefore, is necessary

to understand public perceptions of developers and how these perceptions compare with alternative

portrayals of what development actors are like, and how the development process works in the everyday,

including those accounts from within the development industry.

The media analysis was based on articles from the two Toronto-based newspapers with the largest

circulation in Canada, the *Toronto Star* and the *Globe and Mail*.[120] The articles used were predominantly

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[120] Although an in-depth investigation of the different journalistic and business imperatives between the *Toronto Star* and the *Globe and Mail* is beyond the scope of this research, I can offer a number of suggestions and insights. The close attention paid by the *Toronto Star* to the development industry in general may be an effect of the regional emphasis of the *Toronto Star*, as well as its ownership history and editorial stance. The *Toronto Star* is a owned by the independent Toronto-based Canadian media firm Torstar Corporation and emphasizes Toronto and Toronto region stories (Ahchong & Dodds, 2012). The *Toronto Star* also seems to publish more controversial editorials and columns than does the *Globe and Mail*. This may stem from the *Toronto Star's* historical editorial and corporate

written during the period of contestation over development of the Oak Ridges Moraine in the late 1990s and early 2000s, although search parameters included the period between 1990 and 2013. The search yielded 932 articles, nearly 72% of which were from the *Toronto Star*. Especially in 2001, almost daily newspaper coverage portrayed contestations over development proposals and land use change as conflicts among environmental groups, home owners, and developers. This media coverage put land developers in the spotlight in a new way, with the names of development firms – especially the main players, Lebovic Enterprises, Metrus Developments, and Mattamy Homes – and sometimes the names of individual developer representatives publicized in newspaper articles. The relationship between developers and politicians also came to be scrutinized, especially when it was revealed that the province had made deals with developers, granting them the right to build 6,600 new housing units on the moraine as well as the exchanged lands in Pickering. Through this media coverage, certain kinds of stories began to emerge about developers, and the public gained greater awareness of the politics of land use and development in the Toronto region. The regulatory frameworks and the complexities of land use planning were explained in plain language in local newspapers. Columnists and news reporters wrote articles about controversial development proposals and gave closer scrutiny to the relationship between developers and the political process. Newspaper stories focused on development corporations, individual developers, and some of the relationships between developers and the planning system, often highlighting the power of developers in shaping the built form of the region.

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tradition of socially progressive political engagement in urban affairs (Rodgers, 2013). The *Globe and Mail* is owned by Woodbridge (a holding company of the large media entity Thomson Reuters) and Bell Canada. Its focus is national and international news, it has a reputation of being Canada's 'newspaper of record' for its thorough coverage of major stories and debates, and it covers business news more extensively than other major newspapers, such as the *National Post* or *New York Times* (Kranakis, 2014). Local land use conflicts and local development industry stories perhaps lack what the *Globe and Mail* might construe as national and international relevance.

Diverse (but Binary) Framings of Developers

Media stories about individual developers are much different than those about or written by the development industry. Economic contributions, number of jobs created, or even the types of developments they build, are generally the focus of newspaper articles about and written by development industry representatives. In contrast, developer stories are about life histories, personal attributes, and the ability of developers to work with or fight government. These stories are also much more diverse than stories about the development industry, which are simplistic and driven by key messages. Stories about individual developers often stress the uniqueness of individual developers and their often 'rags to riches' life stories, and personal traits of these actors that have allowed them to be successful. This notion of difference – the uniqueness of individual developers – also came through in interviews I conducted with developers and planners. The way firms operate was explained as being deeply influenced by the personalities of the firm's principals, and the cultures of the individual firms. A former provincial ADM, who had worked on Oak Ridges Moraine legislation in the early 2000s, suggested to me that the different personalities of developers deeply influence how they work with government: "It's interesting because ... those companies, different principles, different philosophies dealing with government – they're not one entity, right? Their corporate cultures are different. Their heads are different. Their affinity to working with or fighting the government are different" (Provincial Government Interview, May 24, 2013). Referring to the firms that were involved with the Oak Ridges Moraine land exchange, one developer explained to me some of these personal and corporate styles:

> Metrus is different than Mattamy and Lebovic's its own thing, right? They [Lebovic]... they represent a different kind of harder ... 'I had to scratch my way to the top' kind of builder ... . And, so they're all a little different but they've all done very well. (Developer Interview, October 29, 2013)

These different styles are interpreted and valued in different ways. Many interview participants, including provincial government representatives, praised Metrus as a firm, and especially founder Alfredo

Degasperis, who died in March 2013, as a person that was tough but honest, and very willing to work with governments. According to a former ADM who worked on the greenbelt legislation,

> Fred Degasperis ... [was] one of the toughest businessmen you'd ever deal with. But I mean, once he was agreeable ... to a particular plan, I mean his handshake was better than any legally binding contract. I mean ... really quite a wonderful man. (Planner Interview, August 14, 2013)

Metrus is also admired for the way it has expanded into all aspects of development and house building. A provincial planner described this to me:

> I've always been impressed by Metrus. I read an article once, they're called the most vertically integrated company in Canada. 'Cause they own gravel companies and quarries. And then they own cement companies that form the big sewer pipes and do the curbs and sidewalks, and the foundations for the buildings and the cement for all the highrises. They do the plastics for the waterpipes. They do the installations of all those ... there's so much money in actually preparing land for development prior to the house building. And then ... they do have house builders. They've got lawyers and real estate companies and they've ... the most recent one is telecommunications. (Planner Interview, April 17, 2013)

Developer Leith Moore (Interview, October 29, 2013) told me that Metrus is the best developer in Ontario: "I think Metrus is, on the record, the best developer in the province. ... I like their people. I like what they do. They're fair. They're competent. They do a good job. They're well financed." These stories emphasize the personality of Fred Degasperis and the other personnel, the success and growth of the firm, and their conduct and ability to work well with others, including government officials. In these stories they are portrayed as not only the largest and one of the wealthiest developers in Canada, but also as well respected and fair.

Although interview participants, as well as the media, emphasized the ways in which developers are different, most newspaper articles nevertheless portray developers in binary, positive or negative terms, although some take a more neutral stance (Table 11). Few newspaper stories consider developers to be complex and contradictory actors. These different descriptions of developers are often used to tell a certain story about developers in newspaper articles. The author and context is important. It matters if stories are published in Real Estate sections, News sections, or Editorials and Columns of newspapers. It matters if articles are sponsored by the development industry, or if articles are in newspaper sections

chock full of development industry advertising. Furthermore, certain newspaper writers are unlikely to

write critical stories of developers, as they have close relationships with the development industry. Tracy

Hanes, for example, is a freelance writer who has authored feature articles about developers and new

developments in both the *Toronto Star* and development industry publications, such as *Ontario*

Homebuilder. Her framing of developers can be expected to be positive or at the very least safe/neutral,

and this is borne out in our media analysis. On the other hand, investigative journalists, such as Gail

Swainson, who writes for the *Toronto Star*, often report on controversy. Within these stories, developers

are often cast as pernicious villains, not necessarily by the journalists themselves, but by those whom they

interview. During the Oak Ridges Moraine conflicts, many environmental activists were highly critical of

developers, suggesting that they were destroying a sensitive landscape and were consorting with their

political friends in order to do so. As I suggest below, these varying accounts may influence public

perceptions of developers, even though these framings are very stereotyped, one-dimensional, and

unlikely to be very accurate.

Table 11. Framing of developers in media reports and personal interviews with developers, planners, and environmental activists.

Theme	Negative framing	Positive framing	Neutral/safe framing
Governance actor	Government infiltrators	Governance partners	Suspicious of government, work to keep it in check
Interpersonal relationships	Aggressive, rule-flaunters	Conciliatory and rule-oriented	Practical compromisers
Economic actors	Predators, speculators, money-for-nothing, thieves	Self-made, rags to riches, successful, independent	A business like any other
Brainpower	Devious, cunning	Smart, intelligent	Good at what they do
Environmental and social impact	Despoilers (of city and countryside)	City builders, environment saviours	Have a right to do business, will not exceed this at the expense of others or environment
Social relations	Greedy, self-serving	Philanthropists, corporate responsibility	Independent but practical

Developers as Villains

In *Toronto Star* and *Globe and Mail* news articles during and after the Oak Ridges Moraine disputes, developers and firms were often portrayed negatively, by connecting personal characteristics of these developers with various forms of destruction that they ostensibly caused. These are moral statements that blame individuals instead of offering deeper critiques of the planning, political, and economic institutions within which these individuals operate. An article in the *Toronto Star* titled 'Developer charged in razing of trees' (Sidhu, 2010, July 9) tells the story of a developer who cut down 118 trees while awaiting approval for a golf course project, undermining efforts to protect the forest. Another *Toronto Star* article (Swainson, 2004, August 26: B5) describes developers as "men in slick suits ... in their fancy automobiles" who try to buy up farmland all around the Toronto region. Columnist Joe Fiorito (2003, July 7: B2) caricatures developers differently but equally stereotypically. At an Ontario Municipal Board (OMB) hearing, in contrast to lawyers, who are "edgy and dyspeptic", and planners, who "sit together like so many high school brats ... developers are confident men in slacks and golf shirts. They look at ease, as if there were nothing more serious at stake than tee time on the golf course". These accounts portray developers as being used to winning, steering the process, and able to exercise their power in a quiet, confident way.

One article includes the interview testimony of an environmental activist who casts developers as gleefully destructive, and destructive not only to forests, but also to the historical, material, and social fabric of society itself. "They buy the land, fill in wetlands and cut down forests. They get rid of the natural resources" (Bains, 1990, August 2: W3). Lisa Rochon (2000, May 17: R3), in a *Globe and Mail*, article asserts that "developers show a gladiatorial disdain for anyone or anything getting in their way". This article also points out that developers are mostly men, but a particular type of men. They are greedy men who do not care about art, culture, or forests unless these enhance the value of their developments: "This is a man. A greedy man with enough strength to pick up and hurl the city's greatest treasures, busting them to smithereens" (ibid.). Rochon further emphasizes her point that developers are uncultured

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and uncaring in their decision making processes, comparing them to gladiators or, perhaps, wolves: "There's a whole pack of gladiators – they meet up at their golf clubs and real-estate conferences. All dollar figures, no visuals. They're kind of like men's-only think tanks on ways to demolish city and country" (ibid).

Narratives of hungry, greedy, and animal-like property owners are common in stories of developers as destructive despoiler, suggesting that developers are wild and out of control. Examples of such descriptive language include: "Profit-hungry" (Walters, 2000, April 24: A11); "land-hungry" (Lorinc, 2004, March 6: M2); "licking their chops" (Raymaker, 2004, August 13: G6); "a young, aggressive breed of developer" (Gadd, 2005, June 10: G1); "the developers staked their ground aggressively" (Barber, 2001, October 24: A20)[121]; "developers might gobble up all the land" (Stein, 2002, December 20: A37); "farmland is being gobbled up for development" (Swainson, 2004, August 26: B5). This wildness and lack of control is intended to convey a message of a destructive and uncaring developer. These stories, which are mainly published as columns and editorials, are more embellished than news articles. They rely less directly on news-reporting or the specific details of a controversial event. They are more rhetorical than news stories, intended to convey a message and to make an editorial point that requires the use of polarizing imagery. Sociologist Lyn Lofland (2004) asserts that developers are often portrayed in this way, as stereotyped greedy capitalists that play the part of villain. Bourne (2004) notes this image works well with conspiracy theories that implicate developers in various forms of wrongdoing. This image often relies on a lack of knowledge about developers themselves, and developers in these stories are seldom given a voice. They remain shadowy. This absence of detail and lack of voice helps to depersonalize developers and fuel negative stereotypes about them without having to provide specific evidence about specific events or individuals.

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[121] The notion of staking one's ground is also an allusion to property, and fictitious property rights are indeed the focus on Barber's article.

Villainizing developers is one way in which opponents of development simplify the complex world of urban politics and development.[122] Environmental activist (now Toronto city councillor) Glenn De Baeremaeker told me in an interview (May 22, 2013) that this polarized way of characterizing developers is strategic and serves to create a narrative that is understandable and powerful because of its simplicity:

> I've been an environmental advocate for 25 years now, and there's a simplistic picture, 'cause it helps us to simplify the world: "the world is black and white, developers are bad and they'll destroy the earth, and environmentalists are good and want to save the earth".

De Baeremaeker knows this is not accurate, at least not at the level of the individual, but also suggests that even if developers are not bad people – they may indeed possess some of the 'heroic' qualities outlined above – as individuals they lack the capacity to understand the implications of their actions in the aggregate:

> Ninety-five percent of the developers I've met and work with are amazing human beings ... the developers I've dealt with, I have immense respect for. I like them as people. ... [But] developers will destroy the earth if given the chance. ... It's not one developer that destroys the world. It's 175 in 37 different municipalities all following rules – and if you ask any developer, they'll look at you in the eye and say, "Well, I follow the rules. We're a good company, we've got this little trophy, an award from the annual banquet saying we build good homes, we have energy efficient appliances." But that's because the mass is unthinking. (De Baeremaeker Interview, May 22, 2013)

De Baeremaeker is not really blaming developers individually, but finds that framing developers negatively as a singular category is an effective way to forward a message. Especially in news articles, which need to simplify stories in order to make them understandable and saleable within a short news cycle (Gans, 1979), it is much more effective to simply cast all developers as villains than to undertake complex assessments of the deeper systemic forces underlying negative environmental effects of development, particularly the growth imperatives underpinning a capitalist economy. It is also more effective to frame developers as all the same, as a category of environment-destroyers. This avoids the

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[122] In order to make sense of a complex world, sociologist Erving Goffman (1974: 21), in his classic text *Frame Analysis: An Essay on the Organization of Experience*, argued that individuals apply primary frameworks or "schemata of interpretation" to interpret and classify information.

need to undertake complex assessments of different types of developers and how they respond to environmental imperatives. Especially on the Oak Ridges Moraine, where some activists were seeking widespread land use regulation against development, portraying development as destructive of a sensitive landscape relied on a framing of developers themselves as destructive villains: they were an easily identified target.

Developers as Heroes

Similar to the heroic development industry stories recounted in chapter 7, individual developers are also sometimes framed in heroic terms. These alternative perspectives to developers as villainous capitalists emphasize the economic prowess and philanthropic contributions of successful developers. As opposed to interpretations of powerful developers as ruthless villains who destroy communities and landscapes, a positive reading of these powerful actors considers the ability to succeed from land development a virtuous enterprise. A neoliberal element particularly comes through when developers, as a result of their knowledge and power, take on the work typically carried out by state institutions, such as providing infrastructure and community services. Through personal interviews I conducted with developers, and through media analysis, two main juxtapositions emerged. The first is constituted by a tension between stories emphasizing the individual founders of development firms as hard-working, determined, and self-made individuals and the firm itself as a complex and historically developed organization that employs a diversity of other actors, many of whom are well-educated planners, lawyers, and economists. The firm is much more than the individual founder, a notion that is lost when founders' stories become the stories of their firms. The second juxtaposition navigates contested readings of what constitutes a hero, and how the power and success of an individual developer and firm can be read in positive and lighthearted ways, but also in negative ways that stress how power can be mobilized to dominate and silence opposition. These juxtapositions often contradict each other and call attention to weaknesses in the coherence of each type of heroic portrayal.

Stories of heroic developers.

Many developers are portrayed in interviews and media stories as hard-working and possessing incredible first-hand knowledge (i.e., 'know-how') of development and construction. Many of these portrayals document developer origin stories as new immigrants to Canada, working as labourers and advancing to build their own successful firms. Emphasis on this first-hand know-how and class mobility serves to frame developers as business savvy, street smart, and self-made heroic figures, even if not particularly well-educated formally. This type of story often includes elements of family: brothers, cousins, and children are part of the family firm, and the growth of the firm is related to the growth of the family. One *Toronto Star* article (Marco, 2013, March 28) portrays Alfredo Degasperis of Metrus as this type of immigrant success story. Degasperis came from Italy in the 1950s when he was eighteen and together with his brothers created a business that grew into a large vertically-integrated company, the various related firms being run by the second generation. An article on developer Joe Lebovic also uses a successful immigrant storyline, although it pays less attention to family (Vyhnak, 2013). This article was written after Lebovic received a lifetime achievement award from the Building Industry and Land Development Association (BILD). Lebovic is portrayed as an immigrant from Czechoslovakia who came to Canada in the 1940s and worked his way up from modest sawmill owner to multi-millionaire developer, all while donating millions to charity. In this article, he is also described as a hard-nosed businessman who has to fight government bureaucracy at every step.

Newspaper articles portraying developers as this type of self-made hero are typically found in real estate sections of the two newspapers, and often follow a similar format of profiling individual developers with stories of their careers. These include: a profile of Con-Drain's Alfredo, Anthony, and Angelo Degasperis (Brennan, 2012, February 17); a profile of Arista Homes' Michael Degasperis and his family (Starr, 2012, June, 29); a profile of Geranium Corporation's Earl Rumm (Hanes & Beeby, 2012, August 18); a profile of Brookfield Residential Property's Sid Kerrigan (Hanes, 2012, April 28); and a profile of TACC's Silvio Degasperis (Monsebraaten, 2006, September 28). Similarly, the *Globe and Mail* has

showcased developer Rudy Bratty as the 'man who built Toronto', profiling Bratty and two other

developers he often partnered with, Alfredo Degasperis and Marco Muzzo (Bozikovic, 2008, December

8). Taking on a somewhat different format, one *Toronto Star* article (Boyle, 2012, March 7) appears in the

Health section to report on developer Peter Gilgan, owner of Mattamy, who donated $40 million to the

Hospital for Sick Children. Within this article, Gilgan is described as a self-made millionaire and

philanthropist who began his career by building two houses, working his way to become the largest house

builder in Canada. These articles portray developers as heroic based on neoliberal virtues of

entrepreneurialism; competitive doggedness in achieving their goals; their ability to become wealthy and

powerful entrepreneurs despite their humble origins and lack of formal education; and a form of social

responsibility – philanthropy – enabled by business acumen and success.

     As opposed to more villainous portrayals of developers, as recounted by Lofland (2004), these

heroic framings celebrate the economic prowess of successful developers. In the same way as discourses

of economic success paint developers as ruthless villains who destroy communities and landscapes

(discussed below), a positive reading of this success deems the ability to succeed from land development a

virtuous enterprise. This is a very neoliberal view of what constitutes a hero: the ability to succeed as a

competitive economic individual without the need for state or other form of collective assistance

(Theodore et al., 2011).

     The emphasis on the individual founder draws attention away from the development firm itself

and downplays the roles of other actors in the firm. Yet these actors are incredibly important to the success

of the firm. Successful development firms did not thrive simply because of the hard work and business

savvy of the founders. Development is a complex process that requires a well-organized team to navigate

the complex land use regulatory system, to understand complex market forces, and to develop relations

with financial institutions to finance projects. Development firms employ or contract well-educated

planners, economists, and engineers, some of whom have become key spokespersons on committees such

as the Oak Ridges Moraine Advisory Committee and the Greenbelt Task Force. These individuals can also

be influential actors in their own right and many are involved with the industry associations, such as the

Ontario Home Builders Association (OHBA) and the Building Industry and Land Development

Association (BILD). For example, Lebovic Enterprises is usually represented by Lloyd Cherniak, a well

educated and well spoken planner and land economist who seems to be a patient and calm foil to what

seems to be Joe Lebovic's frank dogmatism. Fraser Nelson is a well-respected planner and engineer with

Metrus who is very involved with the industry associations and the various government-led consultation

exercises, including the Greenbelt Task Force. Although not part of the Oak Ridges Moraine land

exchange, Leith Moore, formerly of Sorbara Group and now with Fieldgate Homes, is a well-respected

and well-educated planner and spokesperson for the industry, as is Neil Rodgers of Tribute Communities.

These individuals are able to exercise power through their involvement with government actors and

agencies, industry associations, and through their high-level positions within their own development firms.

Contested interpretations of hero.

Qualities of developers read by some as admirable can also be framed in opposite terms. For example, one

interview participant was critical of the effects of the success of immigrant-hero-developers, suggesting

that lack of education (or perhaps lack of interest in thinking differently) was not a heroic quality at all

(Consultant Interview, June 6, 2013). Again, using Metrus as an example, this consultant, while involved

for many years with Metrus and other firms, did not hold back in expressing his frustration for where he

saw these firms heading. He suggested that greenfield subdivision developers are so used to building in a

particular way that they are incapable of innovation – they are hard-working but unimaginative:

> None of them think across the street, never mind in a box. These guys are in cement shoes. ...
> Don't think of developers as just bad guys. I mean most of them have got a grade eight education.
> ... Anything new to them – new technology – I mean they ... they stay in Toronto and work really
> hard ... they're not traveling to cities like I do and look at new technology.

This consultant goes on to suggest that suburban developers enjoyed tremendous success with a

development model that is now out of date, and that the second generation that now run many of these

firms often try to carry on with this model, rather than innovate. Not only are these large greenfield firms used to, and successful at, developing in a certain way, they have also banked large tracts of land over many years as part of their long term plans. This results in a certain resistance to change, as these firms require a level of certainty to develop their long term land in the future.

Stories stressing the histories and personalities of individual founders suggest in problematic ways that the success of a firm is a result of, and dependent upon, these hard-working founders. The image of a successful development firm is closely tied to the life-story of the individual company founder, giving little attention to the actual practices of the firm or the diverse other actors involved in the firm and the development process. The first generation founder of the development firm is portrayed as hard working, determined, driven, and savvy. These qualities are those admired by most people I interviewed, and underlie many of the heroic narratives found in media reports. However, as the second generation of these family firms take over, many interview participants expressed less confidence that these firms will be as successful as in the past. The development consultant cited above (Consultant Interview, June 6, 2013) was particularly critical of those who are distracted by the minor celebrity status that being the son of a successful businessperson brings, suggesting the second generation is not as focused on the business as the founders. Furthermore, the heroic, hard-working, immigrant narrative no longer accurately describes the firm, as the actors with these qualities no longer are the heads and representatives of the firm. But firms' origin stories continue to be told in company websites and newsletters, mainly for marketing purposes. For example, in a company newsletter for new homeowners, CountryWide Homes states: "When buying a home from CountryWide Homes, it's comforting to know you are buying from a company with a rich history" (CountryWide, 2013:1). It then describes what it calls a "classic immigrant tale", telling the story of company founder Angelo Degasperis[123] and the qualities that allowed him to succeed: "determination, work ethic, and strong entrepreneurial spirit" (ibid.). Suggesting these qualities can give new house buyers

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[123] Angelo Degasperis is a brother of Alfredo Degasperis, described in this chapter as principal of Metrus. These brothers, along with their third brother Antonio founded Con-Drain in the early 1960s, which is now headed by second generation Degasperis family members. TACC, owned by Silvio Degasperis, is an entirely separate entity from Con-Drain. Silvio is distantly related to Angelo, Alfredo, and Antonio.

comfort implies these qualities continue to drive current operations. But it is no longer the original founder that runs the firm. In the case of CountryWide Homes, it is the family of the founder that is in charge, and these family members have had very different life experiences than the immigrant founders, who started out with very little and worked hard and struggled to succeed in a new country. The current company executive benefitted tremendously from the success of these founders, but the image of the second and third generation, portrayed mainly in media reports, is very different from that of the founder, being largely about celebrity and status than hard-working, determined, self-made hero.

Celebrity has become a central part of a certain image portrayed by the media about developers, and is also used by developers themselves in their various fundraising events. This playful image uses glamour in a very particular way: one that clearly requires wealth but is at the same time youthful and fun, suggesting wealth but denying the class structure of 'old money'. This is an explicitly neoliberal capitalist version of success and power, ostensibly available to anyone who tries hard enough. In this neoliberal framework, principals of development firms are often portrayed using imagery of masculinity, luxury, glamour, and success. But as opposed to images of wealthy elites, these portrayals suggest more of a young and wealthy, 'old boys club' (or perhaps simply 'boys club'). This portrayal of developers is more likely to be found in lifestyle magazines, such as *Dolce Vita Magazine* and *City Life*, and industry-promoting sections of newspapers (e.g., 'New in Homes' in the *Toronto Star*) than planning or business journals. The stories are often about social events, such as charities, that are sponsored by developers. In these images and portrayals, developers, although they are usually well dressed in suits, are often seen to be relaxing or laughing with each other in an informal way (Figure 20). In keeping with youthful, playful masculinity, cars play a prominent role in this imagery (Figure 21). While this image is not necessarily accurate or representative of developers, and indeed often features the same group of developers, it is well publicized, including in the real estate sections of the *Toronto Star* and *Globe and Mail*.

Figure 20. Group of developers at a fashion charity event in May, 2014 featured in *City Life Magazine* (source: http://www.citylifemagazine.ca/people_places/most-wanted-toronto/16421).

Figure 21. Developers and cars.
Upper image: Line of high end sports cars involved in a car rally as part of the 'Motoamoré' charity event hosted by developer Marc Muzzo of Pemberton Group (source: http://devanlifestyle.typepad.com).
Bottom image: Automobile-based charity event 'Prestige Gears' hosted by developer owned Eagles Nest Golf course, covered in *City Life Magazine* (source: http://www.citylifemagazine.ca/people_places/prestige-gears/8618).

The playful image of developers as benevolent celebrity downplays the power of developers in

land use regulation and change. The wealth of developers, portrayed in mainly benign and lighthearted

ways, is often used to characterize individuals rather than the industry, and is often linked to individual

and corporate philanthropy. For example, *Toronto Star* articles on Joe Lebovic of Lebovic Homes (e.g.,

Vyhnak, 2013) and Peter Gilgan of Mattamy (e.g., Boyle, 2012, March 7) stress the large amounts of

money donated to charities and institutions. Many developers (and the development industry) support

Habitat for Humanity, often using the language of partnership and the rationale of homeownership as a

social mobility mechanism. This support is based on a framework of assisting individuals rather than

confronting deeper structural, systemic, societal problems[124]. Hay and Muller (2014) critique corporate

philanthropy for two main reasons. They suggest, first, that it bypasses deeper understandings of the roots

of inequality. Second, they suggest it puts in place a 'shadow state' arrangement where decisions on

distributing social assistance are made by corporate leaders rather than democratically elected actors and

agencies. For developers, however, it provides an important marketing and image building tool that works

well with the community builder role that many developers have claimed. Lebovic and Gilgan even have

institutions and buildings named after them in very personal ways: the Joseph & Wolf Lebovic Jewish

Community Campus in Vaughan, Ontario, and the Peter Gilgan Centre for Research and Learning at Sick

Kids Hospital in downtown Toronto. Both celebrity and philanthropy give developers a positive image

and frame them as local heroes. However, just below the surface of this lighthearted portrayal there often

lurks a more serious image that occasionally comes to the fore.

Tensions Between Benevolent Hero and Dominant Power Broker

Although positive stories of developers are more common than critical pieces in both the *Toronto Star* and

Globe and Mail, even those articles profiling developers in mostly positive ways allude to their positions

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[124] Habitat for Humanity's mission statements is to "mobilize volunteers and community partners to help
hardworking, low income families break the cycle of poverty through affordable homeownership" (Habitat for
Humanity GTA, 2014).

of power. They also stress the idiosyncrasies of certain developers as unique individuals rather than representatives of an industry. These newspapers sometimes cover the same developments in different newspaper sections, celebrating developers in one section while exposing conflict in another.

A profile of Silvio Degasperis (principal of TACC) in the *Toronto Star* illustrates the juxtaposition between benign expressions of wealth, and more serious exercises of raw money-power. This article devotes considerable space to describing Degasperis' luxury Lexus car and Italian leather shoes, quoting Degasperis at one point as saying "it's all about the toys" (Monsebraaten, 2006, September 28). He is also described as "a good time" and "charming, intelligent and interesting" (ibid.), suggesting he is wealthy, but not particularly powerful. On the other hand, the subject of the article is a lawsuit Degasperis filed against the Ontario Government in 2006 for ostensibly infringing upon his development rights by including some of his land – the Cherrywood lands in the Duffins-Rouge Agricultural Preserve in Pickering (see chapter 3) – in the Ontario Greenbelt. Degasperis' playful personality, style, and love of fancy cars is contrasted with his willingness to fight, which is described in the article when he spent $5 million in a legal battle he was unlikely to win (and in fact lost).[125] A lawyer said a similar thing to me in an interview: "He's a wonderful guy to have a beer or lunch with ... he doesn't take himself too seriously. But when it comes to him getting his billion dollars out of the Duffins-Rouge Agricultural Preserve, he gets deadly serious." (Lawyer Interview, May 8, 2013) These are two very different, contrasting images of a wealthy individual, and different forms of power that can be mobilized.

Apart from the way in which *Toronto Star* reporter Laurie Monsebraaten (2006, September 28: R1), in her profile of Degasperis, focuses more on personality than development practice, she also stresses a key difference between the behaviour of an individual developer and the industry as a whole. DeGasperis' personal and individual response described by Monsebraaten can be read as a difference in

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[125] The Ontario Superior Court (Hoilett et al., 2007: 2) ruled against Degasperis' group, 'Hollinger Farms', finding that "the Applicants had no interest in the environmental assessment of the Seaton Lands and that their sole motive for bringing the Application was to frustrate, disrupt and delay the Land Exchange as a further step in their ongoing war with the Province and their attempts to harass and intimidate the Province into permitting development of their lands adjoining the Seaton Lands"

interests and strategy from the development industry as a whole: "Dozens of developers have been stung since the greenbelt became law in February 2005. But industry consensus has been to lie low. Governments change. The market churns. Policies evolve. But not DeGasperis. He wants to fight" (Monsebraaten, 2006, September 28: R1). Whereas the industry tends to be careful, compromising, and attention-avoiding, it is not unusual for an individual developer to act much differently: fighting, opposing, making enemies, and gaining the spotlight.

Another example of fighting and emerging from the shadows is the development firm Kimvar Enterprises (a division of Geranium Corporation), which in the mid-2000s became very aggressive and visible in its promotion of a resort development in the Town of Innisfil on Lake Simcoe called Friday Harbour. In the initial phases of the development of Friday Harbour, some Lake Simcoe residents and competing developers opposed the development, published articles in local newspapers outlining their concerns with the project, and challenged the development proposal at the OMB. Kimvar filed lawsuits against various opponents of its plans: competing developers, the Town of Innisfil, and a local community association and its lawyers (Waldie, 2006, November 23). These lawsuits amounted to nine separate cases and over $150 million in claims, all of which were settled out of court or dismissed (Simon, 2012, August 1). Kimvar also sought $3.2 million in costs incurred as a result of an OMB hearing that was triggered by community association opposition to the development application (OMB, 2009, January 30). The OMB is permitted to award costs to defendants if appellants make 'frivolous' or 'vexation' claims, but such cost awards are rare (ibid). The OMB denied this awarding, stating that although the appellant's case was weak, it was not designed simply to waste time or drive up Kimvar's costs (ibid). Kimvar subsequently sued community groups, law firms, and personal lawyers that opposed its development proposal. These lawsuits were called SLAPP suits by the law firms and community groups being sued. SLAPP suits, or Strategic Lawsuits Against Public Participation[126], are described by the Canadian Environmental Law

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[126] The Ontario Liberal Government proposed anti-SLAPP legislation, Bill 83 in 2013 (Legislative Assembly of Ontario, 2013), but it failed to pass prior to the election in 2013. It was reintroduced June 4 2013 as Bill 52,

Association (CELA, 2009: 3) as law suits that:

> ... have little merit and would lose in court ... [but] succeed by diverting defendants' time, money and resources away from the public issue and into responding to the SLAPP. The mere threat of being sued is generally sufficient to intimidate and silence those who are being targeted.

This is anything but lying low, seeking consensus, and working well with others. This story is of a developer willing to fight, willing to use large sums of money to achieve a desired outcome, and willing to use raw money power to fight in a very personal way against opponents. The ability of developers to do this – to spend the time and money required for fighting – represents a form of power rarely seen at the industry association level. Fighting opposition through the court system is a more direct form of power and tends to be exerted by individual actors and firms for specific reasons. In the case of Kimvar, threats of lawsuits represent a fairly direct connection between wealth and power (power here being the ability to convince others to do what you want them to). But developers also exercise power in myriad other ways, albeit in ways that do not preclude the exercise of raw money power if more indirect forms of power fail.

Kimvar's Friday Harbour development provides an apt example of the difference between newspaper articles that report on controversy and those that are more promotional, and showcases competing portrayals of developers as benevolent heroes and dominant power-brokers. In their article on Geranium Corporation and Friday Harbour appearing in the Real Estate section of the *Toronto Star*, Hanes and Beeby (2012, August 18) give a short life-history of Earl Rumm, one of Geranium's founders, referring to him as award-winning and visionary, but mainly omitting the conflictual nature of the Friday Harbour development. They include only one sentence that states there was some 'local opposition' that had to be navigated, and mention nothing about lawsuits or OMB hearings. Now that the development is in the sales phase, full page advertisements for Friday Harbour appear regularly in the *Toronto Star*, further showcasing this development but erasing any evidence of its controversial history (Figure 22).

Protection of Public Participation Act, 2014 (Legislative Assembly of Ontario, 2014a) and as of March 2015 had passed first reading and was being debated.
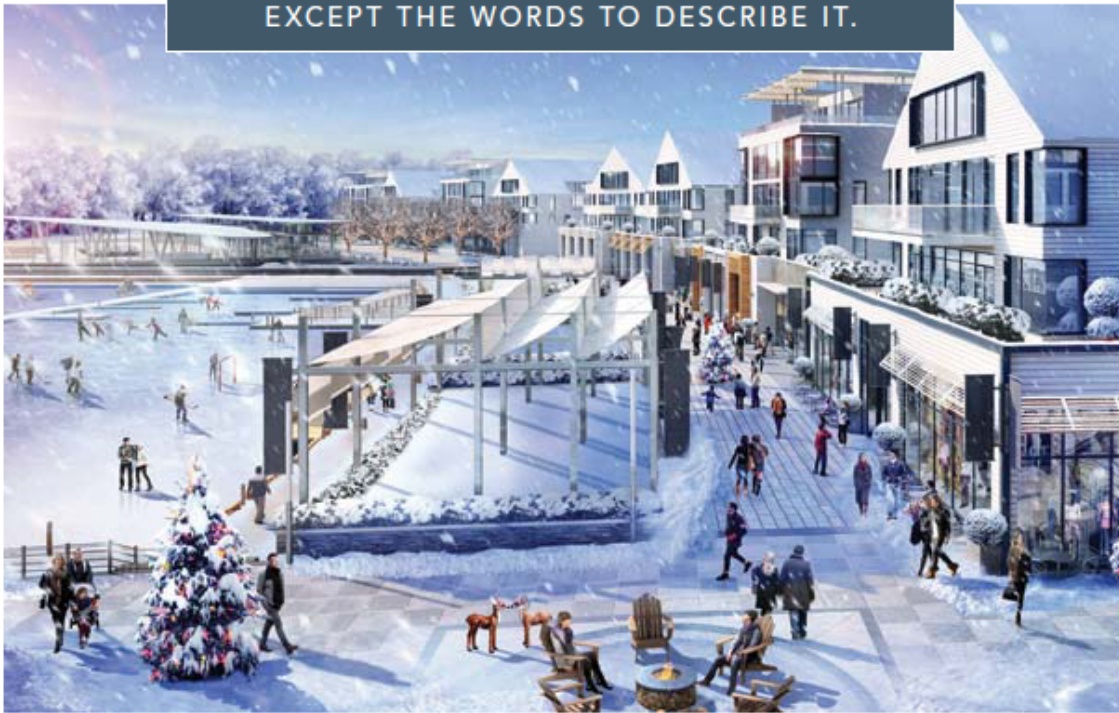
Figure 22. Advertisement for Geranium Corporation's Friday Harbour, a resort development on Lake Simcoe, Ontario (source: *Toronto Star*, 2014, October 25, p A17).

A development on the Oak Ridges Moraine provides an additional example of the difference between promotional newspaper articles that celebrate developers and those that take a more critical stance. Development of the Macleod's Landing subdivision in Richmond Hill was initiated in the early 2000s as part of a deal between the Government of Ontario and land developers during development of Oak Ridges Moraine conservation legislation.[127] As part of its election platform in 2003, the provincial Liberal government under Dalton McGuinty had promised to halt development on the Oak Ridges Moraine, including Macleod's Landing. Development of Macleod's Landing is presented very differently in the News section and the Homes section of the *Toronto Star*. News articles (Funston, 2003, October 19; Swainson, 2003, October 21) stress environmentalists' demands for a halt to the Macleod's Landing development and their claims that allowing it to proceed would be devastating to the ecological connectivity of the Oak Ridges Moraine. Accompanied by a large photograph of a massive hole dug for large sewer pipes (Figure 23), the heading of Swainson's article states: "Developers 'ripping off public for extra money,' group says" (Swainson, 2003, October 21, B4). Within the article, lawyer Clayton Ruby states that developers are installing pipes on development sites the incoming McGuinty government had vowed to block. Ruby suggests developers are carrying out this development activity in order to increase the value of the land for purposes of compensation if the McGuinty government desired to expropriate the land. An article by Mike Funston (2003, October 19) was placed at the top of the first page (page A1) of the *Toronto Star's* 'Sunday Star' on October 19, accompanied by an image of a child holding a sign with the message "Save The Moraine" (Figure 24). Within the article, Funston reported that environmentalists picketed and handed out leaflets to potential homebuyers visiting the Macleod's Landing sales center of Aspen Ridge Homes. As Sandberg et al. (2013) note, this type of activity – protesting development at a builder's sales center – represents an unusual and unprecedented activity for a suburban community, and illustrates the degree of contestation this development fostered. The article by Funston (2003, October 19)

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[127] See chapter 4 for more details. The Macleod's Landing development was part of the 6600 housing units permitted by the Provincial Conservative government in the early 2000s that the incoming McGuinty government promised to cancel when McGuinty would become premier in October 2003. McGuinty later backtracked on this promise, and permitted most of the housing to be built, including Macleod's Landing.

Developers 'ripping off public for extra money,' group says

Environmentalists demand a halt to huge subdivision

Construction at moraine site going full-steam ahead

GAIL SWAINSON
STAFF REPORTER

Developers shouldn't be compensated when the Liberals halt plans for 6,600 homes on the Oak Ridges Moraine because the Tory government improperly sanctioned the deal, an environmental law group says.

"It was a gift at public expense to the developers from their good friends the Tories," said lawyer Clayton Ruby, a spokesperson for Environmental Defence Canada. "This is all about ripping off the public for extra money."

Ruby said developers should be compensated only for the original cost of the land, which was zoned for agricultural purposes and not for any hike in value resulting from the Tory deal.

"This land was an asset created by the Tories, so the taxpayers should not be compensating the developers for the artificial in-
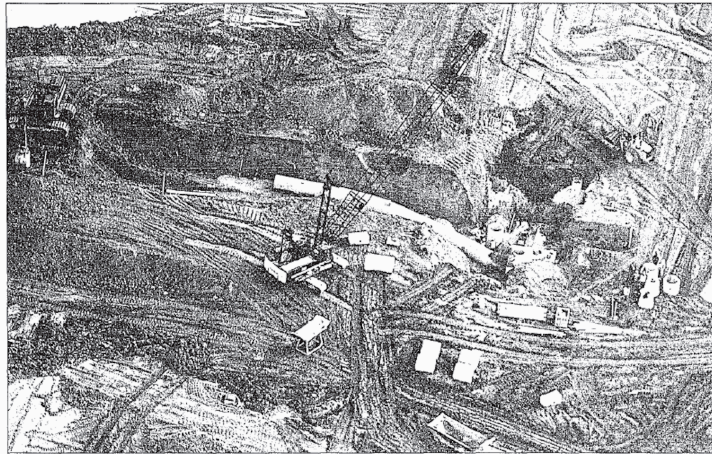
An aerial view of the Macleod's Landing housing development near Bond Lake on the Oak Ridges Moraine shows sewer lines being laid. Environmental Defence Canada says developers should be compensated only for the original cost of the land, not any increase in value,

Figure 23. *Toronto Star* article portraying the Macleod's Landing development in negative terms. Developers are described in the article as getting something they do not deserve, and in the image as destroying a landscape (source: Swainson, 2003, October 21).

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SUNDAY STAR

SUNNY PERIODS. HIGH 11 C ★ OCTOBER 19, 2003 ★ thestar.com

CHIC SLEEPS

Boutique hotels are all the rage
BUSINESS, C1

SECRET LIT

Iranian taught in the shadows
A&E, D1

GAME ONE

Marlins beat Yankees 3-2
SPORTS, E1/E4

➤ **Demonstrators vs. builders:** Protest posters jockey for space with construction signs

Standoff on moraine

Environmental groups maintain homes will never be built
Controversy doesn't curb buyers' interest, sales agent says

MIKE FUNSTON
STAFF REPORTER

Homebuyers were snapping up choice lots on the environmentally sensitive Oak Ridges Moraine yesterday despite warnings from protesters outside a builder's Richmond Hill sales office that the development will never get off the ground.

About 25-30 people peacefully picketed the site of the proposed Macleod's Landing subdivision by Aspen Ridge Homes on the west side of Yonge St. at Stouffville Rd., waving "Reclaim the Moraine" and "Save It — Don't Pave It," placards at the official opening.

A steady stream of browsers and buyers visited the sales office throughout the day despite the leaflets from protesters who reminded them of premier-designate Dalton McGuinty's pledge to block development of 6,600 homes on the moraine, including those proposed by Aspen Ridge.

Sales agents reported they were so busy, in fact, they could barely find a moment to speak to reporters.

➤ Please see **Moraine, A7**

➤ Grits take aim at 407 tolls, A8
➤ TTC wants gas tax boost, A6

SUNDAY, OCTOBER 19, 2003 ★ **TORONTO STAR** ★ A7

GTA

McGuinty insists project be halted

➤ **Moraine** From A1

Agent Mike Swinden said sales were going well but wouldn't divulge figures or comment on the demonstration.

"Asked if the protest was hurting sales, Swinden replied, "Why would it?" At a Liberal party policy conference in Etobicoke yesterday, McGuinty said, "Anybody who has any kind of interest in the moraine and those developments in particular, should understand that there is now a government in place in the province of Ontario that is committed to providing permanent protection to the moraine."

McGuinty insisted his government will stand by its commitment to halt the 6,600 planned houses on the environmentally sensitive tract of land.

He said given that his party's platform has been public for a year, developers shouldn't be surprised that they will be forced to abandon their plans there.

Staff in the premier-designate's office have been examining their options when it comes to halting the project, including passing a cabinet order, introducing legislation or launching a court challenge to stop the development approved by the former Tory government.

In Richmond Hill, potential buyers ranged from young families looking for a townhouse in the $253,000–$315,000 range to others trying to buy detached homes ranging from $320,000 to $518,000.

Figure 24. *Toronto Star* article reporting on protesters picketing at the Macleod's Landing development site and sales center in October 2003. Upper photo shows the front page article and inset image previewing the page 7 article and images (lower photo) (source: Funston, 2003, October 19).

continued on page A7 of the *Toronto Star*, where more photographs showed picketers and their messages, such as "Reclaim The Moraine" and "Save It, Don't Pave It" (Figure 24). In an interview within the article, Rick Smith of Ontario Nature (one of the protesters) suggested that the developer was ramping up marketing and sales activity to "advance this development as much as possible before the new government takes office" (ibid: A7). This development was the subject of much controversy and political machination in the fall of 2003, and came to represent the ability of developers to have their way, even in the face of government opposition. Developers were portrayed as powerful and able to dominate the planning and political system to their own advantage.

In the Homes section (Devine, 2003, December 13), the very same development is reconfigured as merely the next beautiful offering by the development industry and even one that protects nature through its generous parkland provision (Figure 25). The builders are described as sensitive to the moraine landscape that was at the time undergoing the process of legislative protection. This story is devoid of any controversy or controversial activists, and completely erases any suggestion that this subdivision is not the peaceful, tranquil, serene place portrayed in the accompanying images.

As these examples show, newspapers publish both critical and celebratory stories about developers that emphasize different forms of power that developers mobilize, but they are usually found in different sections of the paper. As opposed to stories about controversy that tend to appear in news sections, real estate sections tend to portray developers in a more positive light. The 'New in Homes' section (a real estate section) of the *Toronto Star* often includes full-page advertisements for new housing developments in suburban, exurban, and urban locations (Figure 26). In addition, these real estate sections feature celebratory pieces on new housing developments and positive profiles of featured developers. These articles are often promotional, frequently written by the same journalist, or advertorials, sponsored by the development industry. On the other hand, editorials and opinion columns are more negative towards developers and builders. News stories mostly follow contested developments and often, though

Captain MacLeod's opus

Oak Ridges project designed to live in harmony with nature
Three builders share sensitive moraine site, *by Nancy Devine*

NANCY DEVINE
SPECIAL TO THE STAR

In 1846, Captain Martin Mac-Leod retired from a distinguished military career that included fighting Napoleon in the Battle of Waterloo and defending Canada in the War of 1812.

The Scottish settler was awarded 242 hectares of Crown land on the Oak Ridges Moraine north of the village of Richmond Hill. There, he built an estate home, which he named Drynoch after his home in Scotland, and settled down to a life of farming.

One of his sons, Colonel James MacLeod, would become the first commissioner of the Northwest Mounted Police and is considered a founding father of southern Alberta.

Now, more than 150 years later, MacLeod's lands are being developed into one of the final housing projects to ever be approved on the environmentally sensitive moraine.

The three builders involved with MacLeod's Landing — Brookfield Homes, Aspen Ridge Homes and the Kaitlin Group — say they are determined to create a community that will live in harmony with

raine. Available at all three sales centres, the booklet offers helpful advice on a wide range of topics, from waste management and landscaping to gardening and outdoor water usage. It also contains information about wildlife on the moraine and lists Web sites and contact information for environmental groups in the area.

"We've incorporated a trail system that will wind through

> 'The parkland at MacLeod's Landing is roughly three times the size of High Park in Toronto'

the area, which is filled with kettle lakes, including Philips Lake," says Brian Tilly, director of sales and marketing for Brookfield. "The parkland at MacLeod's Landing is roughly three times the size of High Park in Toronto. The residents of MacLeod's Landing will have the opportunity to hike in the parkland for miles, and still enjoy the more relaxed country lifestyle."

Brookfield offers a collection of townhouses in the north-

elevations, the 11 townhouse models range from the three-bedroom, 1,049-square-foot Kendra model for $245,000 to the four-bedroom, 1,815-square-foot Beaumond corner unit for $324,000.

Tilly says MacLeod's Landing offers residents a country setting that is close to all the amenities in the nearby communities of Oak Ridges and Aurora.

Standard features in the Brookfield homes include nine-foot ceilings on the main floor, full oak staircases, custom kitchen cabinets and Corian countertops.

The MacLeod homes by Aspen Ridge are appealing to everyone from first-time buyers to empty nesters, says sales manager Richard Luciani.

"We have families who want to stay together in a nice neighbourhood. We have homes that appeal to all ages and stages, including bungalows, which are really appealing to the older homebuyers whose kids have already moved to the area."

Aspen Ridge's first phase will include 456 homes, ranging from townhouses to luxury homes.
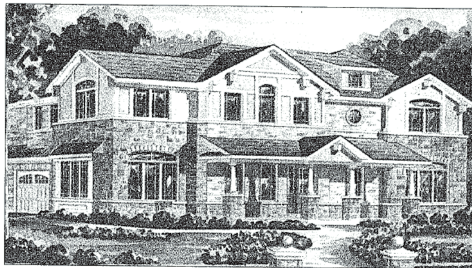
Townhouse models at MacLeod's Landing are being offered by Aspen Ridge Homes, top, and Brookfield Homes, below. Above is Brookfield's 1,705-square-foot Delmar corner townhouse model.

Figure 25. *Toronto Star* article showcasing in positive terms the Macleod's Landing development. It also makes reference to Captain Martin Macleod, a well-known historical figure in Richmond Hill (Stamp, 1991) and namesake of the new subdivision 'Macleod's Landing' (source: Devine, 2003, December 13).

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Figure 26. Full page advertisements in the Saturday *Toronto Star* by three large development firms: Great Gulf (left; source: *Toronto Star*, 2015, February 28: H5), Mattamy Homes (center; source: *Toronto Star*, 2015, March 7: H14) and the Conservatory Group (right; source: *Toronto Star*, 2015, March 21: H3).

not always, either portray developers negatively or contain interview testimony of those critical of development, developers, and the ways they dominate both people and the environment. In both type of portrayals – positive descriptions of developers in real estate sections and more negative portrayals in news stories, editorials, and letters – there is some effort given to understanding development actors and institutions. However, both are rhetorical, intended to send a message, to convince the reader of something, and to sell newspapers. But the ability of developers to exercise power in different ways, while brought to the fore in these stories, tends to remain unexamined, as is the institutional framework in which developers operate. Developers are simply labeled as heroic and environmentally conscious community builders, or villains 'ripping off' the public and destroying the environment. There is little examination of the forces that might be behind these different characterizations of developers. Only a few articles and journalists critically examine the underlying capitalist system of accumulation in which developers operate, and connections between corporations and the state that are actively fostered and required for developers to profit from the transformation of land. Although rare, some articles are critical of capitalist accumulation and the growth coalitions that characterize the relationships between capital and the state. Others celebrate growth as an ecological modernist solution to the contradictions of capital, suggesting developers can act as partners for the sake of economic progress and environmental sustainability.

Developers as 'Growth Machine' Agents

As agents of growth, developers are portrayed in both negative and positive terms in newspaper articles. In interviews I conducted with developers, most spoke of growth mainly in terms of contributing to the economy. Some newspaper articles critical of developers stress the negative impacts of growth on the environment and existing communities, and point to the relationships between developers and pro-growth politicians that enable this growth. These stories rely less on the personal characteristics of developers and point more towards the relationships between developers and politicians. Growth machine theorists (Logan & Molotch, 1987; Molotch, 1976) direct our attention to the ideologies of growth that dominate

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local governments and business elites, and the unquestioned ways in which growth in exchange value is

equated to progress, often disregarding the costs to use value. In newspaper articles critical of growth, the

political connections are especially emphasized: "Developers have many ways of inducing municipalities

to agree to their demands. Indeed, local authorities compete for builders' attention" (*Toronto Star*, 2001,

January 6). Other articles discuss developer campaign contributions for municipal and provincial

elections: "Real-estate developers seek to work amicably with governments. Some spend large sums of

money to support governments that set the terms and conditions for all future developments" (Mackie,

2003, October 17). This is supported by recent scholarship that has analyzed campaign contributions in

municipal elections in the Toronto region, suggesting that the development industry represents the largest

contributor to campaign financing, especially for urban-rural fringe municipalities that still have

developable lands (MacDermid, 2006, 2009).

Competing ideologies of growth underpin much contestation over development in the Toronto

region. Part of this conflict centres on competing ideas of what growth is, what it does, and who it is for. A

number of developers I interviewed referred to growth in different ways: as 'assessment' (i.e., increased

tax revenues for local municipalities); job creation; physical outward expansion of the city through

subdivision development; and as increased population (that must be housed). One developer complained

about resistance to growth, which he saw as mainly beneficial:

> Developers are agents of change. I get it. But I just don't understand why people think change is
> always negative. ... [M]unicipalities need to see no growth to understand how good they have it
> with the growth. And by growth I mean assessment, job creation. (Developer Interview, April 26,
> 2013)

Growth here is a macroeconomic descriptor, quantified as tax revenues and employment numbers. This

developer sidesteps what growth means for the firm, stating simply that a firm's growth benefits society

more generally: "Everybody says [growth is] to the well-being of yourselves, but ... growth is good for the

Province. And if you don't have growth, we're in trouble" (Developer Interview, April 26, 2013). Even if

one limits the analysis to an economic lens, simply asserting that growth is good because it creates jobs

says little about who benefits from growth. It says nothing about the profits made in converting 'raw' land to urban land, the profits in building certain forms of housing, the capitalist imperative within which firms operate for ever increasing accumulation, and the potential negative impact on this accumulation. As Harvey (1978) notes, with capitalist urbanization, accumulation for its own sake is assumed to be a virtue, a sign of progress, a fundamental requirement within a modern, capitalist society. Ideologies of growth as progress are deeply entrenched in this developer's understanding of the benefits of urban development through the transformation of land use (Ambrose & Colenutt, 1975; Ball, 1981, 1994; Rydin, 1985; Walker, 1981).

Developer environmentalism as a 'cornerstone of growth'?[128]

The notion of growth as progress applies also to neoliberal nature-society conceptualizations that suggest environmental protection can and should be conducted through market forces – that growth should be the foundation supporting an environmental agenda. These stories contrast significantly with media stories that posit developers as environmental destroyers. In a neoliberal nature framework, urban development is a process that serves to protect the environment. In one article, Wolf Lebovic, Joe Lebovic's brother and business partner, suggests that government intervention is unnecessary as developers are environmentally responsible and will do all the studies engineers ask them to do (Lakey, 2000, July 25). Referring to land on the Oak Ridges Moraine, Joe Lebovic states in another article (Immen, 1999, November 8) that if environmentalists or governments were serious about protecting environmentally sensitive land, they would take a market-oriented approach and buy the land. This is his approach: buying the land and then developing it in what he considers to be an environmentally responsible way that follows all government regulations. For example, Lebovic suggests that his residential subdivisions and golf courses will actually improve water quality because they include the construction of retention ponds and other technologies to

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[128] This phrase comes from the title of a paper by Wekerle et al. (2007) that aptly documents the hidden ways in which recent environmental policies in southern Ontario hide an underlying growth agenda.

control runoff, and because connecting to a large sewerage infrastructure is an improvement over septic systems. Development and urban growth is seen here as providing a service to existing residents, who will benefit from modernized sewage and storm water management systems. Becoming more 'urbanized' (here meaning connected to urban infrastructure) is framed as progressive for society and the environment.

An article in the *Toronto Star* (Cordileone, 2002, April 13) also plays up the neoliberal nature theme, highlighting an ecomodernist form of environmentalism. This story explains how developer Alfredo Degasperis worked with a local municipality to develop a fund to protect woodlots based on a fee imposed on new developments. An article in the New in Homes section of the *Toronto Star* (*Toronto Star*, 2001, July 7: N2) also cites praise for Alfredo Degasperis by the Nature Conservancy based on the protection of woodlots. The Nature Conservancy representative suggests that not only will this buffer protect the woodlot, but that DeGasperis "[will] see both aesthetic and monetary benefits from his concept". In other words, this measure is seen as a move that is good for business and nature. The overarching message in these stories is that environmental protection is a virtue, but even better is environmental protection achieved through private, market-based initiatives.

As opposed to media stories that celebrate the environmental responsibility of developers, counter-narratives shed more light on the rationale for what looks like the embrace of an environmental ethic among developers. In interviews, most developers and other development actors suggested to me that developers were much more practical rather than committed to a neoliberal form of environmentalism suggested by newspaper articles. Developers conform to environmental regulations and cooperate with conservation authorities mainly because this saves them time and aggravation. As developer Brian Johnson said to me, developers "are a bunch of independent-minded individuals that understand that cooperation is necessary, and, you know, stand your ground and protect your interests but don't be bloody-minded" (Johnson Interview, June 3, 2013). Cooperating with regulators may mean developers have to follow a certain number of environmental regulations and donate a certain percentage of their land as parkland, but as long as they can still do well, developers will comply. Developers may also adopt a green

image for marketing purposes rather than out of some form of environmentalist philosophy. A building technology consultant, who was trying to convince developers to adopt green energy standards, said to me in an interview:

> It's entirely a business case. There was very little ... tree-hugging. ... I realized pretty quickly that, you know, that I had to talk the business case, and it was about marketing. In some cases it was about quality construction, it was about ... customer satisfaction, when J.D. Powers started to come in, and certainly about your reputation and legacy was a big part of it. And competing against other builders in the same area. You know, if you look in the ads that builders have out there, ... they're all saying the same thing. ... Well how do you compete? (Consultant Interview, June 14, 2013)

Many builders see green building practices as giving them a competitive edge: an environmentally responsible product that is desired by housing consumers, which also allows developers to sell more houses. A green image is a marketing goal. In celebratory newspaper articles and advertisements, however, the stark business rationale is often hidden behind facades of environmental responsibility and adoption of latest 'green' standards.

Towards An Institutionalist Understanding of Developers

What is often termed the 'development industry' is an aggregate of development firms and actors that are diverse and operate in very different ways. Understanding the development industry is not enough to understand developers. It is crucial to understand developers as individual actors and representatives of their firms in order to more fully understand development in the Toronto region. Part of this has to do with power: how power is exercised; what actions developers take to get what they want; and how the actions of individuals might correspond with or contradict the interests of the development industry as a whole.

Institutional frameworks direct attention to individuals, relationships, and flows of ideas. Attention to individual development actors illuminates much about public understandings of developers and development, the relationships between development and political actors, and the power of individual developers in the governance and development of land. Transformation of land and development

proposals are often conflictual processes and at times generate intense public and media attention. This intensifies attention put on developers, but it is a highly mediated spotlight. On the one hand, the newspaper media, most notably the *Toronto Star*, has been very active in reporting on development controversies and in telling stories highly critical of developers. During the Oak Ridges Moraine land use conflicts, the *Toronto Star* was actively engaged in protesting development of the moraine, often using vilifying stories about developers to do so. But the *Toronto Star* also has a long-standing relationship with some development firms, most notably in selling them advertising space. Private, but well funded and powerful developers have an interest in managing the messages told about them and fostering their reputations through advertising. Both the *Toronto Star* and *Globe and Mail* also feature developers in celebratory articles in the real estate sections of both papers. These tend to exclude the controversies more typically found in news stories, columns, editorials, and letters.

Although newspapers provide a view of development and developers, and bring to the fore what is often hidden, media accounts of developers are very simplistic and caricatured representations. Unlike reporting on other industries, there are few balanced analytical pieces in the business sections of newspapers that address the profitability, expansion, or decline of specific firms. Where newspapers do report on developers, most notably in real estate sections, little attention is paid to underlying systemic, institutional forces that influence development, and very few balanced accounts are included in these stories about developers and development firms. Stories either portray developers in a negative light, as destructive and greedy villains, or in a positive light, as philanthropic and often self-made heroes. In negative stories, developers are often seen as wealthy, powerful, and unduly influencing politicians and other decision makers (e.g., *Toronto Star*, 2000, April 15). In positive stories, developers are often portrayed as philanthropists and community builders (e.g., Vyhnak, 2013). This explicit focus on the individual behaviour of developers, especially in negative stories, is very different from those analyses that emphasize the institutional, systemic forces that empower developers and the development industry in the first place. Taking a more nuanced interpretation, Rydin (2003) suggests that the land use planning and

development institutions and their arrangements are such that developers are powerful and privileged, part of the ruling class, and that the state often supports developers (Rydin, 2003). Although this may create conditions for undue influence simply because of the potential for influence and the bald use of money power, undue influence is not necessarily the result. Many interviewees noted positive personal qualities of developers: honesty, integrity, philanthropy, and so on. However it is often more compelling – and good for newspaper sales – for the media to highlight the negative aspects of developers and development practices (Gans, 2003), even though this is not necessarily the most important way power is exercised.

Some interview participants considered the differences between individual and systemic explanations for what are often perceived as immoral or destructive developer practices – practices that are often described by the term 'corrupt'. One interview participant, Glenn De Baeremaeker (Interview, May 22, 2013) suggested that land extensive suburban development as it is currently practiced tends to degrade the landscape and to create unsustainable built forms, but that developers themselves are not bad people. It is not an issue of corruption but rather a systemic problem with the way the socio-economic system is arranged. This is a more Marxian understanding that sees the entire system as flawed and based on exploitation of both people and the environment. Ecological Marxists, in particular, posit the second contradiction of capital, which sees a contradiction between the political economy and the environment, where the capitalist relations of production and the productive forces themselves destroy the conditions of production necessary for their own existence: "An ecological Marxist account of capitalism as a crisis-ridden system focuses on the way that the combined power of capitalist production relations and productive forces self-destruct by impairing or destroying rather than reproducing their own conditions" (O'Connor, 1988: 25). A planner interviewee, however, considered more the *outcomes* of the development process when he suggested that the entire system was corrupt, an almost inevitable effect of money and power (Planner Interview, March 8, 2013). This interviewee, a planner who had some experience working with developers, rather than dwelling on the personal attributes of developers, was more disturbed by the

outcomes of a system in which one group of actors is so powerful, and an industry that is so well funded. For him, this would inevitably influence the behaviour of individuals:

> [W]e're talking millions and millions and millions of dollars. People don't realize that even. The land development industry ... I'm not a left person. I'm just saying it's corrupt. It's totally corrupt. And if you don't start in on that basis you're totally naive. (Planner Interview, March 8, 2013)

This is a much different conceptualization of developers than the one that was more commonly portrayed by interview participants: that developers are just doing their jobs, following the rules, even if those rules are part of a contradictory and destructive system. If negative outcomes happen in that scenario, then the problem is with the planning and policy processes, not the developers themselves. A planner I interviewed (Planner Interview, March 8, 2013) makes a stronger connection between systemic forces and human behaviour. Since the entire system involves so much money and power, it is very difficult to expect individuals not to become corrupt, especially when money and power are put in jeopardy by planners, community groups, or environmental groups.

Although some interview participants were highly critical of developers, stories told by planners, consultants, and developers themselves, in interviews with me, were different from media stories. Stories from interviews were more detailed and descriptive of actual events. They indicate the diverse ways that developers operate in the everyday, and the concerns developers have with navigating the planning and political system. These stories suggest development and developers are more complex and contradictory than media accounts presume. Media accounts illuminate some of the controversies surrounding development and often give some insight into who the actors are and how the development process works. But media accounts are not enough. A more in-depth analysis is required to more fully understand developers and firms as individuals and influential actors in the process of land use transformation.

Chapter 9. Conclusion

Through close scrutiny of the suburban greenfield development industry in the Toronto region, centred on the Oak Ridges Moraine land use conflicts, I have shown that the relationships between developers and land use policy makers and planners are deeply entangled and shaped through the exercise of power. Developers are powerful actors in the governance and politics of urban land use and land use transformation. The power and practices of developers have been much overlooked in urban scholarship, with some exceptions. Academic research in urban geography and critical political economy has provided a critical account of the relationship between corporations and state agencies, where the primary imperative is growth and capitalist accumulation (Hamilton, 2002; Harvey, 1978, 1985; Logan & Molotch, 1987; Molotch, 1993; Stone, 1993; Walker, 1974, 1981). British planning and political theorists have shown how developers exercise raw money power in their relationships with government officials charged with legislating housing policy (Ball, 1983; Healey et al., 1988; Rydin, 1986). More recently, geographers, planning theorists, and theorists of political economy have shown how the financialization and globalization of land and property investment has often been fueled by government policy, mainly to the detriment of urban citizens, for whom housing has become increasingly commoditized – valued more for its exchange value than use value (Haila, 1991, 2000; Walks, 2010, 2014a, b; Weber, 2010, 2015). Yet despite this vast literature from urban geography, urban politics, critical political economy, and critical planning theory, few studies pay attention to the place-based, historically and culturally produced dimensions underpinning the complex institutional framework in which development takes place and developers operate. Few studies conceptualize developers as influential actors. Rather, the focus is on developers as disembodied placeholders of the capitalist class, or the development *industry* as a monolithic capitalist sector.

In this dissertation, my central approach has been to use an interpretive institutional framework and a focus on land developers, with the assertion that this focus is both unique and necessary in order to

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more fully understand urban processes of land use planning and development. I argue for an explicitly *geographical* interpretive institutionalism that pays close attention to connection and flow of actors and ideas. A focus on developers, and the institutional approach this dissertation employs, illuminates particular problems often left unexamined in urban theory, most specifically the historically and spatially distinctive nature of land development and developers, and the institutional frameworks in which developers operate and carry out development. A major contribution a geographical interpretive institutional approach makes to urban theory is in its attention to individual actors and ideas, and how these are intertwined with historically sedimented institutional governance frameworks. With this institutional framework, explanation of land use conflicts, urban politics and processes, and even explanations of 'the state' must acknowledges that institutions are populated by actors and their ideas working contingently within spatial contexts shaped by social, cultural, historical, and economic forces. As Lowndes and Robert (2013) suggest, how political and economic life are organized matters. Institutional cultures and social norms are fundamental to what constitutes urban planning and development in practice. What really needs to be emphasized from this institutional literature is its specific understanding of the term 'culture' (or 'institutional tradition', as Bevir & Rhodes, 2006, 2010 prefer) as a standard, accepted, unquestioned way of doing things. Institutional traditions or cultures are suggestive of routines, norms, and standard operating procedures that have been fostered and strengthened over time. Institutionalists insist that institutions 'structure' relationships of power – that the 'rules of the game', including institutional cultures, authorize certain actors to act in particular ways (March & Olsen, 2005). Deviation from these rules and cultures comes at a cost (ibid.). Institutions are powerful and difficult to change, suggesting boundaries are at work around who is included and imbued with the cultural and organizational knowledge of an institution. Power in this context is exercised through its ability to influence the culture: what is 'normal', what *should* be deemed normal; what is appropriate; what should be sanctioned (Lowndes & Roberts, 2013). Culture can become hierarchical if certain groups are

able to exercise power more strongly than others in shaping the parameters of what is authorized as normal and part of the rules governing an institution (ibid.).

The Power of Developers and the Development Industry

From a geographical interpretive institutional analysis of developers and the development industry, my main conclusion is that developers and the development industry are integral parts of land use policy and planning institutions, are very influential to land use decisions, and exercise power in various ways. This is not the same as saying all developers are powerful, or that developers exert power equally. The development industry has become an important governance actor in the planning and regulation of land use, and this power is different than that exercised by some individual developers and firms. The development industry in the Toronto region is represented by industry associations, most notably the Building Industry and Land Development Association (BILD) and the Ontario Home Builders' Association (OHBA). These industry associations function as powerful lobby groups able to access and communicate with government officials at different levels to advocate on behalf of their members. During provincial policy development, for example, OHBA and BILD prepare responses to policy proposals, usually in the form of critiques intended to influence the parameters of legislation. The development industry often uses the media to delivery its messages and to foster mutually beneficial corporate relationships. Notably, the development industry has fostered a close relationship with the newspaper media, especially the *Toronto Star*, using regular column space as a forum to present its messages, and using advertising space to promote its products. This relationship is historical, contradictory, and evolving. Even as newspapers provide advertising space and write promotional articles about individual development firms and their new offerings, the same newspapers also publish news stories, columns, and editorials highly critical of the development industry and developers. And even as readership of traditional newspaper formats is declining, the *Toronto Star* and *Globe and Mail* have rapidly developed electronic

web-based versions of their content that often increase the opportunities, through advertising, to showcase developers and the development industry

Some individual developers also seem to be very powerful, albeit in ways that are different from both industry associations and from each other. The firms that were shown to be powerful in this dissertation had a number of characteristics that at least partly explain their continued success in greenfield land development. They are large firms in terms of land holdings and housing sales and have in-depth knowledge of the planning and political systems. They employ well-educated planners who know the local planning agencies well, and have fostered close informal relationships with planning staff and political actors. Spatially, these firms are very local, restricting their activities to a small number of municipalities, which has allowed them to gain close knowledge of the planning culture and the economic potential of specific sites for development. Although there are many reasons why development firms can succeed or fail, these institutional factors – close informal relationships with state actors and agencies and an in-depth knowledge of the formal planning systems – are shared by the firms I focused on in this dissertation, and are an important factor in their continuing political and economic success.

Developers have different motivations and concerns from many other urban development actors, such as planners, politicians, environmental consultants, and civil society activists. These motivations and concerns, including the historical and cultural ways in which they have developed and continue to develop land, is essential to understanding development more fully, especially during moments of conflict. History, context, and relationships matter. *When* a firm was founded and *what its experiences have been* are fundamentally related to how they operate in the present. It also matters how developers finance their land holdings, how large their land holdings are, and what types of relationships they have with financial institutions. It also matters a great deal if developers have fostered relationships with local political actors, and following from this, where developers carry out most of their projects and why. The reputation of individual developers and firms seems to matter a great deal in a complex governance and development network that includes consultants, planners, civil society actors, political actors, and policy makers.

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As this dissertations shows, most greenfield developers are quite territorial, preferring to operate in municipalities where they have developed relationships with local planning departments and politicians. The notion of comfort level was mentioned in a number of interviews with developers: the idea that firms operate where they have established a level of knowledge and forged relationships that allow them to confidently carry out their operations in specific locales. While some firms are more footloose and have expanded their operations beyond the Toronto region, most are very local, likely due to the benefits of establishing close relationships with local municipal officials, not to mention with the various associated allied sub-trades required to carry out the actual process of house building. But legacies of land ownership are also important. Firms that acquired and 'banked' land early and in sites more distant from the expanding urban-rural fringe have been able to develop these lands slowly over time. But development of this long-term land also implies that firms are operating in, and have grown up with, specific municipalities over the long term where these land banks are located, developing relationships with the local planning and political actors in these localities. Municipalities in which large firms own land also have a stake in how these lands are developed. Municipalities are compelled to work with these firms in order to achieve their own planning objectives, as development, although highly regulated by municipal and provincial governments, is initiated by the myriad decisions of individual firms. Development in the Toronto region (and the rest of Canada for that matter) does not usually happen without private development firms proposing to develop land.

Tensions Between Developers and the Development Industry

As is illustrated in chapters 7 and 8, there seems to be a tension between the mode of operation of individual developers versus that of the development industry in terms of reputation and the use of power. Development firms and the development industry in some ways have different institutional cultures, although in other ways they are deeply entangled. Through industry associations, such as BILD and OHBA, the development industry treads more carefully than do individual developers, and it takes a

longer and broader outlook, often through negotiation rather than force. Through developer associations, the development industry tends to operate using soft power and in ways that are institutionally legitimized. OHBA, for example, prides itself on maintaining a dialogue with government, by 'having a seat at the table' (OHBA, 2013a). As an industry, soft power and rational pragmatism rule the day, even if occasionally the industry becomes more assertive. Industry associations, such as BILD and OHBA, are interested in the industry having a good reputation as community builders and partners, and in maintaining positive and long-term relationships with state actors and agencies, who have the power to significantly influence the parameters of urban development in Ontario. Maintenance of close formal and informal relationships between development industry and political actors gives the development industry power. It is able to control to some extent the flow of ideas around what form development should take, and in what locations. Media campaigns have allowed the development industry to advocate for its ideas and interests to provincial and municipal decision-makers as well as the general public. By reframing itself as governance partner, the development industry has asserted for itself a role in stakeholder consolations, and in solving local municipal problems, such as how to finance and build important infrastructure, such as major sewerage systems. The development industry in the Toronto region has gone to great lengths not only to influence policy, but to improve its image as one of law abiding partner that plays by the rules and contributes to society. Behind this image building, and the effort the development industry exerts to influence government policy through different mobilizations of power are fundamental economic imperatives. To remain viable corporations, developers have economic goals that must be met, even though land use change and land development are very political, bureaucratic, and often contentious processes that have the potential to jeopardize these economic goals.

As institutional actors, individual development firms are often very different from the development industry. Although individual development firms are often pragmatic and mainly conciliatory in their relationships with state actors and agencies, the character of individuals and firms is very diverse. Some are more patient, compromising, and pragmatic than others. Some firms are more

aggressive in using the courts or the Ontario Municipal board in an attempt to force political and planning decision-makers to make decisions that are favourable to developers. Although I did not reach definitive conclusions about the efficacy about these different forms of power (I generally refer to them as soft and hard forms of power), it is clear that developers are able to exert power in different ways. If compromise and pragmatism fail, developers have the option of using more aggressive tactics. These practices often contradict the interests and practices of the development industry, as represented by associations such as BILD and OHBA. Overly-aggressive, 'corrupt', or builders who build poor quality buildings are seen by developer associations as unsophisticated, undisciplined, and outsiders to the development community. As one developer – a development association representative – stated in an interview, "Will there always be a renegade? Absolutely. That's fine. Every family has a black sheep" (Developer Interview, April 26, 2013). The development industry, as an actor, works differently because its interests are in Toronto region development more broadly, and it has much to gain by fostering close relationships with state institutions charged with the regulation of land use. There is much as stake for the industry as a whole in working with, rather than fighting, the state. Working with the state often results in the state working for capital in the long run, even if state policies often seem to put limits on the development industry. But individual development firms do not necessarily act in the best interests of the development industry and have different interests. Their interests are in their own parcels of land, and their particular economic success.

The Politics and Economics of Development

Urban planning and development is constituted by a complex network of actors and institutions, exercises of power, conflict, and negotiation. The economics of development in a capitalist society is a part of this network that has many structuring implications for the entire process of land use planning and development. In some ways, the politics of land development, at least from a developer's perspective, revolves around a central economic tension between risk and reward, although how this tension plays out can be extremely complicated. The interests and actions of planners and civil society actors can deeply

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influence the conditions of risk and reward under which development plays out. Although the starting point for the development process is land – land is what 'grounds' development in specific times and spaces – the negotiation of risk and reward encompasses complex political, economic, and social dynamics that impact how land is 'assembled' as a resource for investment and capitalist accumulation (Li, 2014). Not all firms succeed in navigating this tension. Subdivision developers that have managed to stay in business for decades represent a small subset of development firms and actors that have sought to profit from land in the Toronto region in the past half century. Although very large profits can be made in land development and house building, the high-risk process of land development means that firms can also lose money very quickly. In large subdivisions of hundreds of housing units, market downturns can mean that low demand for housing can have multiplier effects. Developers that are less reliant on annual housing sales can temper these downturns by relying on pre-selling (selling houses prior to their construction), and by delaying construction to wait for better economic conditions. This is more of a possibility for integrated firms that carry out a variety of activities, including investment, land development, infrastructure construction, and house building. These types of firms can profit from economic booms and busts, using downturns to buy land, and subsequently profiting from house and land sales when markets rise.

The politics of development come to the fore when the economics of the development process are scrutinized closely. Although it is imprudent to assert the general statement that construction is less 'political' than land development, the process of building construction is usually less risky than land development, and requires less negotiation and relationships with political leaders. Part of this has to do with the relative fixity of construction costs. Although fixed costs have a range, the construction costs of houses, the government charges applied to new houses, and servicing costs are all predictable and relatively stable from site to site. There is some variation in development charges in different municipalities in the Toronto region. There is some variation in the infrastructure investments that firms have to make, and how these investments are financed. Construction costs themselves can increase or decrease slightly depending on demand for and availability of sub-contractors and trades who perform the

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work. Building material costs can rise and fall. But there is little evidence to suggest that different firms experience these costs in any significantly variable way or that these different elements of the development process can be influenced much through relationships with decision-makers.

The most significant political part of the development process – the one that has the greatest impact in how firms navigate risk and reward – is in land itself: the purchasing of land (especially large parcels) in the 'right' locations, and the entitling of land that sees value captured through the conversion of raw land to urban land. Convincing local politicians and planning authorities to grant planning permissions is a deeply political process. So is the process of convincing regional planning authorities to build pipelines and other infrastructure in specific locations that will benefit some firms but not others. These relationships and negotiations have the potential to foster interdependencies between local governments and development firms. Developers are often able to provide incentives to lubricate the process of gaining development permissions, which can be difficult for municipalities to turn down. They can dedicate land for parks; they can offer to build certain amenities, such as hospitals or art centres. When developers form consortia, these incentives can be quite substantial. In these neoliberal times of provincial downloading of responsibilities to municipalities without the required funding to act on these responsibilities, municipalities have become reliant on developers to provide many of the services municipalities used to provide. Discourses of partnerships have become prevalent in political speak, where local municipal leaders and development industry association representatives describe their relationship as one of partnership and collaboration. Municipalities also rely on the development charges development brings, as well as the property taxes new homeowners ultimately pay. A relatively stable institutional order seems to be in operation, where developers have explicitly become governance actors, an important part of the governance of urban municipalities in Ontario and likely the rest of Canada. This new role for developers, which became strongly entrenched in Ontario during the Harris government years between 1995 and 2003, in some ways is recognizable more globally under the rubric of neoliberal urbanization. But how neoliberal urbanization plays out in practice in diverse places and spaces is quite variable,

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suggesting this type of broad conceptualization is not good enough (Bevir, 2010). Changes in urban

governance do not follow broad structural contours, at least not closely or convincingly.

Urban Development: An Institutional Process of Stability and Change

An interpretive institutional approach pays much attention to the role of historical and cultural dimensions

to explaining political decision-making and practice. An explicitly geographical approach pays close

attention to the spatial and temporal implication of these dimensions to explain why political and

economic decisions and actions occur at particular moments, places, and scales. The relationships between

space, history, and culture are important. The interrelationships between space, history, and culture play

out in the everyday routines that take place within a particular suite of formal and informal rules. The

Ontario Municipal Board (OMB) and local planning offices provide apt examples. The OMB is an official

governmental institution with rules and an organizational structure. Following procedures is important.

But since OMB hearings happen daily, in particular places, with many of the same actors, dealing with the

OMB becomes part of the routine for certain actors for whom hearings are a familiar specialty. The OMB

is a system that has developed a culture over time. The OMB also invites many participants – the public –

who do not understand this culture, who are outside of it, but are at least formally part of it. Incrementally,

certain behaviours and procedures can become fixed and strong ties can be forged, even if they are not

necessarily formally sanctioned. A developer that routinely develops in a certain municipality will likely

form close ties with other actors involved in the planning and development approvals process and a

culture might develop: an unexamined set of processes deemed to be normal. Crisis erupts when people

oppose certain parts of these routine practices. Crisis often erupts when developers propose new projects.

Indeed a certain amount of opposition is expected and part of the culture, but there are processes and

actors in place whose job it is to routinely deal with the public and deal with conflict.

Sometimes conflict is different. It triggers what historical institutionalists refer to as a critical

juncture (Pierson, 2000). It begins to force more dramatic changes and under the right conditions can lead

to institutional change. But to understand these moments, we need to know a lot about the institutions being changed. This dissertation is about one type of institutional change initiated by land use conflict on the Oak Ridges Moraine, and focuses on one specific type of institutional actor, land developers.

Urban planning and development in the Toronto region have changed substantially in the two decades, so much so that this change can be considered a fundamental institutional shift. This shift has been marked by both incremental changes that have happened in small ways over time, and key moments or critical junctures that compelled the governance and practice of development to change course quite dramatically and over a relatively short period of time. Gone are the 'wild west' days of 1970s and 1980s subdivision development in Toronto's suburbs (Bozikovic, 2008, December 8). Gone are the nearly automatic approvals for large-scale transformations in land. Gone for the most part, are windfall profits reaped by speculators who were able to 'read' the markets 10 or 20 years in the future, sometimes helping the process along rather than passively waiting for government decisions on urban growth designations and infrastructure planning.

But these changes are not simply a matter of governments enacting new policies in isolation from the social and economic development context. These changes are complex and involve both incremental and more dramatic changes to urban planning and development processes. For example, industry restructuring after the recession in the late 1980s, where the land development industry and building industry effectively merged, represented a punctal change, rather than an incremental one, and a change quite independent of any provincial or municipal government policy. Many firms collapsed during the recession of the late 1980s, but of those that survived, most were more vertically integrated than they had been pre-recession. This had widespread implications for how land is financed and for the timing of house building. Firms no longer had *either* building interests *or* land interests. They had both. Industry associations no longer represented *either* builders *or* land developers. They came to represent both.[129]

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[129] That said, I argue that BILD and OHBA represent more strongly those firms that began as greenfield development firms and whose interests continue to be in land development approvals in new greenfield sites (rather than, for example, condominium developers in downtown Toronto).

Firms have become more integrated, more politically savvy, and more involved as partners with local governments. In some ways they have also become larger. Since the separation no longer exists between builder and developer, a certain size – measured in land holdings or perhaps housing units sold per year – is required in order to bear the high costs of navigating the complex process of developing land. And *all* of these firms must go through the political process of entitling land, not only those specializing in land development. Prior to the 1980s recession, it was possible for small builders to buy building lots from developers and successfully sell and build a small number of houses per year. These firms could exist without establishing relationships with state actors and agencies and with minimal financial risk. After industry restructuring in the 1990s, building lots were no longer available to outside builders as builder-developer firms retained their own lots supply for their own building operations. This is a highly local scenario and is the effect of myriad local economic, social, and political factors that are difficult to come to terms with unless the investigation pays attention to actors, relationships, and the highly local cultures and practices of urban planning and development. What is true in Ontario or even the Toronto region may not be true in other cities or other parts of Canada.[130] It is important to pay attention to the institutional context to understand something as locally contingent as land development and house building.

Although this dissertation attempted to more fully understand developers and the development industry, it also illuminated many questions that remain unanswered. One particularly important question revolves around the power of the dominant development industry associations and the types of developers they seem to represent. Perhaps most importantly, who do they represent? Given that the development industry is populated by diverse firms that do myriad different types of developments in different types of locations and markets, which ones are best represented by powerful industry associations and why? Although I would suggest that BILD is the most powerful development industry association in the Toronto region, and firms that began as land developers – mainly greenfield developers whose primary focus was

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[130] Spurr (2008) has done some research on Canadian developers nationally, but focused on publicly-traded firms. As far as I am aware, no research has been done comparing firm size and structure of private Canadian development firms at a national scale.

development of urban-rural fringe land – seem to be better represented[131] than highrise, mixed-use, commercial, and industrial firms, this requires more in-depth research. In order to understand the power of the development industry, and the differential dimensions of power within the industry, it is necessary to know whom the main industry associations represent. It would be insightful to interview a diverse cross-section of developers to evaluate how they perceive the role of industry associations and whether these associations adequately represent their interests. The role and power of industry associations is crucial to know in order to understand the power differentials of different types of development firms. Especially for planners and academics committed to reducing the negative environmental and social consequences of suburban sprawl, housing advocates concerned with the available of affordable housing, and for those concerned about the transparency of, and access to, the democratic decision making process, the continued and seemingly increasing power and political status of land developers must be better understood and called into question.

Another crucial element of land development that needs further study has to do with land ownership. Although developers currently are mainly local firms, and even joint ventures and partnerships seem to be among local players, literatures on financialization of real estate (Aalbers, 2008; Gotham, 2009; Pike & Pollard, 2010; Walks, 2010, 2014a, b; Weber, 2010) as well as literatures on the 'global land rush' suggest that land is increasingly being treated as an asset for global investment (e.g., Li, 2014). At the same time, media reports have documented land assembly in rural areas, in Ontario and other Canadian provinces, by international investment firms that may or may not be envisioning urban development in those areas (Avery, 2013; Charlebois, 2015, May 11). What effect does this globalization of real estate have on local developers and the local nature of development itself? What is it that renders the land development industry in the Toronto region so local and how does this localness impact forces of

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[131] This hypothesis is based on the focus of BILD's newspaper articles and messages to governments about issues that are likely more important to greenfield residential developers that other types of firms: the need to have more and quicker land approvals, the need for reduced development charges for new subdivisions, the superiority of new houses to used, and well-rehearsed messages that the greenbelt – something that constrains development of new (greenfield) land – is overall a negative force for the development industry (see chapters 7 and 8).

international real estate investment? Will local firms become more involved with international investors through joint ventures? Are they already involved in these types of financial arrangements? Although this dissertation did not include investigation of how firms are financed, and whether this is changing, this is an important question to ask, especially considering that how a firm is financed impacts deeply how it develops in particular places. Furthermore, how might existing relationships among development and development actors, especially those that are strongly reliant on local knowledge and informal ties, be impacted or challenged by the globalization of land use decisions. It is important to question how various dimensions of development, from different ways to finance development to new types of developers emerging on the scene, articulate with existing cultures and practices that have developed incrementally and historically in locally contingent ways. Using this approach it is necessary to attend to specific actors, relationships, developments, and sites to more fully comprehend the nuanced complexities around development. These complexities provide important contributions to urban theory by allowing a more robust understanding of the different ways in which planning and development happen in different places, and the different forms of land use conflict that take shape when individuals and firms attempt to assemble land as a resource for investment and urban development.

Implementing a Geographical Interpretive Institutional Approach

In this dissertation, I argued for a new theory of interpretive institutionalism that allows for a robust and spatial account of land developers and the development industry. The starting point for this approach is an understanding that development is complex and defies easy explanation and characterization. Research on development, therefore, must be grounded in specific places and times and must include investigation with the main players involved in the development process, especially land developers themselves. A spatial theory of interpretive institutionalism insists that social processes and relationships between actors produce and reproduce the very institutions within which they operate. The relationship between the development industry and the newspaper media is one example of the production of new institutional

space. The *Toronto Star*, in particular, and the development association BILD have redefined their institutional relationship such that the rules through which this relationship operates have become established and routinized. They are economic partners, able to use their common interests for particular purposes, while exercising caution when their interests operate at cross-purposes. As the media analysis in chapter 7 shows, the 'rules of the game' have resulted in the *Toronto Star* publishing far more celebratory articles about developers than critical stories, and the development industry has become part of the newspaper media through online advertising and regular print and online columns. This institutional stability is occasionally disrupted, such as during the *Toronto Star's* critical reporting of the Oak Ridges Moraine conflicts in the early 2000s, but this was a momentary disturbance that all but disappeared once the conflict was resolved.

The boundary work at play in the operation of institutions is powerful. It limits the actors and ideas permitted within its membership. The informal or practical elements of institutions are particularly important in this regard. Because an institution creates its own boundaries in terms of rules, norms, and procedures, an institution is defined by exclusivity. Conceptualizing land use planning and development as institutions allows critical urban analysts to question why specific actors and ideas are privileged while others are excluded. This is especially important as the roles of actors within planning and development institutions change. This dissertation shows that developers are increasingly taking on the role of governance actors. Developers are not outside of the planning system, but are internal to it. They are not the agent on which planning acts but are deeply influential to planning decisions and policy formation. What are conceptualized as the state and the market are in practice deeply entangled. Planners are market actors (Adams & Tiesdell, 2010) and developers are institutional partners in land use policy and planning (Adams & Hastings, 2001). Developers are institutional governance actors in a bounded institutional 'members-only' space that excludes most other segments of society. For the most part, decisions about major transformations of land are not made through democratic processes involving citizen engagement and debate. Decisions are made by an elite club of planners, politicians, and developers who have strong

formal and informal relationships (Hillier, 2000), are intimately familiar with the planning and political process, and are able to have their interests satisfied at the expense of the interests of others (Swyngedouw, 2005). Key questions that a geographical interpretive institutional investigation must ask, therefore, include: What is the membership of an institution, given that institutions form their own boundaries, largely through informal practices and relationships between actors? Whose ideas and actions dominate within an institution? What are the possibilities for 'non-members' to insert themselves into an institution? This is a particularly crucial question for activists advocating for change. It also implies that change, such as changes in how urban development is practiced, is unlikely without institutional change. This is the point of historical institutionalists: that change often requires a crisis – a critical turning point that places increased scrutiny and critical assessment on the operations and actors involved in stable institutional processes (Pierson, 2000). And finally, how are institutional practices spatialized? Stated differently, how do they impact the lives of others, who may have little power and control over institutional practice?

A spatial approach to interpretive institutionalism recognizes that relationships between actors, the flow of ideas, and the practices that stems from these actors and ideas unfold in powerful ways in particular places. These relationships are constituted within and further reproduce boundaries within which certain rules and norms are sanctioned and take on a certain degree of stability. Developers and the development industry seem to dominate the process of land use planning and governance. Opportunities for intervention, while not impossible, are often undermined by existing institutional arrangements. Development is a territorialization process where specific development firms have the potential to dominate the physical, material use of land; the ideas that influence how land is valued; and the very ability of others to have a voice in how land is conceptualized and valued. Developers also have considerable influence over what form development takes, which leads in turn to how urban space is used. Land developers in the Toronto region and beyond have transformed land into a certain type of commodity – an object of investment and capitalist accumulation with a very high rate of return. This

process can only be done by an elite set of actors and firms working within a specific set of relationships with state and corporate actors. Developers are able to redefine and control how land is valued, and impose their interests in a way that planners and politicians adjust to and often facilitate. As the dissertation shows, planners are not in control of land and development. This control mainly comes from the development industry and certain developers themselves. A geographical interpretive institutional approach demands that the power developers exert over land use and land use change be laid bare. This power must be shown as located in particular actors, ideas, and relationships. This power is not objective, somehow internal to land use: a logical effect of urban planning. This power is exercised by political and economic actors and agencies, and it is used to control the spatial practices of myriad other urban residents who have much less power of their urban environments. It is crucial for urban theories to include an accounting of land developers and the development industry in order to more fully understand urban planning, politics, and development, and to recognize the power of developers and the development industry over land use governance and land use change.

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Appendices

Appendix A. Reports produced by the Oak Ridges Moraine Technical Working Committee in 1993 and 1994

Biophysical inventory of the Oak Ridges Moraine area within the Greater Toronto Area, Ministry of Natural Resources, 1993.
Landform conservation in the Oak Ridges Moraine, JSW & Associates and HBT AGRA Limited, 1993.
Natural heritage system for the Oak Ridges Moraine area : GTA portion, Geomatics International Inc. and Paul Rennick & Associates, 1993.
Options for tomorrow: Alternative planning and design approaches for the Oak Ridges Moraine, Ecologistics Limited and Ministry of Natural Resources, 1993.
Water supply and sewage treatment systems in the Oak Ridges Moraine, Proctor & Redfern Limited, 1993.
A cultural heritage resources assessment study for the Oak Ridges Moraine area, Historica Research Limited. and Algonquin Associates, 1994.
A cumulative environmental assessment and monitoring framework for the Oak Ridges Moraine area / (1994). Ecologistics Ltd, 1994.
Assessment of land use impacts on the oak ridges moraine, Ministry of Natural Resources. and M.M. Dillon Limited, 1994.
Implementation tools: An evaluation of potential legislative, planning and administrative tools to implement an Oak Ridges Moraine area strategy, Ministry of Natural Resources, 1994.
Oak Ridges Moraine aggregate resources study, 1994
Oak Ridges Moraine trail study: Phase 1, inventory mapping, Metropolitan Toronto and Region Conservation Authority and Ministry of Natural Resources, 1994.
Land use patterns on the Oak Ridges Moraine area within the Greater Toronto Area, Ministry of Natural Resources, 1994.
The effect of federal and provincial policies and programs on the Oak Ridges Moraine strategy, Ministry of Natural Resources., Griffin T. and Johnson F., 1994.
The Oak Ridges Moraine area strategy for the Greater Toronto Area : An ecological approach to the protection and management of the Oak Ridges Moraine. Oak Ridges Moraine Citizens' Advisory Committee and Ministry of Natural Resources, 1994.
The Oak Ridges Moraine strategy for the Greater Toronto Area: An ecosystem approach for long term protection and management, Ministry of Natural Resources, 1994.

Appendix B. Ontario Planning and Development Review Flowcharts

Source: adapted from MMAH, 2010a

Planning Review Process for Subdivision and Land Severances

Before applying
talk to staff at your local municipality to find out who the approval authority is
AND
Consult with local municipality and/or approval authority to discuss proposal and to determine what information is required for your application

↓

Submit your complete application
and fees to the approval authority

MUNICIPAL PLAN REVIEW (where a municipality or planning board is the approval authority)	**ONE WINDOW PROVINCIAL PLANNING SERVICES** (where the Ministry of Municipal Affairs and Housing is the approval authority)
The municipality or planning board reviews your application for completeness and compliance with local planning and consistency with provincial policies.	The Ministry of Municipal Affairs and Housing **reviews your application** for completeness and consistency with provincial policies. The Ministry consults with the municipality and other ministries and agencies in its review of your application.

A decision is made to approve (often with conditions) or refuse your application.	**A decision is made** to approve (often with conditions) or refuse your application.

With some restrictions for subdivisions,
any person or public body may **appeal the decision** of the approval authority to the Ontario Municipal Board.

Appeal of decision of approval authority to the Ontario Municipal Board.	**No appeal of decision** of approval authority to the Ontario Municipal Board.
Ontario Municipal Board makes a final **decision** on the appeal.	**Decision** of the approval authority is **final.**

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Planning Review Process for Official Plan Amendments

Before applying
Consult with staff at your local municipality to discuss the proposal, find out what information is required for your application and who the approval authority is.

↓

Submit your complete application
and fees to your local municipality.

Where upper-tier is the approval authority

Where the MMAH is the approval authority

MUNICIPAL PLAN REVIEW	**LOCAL MUNICIPALITY REVIEWS**	**ONE WINDOW PROVINCIAL PLANNING SERVICES**
The upper-tier reviews how your application is consistent with county/regional and provincial interests and provides a position to the municipality.	Your application for completeness and conformity with the official plan, consistency with provincial interests, consults with the approval authority and holds a public meeting.	The Ministry of Municipal Affairs and Housing (MMAH) reviews how your application is consistent with provincial interests and provides a provincial position to the municipality.

↓

Local municipality adopts or refuses
the proposed official plan amendment.

Where official plan amendment is exempt from approval

Where official plan amendment is not exempt from approval

Local municipality **gives notice** of its decision.

Approval authority **reviews** how the application is consistent with county/region and/or provincial interests and gives notice of its decision.

↓

With some restrictions, any qualifying person or public body may **appeal the decision** to the Ontario Municipal Board.

Appeal of decision
to the Ontario Municipal Board.

No appeal of decision
to the Ontario Municipal Board.

Ontario Municipal Board
makes a final **decision** on the appeal, unless a provincial interest is declared.

Decision is final

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Appendix C. Development of Macleod's Landing in Richmond Hill

Source: Google Earth historical imagery, downloaded 6 March 2015
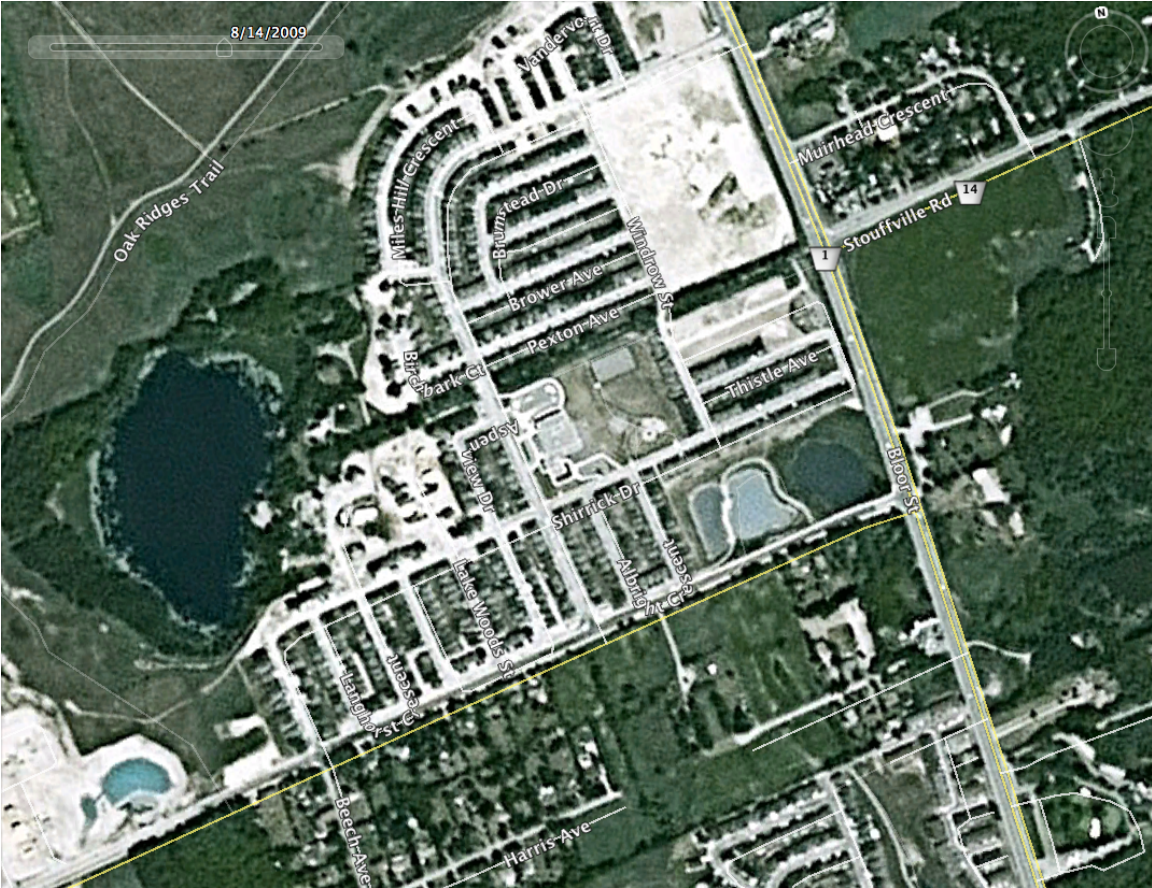
April 4, 2002

December 30, 2005

November 12, 2007

August 14, 2009

September 29, 2009

September 17, 2013

Appendix D: Bramalea Land Assembly in Pickering, Ontario

Bramalea land assembly in the Altona Forest, Pickering, Ontario. Left image: Bramalea Consolidated land assembly as of 1996 (source: Noonan, 2008). Right image: the development fully built out as of 2015 (source: Google Earth, 24 February 2015).