



# Tent encampments in Toronto, Canada: Excavating Northern housing informalities

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## **Abstract**

This paper examines the ambiguities of municipal state regulation in relation to the dwelling practices of Toronto's unhoused population. This paper argues tent encampments are a persistent mode of urban informality in the global North, where tents and other small structures provide a source of housing, particularly in cities with limited housing options. Using the City of Toronto as a case study, this paper analyzes how urban informality is reproduced and mediated by state policies, protocols, and actors. The findings suggest the local state—at times ambiguous and negotiated relative to an array of actors, property relations, and desirable formalities—routinely clears encampments from public property. The city's enforcement and regulatory regime often removes tent encampments without rehousing people, thus contributing to cyclical patterns of informal urbanization. The paper concludes with recommendations for future research to better understand the similarities, differences, and nuances of this mode of urban informality in global North cities and to open the regulatory and policy field to options beyond criminalization.

## **Keywords**

Urban informality, tent encampments, urban governance, public space

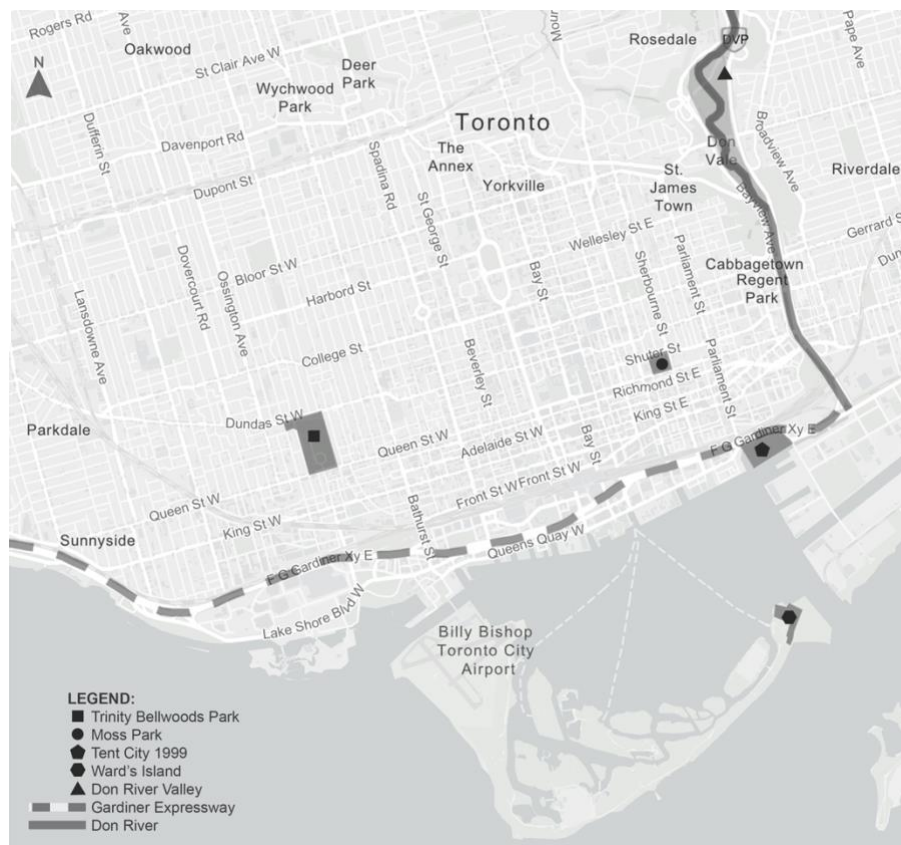
In early March 2020, at the onset of the COVID-19 pandemic, tent encampments proliferated across Toronto's public spaces. Faced with the heightened risk of contracting COVID-19 in the city's chronically overcrowded emergency shelter system, several of Toronto's prominent downtown public spaces filled with the tents, huts, and makeshift homes of the city's unhoused. As many unhoused residents chose to occupy the city's public

spaces, and more specifically, its parks, tent encampments became highly visible, and thus publicly salient, in the early days of the pandemic (Katz, 2021). Similar to media attention on increased tent encampment formation in US cities post-2008 Great Recession (Herring & Lutz, 2015), Toronto’s tent encampments (and their residents) also often experience heightened visibility and media attention during crises. However, encampments are a recurring phenomenon city-wide. Thus, while the COVID-19 crisis dramatically exposed the dwelling practices of unhoused people experiencing homelessness in Toronto, tent encampments are not an anomaly of the pandemic.

In Toronto, tent encampments are formally defined as ‘when an individual or group is occupying a space as temporary accommodations...with tents, huts, cardboard structures, etc.’ (City of Toronto, 2020c). These auto-constructed dwellings of the urban poor are historic and can be traced back to colonization (Palmer & Heroux, 2016) and social marginalization (Bonnell, 2014). Toronto’s tent encampments are also ephemeral, (re)forming anew after being cleared by the City of Toronto while also abandoned for other sites or alternative housing options, when and if available. Tent encampments are spatially scattered, yet many are typically found in the ‘interstitial spaces’ of the city (Mitchell, 2020): in the city’s extensive ravine systems, in the historically marginalized Don Valley (Bonnell, 2014) and Moss Park (Palmer & Heroux, 2016), or under the Gardiner Expressway, the major elevated highway linking Toronto to its expanding region to the west and its suburbs to the east (see Figure 1). Despite the city’s removal efforts, ‘increasingly elaborate camps’ often form in the wake of demolition (Hune-Brown, 2019).

**Figure 1**

Context map of downtown Toronto’s historic encampment locations and the encampment in Trinity Bellwoods Park.



## **A view from the South**

Building on postcolonial conceptualizations of urban informality, this article argues Toronto's tent encampments are a similar phenomenon to the informal settlements found in the global South. While I could argue that tent encampments result from the structural changes attributed to capitalism, globalization, urban neoliberalism, revanchism, gentrification, the criminalization of poverty, or the financialization and commodification of housing. However, this literature limits the field of inquiry to the dominant 'traditional-critical' capitalist-neoliberal-centred view prevalent in Western urban scholarship over a 'structural dynamism' approach to consider forces beyond capital accumulation as the driving force for urban change and marginalization (Yiftachel, 2020, p. 157). By viewing encampments 'from the South' (Robinson, 2002, 2014) I resist the tendency to view so-called developed nations as being outside the urban problems of the megacities of the so-called developing world.

In particular, I focus on urban informality linked to human settlement and housing. In this context, urban informality is generally characterized by self-built housing with no legal claim to the land it sits on, insecurity of tenure, a lack of basic services (e.g., drinking water, sanitation, garbage removal), overcrowding, no formal planning, and household incomes well below the poverty line (Organization for Economic Co-operation and Development, 2001; United Nations, 2015; Rolnik, 2019). Tent encampments in Toronto persist under similar conditions, often coalescing overnight to provide temporary shelter until the next wave of city enforcement and clearance disperses the unhoused population into new encampments across the city. Importantly, when framed as a mode of urban informality, tent encampments emerge as a nuanced phenomenon produced and mediated by the state (Roy, 2008). Thus, the informality framework brings the state—the emphasis here on the local state—and its relationship to the production of continual, scattered, and ephemeral informal settlements into sharp focus.

This paper's use of the urban informality framework aims to uncover the myriad of state actions and actors involved in the reproduction of tent encampments in Toronto. This research was conducted in a globalizing city under a prevailing policy regime of urban neoliberalism and uneven socio-spatial development, investigates state regulation of encampments historically and in the context of the ongoing COVID-19 pandemic. It also contemplates how the prevailing socio-political norms of middle-class lifestyles influence the municipal governance strategy of tent encampment clearance. Further, this paper highlights the ambiguity of the local state for its selective clearance practices and internal dissension over encampment policies.

### **Urban informality in the global South**

Urban informality is context-specific and location factors impact housing forms (Porter, 2011) yet there are some generalizations based on the Southern experience. In the global South, urban informality is attributed to rapid urbanization, a lack of formal housing and

employment opportunities, market-oriented national housing policy, and urban renewal policies that fail to replace demolished settlements (Brandão, 2006; Outtes, 2003). The structural underdevelopment of Southern countries is said to contribute to the continual presence of urban informality; the ‘periphery model of capital accumulation’ leaves vast amounts of the population in poverty and without ownership of land (Rolnik, 2019, p. 255). Thus, lower-income people self-build on squatted public and private land in marginal spaces, aiming to be near employment sites (Brandão, 2006; Outtes, 2003). In addition to its spatial manifestations, urban informality has a temporal dimension. In certain places, the ‘everyday encroachments’ of informal settlements face periods of toleration punctuated by moments of expulsion without warning (Bayat, 1997; Parker, 2020, p. 8; Tarlo, 2000).

Early research around urban informality focused on dual labour markets (e.g., Hart, 1973) and informal economies (e.g., Castells & Portes, 1989). Later, debates around informal settlements and housing emerged, typically falling into two opposing camps: urban informality as a ‘crisis’ of crowding, exploitation, and exile (see *Planet of Slums* by Mike Davis, 2017) or as a form of ‘heroic entrepreneurialism’ with ‘romanticized visions of...squatters and microentrepreneurs’ (see *The Mystery of Capital* by De Soto, 2001) (Desai & Loftus, 2013, p. 793; Roy, 2008, p. 148). Around the same time, alternative conceptions of urban informality describe a distinct ‘mode of urbanization’ defined by differentiation and contextual nuance. Informality is understood as a ‘continuum...occupying a zone of indetermination’ between ‘legal and illegal, planned and not planned, informal and formal, inside and outside the market’ (Roy, 2008, p. 149), and respondent to differences in political-economic development (Rolnik, 2019, p. 280). Ren (2020) recently proposed three categories of local state action in comparative work on housing crises and informal settlements in the global South: demolition, resettlement, and integration (p. 16). Sites are cleared as quickly as possible to free the land for investment, relocated with conditions, or provided services and gradually incorporated into neighbourhoods.

### **Urban informality in the global North**

Increasingly, scholars have noted similarities in the ‘global character of informality’ between the North and South (Harris, 2018, p. 271). As such, there is growing scholarly attention to housing informality in the global North and a new conceptual field for academic exploration (Gurran et al., 2020). Recent informality research in Canada includes basement apartments and secondary suites in Vancouver (Mendez & Quastel, 2015) and rooming houses in Toronto (Freeman, 2017; Valverde, 2012). International examples include secondary dwellings and suites in Sydney, Australia (Gurran et al., 2020); colonias, encampments (Loftus-Farren, 2011), and mobile home communities (Mukhija & Mason, 2015) in the United States; ‘beds in sheds’ in the United Kingdom and Hong Kong (Gurran et al., 2020); and allotment gardens in Berlin, Germany (Hilbrandt, 2019, 2021).

This scholarship attributes Northern informality to shifts in the political economy, including globalization, neoliberalization, and gentrification, where affordable, accessible, and adequate housing is scarce. Additionally, Northern informality is linked to inherited

property systems of settler-colonial nation-states and the rise of capitalism (Gurran et al., 2020; Harris, 2018). Noting no comprehensive definition nor ‘consistent method’ to analyze urban informality in Northern contexts, Harris (2018) created a comparative framework based on a continuum of modes and thresholds. The framework moves from latent to dominant forms of informality ranging in degrees of visibility and entrenchment (p. 275).

### **The role of the (mostly local) state**

Municipal institutions play a key role in mediating urban informality. Informality is produced through their sovereign power to determine what is and is not formal, legitimate, and legal, using ‘states of exception’ to either uphold or adapt their laws through strategic enforcement of urban regulations (Rolnik, 2019, p. 291; Roy, 2008, p. 149). Through this selectivity, the state exudes a ‘territorial flexibility’ (Roy, 2008, 2009b), primarily unfolding at the urban scale. For example, the local state typically decides on land-use regulations and bylaws, placing itself squarely in the position to enforce or ‘turn a blind eye’ to its laws (Gurran et al., 2020, p. 17). State responses to urban informality in the global North are described similarly to Ren’s (2020) Southern framework. Harris (2018) suggests the state in the North formalizes, tolerates, or removes that which it qualifies as informal. In addition, state actors may ‘manipulate informality to suit themselves’ (Harris, 2018, p. 274). Relieving them of the responsibility to solve the broader issue of housing unaffordability (Harris, 2018), the informal sector fills the gaps as a ‘cheap and easy solution’ (Briassoulis, 1997, p. 107).

These strategic state actions underscore how the production of urban informality is an exercise of state ‘power and control’ over land use (Porter, 2011, p. 117). In addition, the state plays a key role in enforcing and entitling homeownership (and homeowners) through its legal frameworks. The state’s enforcement apparatus coalesces to uphold the primary rights of owners (i.e., the private property of citizens and the public land held in stewardship by the state) to remove and prosecute trespassers. The unpropertied may resist land ownership rights through claims to space such as ‘appeals to human rights, morality, and exclusionary acts’ (Blomley, 2004, p. 12, 15, 18). However, when claims fall outside legal title rights enforceable by the state, the unpropertied often fall to the wayside. The propertied materialize as respectable people (i.e., economically and politically engaged), private space is reserved for private activities (e.g., sleeping, eating, bodily functions), and public space caters to a middle-class lifestyle (Madden & Marcuse, 2016, p. 10; Smith, 1996). Yet the state can also be conceptualized as relational, diffuse, and constantly (re)negotiated (Hilbrandt, 2019, 2021). Often, state ‘techniques of modernist land use’—namely municipal bylaws—are more ‘flexible, fragile, and contradictory’ than discussed in critical accounts of everyday urban life (Valverde, 2011, p. 278).

### **Reconceptualizing tent encampments**

A small but growing body of literature exists examining tent encampments as urban informality, some more explicitly using global South knowledges than others. Loftus-

Farren's (2011) comprehensive policy review of US tent cities notes that encampments are an informal form of housing; a complex and understudied phenomenon that provides a temporary solution for cities with limited affordable housing. Yet, this analysis fails to link informality to Southern scholarship. Heben's (2014) *Tent City Urbanism* offers an in-depth ethnographic study of tent encampments and tiny house villages across the US. In the introduction, the author links tent cities to Southern settlements as a phenomenon overlooked in North American cities (p. vii). Heben (2014) argues encampments are informalized by various state actions such as zoning, anti-trespassing, and anti-camping regulations (p. vii). Similar to Loftus-Ferren's (2011) findings, Heben (2014) describes encampments as 'de facto waiting rooms for affordable and accessible housing' (p. 7).

More recently, Sheppard et al. (2020) investigate, in a comparison of Jakarta, Indonesia, and San Francisco and Seattle in the US, the impact of urban informality on 'world-class city-making' and its regimes of global urban neoliberalism (p. 395). Challenging the assumption that informality is absent from the capitalist cities of the global North, the authors operationalize Roy's (2022) concept of 'racial banishment' to argue informality is produced through racialization and accumulation by dispossession. They also incorporate a Southern informality framework to consider informality as a survival space of 'commoning practices' (p. 394), including the 'shelter strategies of the urban homeless' (p. 396).

Parker's (2020) study of unsanctioned tent encampments in the Western US points out how the typical 'right to the city' and 'managed marginality' (Herring, 2014) approaches to encampments do not account for their persistence nor their 'fluctuating visibility' (p. 330). Likening tent cities to Southern accounts of informality, the author provides a comprehensive history of encampment spatial patterns in Sacramento, California. Parker (2020) highlights the relationship between informality as a 'wide-ranging phenomenon outside the bounds of sanctioned or legal property' (p. 330) specific to affluent North American contexts. Importantly, Parker also mentions Kudva's (2009) elucidation of the 'episodic violence' of Southern informality and the state's role in 'periodic but irregular interventions' (p. 340).

Gordon and Bryan (2021) examine the intersection of infrastructure and informality in a comparison of San Francisco, US and Toronto, Canada. The authors investigate the 'cultural politics' of routine state maintenance (p. 856) to detail how the informal infrastructure of the unhoused is subjected to a municipally helmed 'governance strategy of sweeps' (p. 856). Sweeps violently remove tent encampments to make space for elite consumption and urban economic development, but also decrease encampment visibility in general. The authors mention how sweeps 'push people out of one place' and into another location in the city. Thus, sweeps do not address the structural causes of urban poverty, and the urban poor continue to create 'the informal infrastructures necessary for survival' (p. 856).

## **Investigating the state-informality nexus**

Demystifying the local state's role in informalizing tent encampments in Toronto is a goal of this research, as well as to offer a novel perspective and contribution to existing research. Several research methods were used to provide an account of the legislative and regulatory landscape governing tent encampments while highlighting the finer-grained, dynamic, and relational state and other ambiguities around encampment enforcement and clearances. Document analysis of pertinent material (e.g., media articles, films, council decisions, and municipal, provincial, and federal legislation, regulations, and policies) provided a robust understanding of the City of Toronto's encampment regulations. In-depth qualitative interviews supplement the document analysis with expert knowledge, variegated opinions, and differential experiences. Respondents were selected for their knowledge and experience with tent encampments in Toronto, underscored by the ongoing COVID-19 crisis. In-depth, one-on-one, semi-structured interviews were conducted via Zoom and Google Meet between January and April 2021, during peak pandemic restrictions in Ontario, Canada. Respondents were emailed or directly messaged on social media. Participants (n=15, see Appendix A for a list of respondents) included activists, advocates, City Councillors with encampments in their wards, one still politically active former City Councillor, (reluctant) city staff, local developers, and a political analyst with specialized knowledge of City Council. While the interviews shape this paper's findings, not all the respondents are cited, mostly due to the scope of this paper and its focus on the state's mediation of urban informality. In addition to the interviews, City of Toronto media, archival, and administrative staff also provided information via email when questions arose requiring clarification.

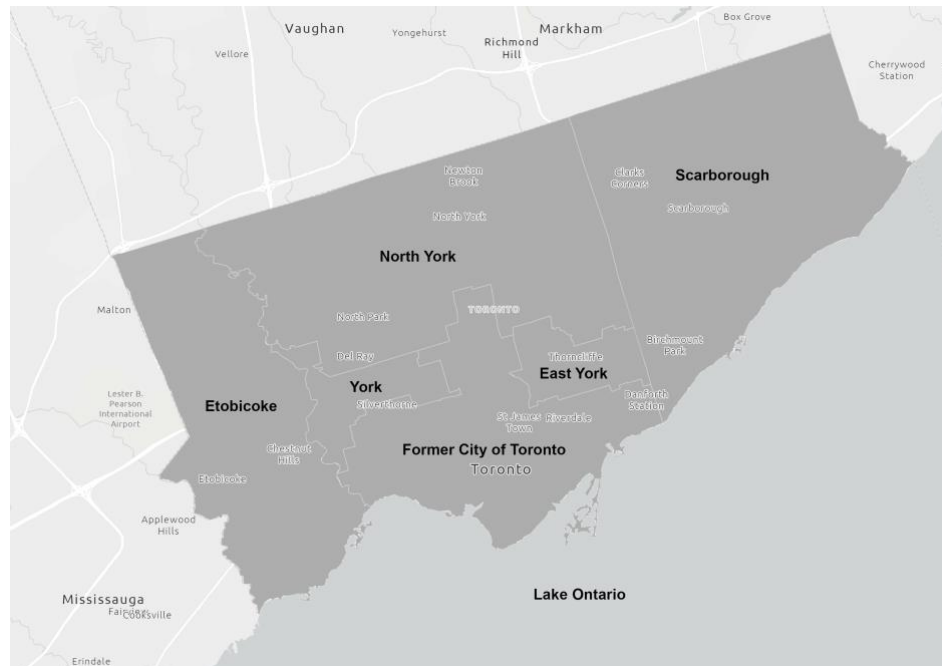
Researching a highly controversial topic during the pandemic presented challenges. Mountz's (2007) description of a 'state designed to protect itself' (p. 41) resonated with this research, particularly in finding respondents from the city. Of the few city staff interviewed, all asked for anonymity, and one respondent only agreed to be interviewed off the record. Since encampments remain highly controversial, the author anonymized all respondents, despite some participants waiving confidentiality.

## **Toronto: Context and crisis**

Toronto's tent encampments occur in the context of a globalizing city with an urban neoliberal policy regime faced with an ongoing housing crisis. The affordable housing crisis in Toronto is the result of several decades of austerity policies at all levels of the Canadian government and the consequent dismantling of the social welfare state through devolution of responsibility for social supports to other levels of government and the private sector (Joy & Vogel, 2015, p. 41; Kipfer & Keil, 2002, p. 242). In the mid-1990s, the province of Ontario cancelled future social housing funding, social housing construction projects, capital funding to build rental housing, made evictions easier, and deregulated rent control (Joy & Vogel, 2015, p. 40). Simultaneously, the province eased development controls and deregulated urban planning (Kipfer & Keil, 2002, p. 242), paving the way for increased private sector

**Figure 2**

Map depicting  
pre-amalgamation  
Toronto.



development. In 1998, the former city and its six inner suburbs were amalgamated, brought together under a neoliberal policy regime aimed toward efficiency through a business-oriented and managerial municipal administration.

Municipal planning, drastically limited in its structure and functional capacity by the amalgamation, became increasingly reactionary in its strategies and policies (Joy & Vogel, 2015, p. 45), centered on creating spaces for ‘elite consumption practices’ (Peck, Theodore, & Brenner, 2009, p. 58) and ‘market-oriented growth’ (Abbruzzese, 2017, p. 4, 9). Planning policies of urban regeneration, renewal, and gentrification, particularly of former industrial land and working-class neighbourhoods (Lehrer & Laidley, 2008, p. 798; Lehrer & Wieditz, 2009a, 2009b), are the new normal—often without substantial rehousing plans for those displaced by development.

While Toronto consistently describes itself as one of the most liveable cities in the world (City of Toronto, n.d.a.), there is a waiting list for subsidized housing hovering around 80,000 active applications, of which a reported 227 are unhoused people (City of Toronto, 2021d). Livability is questionable for lower-income households, particularly those dependent on the shelter allowance from the current provincial social welfare benefits, which barely cover average rental costs (City of Toronto, 2019). Despite a 2018 rate hike on Ontario’s social assistance payments, along a promised increase tied to inflation by the incumbent provincial government during its campaign, many people relying on social assistance in Toronto live well below the poverty line (Powers, 2022). Moreover, whispers of privatization and outsourcing of income support programs to management companies are criticized for exacerbating the current housing situation for low-income residents (Thompson, 2022). Diminishing social support and the lack of deeply affordable housing options—social, supportive, subsidized, transitional—leaves ‘over 10,000 people in Toronto without housing on any given night’ (Fred Victor, 2021) and relying on emergency shelters, respite centres, and other facilities, including tent encampments.



## **Informalizing Toronto's tent encampments**

This section presents tent encampments as a mode of urban informality mediated by the state and begins with a review of the legislative and regulatory landscape restricting tent encampments from public space. The section also details the current clearance regime and the constellation of state actors—‘street-level bureaucracies and law enforcement agencies’ (Hilbrandt, 2019, p. 357)—who coalesce to evict and demolish tent encampments. The section concludes by discussing how the normalization of park space by middle-class residents contributes to the production of informality.

### **The regulatory framework**

The urban informality literature notes that the state typically formalizes, tolerates, or removes what it qualifies as informal (Harris, 2018; Ren, 2020; Roy, 2008). In Toronto, the state response to tent encampments is removal, upheld by legislation and regulation preceding a process of eviction, dismantling, and demolition. One piece of provincial legislation enacted in the late 1990s greatly impacted the social reproduction practices of Toronto's unhoused population. *The Safe Streets Act 1999* (the Act) had a particular and ‘immediate impact’ on the city's poor through its criminalization of visible poverty and illegalization of aggressive panhandling (Heroux, 2011, p. 110). With exemptions for charitable organizations, the Act ‘selectively enforces’ soliciting in the city. Despite several attempts to repeal its enactment on constitutional and human rights grounds (Esmonde, 2002, p. 76; O’Grady, 2013)—including calling for relief during the pandemic (Hermer et al., 2020)—it has remained in force throughout the pandemic.

Several pieces of municipal regulation work in tandem with provincial legislation to restrict public space further. *Chapter 743 Streets and Sidewalks, Use of* sets out restrictions for city streets, prohibiting camping, dwelling, and lodging on city streets, sidewalks, and parks. *Chapter 608 Parks* prohibits sexual behaviour and nudity, alcohol without a permit, camping, dwelling, lodging, and limits access between 12:01 am to 5:30 am. This chapter also specifies rules for tents and structures: ‘no person shall place, install, attach or erect a temporary or permanent tent, structure or shelter, at, in or to a park’ without a permit (p. 608-15). Finally, *Chapter 636 Public Squares* was amended in July 2005 to prohibit camping, tents, or any ‘temporary abode’ (p. 636-7) in public squares, yet this is only applicable to one specific downtown square (p. 636-16; Wilson, 2012), incidentally located in the city's main downtown tourist area. The 2005 amendment also added a definition for camp to include sleeping in this public square at any time, ‘whether or not a tent or temporary abode of any kind is used’ (p. 636-2). Together, the Act and the municipal code restrict any form of social reproduction on the majority of the city's public spaces. Violations are subject to complaints and offences face fines or enforcement by Municipal Licensing and Standards or Toronto Police Services.

The bylaw history of camping (i.e., tents) and lodging (i.e., accommodations for rent) regulations in city parks offer insight into the origin of spatial regulations. Several bylaws created between 1930 and 1950 in three of the six former municipalities responded to the historical proliferation of tourist and trailer camps. These regulations and camps also

coincide with the emergence of a summer tent colony on the Toronto Island, where regulations were enacted by the municipal government in the early 1900s to manage what were becoming unruly, disordered, and violent conditions (McDonnell, 2017; Taylor, 2018). Following the island logic, it is argued that early bylaws against tents and camping in public spaces originated in bylaws aimed at addressing nuisances such as noise, overcrowding, and unsanitary conditions emanating from the tourist and trailer camps, rather than from top-down state land use controls (Valverde, 2011). These anti-camping and lodging bylaws were then carried into the parks bylaws for each former municipality, restricting tents or other structures without a permit. The individual bylaws of the former municipalities were later harmonized post-amalgamation into the current city-wide bylaw, which is in force today (City of Toronto, 2004).

Despite the ambiguous history around bylaw origin and function, the existing public space regulations and bylaws disproportionately impact unhoused people across the amalgamated city. Further, untangling such history demonstrates the political production of the bylaws over time and space. Early nuisance bylaws were inherited, interact, and complement the introduction of top-down and heavy-handed forms of spatial legislation and regulatory controls, such as the Act. It is also important to consider that the City of Toronto allows activities such as camping and the erection of tents in parks and public spaces at its discretion (City of Toronto, n.d.b.). These states of exception allow—for a fee—certain ‘nuisance’ activities like camping, drinking, or tents at certain times and by certain people, as approved by city staff. From this perspective, the bylaws are imbued with a certain flexibility. However, the flexibility is intermittently and rarely extended to those relying on parks and public spaces to survive, even during a pandemic.

### **Pandemic (re)enforcement**

As tent encampments proliferated throughout the pandemic, the mode of informality shifted toward a latent and highly visible formation, leading to increased state attention (Harris, 2018, p. 277). At certain moments, the state bent the rules and allowed informality. One early example is the pandemic encampment eviction moratorium. On 19 March 2020, the City of Toronto announced the temporary halting of encampment evictions and clearances ‘until further notice’ (Lorinc, 2020). The decision followed the advice from the Centers for Disease Control to stop encampment evictions in the absence of other individualized housing options based on evidence supporting the increased risk of contracting the virus in crowded spaces (2022). Encampments were found to reduce the risk of airborne spread of COVID-19 in congregate settings and of deaths in the unhoused population (Zwarenstein, 2020), who are already at five times the risk of death 21 days after a positive case confirmation (Uzair, 2021).

While tent encampments became a viable housing option to limit the spread of COVID-19 within the unhoused population, the moratorium was ambiguous and short-lived. The City retained clearance powers, as evidenced by a blog post on a local residents’ association webpage. The post refers to an email from the councillor’s office explaining how, shortly

after its implementation, the moratorium policy was amended ‘in line with current City bylaws that allow encampment clearings in emergencies to clear specific encampments focused on public property’. The email also notes that the encampments ‘that will be cleared’—even during the moratorium—are those whose residents had already received alternative housing options (City Councillors Office, as cited in Church Wellesley Housing Association, 2020). By early May 2020—barely two months after instating the moratorium—the City began filing eviction notices to residents and clearing encampments alongside the introduction of a new interim housing program for encampment residents (City of Toronto, 2020a).

About a year later, in June 2021, the City released a highly stringent encampment enforcement strategy. The staff report (2021b) outlined a mandate to keep new encampments from forming. The report details an increase in law and order, through Municipal Licensing and Standards and Corporate Security, where staff will ‘proactively monitor’ parks with history of encampments around the clock (p. 15). The report also details strategies to increase public activity in downtown parks, collaborating with resident associations and business improvement groups to keep parks busy enough that the unhoused will choose to live in the city’s margins.

### **Encampment eviction policies, protocols, and actors**

The city maintains a full-time staff for tent encampment management, referred to by a local advocate as part of the ‘infrastructure of displacement’ or the institutional foundations underlying the eviction process, including the police, landlord tribunals, and the court system (Advocate 2). The process is a ‘multidisciplinary effort’ between Parks, Forestry & Recreation; Transportation Services; Solid Waste Management; Shelter, Support & Housing Administration (SSHA); and Toronto Police Services (City of Toronto, 2020b). Toronto Police Services have the ‘authority to remove both the individual(s) and their belongings from the park’ through the *Trespass to Property Act Police Letter*. Municipal Licensing & Standards, corporate security, and bylaw officers typically enforce the Municipal Code and its applicable bylaws.

Encampment clearances follow a specific protocol and are conducted by a web of actors. Tent encampment clearances follow a division-wide city protocol for homelessness response introduced in 2005. Before the protocol, divisions dealt with tent encampments on an ad hoc basis, often resulting in city staff ‘finding a tent, and some people’s belongings, and throwing it out right away’ (City Staff 1, 2021). The protocol informs the mandate of Streets to Homes (S2H), which includes a needs assessment that ‘exhausts’ all options to bring people indoors. The exhausting of options triggers eviction processes (City of Toronto, 2007). Eviction notices are served under the *Trespass to Property Act*, giving residents 72 hours before city staff (Right to Housing, 2020), often accompanied by police and bulldozers, proceed to clear the encampment. Of the varying actors involved in tent encampment enforcement and clearance, two groups were continually referenced in the interviews and were highly scrutinized throughout the early days of the pandemic.

The S2H outreach program is a primary component of the state's clearance apparatus. Created circa 2005, S2H is a city-funded program comprised of city staff, funded and non-funded partners, and volunteers who work together to find encampment residents housing and provide an elevated level of support and case management for one year (The Housing Help Centre, n.d.). S2H follows the 'Housing First' model of care popularized in New York City in the early 1990s, enacted to end 'street homelessness', while also 'controversially' prohibiting unhoused people from sleeping in Nathan Philips Square, the public square fronting City Hall (Kraus, 2008). The Housing First model provides unhoused people experiencing homelessness 'with almost immediate access to permanent housing' (Falvo, 2009, p. 4). Despite success, the program is critiqued for its lack of transparency and consultation with partners and encampment residents (Falvo, 2009, p. 22). Further criticism takes aim at its role as an urban development strategy aimed to increase rents through quality-of-life improvements catering to middle-class residents by relocating unhoused people from the downtown core to peripheral areas (Clarke, 2008).

The quality and frequency of S2H outreach faced increased scrutiny during the pandemic. A municipal staff respondent insisted S2H was providing daily outreach, including offers of shelter space, education, and survival gear: 'first off, our staff are on the ground daily in the encampments' (City Staff 1, 2021). However, the advocates interviewed told a different story. One outreach volunteer noted, 'they don't come as often as they say they do...a week or two go by before S2H comes back again' (Advocate 6, 2021). A second advocate pointed to the ambiguity within the program's intent, saying:

The city does seem to say, "clear these tent encampments" and they say they've done their due diligence and they wrote it in their protocols...but if the residents don't take [what S2H offers], then too bad...is how I understand it. We're going to clear this anyway (Advocate 2, 2021).

Arguably, the policy directive underlying S2H is tent encampment clearance, notwithstanding the outreach component and offers of permanent housing provided by service providers and city staff. In March 2021, the city introduced Pathway Inside, a new program with a mandate of 'supporting people in encampments with safe, supportive indoor space' until permanent housing is secured (City of Toronto, 2021a). The program was widely derided by activists as a rebranding of the existing S2H protocol and a targeted policy aiming to speed up clearances of the downtown encampments before summer. Essentially, both policies mediate informality by scattering those who do not accept the presented offers elsewhere in the city. Put another way, 'ultimately, it is up to clients if they decide to move indoors to spaces offered to them' (City Councillor, as cited in Church Wellesley Neighbourhood Association, 2020).

Second, Parks Ambassadors were heavily critiqued by the respondents. Parks Ambassadors are a 'responsive, mobile crew' of municipal staff members (City of Toronto, 2017, p. 2). Established in 2003, these employees traverse the city's parks as an 'envoy of acceptable behaviour' (Braga, 2019) aimed at making 'parks safe, inclusive, and welcoming for all...for...passive and recreational use...and mitigate illegal activity in parks on a daily basis' (City of Toronto, 2017, p. 2). Parks Ambassadors have no enforcement powers (e.g.,

arrests, issuing tickets). Instead, their duty is to patrol, post trespass notices, and use education as an enforcement mechanism. However, these actors play a key role in the City's encampment management, as revealed in a recent Freedom of Information (FOI) request (Mastroianni, 2021). According to the FOI documents, the Parks Ambassadors use an application to record encampment locations and assign each encampment a status, including options such as 'clearing approved' and 'urgent removal site' (Mastroianni, 2021). City media staff did not mention the application when asked if encampment clearances were tracked and offered no comment after the FOI report was emailed for review. The FOI also contained training slides documenting the two available responses for Parks Ambassadors when confronted with people placing tents in park: dismantle and clear (Mastroianni, 2021). Ultimately, tent encampment residents experience 'the challenges of living "on someone else's property, every day"' (Blomley, 2020, p. 40) and are subject to enforcement at any moment.

### **Parks are for 'park things'**

A particular vision for park space surfaced throughout the interviews, summarized well by one respondent: parks are where kids and adults 'hang out...play checkers...have picnics...you can't have a house in there' (Local Politician, 2021). Another respondent explained how City Council could vote beyond city staff recommendations and halt clearances or formalize a space for encampments. However, the group is split between 'bigger picture thinkers' interested in solutions and those taking the stance 'parks are for "park things" and not for people to live' (Political Analyst, 2021). Interviewees suggest there are specific rules, values, and aesthetics established for Toronto's park space. Any uses in opposition or viewed as an 'affront to the public good' are removed (Blomley, 2011, p. 3).

The municipality treats encampments in public space as both a nuisance to homeowners, and a private encroachment subject to trespass notices and the normative envisioning of park functions. The local bylaws uphold the hegemonic assertion that urban poverty and tent encampments are an incompatible use vis-à-vis middle-class leisure, beautification strategies, and orderly uses of space historically associated with parks and the homogenization of society under the banner of liveability (Stevens, 2009). To reinforce this point, the June 2021 staff report aimed at minimizing encampments maintains normative uses for parks: a place for 'picnics, events, and sports' with the introduction of 'safety audits' focused on 'lighting, pruning, furniture placement within the park and other improvements' to 'improve park safety' (City of Toronto, n.d.c., p. 15).

### **Toronto's territorial (in)flexibility**

Intermittently, the City did tolerate tent encampments during the pandemic and 'turned a blind eye' to their regulations (Gurran et al., 2020, p. 17). According to one city staff respondent: 'the approach has really not been enforcement...there really hasn't been enforcement of any of the city bylaws...unless there is an immediate health and safety concern' (City Staff 1, 2021). Conversely, the local state, at least externally through media

releases and eviction actions, appears predominantly inflexible in its regulatory strategies and enforcement regime, placing Toronto's tent encampments in an informality binary. Toronto is a case of 'state governance...driven by heavy-handed eviction' (Hilbrandt, 2021, p. 20), where the institutional approach to encampments is eviction, demolition, and removal (Harris, 2018; Ren, 2020). While tent encampments remain illegal, with little policy movement during and after the pandemic, the local state has and does exercise territorial flexibility. Toleration appears when encampments are less visible or publicly salient, such as those historically marginalized in the Don River Valley (Bonnell, 2014), or in the Toronto Island tent city, where residents had the social and political capital to force the City to formalize the space (Braun, 2017; Diamond, 1994; McDonnell, 2017). However, the historical and overarching policy is clearance and dispersion into less visible areas of the city.

This research also reveals another internal ambiguity within the state, between bureaucratic and political actors. Individual state actors operating in the 'emotional everyday' (Mountz, 2007) may support policies divergent from the overarching clearance policy. A respondent spoke confidentially about formalizing a space for encampment residents: 'we have been recommending to senior leadership in the city that a sanctioned outdoor space is something that should be investigated more deeply and actually considered. That's an internal discussion that's underway...but at this point has not been endorsed by city leadership' (City Staff 1, 2021). Shortly after this interview, city leadership vetoed the proposed formalization in favour of the status quo S2H approach informing the Pathway Inside program (City of Toronto, 2021a). Moreover, on several occasions, Mayor Tory forcefully described encampments as 'unsafe, unhealthy, and illegal' (Casey, 2021). These comments echo the slum renewal mantra 'unfit for human habitation' used to classify urban areas as blighted and outside acceptable societal norms (Mayne, 2017, p. 71, 74), and is a sentiment shared in staff reports and by senior city management (City of Toronto, 2021c; Murray, 2021).

Overall, the majority of politicians and city staff interviewed for this research agreed encampments did not belong in parks and did not show support for state sanctioned spaces: 'parks weren't meant for [encampments]...codifying tent cities is not the direction the city's going in. That's not the intention, that's not our goal, and I don't think it's going to happen' (City Councillor 2, 2021). Simply put, parks are 'public' spaces embedded within a set of rules and norms of a white middle-class constituency (Stevens, 2009), reflected and refracted by City Council, predominantly composed of white middle-class homeowners (Micallef, 2021). Theoretically, city staff, street-level bureaucrats, and other enforcement actors are dynamic and open to 'everyday transformations' negotiated by and within the state itself (Hilbrandt, 2019, 2021). However, viewed practically in Toronto, the agency, negotiation, and resistance of state actors who may seek alternative encampment policies are constrained, potentially in fear of reprimand. An advocate shared: 'I've tried...to get people who see every day, what's going on, to speak up...people are like "I can't, I'll get fired"' (Advocate 2, 2021). Additionally, two respondents from the city asked for anonymity, one over comments related to an internal push for encampment formalization and the other about the debate over encampment safety. Despite the ambiguity, internal contradictions, and the state's best

efforts at upholding its clearance policies, encampments persist across Toronto's public spaces and parks.

### **An agenda for future research**

Tent encampments in Toronto cannot be dismissed as an anomaly during a time of global crisis. The COVID-19 pandemic is merely the tipping point of a systemic injustice. Informal settlements throughout the city provide interim housing for many who, particularly during the pandemic, claim that the city's overcrowded congregate shelters are inadequate and unsafe. Without meaningful state response or adequate housing options, encampments in Toronto will persist despite the regulatory framework simply because people need a place to live. Several related factors are expected to leave many without housing in the future, including the continuing lack of shelter space, reduced access to adequate social services, increased housing costs, expected job losses, and economic uncertainty (Gibson, 2020), disproportionately affecting racialized workers and renters (Press, 2020). A recent city staff report states 'more than 400 new people lose their homes each month and enter the shelter system and, according to data from the Canada Mortgage and Housing Corporation, there are approximately 35,000 households currently in rental arrears in Toronto' (City of Toronto, 2021b, p. 17). Newly unhoused people may seek temporary shelter within the system, but the lack of current space creates a high potential for existing tent encampments to grow and for new settlements to emerge. Thus, recognizing the contribution of tent encampments as a form of temporary housing is an urgent requirement, including finding alternatives to state-led demolition and clearance.

Future research might focus on comparative studies between North American cities with longstanding histories of tent encampments and the informal settlements of the global South. Toronto is not the only Canadian city faced with an unprecedented rise in encampments: Vancouver, Halifax, Waterloo, Sudbury, Barrie, Thunder Bay, and Kitchener are all experiencing increased encampments, and the conditions could be compared to help guide housing policy and urban governance reform. Expanding on this article's postcolonial framework is necessary to provide a much-needed analysis of colonialism and the relationship between the state, policing, race, and urban informality in settler cities of the global North. Indigenous Peoples are over-represented in Toronto's emergency shelter system (Falvo, 2009) and the general population: 'between one and 2.5% of the Toronto population, yet estimated at 16% of the overall homeless population' (City of Toronto, 2019, p. 26-27). Toronto is a settler city with a long history of Indigenous land dispossession. Roy's (2022) recent account of racial banishment must be considered in future conceptualizations of tent encampments in settler cities of the global North. This concept rightly considers the settler colonial project of land ownership and racialized dispossession.

Research on the recurring encampments in Toronto and other global North cities might also be studied as a spatial and temporal process of urbanization centring the agency of encampment residents. Several scholars have critiqued urban informality, despite the prevalence of nuanced and continuum-based accounts, for the term's binary and normative

connotations and policy implications (d'Alençon et al., 2018; Pratt, 2019). The concept also imbues a 'territorial stigma' associated with the transiency, impermanence, and living conditions of informal residents (Rolnik, 2019, p. 280). Despite the debates, the term is salient as 'a starting point for analysis' (McFarlane, 2019, p. 622) of urban phenomena. However, future research could align with agentic accounts of, for instance, peripheral (Caldeira, 2017) and popular (Streule et al., 2020) urbanization.

Linking the role of urban development to state clearance policies is an additional avenue for study. As discussed in the global South, well-established informal settlements are now adjacent to land entering the speculative market or to gentrifying parts of the city (Ren, 2018, 2020), experiencing a newfound centrality in urban restructuring under globalized neoliberal capitalism (Fairbanks, 2012). Relatedly, the impact of dissenting neighbourhood residents and public engagement on encampment clearances could create a fuller picture of the pressures influencing selective state enforcement in certain urban spaces, such as Trinity Bellwoods Park.

### **Beyond the bulldozer**

This article provides an account of tent encampments as a mode of urban informality in the global North. Similar to the informal settlements and housing of the global South, Toronto's tent encampments are constructed without formal planning permissions, and are made illegal primarily through legislation and regulation, including historically inherited municipal nuisance bylaws. The urban informality framework helped pull back the layers of the state apparatus, acting as a lens to view its regulatory framework and ruling relations. Such research also highlighted a selection of street-level bureaucrats and enforcement agents who mediate the state's policies and bylaws on the ground. As described throughout this article, the local state takes an overarching, oppressive, and punitive stance toward tent encampments. Toronto's unhoused encounter the state's enforcement apparatus by producing an everyday urbanism made illegal by state legal and regulatory frameworks. However, in the absence of affordable housing, unhoused residents have limited choices outside the shelter system or tent encampments. Thus, despite the City's regulations and enforcements, encampments will continually (re)form and be constantly (re)negotiated in the ongoing struggle of residents to survive and socially reproduce in public space.

Under certain circumstances, the state does allow encampments to remain in public spaces, as discussed throughout this paper. However, the state does not typically tolerate the informal dwelling practices of the unhoused. Recently, the City doubled down on its surveillance and policing of former encampment spaces (City of Toronto, 2021b), driving poverty further underground, hidden from the shining veneer of the city. As cracks appear and encampments bubble up to the surface, they are bulldozed back under, in acts supported by many city residents, staff, and politicians alike. The local state attempts to uphold a specific everyday urbanism, one counter to the production of space in the city by the unhoused. And yet, through processes of informal urbanization by the people, territory is collectively claimed by tent encampment residents who demand a right to the city.



## Appendix A

### Participants

Table of interview respondents

	Anonymized name	Date interviewed	Role
1	Advocate 1	9 March 2021	Housing as a human right expert
2	Advocate 2	19 February 2021	Advocate, outreach worker
3	Advocate 3	28 January 2021	Advocate, outreach worker
4	Advocate 4	25 January 2021	Advocate
5	Advocate 5	22 January 2021	Outreach volunteer
6	Advocate 6	19 January 2021	Outreach volunteer
7	Developer 1	24 February 2021	Rental developer
8	Developer 2	11 February 2021	Multi-unit housing developer
9	Political Analyst	9 February 2021	Political Analyst
10	City Councillor 1	12 February 2021	City Councillor
11	City Councillor 2	22 February 2021	City Councillor
12	City Councillor 3	8 February 2021	City Councillor
13	Local Politician	21 January 2021	Former City Councillor
14	City Staff 1	19 April 2021	Anonymous
15	City Staff 2	6 May 2021	Anonymous

Table of email respondents

16	City Staff 3	Various dates	Toronto Media
17	City Staff 4	Various dates	City Clerk's Office

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