WHAT COULD POSSIBLY GO WRONG?

Examining the Consequences of the City of Toronto Public Square
By-laws on Diversity in Yonge-Dundas Square

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EXECUTIVE SUMMARY

Public spaces are indispensible to the success of life in a city. Irrespective of ones opinion on whether the space is truly accessible or would be better off privately managed, at the most fundamental level, there is an overwhelming consensus, that public spaces shape the way that communities and neighborhoods mesh together. However, it is not enough to just build public spaces in the city. There are important characteristics that must be adhered to, in order for such spaces to be truly accessible to everyone, and to allow for diversity of activities, individuals and ideas to be encountered and experienced. But in an era where local municipalities often face financial budgetary constraints, coupled with the increasing role of the private sector, there are now new forms of public space management that are bringing forth newly enhanced regulations and local by-laws. The outcome is that such spaces are becoming less public as a result of exclusion of certain behaviours activities and political practices.

Toronto’s Yonge-Dundas Square, which is often compared with the likes of New York’s Times Square is managed by a board of management, who is tasked with implementing a set of by-laws that excludes “undesirables” and influences behaviors and activities occurring at the square. The purpose of this report is to identify what by-laws affect Yonge-Dundas Square public space in the City of Toronto and to determine what consequences they have on the diversity of users interacting and utilizing the space. Second, this report seeks to determine if there is an inconsistency with the intent of the by-laws and the reality of how the by-laws are interpreted by those who are implementing them.

Yonge-Dundas Square Transformation

To fully grasp the impact of local by-laws on diversity at Yonge-Dundas Square, it is important to first understand key themes signifying the Square’s
evolutional since the 1970s and the influential role of the Yonge Street revitalization project in the creation of a new type of public space, in a newly formed amalgamated city. The premier, urban space that Yonge-Dundas Square has today evolved into, does little to reveal the process that led to the Square being defined as “successful in meeting its objective of becoming a vibrant, safe and active focal point and economic catalyst” (Kenniff, A Revaluation of Public Space in Toronto, 2009). The condition of Yonge-Dundas area deteriorated both economically and socially during the 1970s. Popular notions of the area expressed in the local news media were that it was haven for panhandlers, drug dealers, prostitutes and vagrants. As many businesses shut their doors, the area became home to low-end retailers like discount stores, bargain electronics outlets, pawnshops, pinball parlors, jewelry exchanges, and fast food restaurants.

**Findings**

The findings of this report were derived from a mixture of sources and methods of data collection: a literature review, document analysis and stakeholder interviews. The literature review highlight that there is a general consensus that public space has the potential to influence a wide range of benefits. Studies emanating from economist, geographers, politicians, criminologist, planners and architects have tried to evaluate their role, evolution, management and consequences of their development. This diverse array of multi-disciplinary approaches towards understanding public space highlight the need for public space analysis to capture an approached that moves beyond the pure design factors that have consumed public space debates. From the literature review a set of themes were uncovered as having created both intentional and unintentional barriers that restrict access to public spaces.
In reviewing the documents, the main objective was to secure a primary source of data that could be used to assess Yonge-Dundas Square in order to determine what effect local by-laws are having on the diversity of users and activities. Documents like Toronto Municipal Code Chapter 636, Public Squares (2011) and the Relationship Framework for City of Toronto With Yonge-Dundas Square Board (2008), outlines how individuals can use the square, the type of activities not permitted and recognizes the board’s authority to manage the business and affairs of the Square.

A total of five interviews were conducted; the participants were: a City of Toronto Planning official, two members of the Yonge-Dundas Board of Management, a city of Toronto Councillor and a member of Downtown Yonge Business Improvement Association (BIA). Through the interview of key informants, the objective was to gain a sense of what were the objectives of the by-laws regulating the Yonge-Dundas Square and determining how its interpretation by those tasked with implementing and enforcing the by-laws are deterring diversity of users and activities.

**Recommendation**

**Recommendation 1:** Allow the Space to naturally evolve with as little management mechanisms as possible. Part of this process is allowing the square to move beyond a manicured space that is overly managed to one that encourages change or allowing the space to evolve organically, which in turn increases ownership of the space and address issues of safety and security.

**Recommendation 2:** The need for a Public Space Advocate. The development of the space lacks a true advocate who can work on the behalf of the generally established principles that defines a public space that is open and access to all.
Recommendation 3: Revisiting the goal of the square and determine if it is meeting the needs of the community and potentially make recommendations to change it. There needs to be periodic review of the objective goals of Yonge-Dundas Square to ensure its continued effectiveness and to determine if it is adhering to the needs of its diverse local businesses, residents and social organizations in the area.

Recommendation 4: Boldness and creative deliberation in ensuring the square is programmed during the winter periods. A new level of boldness and creative deliberation is needed to ensure the space is regularly programmed during winter period, when commercial activities are very limited. This ensures that as a public space, it is not sitting there vacant for months upon months.

Recommendation 5: Promote more downtime and passive use of the square for the general public. There needs to be changes in the practice of staff so as to ensure there is added time for general leisure, that is free from programmed activities being held by private entities.

Conclusion

From an urban planning perspective this report has helped to highlight the importance of public spaces as an urban policy tool that encapsulates a much broader and universal significance needed for the sustainment of cities. Yonge-Dundas Square is unique from Toronto’s other Public Squares as it was established by City Council as a key driver to promote economic development in the Yonge-Dundas area. More importantly, unlike other Public Squares that are attached to civic centres, Yonge-Dundas Square is intended primarily for commercial events and activities.
Drawing from a detailed document review, literature review, and series of interviews, this report has concluded that the advent of Yonge-Dundas Square introduced some new conditions never before addressed in the city of Toronto; these include: the commercialization of public space, a management with private interest represented, and exclusionary uses expressly permitted instead of expressly forbidden on the square (see also Milroy, 2009). Furthermore, this report’s analysis reveals that Yonge-Dundas Square at any time could represent a space that raises concerns about social exclusion, economic competitiveness, place image, culture, gender and ethnicity. Together these factors highlight Yonge-Dundas Square as one of the most contentious sites in the City of Toronto. As a public space that may be intended to be accessible to everyone, its measure of success as a public space remains elusive, because from the analysis of this report, it is of extreme importance that a public space not exclude or discourage certain members of the public from accessing the space.
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A special thanks to my family, friends siblings, girlfriend, classmates, key informant interviewees and everyone who contributed to the successful of the report.

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# TABLE OF CONTENTS

**EXECUTIVE SUMMARY** ............................................................................................................ II

**ACKNOWLEDGEMENTS** ........................................................................................................ VIII

**TABLE OF CONTENTS** ............................................................................................................ 1

**LIST OF MAPS AND FIGURES** ................................................................................................... 3

**CHAPTER 1. INTRODUCTION** .................................................................................................... 4
  * Defining the Problem ................................................................................................................... 5
  * Research Question and Scope ...................................................................................................... 7
    - Research Question(s) .................................................................................................................. 7
    - The Scope of Work ...................................................................................................................... 7
  * Report Structure ......................................................................................................................... 8

**CHAPTER 2. KEY THEMES IN YONGE-DUNDAS SQUARE TRANSFORMATION** ...................... 9
  * Introduction .................................................................................................................................. 9
  * Crime and Safety ............................................................................................................................. 11
  * Squeegee Kids ............................................................................................................................... 12
  * Commercial Activities .................................................................................................................... 13
  * Yonge Street Redevelopment ........................................................................................................ 14
  * Critique of Yonge-Dundas Square .................................................................................................. 16

**CHAPTER 3. RESEARCH METHODOLOGY** ............................................................................... 19
  * Introduction .................................................................................................................................. 19
  * Qualitative Research ...................................................................................................................... 19
  * Review of Literature .................................................................................................................... 20
  * Document Review ......................................................................................................................... 21
    - Evaluation Framework ................................................................................................................ 22
  * Semi-Structured Interviews .......................................................................................................... 23
  * Data Analysis ................................................................................................................................ 25
    - Generalize Findings ..................................................................................................................... 25
    - Theory and Analytic Framework ................................................................................................. 26
    - Personal Bias .............................................................................................................................. 26

**CHAPTER 4. THEORETICAL FRAMEWORK** .............................................................................. 28
  * Literature Review ......................................................................................................................... 28
    - Grounded Theoretical Analysis .................................................................................................. 29
    - Narrative Summary Analysis ..................................................................................................... 31
      - Management .............................................................................................................................. 32
      - Prohibited Activities ............................................................................................................... 32
      - Permits and Fees ....................................................................................................................... 33
      - Denied Entry and Offences ...................................................................................................... 33

**CHAPTER 5. FINDINGS** ............................................................................................................ 35
  * Review of Documents .................................................................................................................... 35
    - Introduction ................................................................................................................................. 35
    - Development of Yonge-Dundas Square By-laws ......................................................................... 37
LIST OF MAPS AND FIGURES

Map 1: Yonge-Dundas Square

Figure 1: Crowd gathering at Yonge and Dundas

Figure 2: Document Review Evaluation Criteria

Figure 3: The city of Toronto’s Rationale for creating the Board to manage the Yonge Dundas Square

Figure 4: Management of Public Space Theme

Figure 5: Prohibited Activities

Figure 6: Permits
CHAPTER 1. INTRODUCTION

Public spaces are indispensable to the success of life in a city. Irrespective of one’s opinion on whether the space is truly accessible or would be better off privately managed, at the most fundamental level, there is an overwhelming consensus, that public spaces shape the way that communities and neighborhoods mesh together. Public spaces can inform the way everyone sees the city; they contribute to the lives of a city’s residents and the experiences of its visitors (Johnson, 2009, p. 1). In the City of Toronto, which prides itself on being “the world’s most diverse city,” public spaces are invaluable to the process of bringing diverse people together, to talk, trade, debate or simply as a place of refuge from home, work or school. Therefore, an understanding of public spaces in the City of Toronto, should be viewed and interpreted through the same visual lens that allowed 19th Century Victorian writer, John Ruskin, to distinctively quote, "a measure of a city’s greatness is to be found in the quality of its public space, its parks, and squares".¹

However, it is not enough to just build public spaces in the city. There are important characteristics that must be adhered to, in order for such spaces to be truly accessible to everyone, and to allow for diversity of activities, individuals and ideas to be encountered and experienced. Additionally, as Jackie Pichette (2013), from Simon Fraser University states, “the more we encounter the diversity of people around us, the more we build social trust and a sense of mutual obligation or responsibility, which in turn creates what Robert Putnam calls, generalized reciprocity” (Pichette, 2013, p. 1). But in an era where local municipalities often face financial budgetary constraints, coupled with the increasing role of the private sector, there are now new forms of public space management that are bringing

¹ Hinds, Diane Beverley. The evolution of urban public park design in Europe and America: Vancouver
forth newly enhanced regulations and local by-laws. The outcome is that such spaces are becoming less public as a result of exclusion of certain behaviours activities and political practices. The concern here is that the number of regulatory practices are increasing, thus creating enhanced barriers that determine what and who belong to such spaces. While such arguments perpetuate the myth that public space was at one time open to all citizens and activities, they do shift attention from the ownership of public space to those regulatory practices that determine what and who belong as part of the public.

**Defining the Problem**

Toronto’s Yonge-Dundas Square, which is often celebrated as one of the greatest public spaces in Canada and often compared with the likes of New York’s Times Square is of no exception. Yonge-Dundas Square, which boasts approximately 300 events, with 1.125 million attendees and users in 2013 is managed by the Yonge-Dundas Square Board of Management (City of Toronto, 2012). Incorporated in 2001, the board of management is tasked with implementing a set of by-laws that excludes "undesirables" and influences behaviors and activities occurring at the square. However, since the implementation of such policies are left to the discretion of privately hired security officials, it is important to determine if the security and safety of the space through local by-laws are not potentially creating the unintended consequences of restricting certain activities and in turn certain individuals. From the headlines of local newspapers and magazines, with titles like “By Permit Only” or “Bare Square Dares,” one gets a sense that a myriad of practices, such as laws, regulations, urban design, surveillance and policing

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2 Listed as one of the top 100 public spaces in Canada by *Spacing* magazine
3 Undesirables – homeless people, panhandlers, squeegee kids, drug users and dealers (Milroy, 2009)
have a great impact on the extent to which Yonge-Dundas Square is a public space. Additionally, as explained by Tonnelat (2010, p. 5):

“if the diversity that people learn to interact with is controlled, ‘sanitized’ and devoid of any risk of unsettling encounters, the learning and civility that is produced is necessarily contained within a restricted definition of who the members of society are [...] which means that a class selection operates seamlessly to separate the population”.

The result voids the overall expectation of public spaces as being places that are negotiated through a process of competition, conflict and accommodation.

Therefore, the purpose of this report is to identify what by-laws affect Yonge-Dundas Square public space in the City of Toronto and to determine what consequences they have on the diversity of users interacting and utilizing the space. Second, this report seeks to determine if there is an inconsistency with the intent of the by-laws and the reality of how the by-laws are interpreted by those who are implementing them. Third, this research seeks to challenge current local government policy assumptions concerning the regulation of public spaces through local by-laws and other enforcement mechanism. Fourth, the research hopes to further question whether the emphasis on crime and safety in public spaces like Yonge-Dundas is depriving them of their historic role as a place where differences of lifestyles and behaviour are tolerated and co-exist (Worpole & Knox, 2007). It is important for local policy-makers and managers of public space to recognize that so-called "undesirables" or problem groups, such as skateboarders or young people are also part of the community. And a community that excludes such individuals from public spaces is weakening in the long-term their legitimacy as a ‘community’. Finally, from an urban planning perspective, when diverse groups do not see their values and preferences reflected in public spaces, or when such spaces are not flexible enough to accommodate their cultural ideals, they feel unwelcome (Project
for Public Spaces, 2007). This in turn, reflects badly on a city, because public spaces play an important role in the way in which a city presents itself to the outside world and how it encourages diversity and social interaction within the city.

Research Question and Scope

Research Question(s)

This report will seek to address the following two questions:

1) What effect do the City of Toronto’s Public Square by-laws have on the diversity of users utilizing the Yonge-Dundas Square?

The second question will help to further contribute to an overall understanding of the stated problem, while assist in answering the overarching question stated above:

2) How does the content and intent of the city’s Public Square by-law stack up against its on-the-ground interpretation and enforcement?

The Scope of Work

This research focuses on the Yonge-Dundas Square, located at southeast corner of the Yonge and Dundas Street intersection in Downtown Toronto. As shown in Map 1, the square is bordered on the north by Dundas Street, on the east by Victoria Street, on the south by Dundas Square (formerly Wilton Street) and on the west by Yonge Street. The report will examine the impact of the following by-laws on diversity of users at Yonge-Dundas Square to determine what barriers or challenges exist as a result of the development and implementation of the by-laws:

a) 636-4 - 636-7: Management of Public Space
b) 636-11: Prohibited activities
c) 636-12 - 636-14: Activities requiring permits
d) 636-20: Right of Entry

e) 636-21: Offences

(See Appendix for detail description of the By-laws).

This research does not examine the physical landscape or the architectural design of the Yonge-Dundas Square, nor does the research investigate the nearby shopping and retail complex, roads, subways or other commercial facilities.

![Map 1: Yonge-Dundas Square](image)

**Report Structure**

The report is presented in eight chapters: a research method outlining methodology undertaken throughout the research report follows the introduction, which identifies the problem and research questions. The next two sections address the results and provide discussion and analysis on how the by-laws are affecting diversity of activity and users operating in the Yonge-Dundas Square. The final two sections describe the recommendations and conclusions, as well as provide direction for future research.
CHAPTER 2. KEY THEMES IN YONGE-DUNDAS SQUARE TRANSFORMATION

Introduction

To fully grasp the impact of local by-laws on diversity at Yonge-Dundas Square, it is important to first understand key themes signifying the Square’s evolutional since the 1970s and the influential role of the Yonge Street revitalization project in the creation of a new type of public space, in a newly formed amalgamated city. The measures taken to address the social and economic problems that were plaguing the area at the time were effective in not only transforming Yonge-Dundas area, but more importantly, served as a major ingredient for the type regulatory mechanisms currently implemented today.

As alluded to earlier, Yonge-Dundas Square is located at the corner of the intersection of Dundas Street and Yonge Street, an area that is home to Dundas Subway, an east-west Street car operating on the north edge of the space, Ryerson Polytechnic University, the Eaton Centre, and with in close proximity to the Financial District. The impact of having so many major amenities and facilities within close proximity to the square suggests that the square does not operate independent of these exerting factors that reflect diversity in terms of the people and activities occurring in the area. For example, the Eaton Centre, considered one of Canada’s most successful tourist attractions witnesses over 54 million people passing through it each year (Joint Board, 1998). Likewise, the Yonge-Dundas intersection is one of the busiest pedestrian intersections in the country with more than 28 million people passing by every year (City of Toronto, 2008). Together, this has provided the impetus for the square to become Toronto’s premier open space, while adhering to the City of Toronto’s Official Plan, which sets out the vision for a vibrant, competitive, safe and livable downtown.
Popularly referred to as “Toronto’s Times Square,” or the “most important piece of real-estate in Canada” the city owned square is a venue that host a wide range of activities such community celebrations, theatrical events, concerts, receptions, and promotions (Kenniff, 2009, p. 8). At approximately 3000m² of area, the overall scale is about one quarter of the Nathan Phillips Square and serves as a roof for a 270-car public parking lot situated directly underneath. Today, the square is surrounded on four sides by buildings covered by billboards and video advertisements, which extend upwards for several storeys.

However the premier, urban space that Yonge-Dundas Square has today evolved into, does little to reveal the process that led to the Square being defined as “successful in meeting its objective of becoming a vibrant, safe and active focal point and economic catalyst” (Kenniff, 2009). A center of commerce and entertainment since the 1860s, downtown Yonge Street has been home to a number of theatres, opera houses, shops and department stores over time (Magel, 1998, p. 90). Such importance was on display during the Major League Baseball Celebrations, when the Toronto Blue Jays won the 1992 World Series, people from all over came to this location to experience the celebration (see Figure 1). By the mid-1960s the loosening of Ontario liquor laws pushed the city’s entertainment district into existence, which in turn gave birth to the presence of the music scene along the Yonge Street Strip (Parker, 2011). However, the opening of the Eaton Centre in the late 1970s drastically changed the environment by virtually having the effect of acting as a vacuum cleaner, sucking the successful businesses and the people off of Yonge Street and internalizing them within the enclosed mall that covers the City block from Dundas to Queen (Joint Board, 1998, p. 3).
Figure 1: Crowd gathering at Yonge and Dundas. This photo was taken prior to the square project (Kenniff, 2004)

Crime and Safety

The condition of Yonge-Dundas area deteriorated both economically and socially during the 1970s. Popular notions of the area expressed in the local news media were that it was haven for panhandlers, drug dealers, prostitutes and vagrants. Events such as the rape and murder of a twelve-year-old boy, Emanuel Jaques, in 1977, a New Year’s knifing in 1990 and the December shooting of a 20-year old woman in 1998, while isolated incidents, all took place near the intersection of Yonge and Dundas (Snyder, 2007). Together, these events, coupled with unfavorable media coverage contributed to the area’s spatial stigmatization. To address the issue of crime and safety, the Metropolitan Toronto Police in 1993, opened a new substation, Division 52 located in the Eaton Centre (Milroy, 2009). In their
battle against crime in the area, division 52 launched a special anti-crime initiative with a focus on drugs and sex-related activities.

Correspondingly, according to Milroy, (2009, p. 202) the Yonge Street Business and Resident Association (YSBRA), which had come into being in 1995 and later evolved into a full-fledged Business Improvement Area (BIA), made safety and security around the Yonge-Dundas Square a top priority (Milroy, 2009). Interestingly, although other BIA’s in the city spend most of their money on marketing first, the Yonge Street Business and Resident Association in contrast budgeted most of its money towards security and maintenance. Towards that end, the BIA implemented several strategies that would later become part of Yonge-Dundas Square by-laws and regulations. Among such strategies was the BIA requesting extra police patrols on its streets, and hiring “pay duty” police officers who work in uniform but are not on regular duties assigned by their division (Milroy, 2009, p. 204). According to Milroy (2009, p. 204), the BIA was of the view that “private security services would not be sufficient for their types of problems – drug dealing, aggressive panhandling, and public urination.”

**Squeegee Kids**

Another important factor that influences Yonge-Dundas Square today, is the fact that the area was also home to an increasing number of squeegeeing youth⁴. By mid-1998 police estimated that around 200 kids were engaged in the act of squeegeeing, in and around the Yonge-Dundas area (Milroy, 2009, p. 133). This clustering added to the perception that the area was deteriorating to point where it was no longer safe to visit. However, after a failed attempt by City Council to dissuade kids from squeegeeing through alternative employment, ward councilor for the Yonge-Dundas Area, Kyle Rae, wanted tougher action, since he felt their were impeding the

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⁴ squeegeeing – that is, washing car windows while drivers stopped at traffic lights
sidewalk and vehicular traffic (Milroy, 2009). Since the legislation at that time failed to address the issue of squeegeeing youth, police officers were limited in their ability to resolve the situation. As a result, Councilor Rae proposed that the city amend its own Municipal Code (chap. 313) concerning streets and sidewalks, so that it “prohibits any person from approaching an operator or other occupant of a motor vehicle while the vehicle is stopped at any intersection on any City street...” (Milroy, 2009, p. 134). Moreover, the councilor, wanted the kids engaged in squeegeeing to be charged and as stated by Milroy (2009, p. 134), “this prohibition discussion would later expand to include all panhandling.”

Since regulating panhandling in public space was a difficult task, and municipal government lacked the necessary legal authority from the province, the city solicitor advised the municipal council that the city would have to make a very strong case: “that actual obstruction, inconvenience or a threat to public safety does occur as a result of the prohibited activity and great care must be taken in crafting the by-law so as to target activity which can be demonstrated to lead to these problems” (Milroy, 2009, p. 134). The outcome was essentially the regulation of activities as opposed to the persons involved; however, such actions achieved the same outcome by ensuring the streets around the Yonge-Dundas area was rid of panhandlers and squeegee kids.

**Commercial Activities**

As the Yonge-Dundas area slowly fell out of favor, this affected not only the type of people loitering the area, but also greatly influenced the type of businesses now operating in the area. As many businesses shut their doors, the area became home to low-end retailers like discount stores, bargain electronics outlets, pawnshops, pinball parlors, jewelry exchanges, and fast food restaurants. This reduced the diversity of commercial activities
that was once present. The concerns about safety and security were negatively affecting business operations, due to the fact that crime and fear of crime, prevented many consumers from shopping and visiting the area, causing a great deal of money to be lost, since companies were going out of business. Therefore, as Milroy (2009) outlines, both YSBRA as well as the city, wanted the area to change to point that it was no longer a hindrance to shopping. Hence, measures implemented were a change in building form as well as specific policing strategies. From this it becomes evident that, key to the areas sustainability was not only ensuring that the number of people with disposable incomes increased, while discouraging the presence of loiterers, indigents, and those working in the underground economy. But also the behavior of those transiting the area is one that is in line with retail and commercial interest (Milroy, 2009).

Yonge Street Redevelopment

The overall deterioration of the area, coupled with the issues crime, safety and the increase collection of low-end stores made it more evident to the general public that the area once considered the ‘living room’ of the City of Toronto had lost its lifeblood. This general consensus provided an impetus for the Yonge Street Regeneration Program that commenced in 1996, as a partnership between the Yonge Street Business and Residents Associations (YSBRA) and the City of Toronto. The Business Improvement Area (BIA) was formed from the remnants of the former Yonge Street Business & Residents Association. The BIA includes approximately 2,000 local business and property owners, who serve to financially complement public services once provided solely by the government. With Yonge-Dundas being a major traffic and pedestrian intersection in the city and the number one destination for visitors, the regeneration program under the initial leadership of Councilor Kyle Rae and the subsequent guidance of Ron Soskolne
Director of the Yonge Street Regeneration Project had four major objectives (Soskolne, 1999, p. 3):

1. Clean up of the appearance of the street, buildings and activities
2. Improve public relations
3. Create a marketing campaign and
4. Redevelop the area

With limited success in addressing the problems plaguing Yonge Street in the early months of the program due to the limited nature of the regeneration efforts, the City of Toronto and the YSBRA abandoned the initial four objectives of the Regeneration Program and pursued a more drastic course of action, which was called the Yonge Street Regeneration Project (Soskolne, 1999, p. 3). To achieve these new objectives, the proponents of the regeneration project felt that it was important to bring Yonge Street back to its former glory as a retailing hub through a renewed sense of place, that attracted additional retail and entertainment development to the area, while improving the appearance and safety of the area.

The centerpiece of the Yonge Street Regeneration Project was Yonge-Dundas Square, which along with a 30-screen movie theatre, as well as new retail space formed part of Urban Entertainment Centre (Snyder, 2007). However, unlike other traditional public spaces in the city, the extensive involvement of local businesses and the community in the planning for the commercial use of Yonge-Dundas Square created a hybrid of private and public control. The city later established a board of management to operate Yonge-Dundas Square, an initiative embraced by businesses who often credited the “commercial venture” of its management as the primary reason for its success (Bouras, 2006).
Critique of Yonge-Dundas Square

While any involvement of a private entity in the development, maintenance and management of public space might seem contradictory, the partnerships created in the redevelopment of Yonge Street have succeeded in enhancing the streetscape and addressing the overall perceived deterioration that was plaguing much of the area. At the same time, the realization of the project has created a developing consensus that revolves around the nature of surveillance and codes of appropriate behavior that are imposed to ensure “undesirables” are not permitted entry. Articles such as “No Walk in the Park: Will we have to pay to enjoy downtown square?”, “By permit only: If Dundas Square is a people place, why is city charging $3,000 event fees?”, “Bare Square dares: Public must push limits, make Dundas Square theirs” were all published in major Toronto newspapers and magazines (Smith, 2003a; Norvell, 2003; Anderson, 2001). Among the significant criticisms associated with the Yonge-Dundas Square, is the fact that many see the development and the management “as a prime example of the creeping privatization of public space” or what the Toronto Public Space Committee describes “as a negative trend in urban planning” (Steel & Symes, 2005; Tennyson, 2014). Due to concerns over what the committee saw as the privatization of public space as a result of the involvement of private entities. Similarly, over a twelve month period while construction of the square was being undertaken, the Toronto Star, ran at least four articles highlighting the ongoing battle to decide whether the police was to use video cameras to monitor the site. The debate pitted social activists who warned against the “wholesale monitoring” of people, versus the police who beamed about the benefits of the system that cheaply insures safety for the “victimized decent law-abiding citizens” (as cited in Kenniff, 2004, p.8).
Another major complaint associated with the square is the fact that local by-laws used as measure to ensure safety are dictating who uses the space and how they ought to behave when in the space. According to Mike Smith (2003a), writing in Now Toronto, “there are actions that may not come up in by-laws but are effectively verboten” (Smith, 2003a). For example, in March 2013, while making a large peace sign in the snow Adam Kiesen was approached by the square’s security guard, who started wrecking the sign (Smith, 2003a). Kiesen, accompanied by other friends, returned to the site a month later with some chalk and attempted to decorate the space with peace-themed temporary art, until the police were called. Documenting the same event, the Globe and Mail, (2003) described the issue as “the single most significant event of the square’s short history, two chalk artists were allegedly arrested by the police for drawing on the granite slabs” (Gray, 2003). The outcome saw Kiesen being banned from the square for a year, and his other friend was charged with “mischief.”

Another incident arose when the square was used by peace activists for an anti-war rally in 2003. In addressing the issue, then police chief Julian Fantino, wrote, “a problem is arising, where portions of the public believes that Dundas Square is a public space. [...] Anti-war demonstrators in the first quarter of 2003 [...] utilized the space without proper authorization” (Smith, 2003). Lastly, in a National Post article, the author Peter Kuitenbrouwer (2008) highlighted a story about how a National Post photographer attempting to take a picture of Gary Wright, Toronto’s new chief planner, in Yonge-Dundas Square, was approached by a security guard who appeared with Sara Peel, the square’s “event co-ordinator," and told them to stop, and that “Anybody who is doing anything needs a permit” (Kuitenbrouwer, 2008).

Another criticism often attached to Yonge-Dundas Square, is the fact that a permit along with financial payment is required in order to use the square. For example, writing in a Now Toronto article, Scott Anderson (2001)
highlighted that “unlike public squares attached to city-owned buildings, where programming is geared toward community events, the Yonge-Dundas Square was intended to be used largely for commercial events for which a fee would be charged (Anderson S., 2001). It was the goal of the city that the square’s operation be self-financing once fully operational. Addressing the same criticism, Mike Smith (2003a), notes that although the city allocates 70 days for not-for-profits organizations, the square hosts mostly “big-buck” affairs (Smith, 2003a). Therefore, for 20 percent of the year (non-consecutively) the square is technically public space; however, according to the Smith (2003), skateboards are not welcome, desecration of any flags is banned, as is holding a candle for a vigil or riding a bike across it to get to the other side. Together, all these factors have made Yonge-Dundas Square into perhaps the most contentious site in the city of Toronto (Smith, 2003a).
CHAPTER 3. RESEARCH METHODOLOGY

Introduction

This report employed a qualitative research approach to examine and address the research question: what effect do the City of Toronto’s Public Square by-laws have on the diversity of users utilizing the Yonge-Dundas Square? As outlined by Winchester and Rofe (2010, p. 3), “The research questions of today’s human geographers require a multiplicity of conceptual approaches and methods of inquiry”. To that end, three methods of investigation were utilized: an in-depth literature review followed by a document review and semi-structured interviews with key stakeholders. By combining the research method, the study is able achieve method triangulation through the enhancement of the reliability and the validity of the analyses (Yin, 2009). This chapter focuses on how the aforementioned methodology were outlined, and critically analyzed against the recognized evaluation criteria in order to support the research questions. Finally, the chapter concludes by identifying the limitations of the methodology and the necessary steps taken to minimize such limitations.

Qualitative Research

The strength of qualitative research lies in its ability to provide complex textual descriptions of how people experience a given research issue, by providing information about the “human” side of an issue – that is, the often contradictory behaviors, beliefs, opinions, emotions, and relationships of individuals (Mack, Woodsong, MacQueen, Guest, & Namey, 2005, p. 1). In our case, the choice of qualitative research, both amply addresses the issue of human diversity in Yonge-Dundas public square, by providing analysis from the perspectives of the local population, while producing findings that
can be applicable beyond the immediate boundaries of the study to inform future practice, policy, theory and/or education. At the same time, since limited research existed on the role of by-laws on diversity in public spaces, an exploratory study was conducted in order to further understanding of this particular issue (Yin, 2009), and provide a well-grounded view of the situation occurring at Yonge-Dundas Square.

**Review of Literature**

According to Boote and Beile (2005, p. 3), “the literature review represents the most important step of the research process, and serves as the foundation and inspiration for substantial, useful research.” In the case of this research, the literature review is helpful in three ways. First, it provides theoretical background information about the ideas guiding past research on public spaces. This according to Yin (2009, p. 130) provides, “theoretical propositions which is the most preferred strategy for guiding case study analysis, since the case study and in turn the research question was based on such propositions.” Second, the literature review provides a framework for analyzing and interpreting the municipal and planning documents in an optimally rigorous way. Third, the literature review informed the development of the research questions and the structure of the subsequent steps in the research method. More importantly, through the use of multiple source types during the literature process, this research conceptualizes what Leech and Onwuegbuzie’s (2004, p. 771), describes as “a research rooted in representation and legitimization” (Onwuegbuzie & Leech, 2004). In conducting the literature review, a survey of primarily (but not exclusively) academic literature identified contemporary issues relating to public spaces. Based on the initial findings of multi-disciplinary electronic catalogues searches, additional keywords were examined to determine key themes and increase the overall comprehensiveness of the review.
Document Review

The document review serves as a major method of data collection and analysis. As part of the triangulation process, the documents provided specific details to corroborate and augment evidence from other sources, allowed for descriptive purposes and particular inferences on the topic (Yin, 2009, p. 103). More importantly, to counter any researcher’s effect created as a result of the other methods used in this study, the document review, provides an ‘unobtrusive,’ ‘non-reactive’ and stable source of information that are not easily affected by the research process. Secondly, it counters the concerns related to reflexivity (or the lack of it) inherent in other qualitative research methods.

Among the documentation consulted were City of Toronto staff reports, by-law documents and amendments, as well as annual financial reports on the Yonge-Dundas Square, and Ontario Municipal Board (OMB) Hearing documents. Additionally, online documents from the Yonge-Dundas Square Board of Management webpage on the City of Toronto Website and the official Yonge-Dundas Square website were useful resources of valuable data on the agency’s framework and responsibility. The analysis of municipal and planning documents and reports were used to provide background information about the Yonge-Dundas Square development and how the various by-laws evolved over time form the regulatory requirements of the site’s management. Furthermore, the reports and other documentations provided first hand evidence about the Yonge-Dundas square case, and the necessary substantiations needed to ensure successful evaluation of the data to address the research questions posed. Lastly, the documents provide content to inform interviews that took place as the next phase of the research.
Evaluation Framework

The documents were handled scientifically, to ensure quality control authenticity, credibility, representativeness and meaning as outlined by Scott (Scott, 1990, pp. 1-2). The relevance of documents to the research problem and propose were based on the detailed information they provided about the rationale of the by-laws and how such by-laws are incorporated into a management procedure. As such, documents from meetings, including agendas and planning reports formed the basis of what was analyzed. The documents were then sorted based on their year of publication, so as to provide a chronological account of changes made to the by-laws. Additionally, the by-laws were then evaluated based on the impact they were having on the user of the square, which were then categorized into negative and positive impacts. From there a list of characteristics or overarching themes were identified to highlight who was being affected by the laws and how (See Figure 2). Here the literature review provided the basis for the evaluation criteria.
Semi-Structured Interviews

Semi-structured interviews allowed for additional data to be gathered, while providing the opportunity to efficiently collect a diversity of meanings, opinions or debates (Dunn, 2000, p. 102). Moreover, it allows for the verification of data that could then guide the understanding of the case, and fulfill the research questions. Such a format, although organized around order, gave the interviewee the opportunity to explain in their own words, their opinion of the impact of local by-laws on diversity in the public space of Yonge-Dundas Square. By using key informants this study was able to not only capture certain perceptions, views and interpretations of how the by-laws had an impact on diversity at Yonge-Dundas Square, but also assisted the researcher in subjecting the documents reviewed to additional rigorous evaluation.
evaluation. It is the power of semi-structured interviews to provide rich, original voices, which can be used to construct research narratives that give the method its invaluable quality.

A total of five (5) semi-structured interviews were conducted in a systematic manner with key informants and stakeholders via face-to-face meetings. Among the stakeholders interviewed for this study were two members of the Yonge-Dundas Square Board of Management, a City of Toronto planner, a member of the Downtown Yonge BIA and Yonge-Dundas Square staff member. The choice of interviewing two members from the Yonge-Dundas Square Board of Management allowed the researcher to gather information about issues that the Board has taken up as a result of complaints made by users or intended users. Similarly, interviews with those involved in creating the set of by-laws that regulate the space provided an opportunity to question the interviewee’s interpretations of the by-laws and to determine whether there were any precedent or principles guiding the design of such laws.

All of the informants selected are chosen purposefully on the basis of the issues and themes that have emerged from a review of previous literature and local documents (Dunn, 2000, p. 112). Likewise, potential informants were recruited through publicly available profiles that were easily accessible on the City of Toronto and Yonge-Dundas Square websites, as well as through network contacts from LinkedIn. To overcome the interviewer effect, at the beginning of each interview it was made clear what the purpose and topics were, as a means of putting the interviewee at ease. Interviews were conducted in a manner that allowed the researcher to explore a few general topics to help uncover the participant’s views but otherwise respect how the participant framed and structured the responses (see Appendix A).
Data Analysis

According to Claire Anderson (2010, p. 144), one of the strengths of qualitative research is the recognition that data must always be understood in relation to the context of their production. In order to strengthen the quality of this report, reliability, validity and generalizability were all taken into consideration as an objective of minimalizing errors and bias (Yin, 2009). Through such an analytic approach, the objective was to ensure that if this study were to be undertaken by future researchers, using the same methods and procedures, they would arrive at a similar conclusion.

Limitations of the Research

The limitations identified for this study are those characteristics of design or methodology that have an impact upon or influence the application and or interpretation of the results of this research.

Generalize Findings

Among the limitations associated with this research design is the one afforded to using a qualitative methodology; this is the inability to generalize and transfer the findings to other cases of the phenomenon in question (Baxter, 2000, pp. 93-94; Yin 2009, p. 15). To mitigate possible research bias and to address this limitation, the study draws from multiple sources. The use of multiple sources of evidence is important to the development of converging lines of inquiry, a process of triangulation and corroboration (Yin, 2009, pp. 115-116). Likewise, the use of triangulation provides the opportunity for differing views to be considered, while ensuring the researcher’s opinions are not solely influencing the outcome of the study. Moreover, as Yin (2009) states, “any case study finding or conclusion is likely to be more convincing
and accurate if it is based on several different sources of information” (Yin, 2009, p. 116). Lastly, the outcome of this study was not meant to be a coercive path towards forming generalizations, but instead offers a precursor to confront assumptions and provide a starting point for further research into this important topic.

Theory and Analytic Framework

There also exist several limitations associated with the choice of theory and typology selected for the analytical framework. A lot of literature exists on the study of public spaces, and ideas and theories are constantly evolving. At present, the researcher deems the approach taken to be the most significant and appropriate for the purposes of this report. Secondly, because the by-laws identified are new, and by-laws are updated yearly, there are concerns that the data might be premature or even incomplete. Likewise, this report omits any quantitative data and relies solely on qualitative methodology. However, according to Lee (2002, p. 62), “relying solely on a qualitative methodology often results in perceptions of non-validity; an analysis of purely qualitative data may produce weak results” (Lee, 2002). In an attempt to resolve these issues, the research attempts to use multiple sources of data, as well as multiple analysts of the data from a range of theoretical standpoints and stakeholder interviews in order to share perspectives and reach a consensus with regards to the meaning of data.

Personal Bias

Lastly, as a long time resident of the City of Toronto, a frequent user of the Yonge-Dundas Public Square, and someone with a fond interest in the design and implementation of public spaces, there are concerns of personal bias overshadowing the research methods and the findings of this study.
However, the objective of this report is to identify what impact the by-laws are having on the diversity of users, and formulate the finding to encourage further debate and research, an area of which the researcher has limited expertise or knowledge. More importantly, the methods employed does not require the researcher to visit the site and interact with the users of the public space, thus reducing the tendencies to become much more personally involved in the experience of the space. Moreover, through a method of triangulation as previously mentioned, the researcher can overcome personal biases that stem from a lack of multiple methodologies and overcome the deficiencies that flow from one method. Using diverse methods will create contradictory evidences that will allow for multiple interpretations and not just the researcher’s dominant point of view. Lastly, through a process of self-reflexivity, many of the weaknesses associated with personal bias will be accounted for during the analysis and interpretation of the data.
CHAPTER 4. THEORETICAL FRAMEWORK

Literature review

There is a general consensus that public space has the potential to influence a wide range of benefits. For example, past research have demonstrated that public spaces can positively impact property prices (Colin Buchanan and Partners, 2007; CABE, 2005; Luther & Gruehn, 2001; Luttik, 2000; DoE and ATCM, (1997), can benefit human health by reducing stress (Hartig, Evans, Jamner, Davis, & Garling, 2003; Takano, Nakamura, & Watanabe, 2002; Hakim, 1999; Halpern, 1995) and even promote neighborliness and social cohesion (Watson, 2006a; Baulkwill, 2002; Kuo, Sullivan, Coley, & Brunson, 1998; Quayle & Lieck, 1997; Appleyard, 1981). Studies emanating from economist, geographers, politicians, criminologist, planners and architects have tried to evaluate their role, evolution, management and consequences of their development. This diverse array of multi-disciplinary approaches towards understanding public space highlight the need for public space analysis to capture an approached that moves beyond the pure design factors that have consumed public space debates. As a result this report utilizes grounded theory analysis, which takes a case rather than variable perspective, and narrative summary analysis, which evaluates contemporary variables affecting public spaces. Together they both combine to produce a complex interaction that takes a particular case and evaluate its various variables in a unit to produce an outcome that reflects the data gathered.
Grounded Theoretical Analysis

From Jane Jacobs’s (1961) analysis of streets as lively public spaces, to Whyte’s (1980) exploration of New York City’s pedestrian behavior and city dynamics in small parks and plazas, such works of classics are not only widely used, but are instrumental in providing a foundational insight into addressing the research questions posed by this report.

Using empirical observation William Whyte, in his classic 1980 book, The Social Life of Small Urban Spaces, explored New York City’s pedestrian behavior and city dynamics through detailed observations of small parks and plazas. He was able to conclude that the social life in public spaces contributes fundamentally to the quality of life of the individuals and society, and as a result we have a moral imperative to create such physical places that facilitate civic engagement and community interaction. Whyte’s analysis is important to this research because it provides a pivotal framework to exploring diversity in a theater where contestation among competing interest is vital to such spaces maintaining their ‘publicness’. His analysis details a story of how urban dwellers shape public spaces by defining physical boundaries and creating mental maps through interactions among everyday users in downtown New York plazas. However, although Whyte’s analysis focused mainly on the social and design aspects of public spaces, he failed to incorporate the role that municipal policies, particularly density bonusing have on the diversity of use and users.

Jane Jacobs, in her influential 1961 book, The Life and Death of Great American Cities, critically examined urban spaces to critique contemporary planning methods that were degrading the quality of communities and separating uses. Her analysis is extremely important to this study, because she was able to conclude that differences in architectural or physical character are not enough to create diversity in urban space; only differences in uses by different people at different times will create a truly diverse space (Jacobs,
According to Jacobs (1961), high-quality, interactive, and pedestrian-friendly environments in neighborhoods where one can form connections between members of the community and increase joy, as well as safety, in the city. Her “eyes on the street” concept which creates a safer environment through the notion that the more people there are, the less likely severe crime will take place because it is less likely they will “get away with it” provides us with an alternative view of how safety and security can be accomplished without compromising on the “publicness” of public space.

Like Whyte’s work in New York City, Gehl’s (1996) research in Copenhagen has empowered planners and urban designers with the tools for studying public spaces and recommending planning and design changes that can enhance the usability of public spaces. Using a similar method of analysis, Gehl’s (1996) research was able to identify the quality of public spaces in relation to its patterns of space use and the spatial properties of the physical environment. He was able to classify activities into the following groups: necessary, optional, and social (Gehl, 1996). His research is significant to developing an understanding of public spaces, because it provides a good way of conceptualizing the manifold relationships between space and social activities, and the nature of activities that take place in the public realm. In an attempt to explore diversity in public spaces as a result of local by-laws, Gehl’s research provides a straightforward approach to improving urban form, due to the fact that he uses the human dimension as the starting point for his investigation by quantifying human contact and social interaction. Additionally, Gehl’s (1996) analysis has a lasting influence on the quality of public spaces, which in turn can assist this report’s investigation. Gehl’s (1996) research contributes to building a better understanding of the larger public life of cities, and how people of different backgrounds, doing different activities, can enjoy spaces in the public realm.
In her recently completed book titled “Everyday Law on the Street: City Governance in an Age of Diversity” (2012), University of Toronto professor Mariana Valverde provides a comprehensive picture of how local laws have an impact upon diversity in urban life. Relying on four years spent participating in council hearings, civic association meetings and shadowing housing inspectors and law enforcement officials as they went about their day-to-day work, Valverde highlights the limitations of previous case studies by anthropologists and sociologists. While encouraging research to pay greater attention to the workings of legal mechanisms, particularly those that do not act on persons directly (as does the criminal law) but rather have the effect of shaping the spaces within which human interaction takes place (Valverde, 2012). Her examination of zoning regulation and other planning laws are critical to understanding how municipal policies can affect both diversity and behavior. More importantly, this study opens the door to future research on how local laws and governance must be reexamined to reflect the diversity and complexity of today’s cities (Valverde, 2012).

**Narrative Summary Analysis**

A notion that seem to reappear across the literature is that it is not simply enough for public spaces to be built, but that they are able to accommodate change and offer users the opportunity to personalize them for different uses; this is an important factor in creating spaces that are successful and reflective of a community’s goals (Hester, 1984, pp.29-31). Indicators that directly relate to Yonge-Dundas Square can be categorized into the following by-law related themes:

a) Management

b) Prohibited activities

c) Permit and Fees
d) Denied entry and Offences

Management

According to Urban Strategies architect, George Dark (2003), who was quoted speaking about Yonge-Dundas Square in the June 29 issue of Now Toronto “public spaces are the arenas where collective common life, which defines us as a society, is acted out, and when private agendas of stratification and control are imposed on those places, the very heart of democratic principle is threatened” (Klein, 2003). While playing an extremely positive role in public life, over the years public space have become sites for privatization, excessive surveillance, homogenization, and degradation, resulting in a collective decline of urban life (Zukin, 1995). Although, an argument can be made that management is necessary to ensure contestation between different classes and users in public space, does not create unacceptable behavior that ultimately affects safety, such a guarded approach, essentially ensures that these same public spaces do not also become a forum that encourages mingling and encounters between people of different classes, races, ages, religions, ideologies, and cultures (Berman, 1986; Harvey, 1992). In short, management practices can impede diversity.

Prohibited Activities

Since public spaces can represent integral pieces of the urban physical fabric, according to Miller (2007) it is important that they have an ability to serve social ends by allowing diverse populations to meet and interact. Similarly, Watson (2006, p. 13) observed that Arendt (1958), Habermas (1991), Jacobs (1966) and Young (1990) each emphasized the importance of public space in enabling people to be in the presence of difference, “either in debate or simply in a mutually productive proximity
where each other’s difference is recognized and acknowledged.” In Young’s (1990) own words:

Because by definition public space is a place accessible to anyone, where anyone can participate and witness, in entering the public one always risks encounters with those who are different, those who identify with different groups and have different opinions or different forms of life. The group diversity of the city is most often apparent in public paces. This helps account for their vitality and excitements. Cities provide important public spaces—streets, parks, and plazas—where people stand and sit together, interact and mingle, or simply witness one another, without becoming unified in a community of “shared final ends.” (p. 240)

Permits and Fees

As it relates to activities requiring a permit, the best spaces present opportunities for discussion, deliberation and unprogrammed, spontaneous encounters with those maintaining diverse viewpoints on the world (Blomley, 2001; Rogers, 1998; Young, 1990; 2000). They are sites of social interaction and active citizenship, in which personal identities are constructed through unmediated human contact, educating the city-dweller about the ‘other’ and teaching true urbanity (Rogers, 1998).

Denied Entry and Offences

According to Lefebvre (1996, p. 168), “The right to the city cannot be conceived of as a simple visiting right or as a return to traditional cities. It can only be formulated as a transformed and renewed right to urban life”. Decades later, David Harvey (2003, p. 939) would enrich our understanding by going a step further to claim that the right to the city is “not merely a right to access what already exists, but a right to change it after our heart’s desire”. Given this framework, the same applies to the right to alter the urban public space, since it’s meant to be dynamic, and changeable to needs of its users. Similarly, acknowledging the compelling might of the argument that public space is increasingly drowned in concerns over security and control,
makes the ability to inhabit and experience public space ever more elusive (Mitchell, 2003, p. 13). Moreover, from the debates on the “politics of space” relating to the tension between surveillance and access rights to public space, analysis from Madanipour (2003) and Kohn (2004) raise important questions about social justice and who benefits from the creation of new public space.
CHAPTER 5. FINDINGS

Review of Documents

Introduction

Throughout the document review, the main objective was to secure a primary source of data that could shed light on the consequence of the by-laws on diversity of users and activities at Yonge-Dundas Square. From the literature review a set of themes were uncovered as having created both intentional and unintentional barriers that restrict access to public spaces. Therefore the documents and by-laws were selected to augment the information gathered from the literature review and to further determine what were the intentions of the by-laws, was it purely safety and security? Additionally, was the by-law a mechanism to provide the managers of the site with the tools necessary to ensure the space is financially sustainable or was it an intentional measure taken to ensure ‘undesirables’ were systematically restricted from accessing the space, or was it both. In gathering information about the by-laws and regulations that govern the Yonge-Dundas Square the analysis relied on the following documents:

City of Toronto Documents:

   Titled Public Squares, Chapter 636 of the Toronto Municipal Code combines a group of by-laws that deals exclusively with Yonge-Dundas Square, the Yonge-Dundas Square Board of Management and the use of the square. The document outlines how individuals can use the square and the type of activities not permitted. Interestingly, the conditions stipulated are identical to those governing Nathan Phillips Square, diverging only in relation to giving express consent for commercial activities and expunges the need to make events openly accessible to anyone who wishes to attend (see section 636-18, Compliance with Human Rights Code) (See Appendix B).
   The Relationship Framework defines the respective roles and responsibilities, accountabilities, expectations and requirements of the Board of Management and the City of Toronto. This document not only recognizes the board’s authority to manage the business and affairs of the Square in accordance with this Relationship Framework and Chapter 636, but more importantly, it informs the Board, the Toronto Public Service, and the residents of Toronto, of Council’s direction on matters such as governance, applicable City rules and policies, reporting requirements, and accountability (See Appendix C).

   This document systematically traces the evolution of the by-laws governing Yonge Dundas Square from its inception as Chapter 270 created as a result of Joint Board (Ontario Municipal Board) decision to its renaming to Chapter 636 in the newly formed amalgamated city of Toronto.

   The RFP outlines an invitation by the Yonge-Dundas Square Board of Management for the purpose of selecting a vendor to provide contracted security service at the Yonge-Dundas Square. It also provides a brief insight into the duties of the security officials operating at Yonge-Dundas Square.

5. **Staff reports amendments**
   Among the other staff reports analyzed are documents that address amendments to by-laws in and around the Yonge-Dundas Square. Reports such as “Use of open flame on Yonge-Dundas Square for Scotiabank Nuit Blanche, (2010); “Street Promotions Regulations for Adjacent Sidewalks – Yonge Dundas Square (2010) highlight exemption and adjustments made to Chapter 636 of the Municipal Code

**Yonge-Dundas Website Documents:**
The 2013 Busker Permit and Performance Policy documents were among the important documents reviewed from the Yonge-Dundas website. These document provide legal policy requirements that guide the
behavior, schedule and financial obligations of buskers and other performers wanting to use the square.

Development of Yonge-Dundas Square By-laws

Following the decision to undertake the Yonge Street redevelopment project, city council enacted "A Nathan Phillips Square-type Municipal Code Amendment" to govern the use of the Yonge-Dundas Square. This was in accordance with conditions of approval decided by the Joint Board (Ontario Municipal Board constituted under the Consolidated Hearings Act) (City of Toronto, 1998). During the Joint Board hearing regarding the Yonge Dundas Redevelopment Project, evidence was presented about a variety of issues including experience gained at public squares throughout North America and Europe and the need to address public safety and programming. As such, the city delivered evidence that regulations similar to the Nathan Phillips square would be adopted through the harmonization of by-laws and policies as a means to regulate the activities on the square. However, while Yonge Dundas Square was to be a public space, it was unlike other squares in the city, which were all associated with a city hall or civic centre. Therefore, certain uses like commercial endeavors and licensing of events were seen as incompatible with current civic squares operating in the City of Toronto (City of Toronto, 1998).

In addition, the main purpose of the square was to provide the downtown commercial core along Yonge Street with a new "sense of place" around which redevelopment will take place, thus resulting in the revitalization of the surrounding area. It was therefore of great importance that the implications of commercial uses on public space be taken into consideration. Secondly, the fact that regulation governing the use of parks and public spaces through a permitting system was already in place in the City of Toronto. Either through specific by-laws for particular spaces such as Nathan Phillips Square or through more general by-laws which govern parks
uses, officials felt such spaces already in existence provided an important precedent to influence the regulations governing use at Yonge-Dundas Square (City of Toronto, 1998).

On June 5, 1998, the Joint Board made the adoption of a Municipal Code Amendment a condition of approval of the Yonge Dundas Redevelopment Project, and in order to comply with the approval conditions of the Joint Board, City Council on July 8, 9 and 10, 1998 endorsed the “Nathan Phillips Square-type Municipal Code Amendment” (City of Toronto, 1998). With input from various groups including, Yonge Street Business and Resident Association (YSBRA), Toronto East Downtown Residents Association (TEDRA), Ryerson Polytechnic University, Toronto Police Service, Municipal By-law Enforcement, City of Toronto: Facilities and Real Estate Division, Economic Development, Culture and Tourism, Special Events Task Force on Community Safety, City Planning and Municipal Standards; the former City of Toronto’s Municipal Code was amended to add a new chapter 270, called public squares. The valuable input of these various groups through their participation in the Technical Advisory Committee, the Community Committee as well as the Safety Focus Group was essential to address issues of health, safety property management and programming.

Following the amalgamation, Chapter 270, of the Municipal Code of the former City of Toronto, on the topic of public squares, was replaced to form Chapter 636 of the newly amalgamated City of Toronto’s Municipal Code. Soon after, council approved a Board of Management for Yonge-Dundas Square, with the responsibility of maintenance, operation and overall control of the Square on behalf of the City.

While the City owns the Square, the rationale for having a Board manage the Square, as opposed to the city managing the square itself, is noted as follows by the City of Toronto:
Examining the Consequences of By-laws on Diversity in Yonge-Dundas Square

The following by-laws reflect not only the desire of the city to ensure that the space is properly managed, but also that the by-laws prohibit certain general activities that are incompatible with the use of the square. More importantly, these by-laws form the primary source of data investigated to address the research question posed in this report.

By-Laws

By-laws 636-4 to 636-7 outline the establishment of the Board of management, their responsibility and duties. According to the City of Toronto Municipal Code (2011), a board of management is established to act on behalf of council with respect to the Yonge-Dundas Square (City of Toronto, 2011, pp. 636-2). In addition, the city has also delegated to the
board the following responsibilities:

a) Overall financial and operational responsibility;
b) Developing a long-term needs assessment with regard to refurbishment of the Square and equipment replacement;
c) Operating in accordance with prudent business practices and in accordance with any applicable agreements;
d) Observe and comply with all statutes, regulations, by-laws and lawful rules and applicable contractual obligations;
e) Establishing booking policies and setting fees and charges;
f) Engage staff and consultants and enter into contracts for services as may be required in connection with its role of managing the Square.
g) Developing a multi-year business plan and updating that plan every year;
h) Entering into agreements for vending, sponsorship, or advertising that are no longer than four years in length; and
i) Soliciting expressions of interest for new revenue sources, and recommending to Council those which the Board considers viable and worthwhile.

As shown in figure 4, among the most positive impacts identified with by-laws 636-4 to 636-7 is the establishment of the Board of Management as a vehicle for engaging all the stakeholders with a vested interest in the area. The composition of the Board of Management allows the participation of key stakeholders in the functioning of the Square to meet the needs of the local community. The volunteer board is composed of the ward Councillor, and representatives of the Downtown Yonge Street BIA, Residents Association, Ryerson University, Yonge Street Mission, Toronto Theatre Alliance, Toronto Parking Authority, and Toronto Police Services. City Staff also sit on the Board as ex-officio non-voting members. Furthermore, through the board of management the regulations and by-laws developed is implemented to ensure the square is functioning in a manner that adheres to best business practices, while achieving financial self-sufficiency.
On the negative side, through the establishment of the Board of Management, users behaviors are carefully monitored to ensure they adhere to the regulations of the square. For example, as highlighted in RFP proposal, Yonge-Dundas Square Board of Management through its staff awards contracts for security services and event security services for Yonge-Dundas Square (City of Toronto, 2013). Likewise, as identified in the City of Toronto 2014 operating budget overview for the Yonge-Dundas Square, the City of Toronto concludes, “Yonge-Dundas Square continues to monitor unauthorized plans to use the Square to prevent and mitigate issues proactively” (City of Toronto, 2014, p. 3). The board is of the opinion that
“unpermitted use of the venue, if left unresolved can result in a decrease in revenue and perceptions from clients that the square is a risky event venue. In response the program will also be upgrading its surveillance system and increasing contracted security services” (City of Toronto, 2014, p. 12). Secondly, good business practices that endeavor to manage the square in a fiscally responsible and efficient manner will at times run parallel to the square being truly accessible to everyone. For example, in financial reports provided to city council by Yonge-Dundas Square Board of Management, it is highlighted that “finding the right balance between community and commercial users of YDS” are important factors that board’s staff grapple with yearly (City of Toronto, 2014, p. 12).

**Prohibited activities By-laws**

As shown in Figure 5, by-law 636-11 outlines the activities prohibited at Yonge Dundas Square. According to City of Toronto staff report (1998, p. 2), “it was very much the intention to make the space a positive experience in the daily life of the City.” As such, formal programming by the City and community organizations and passive use of the square as a gathering space or a respite from daily routines were encouraged. Moreover, it was important that the square work with new development to stimulate the renewal of this area of the downtown. As for health and safety of the public and for the orderly management and programming of the square, a series of regulations and enforcement were deemed necessary to ensure misuse of the square for unsanctioned or criminal activity were not permitted (City of Toronto, 1998).

From the Yonge-Dundas Square website, additional policies dictate how performers shall behave when given permission to entertain at Yonge-Dundas Square, so as to ensure their actions do not violate the City of Toronto’s human rights policies (Yonge Dundas Square, 2007). For example: 1) performances shall not exploit the bodies of men, women, boys or girls
solely for the purpose of attracting attention; 2) performances shall not stereotype according to race, ancestry, place of origin, ethnic origin, citizenship, colour, creed, sex, age, sexual orientation, disability, family or marital status, or any ground covered by the City of Toronto Workplace Human Rights Policy; 3) Performances must not advocate a specific political or religious point of view for the purpose of proselytizing. Any religious or political reference should be in the context of a larger cultural event (Yonge Dundas Square, 2007). Together, the performance requirement, along with the list of prohibitive activities ensures certain users and performers do not enforce their will on others, thus making the experience uncomfortable, unsafe and unhealthy.

Negatively, as a way of mitigating diversity, and as shown in Figure 5, any person participating in prohibited activities will be prevented from using the Square, noting that: No person shall, within the limits of a square climb or be on any, tree, roof, or part of a building or structure, setting off fireworks, standing on any receptacle or container for plants, shrubs or trees, wearing ice skates, dropping things from the roof of a building, throwing or in any way propelling any stone or other missile in a manner that may cause injury, lighting fires, riding on skateboards, standing on skateboards, roller-skating, roller blading, releasing helium-filled balloons, lighting candles and torches, and camping. To ensure these prohibited activities are adhered to, Yonge-Dundas Square provides a range of security services including but not limited to: access control, exterior patrol, interior patrols, general enforcement, onsite vehicle management, monitoring of electronic security systems, quality customer service and the application of first aid/CPR, including the use of an AED machine, in required situations (City of Toronto, 2014). Additionally, staff reports have shown that there have been exceptions to the activities prohibited, like the request that Toronto and East York Community Council grant an exemption from Municipal Code 636 to permit
Scotiabank Nuit Blanche to use open flame on Yonge-Dundas Square (City of Toronto, 2010).

**Figure 5: Prohibited Activities**
(City of Toronto, 2011)

**Chapter 636: Public Squares**

**By-Law 636-11**

**Positive Impacts**
- Ensure Safety and Security of users
- Meet the goals of financial sustainability by ensuring increased commercial uses
- Orderly management and programming of the square
- Deter misuse of the square for unsanctioned or criminal activity

**Negative Impacts**
- The following activities are prohibited:
  - Climbing a tree or roof of a building
  - Set off fireworks except a theatrical special effects
  - Stand on any receptacle or container for plants, shrubs or trees
  - Wear any ice skates other than on the part of a square designated for such use
  - Ride or stand on any skateboard, roller skate or roller blade
  - Release or hand out helium-filled balloons
  - Light or carry any candle or torch, except a light stick
  - Camp or erect or place a tent or temporary abode of any kind

**Permit and Fees By-laws**

By-laws 636-12 - 636-14 identifies the activities requiring permits and states that all applications for a permit for the use of a square shall be
submitted to the Yonge-Dundas Square Board of Management. As shown in figure 6 among the activities that require permission or permits are performing, advertising, selling displaying, and demonstrating. It is again evident that these regulations allow management to effectively program the space while ensuring a sense of safety, comfort and security. Furthermore, it allows them, through a process of registration, to gather monetary fees from those wanting to use the square for a performance. For example, due to the high demand to use the square, organizers are advised to make applications at least 6 months in advance, with the square’s management reserving the right to prioritize booking request and the right to refuse a request (City of Toronto, 2014). Additionally, although permit fee varies seasonally, discounts are available for charitable and not-for-profit organizations and for bookings of 3 or more days. However, bookings by such organizations are subject to availability, and are limited to one day (7:00 am – 1:00 am) including set-up & strike. Also, a non-refundable deposit equal to the minimum event support charge of $815.00 + HST must be made by such organizations to secure their place (City of Toronto, 2014).

Negatively, without a permit, access to the square is not possible. Upon receiving a permit, all performers in a group, must always have they permits available for viewing by Security or YDS Management if requested (Yonge Dundas Square, 2007). Secondly, through the permit system, which allows management to meet their goal of achieving financial self-sufficiency, creates a conflict between commercial and community use of the space.
Chapter 636: Public

By-Law 636-12 – 636-14

Positive Impacts

- Permits contribute to financial sustainability of the square’s operations
- Permits allow for efficient programming of the square
- Permits contribute to safety and security of square by ensuring all performers follow the square’s regulations

Negative Impacts

The following activities require a permit:
- Solicit for or engage in any trade, occupation, business or calling
- Sell items by registered charities and not-for-profit organizations
- Ride a bicycle
- Drive or park any motor vehicle
- Use any apparatus, mechanism or device for the amplification of the human voice, music or other sound
- Erect or place a tent, device, booth or structure of any kind
- Affix any signage, flyer, fabric or other substance to any building, walkway or column
- Set off any theatrical effects pyrotechnics
- Display an exhibit of any kind.
- Carry on or engage in a demonstration of any sport.
- Present or take part in any dramatic, musical, artistic or other performance
- Poetry reading is deemed not to be an artistic or other performance within the meaning of this subsection, but is deemed to the public speaking

Figure 6: Permits
(City of Toronto, 2011, pp. 636-6 - 636-7)
Denied entry and Offences By-laws

The by-law 636-20 which addresses right of entry to the public space, states that the right of any person to enter or be upon the square is conditional upon the person refraining from carrying on engaging in or doing any activity or thing that is prohibited under this chapter. This allows management to effectively prevent wrong-doers and those who do not abide by the regulations of the space entry to use the Yonge Dundas Square. At the same time the right of any person to enter or be upon a square is conditional upon the person's refraining from carrying on, engaging in or doing any activity or thing that is prohibited under this chapter. By-law 636-21 addresses offences and states that any person who contravenes any provision of this chapter is guilty of an offence and, on conviction, is liable to a fine of not more than the maximum fine under section 61 of the Provincial Offences Act (City of Toronto, 2011). The system of prohibitions and permission reflected the dual function of the legal structure: prohibitions on conduct restrict undesirable activities and groups, and targeted programming to attract the desired activities and groups.

Interviews

Through the interview of key informants, the objective was to gain a sense of what were the objectives of the by-laws regulating the Yonge-Dundas Square and determining how its interpretation by those tasked with implementing and enforcing the by-laws are deterring diversity of users and activities. In turn, the interviews were conducted in a systematic and sequential order so as to augment the information that had already been gathered through the literature review and document analysis. A total of five interviews were conducted; the participants were: a City of Toronto Planning official, two members of the Yonge-Dundas Board of Management, a city of Toronto Councilor and a member of Downtown Yonge Business
Improvement Association (BIA). The interviews were then summarized to address the following themes that are further described below:

1. Background Profile of Yonge-Dundas Square
2. Process of developing the by-laws
3. Public consultation
4. Implementing the by-laws and managing the space
5. Future direction

**Background Profile of Yonge-Dundas Square**

As previously mentioned, Yonge-Dundas Square was a city initiative involving a number of city departments as well as the ward’s councilor, local businesses and organizations from along Yonge Street. In an attempt to address the issue of major decline occurring in the area, in particular the retail and diversity of stores, local business advocated that the city intervene to address the problems. However, as a result of social and economic reasons, as well as the fact that the city confiscated expensive lands in a prime location made the entire process of redeveloping the area and creating the Yonge-Dundas Square a very controversial issue. The primary goal of the redevelopment was to first reverse the process of decline that have taken place over a couple decades starting in the early 70s. A more specific objective was to create a substantial new sense of place by creating this new public square and surrounding it with new retail and entertainment uses that would compliment the Eaton Centre. It is important to note that the idea to create a square in that area goes back to the 1970s with city reports mentioning the development of a square in that area, but nothing became of it. However, after reviewing various locations up and down Yonge Street, City of Toronto planning officials felt Yonge-Dundas presented some ideal and viable opportunities that were deemed important to the creation of such a space.
Process of developing the By-laws

Yonge-Dundas Square like all public spaces in the City of Toronto is governed by regulation and restrictions about who can use it and for what purposes. The square had to reflect the intentions of the development project, and being a focal point for the area, activities had to be complementary to activities on Yonge Street. There were public concerns about loitering and commerce, which were common on Yonge Street since the early 1990s. People were of the opinion that the city had to construct regulations to address such concerns. In addressing the issue the city tasked various departments and bodies with implementing and enforcing by-laws governing the right of ways, private property and public spaces in and around the Yonge and Dundas Street area. The independent nature of the various departments made such an effort chaotic, and so an effort was made to limit the position to one inspector instead of to three. So during the construction of the Yonge-Dundas Square the city created a board of management tasked with operating and managing the square. Although the private developers involved in the redevelopment of the area did not influence the by-laws governing the square, the fact that the square and the surrounding retail were not independent of each other meant that the retail development heavily influenced the square’s operations.

Public consultation

Public consultation was foundational in the creation of the square and ultimately the creation of the by-laws. The city made a concerted effort to ensure that all the groups that had an interest in the area, had a say in the creation of square and how it would be used. Therefore, through the creation of the Board of Management, a careful mix of the community and not just businesses were represented on the board. More importantly, through the OMB hearing and the by-laws consultation, the entire process
was opened up to the public to ensure they were given an opportunity to come out and voice their opinions and concerns. However, it is important to note, that many of the people that came out to the consultation on the by-laws were in fact members of the business community given that the square was located in the middle business oriented area. Also, during the public consultation on the by-laws, there were social activists who objected to what they saw as the city giving up the square to the private sector.

**Implementing the by-laws and managing the space**

The square could not be operationally successful without the Board of Management. In implementing the by-laws and regulations that govern the square, the board ensures commercial entities like pop-up businesses; retailers or food trucks don’t operating on the square without a permit. They also used the restrictions to ensure the environment remains safe and free from individuals who might disrupt the functionality of the space. The Board of Management along with its staff attempt to accommodation the needs of various organizations and businesses wanting to use the space; however there are times when the staff, through its security personnel, is seen as being rigid in its implementation of the by-laws.
CHAPTER 6. ANALYSIS AND DISCUSSION

Introduction

This chapter will relate the research findings, and descriptive transformation of Yonge Dundas Square addressed in chapters 5 and 2 to the theoretical foundations identified in chapter 4 in an attempt to answer the research questions posed by this report. Together, the transformation, along with the findings and theoretical literature have revealed key themes important to our analysis of Yonge-Dundas Square:

a) Historical Transformation
b) ‘Publicness’ of the square
c) Economic and commercial forces
d) Management of the Space
e) By-Laws Implementation

Historical transformation

Although the idea of creating a new public space around the Yonge-Dundas area can be traced back to the 1970s, our findings reveal that the process that ultimately resulted in creating the square is rooted in a desire of business owners in the area who wanted to create a new type of space that is heavily influenced by New York Times Square. Additionally, according to Milroy (2009, p. 194), “the writers of the OMB/Joint Board decision lauded the kind of management of public spaces they had observed on their one-day visit to New York City’s Times Square and through they tone and words advised the city,” to move in that direction. Moreover, the area’s decline was further emphasized by a City Official, who reiterated that, “between Queen Street and Carlton Street, in 1998, there were 50 dollar stores, on a street that was service by a subway and use to be the pre-imminent shopping district of the city” (City of Toronto Official, Personal
Communication, Interview, 18 March, 2014). Here, the level of criminal activity and the use of the area by panhandlers and squeegee kids, help reinforce not only the decline of the area, but also its inability to provide safety and security to the consumers that frequent local businesses.

Therefore to quote, a former member of the Yonge-Dundas Square Board of Management (Personal Communication, Interview, 16 April, 2014) “major surgery” had to be undertaken to ensure the social and economic decline was no more and the best remedy to ensuring the area does not fall back into the hands of criminals and panhandlers was to ensure a high degree of order through management and regulations. Similarly, as revealed by a City of Toronto Official (Personal Communication, Interview, 18 March, 2014) with direct involvement with the process of redeveloping the area, “there was no way the businesses were going to support the creation of a public open space that would just become a new drug haven. So in the back of our minds, why would we create a public square if all we were going to do was move out the drug dealers from the area for a year and they would just come back” (City of Toronto Official, Personal Communication, Interview, 18 March, 2014). Again, the concern over providing security and creating safe urban environments comports with the general consensus among planners, developers, and consultants that publicly accessible spaces must be perceived as safe in order for them to fulfill their potential (Schmidt & Németh, 2010). So increasingly, the managers of public spaces are employing private space techniques and mechanisms to address the issue of safety and security in public spaces. In effect, the net result resonates with Mitchell (2003, p. 5), as being “the same: the amount and openness of space for ‘public’ activities is eroded.” For Mitchell, a process where public spaces are being produced for us rather than by us, results, “in the successive rounds of expropriation and commodification of public space emphasize its fragility, defining limits to its publicness (Mitchell
cited in Paddison & Sharp 2003: 5). Moreover, at the same time, as Whyte (1988, p. 159) outlined in his analysis of public space, “prioritizing security over inclusion or publicness is potentially problematic, as attempts to attract a more ‘appropriate’ population are often dependent on excluding those deemed less desirable.”

Since real and perceived safety are top concerns, then the approach should be one predicated by Jacobs’s (1961) ‘eyes on the street’ approach instead one that, according to Nemeth (2009), sorts and filters users according to preconceived notions of appropriateness. The eyes-on-the-street approach incorporates more collective surveillance techniques where a mass of active users is able to detect improper activities themselves. To conclude, it is therefore understandable to view the implementation of the square’s by-laws as being closely aligned with the transformation of the area from social and economic decline to the redevelopment of the area and the creation of a new type of space. Moreover, as one of the interviewees so extensively explained, “understanding the social and economic condition gives you an extremely significant reminder as you move through your analysis of the squares by-laws and need for security” (City of Toronto Official, Personal Communication, Interview, 18 March, 2014). Although the official’s statement does little to tell us how the by-laws are actually implemented and whether its deterring diversity in activities and users, it does however highlight an important ingredient to understanding Yonge Dundas Square.

‘Publicness’ of the Square

Another important ingredient to determining the influence of Yonge-Dundas Square by-laws on the diversity of users and activities is the perceived public nature or ‘publicness’ of the square. This affects not only how users see the square, but also how security officials interpret the by-laws
by applying their discretional understanding of Yonge-Dundas Square as a public space. Some argue that a space’s publicness is defined by how open and inclusive it is to a diverse public and can be located along a continuum from private to completely public (Schmidt & Németh, 2010). In total disagreement with such notion Staeheli and Mitchell (2008, p. 120), argue that “any attempt to do so is fundamentally flawed since the notion that public space is the site of only public (or inclusive) action, while private space is the site of only private action is an assumption that does not really hold.” However, during the interviews, the stakeholders were asked if the Yonge-Dundas Square space can be characterized as public? Although the overwhelming response was yes, the responses of the interviewees demonstrated the complex nature of how Yonge-Dundas square is perceived by the public and ultimately by the security officials. For example one interviewee, stated, “it is a public square, but you cannot just walk unto the square and use it, there are however times when some access is restricted. So it is a public square” (City of Toronto Planner, Personal Communication, Interview, 14 March, 2014). Another interviewee was even more revealing in providing an analysis of the square’s publicness, noting that, “it’s a challenge to call it public; it is a public space, but in order to use the square you have to pay a cost in order to use it” (Downtown Yonge BIA Official, Personal Communication, Interview, 17 March, 2014). A third interviewee, concluded that “it’s publicly run, it is accessible to the public about 99% of the time; when there is a gated activity and they charge admissions” (Yonge-Dundas Square Board Management Official, Personal Communication, Interview, 16 April, 2014). Alternatively, the other interviewees were consistent in their response that the space is, in fact, public, because it is a city-owned property and the public has the ability to use the square; however, if you want to do something organized then there is a fee.
The discrepancy in the interviewees’ views about the public nature of the square offers some insight into how this concept of “public” might be interpreted and how the by-laws regulating the space might be enforced. While it is agreed that a successful public space will incorporate characteristics such as variety, flexibility, permeability, or authenticity (Ellin N, 2006; Fernando, 2006; Rapoport, 1977) or allow for a variety of unplanned, unmediated, improvised uses (Franck & Stevens, 2006; Schmidt S., 2005), there is no guarantee like Yonge-Dundas Square, that any single space should be expected to meet the needs of all users at all times. In fact, spaces that attempt such faith, oftentimes fail to do anything well. Therefore, understanding the role of the space in its relation to the larger urban setting is of great importance (Mitchell, 1995; Whyte, 1988).

The same space, with the same ownership and management schemes can command a different experience by different users. In the case of Yonge-Dundas Square, the space cannot be viewed independent of the larger development. So for illustration, the fact Yonge Dundas Square allows a nearby employee to eat lunch in the square with no disruption from security officials, might not be experienced in the same way by a homeless person who might not be welcomed in the space during that time. In addition, as Goss (2005, p. 299) insisted “the politics of exclusion involves the exclusion of politics.” Here Goss alludes to the notion that what defines public is socially constructed and exclusionary, consisting of spaces inscribed with the values of the middle classes, which are rooted in power rather than a tenet of democracy (Paddison & Sharp, 2003).

Management and Regulation of the Space

From both the document review and the interviews, it is clear that the composition of the Board of Management inclusively represents all the groups who had an interest in the area. Through the development of the by-
laws 636-6 – 636-7, managerial mechanisms control the use of the space in terms of control over acceptable uses, users and behaviors. Although it can be argued forcefully that these mechanisms are necessary to ensuring the space is safe and secure, elements such as the presence of panning surveillance cameras or security guards, which contrarily discourage use and control access and behavior, can have, according to Sandercock (1998, p. 166), “broader consequences related to the degree of inclusiveness and social diversity of a space.” Additionally, as with the case with Yonge-Dundas Square, managers often incorporate more subtle cues and codes such as temporary closures for corporate events (Whyte, 1988). This was further reiterated by one of the interviewees, who stated the following, “I often complain to management about being able to use the square for public leisure during a programmed activity, because when a major group is using the square, they end up fencing off the whole square and there is no place to sit and just have your lunch” (Toronto City Official, Personal Communication, Interview, 18 March, 2014). More importantly, as William Whyte (1980, p. 69) suggested "the social life in public spaces contributes fundamentally to the quality of life of individuals and society... (and) that we have a moral responsibility to create physical places that facilitate civic engagement and community interaction." Yet programming created by management lack the organic and natural feel necessary for the promotion of integration among differing groups. Instead it encourages a particular type of citizen use over another.

Secondly, as we learnt from the findings, Yonge-Dundas Square is run by a board that seeks to ensure the financial success of the space as mandated by city council. This according to Schmidt (2004) encourages managers to avail themselves of a number of legal, design and policy tools to ensure that a space adequately and accurately reflects this image. These techniques can incorporate advertisements and logos to limit access to the
space to a desirable audience by extending a ‘restricted use’ area into the more traditional spaces such as sidewalks and street rights-of-way. For example, the Yonge-Dundas Square Board of Management has expressed concerns regarding sampling, marketing and illegal vending taking place on sidewalks adjacent to the Square (City of Toronto, 2010). They highlight that such activities not only obstruct and encumber the sidewalks, but also negatively affect the economic viability of the square due to its impact on permitted vending on the square. Here we see managers of such space prioritizing profit making and cleanliness over concerns of social mix and diversity (Mitchell, 2003).

To be sure, much of this is in line with the board’s objective of operating the square on behalf of the City in accordance with prudent business practices. A key tool in accomplishing this objective is ensuring control and civility falls in line with management of the space as prudent business practices. Control ensures behavioral patterns within the space affects not the priority of safety and security, which is enforced by private policing, but more so, the users that do not conform to the codes of conduct in the space are locked out of opportunity to use it. In terms of civility, the Yonge-Dundas Square loses points due to over-management because it creates an environment where ones comfort is directly tied to exclusion of others’, thus making the space less public (Carmona, Magalhães, & Hammond, 2008).

**Economic and Commercial Forces**

One of the primary goals of the Yonge Street regeneration project was to reverse the process of decline that had taken over the area. Economically, the success of the regeneration project as identified by a member of the Yonge-Dundas Board of Management (2014), is the fact that “it has substantially reversed the outflow of investment in area.” There is a
huge amount of reinvestment in the downtown core, with new residential, retail, hotels and billions of dollars and a consequent improvement in the city’s tax base (Yonge-Dundas Square Board of Management Official, Personal Communication, Interview, 16 April, 2014). Without a doubt one cannot deny that the area’s resuscitation resulted from the efforts of both private business interest and local government. However, the economic and commercial forces driving the square go beyond the reversal of investment to influence the actual implementation of the by-laws and the management of the Yonge-Dundas Square.

Economically, it is extremely important to note that the planning of Yonge-Dundas Square took place at a time when the city was emerging from a deep recession that had lasted five years, from 1989 to the end of 1994 (Milroy, 2009). So as Ranu Basu (2013, p. 52) has noted, “Canadian cities, including Toronto have been particularly hard hit by the neo-liberalization of public amenities and the restructuring of cities, which have involved the downloading of responsibility and adoption of fiscally conservative measures.” Again, a space might be public but it incorporates private management strategies that have become widely accepted in many urban public spaces. This critique of public space as being ‘mallied’ or commercialized has led scholars like Goss to question the values controlling the spaces we think of as being public (Goss, 2005). More importantly, one of the main reasons behind privatized public spaces is economics, which is rooted, in the global process of neoliberalism (Hoffman, 2012). So although, Yonge Dundas square is not a private space, it does exert qualities that are strongly associated with the school of thought that proposes the creation of private public space is rooted in neoliberal economics. For example, the costly expense of revitalizing and maintaining the Yonge-Dundas Square resulted in the city requiring the square to achieve financial self-sufficiency and the board of management increasing programmed activities to meet
such a goal (City of Toronto, 2011). This created an unfiltered commercial intrusion into a space deemed public, and to a larger extent is having greater opportunities of expression than the actually user of the space -- which, in turn, begs to question the authenticity of such a public space in relation to a diversity of users.

Second the influence of the Downtown Yonge BIA in the creation of the space and its position on the board of management reflected a desire to influence how the space was operated. It was in fact members of the BIA who put forward the proposals to redevelopment the area, including the square (Downtown Yonge BIA Official, Personal Communication, Interview, 17 March, 2014). Here the Downtown Yonge BIA appears to be similar to business improvement districts in the United States who pay an extra financial levy in order to create an attractive external consumer environment that is rooted in security and safety (Steel & Symes, 2005). The evidence according to Low (2006) can be found in the development of business improvement districts that monitor and control local streets and parks, and the transfer of public air rights for the building of corporate plazas ostensibly open to the public. Therefore, it can be concluded that urban public spaces in the US are highly managed and policed due to the increasing private ownership of public space and the consequent spread of private management strategies (Carmona, Magalhães, & Hammond, 2008). So although Yonge Dundas Square is not private, the influence of the BIA coupled with the incorporation of private management strategies in the operations of a public space might be creating the unintended consequences of turning the space away from its public conception into a more privately-managed space.

Taking a brief look back at the development of the square it is evident that the square was transferred from being the responsibility of the planning department to that of the Economic Development, Culture and Tourism Department, where the square’s principal use was declared as serving
economic development interests (Milroy, 2009). From this it should be understood that from the onset the square was being distinguished from other squares in the city by becoming a tool of economic development that accommodated largely commercial events for which a fee as to be imposed. According to a Board of Management staff person “the operational budget of the square is 2.5 million dollars a year, with the city contributing only 400,000 so without a board of management the cost to the city would be would be over 600,000 a year (Yonge-Dundas Square Board Management Staff, Personal Communication, Interview, 14 April, 2014). Therefore, there is a justification for the Yonge Dundas Square’s pricing strategy, which is to raise event permit fee rates back up to the original rates established for the Square and an approved approximate 5% increase for both years 2010 and 2011 (City of Toronto, 2010). This begs to question whether a desire to turn an important piece of real estate in Toronto into a profit generating space, essentially creating active consumers versus active public space users. This also highlights, concerns about increased commercial activities over community programming and general leisure use as outlined by many of the interviewees, further bringing to light the fact that increases in programming create the unintended consequence of excluding certain groups (and encouraging others), through the practice of financial means. Yet, although the square has taken steps to address the issue, by allowing community and non-profit organizations to use the square at a discount and free, once a deposit is paid, offers an example of charging an entry fee that is tied to a series of codified rules and regulations.

Finally, according to Milroy (2009, p. 11), the unstated goal of the Yonge-Dundas redevelopment was to increase consumer spending in the area. Therefore, the relationship between the square and the retail space developed around it cannot be viewed as independent of the Yonge Street revitalization project. For example, according to the joint board hearing,
“creating the square alone could exacerbate existing social and economic problems on the street” (as quoted in Milroy, 2009, p. 116). However, such a relationship goes beyond social and economic problems to one where the same commercial mechanisms employed in the form of video cameras and security guards to ensure the retail area remains safe. This arrangement, one of surveillance, might have unintentionally slipped into the process of operating the square. A case in point being that during the OMB hearing, the lawyers representing the city claimed that a square would be easier to police, which according to Milroy (2009 p.167) runs contrary to the notion of a public space, “since it is easier to police private spaces than public spaces because a private owner can use more security devices, strategies, and facets of the law of trespass.” Moreover, the creation of a movie theater was essential in the view of planning officials since it attracted much more activity during various times, which created an added sense of safety and security (City of Toronto Planner, Personal Communication, Interview, 14 March, 2014). Therefore, as outlined by a city official involved in the development of the area, “the cinema to some extent influenced the development of the operations of the square and its by-laws” (City of Toronto Planner, Personal Communication, Interview, 14 March, 2014).

By-Laws Implementation

Although, the creation of the by-laws that govern Yonge Dundas Square are not unique to this square and in fact mimics the regulations that govern Nathan Phillip Square; there are some important distinctions that must first be identified. For example, unlike Yonge Dundas Square Nathan Phillips Square is attached to City Hall and is available for booking every day of the year, free of charge, with programming geared to community event by not-for-profit and charitable organizations only (Milroy, 2009). Secondly, the by-laws regulating Yonge Dundas Square also stipulate compliance with
the human rights conventions, which outlines that any person or organization seeking a permit must comply “in all respects with the Ontario Human Rights Code” and must make its event open to anyone who wants to attend (City of Toronto, 2011).

The findings reveal that there are attempts made by the staff of Yonge Dundas Square to be flexible in their operational management of the square. However, the findings also reveal that the security officials who are responsible for the implementation and enforcement of the by-laws do not deviate at all from the policies (Downtown Yonge BIA Official, Personal Communication, Interview, 17 March, 2014). A case in point being, according to a city official with direct knowledge about the square, “if you allow someone to ride a bicycle across the square, then that might provide other with the belief that they can use a scooter, and where does it stop” (City of Toronto Official, Personal Communication, Interview, 18 March, 2014). Contrary to such view, a Downtown Yonge BIA Official (Personal Communication, Interview, 17 March, 2014) is of the opinion that:

policies and guidelines are always open to interpretation and that’s what it should be, because there are always unique circumstances. And there are a lot of times when we write policies and there is no deviation, just black and white, however in reality that is not always the case therefore there needs to be some flexibility in the guideline and by-laws.

Conversely there was a general consensus among those interviewed that there needs to be a balance and a measured level of flexibility in the way security official interpret and enforce the by-laws so as to prevent what one official described as “boned headed actions by those enforcing the by-laws” (Yonge-Dundas Square Board of Management Official, Personal Communication, Interview, 16 April 2014). Furthermore, as related by one interviewee, “security has to be both effective, yet not intrusive, because no body wants to think that they are in a space that is so highly regulated and
monitored all the time” (City of Toronto Planner, Personal Communication, Interview, Date Month 2014). Such revelations are in line with the premise of this research that the interpretation of the by-laws might be affecting the diversity of users and activities occurring at Yonge Dundas Square.

It is important too that the Yonge Dundas Square had to reflect the intentions of the Yonge Street Regeneration Project, with the square being the focal point for the area, activities therefore had to be complementary to the activities on Yonge Street. Furthermore, with public concerns about loitering, which were common on Yonge Street, people felt that these were issues the city had to construct regulations that were sensitive to those concerns (City of Toronto Planner, Personal Communication, Interview, 14 March, 2014). As reiterated by one of the interviewees, “We tried a lot of ways to deal with not only panhandling but also people on the sidewalk trying to sell chocolate bars or give out little container of deodorant, trying to promote product on a city owned space without a permit” (City of Toronto Official, Personal Communication, Interview, 18 March, 2014). From the findings it is important to highlight that the problems of panhandling and marketing on the sidewalk was a problem in the 1990s and not created as a result of the square’s development.

Again this report’s findings reveal that the by-laws assist management in ensuring the safety, security, and cleanliness of the square, while also ensuring that no one particular group can dominate and make it uncomfortable for other people. Consequently, the long list of by-laws that prohibit certain behavior in the square do equate to the square’s ability to be successfully managed. For example, they prevent what a city official describes as a group of people “who believe that they should be able to do what they want to do where they want to do it, and I don’t think that a very health situation because who is going to clean it up” (City of Toronto Official, Personal Communication, Interview, 18 March, 2014). However, the
underlying issue here is that an attempt to regulate activities and allow for specific types of programming of the square results in regulating people. Davis (1992, p. 226) was of the similar view when he stated that, “it has been recognized that many public spaces are being made deliberately less open and accessible by controlling the people who use them and the activities they host.” So although the intention is not to explicitly limit freedom of expression or diversity of users and activities, they are times when the effect ultimately is an intended consequence. For example, for reasons associated with safety and public good, the by-laws minimize nuisance by regulating amplifiers and loud music; dictate socially acceptable behavior by limiting alcoholic consumption or through no sleeping; promote safety – by forbidding a camp or erecting or placing a tent; and so that there is no domination by one or few users – tents or skateboarding are prohibiting as is lying down in the square. However, what is notable here is that these prohibitions have similar traits to the activities carried out by homeless populations and youths, furthering the specialization of space by a particular user.

In many cities in the United States, parks and plazas close between the hours of 10:00 PM and 5:00 AM thereby keeping out undesirables who are forced to sleep outside, or housed individuals simply wanting to enjoy a late evening in a park (Johnston, 2012). However to an extent, the presence of security guards are having the same outcome, by making users of the space feel welcome due to the perception of added safety, but also often making an individual feel watched and less likely to freely engage in public activities. Additionally, the presence of police or security guards cause confusion regarding the right to use the space and creates an effect that is similar to the space being advertised as having rules of behaviour. In relation to the actual implementation of the by-laws by security officials, minor infractions like riding a bike across the square or chalking the ground, although adding
to the cost of cleaning and maintenance of the square dishonors the intent of the by-laws and runs incongruent with perceptions of public space. For example, as highlighted in chapter 2, the chalking of the square by chalk artists resulted in their arrest, being fined and one-year ban from the square.

As a public space evolves, it is expected that the regulations governing the space will also eventually evolve (City of Toronto Planner, Personal Communication, Interview, 14 March, 2014). However, with the Yonge-Dundas Square, instead of the by-laws being challenged, the cost of undertaking such a process coupled with the fact that it is much simpler and cheaper to pay a fine or pay for a permit, are preventing the regulations from evolving to meet the needs of the users. This resonates with Dear (2000, p. 119) who argues that urban planning is about power and achieving urban outcomes that serve the purposes of powerful agents in society. Inevitably planning is also about conflict as agents attempt to manoeuvre to achieve their ends. So that even if a process was undertaken to challenge the by-laws governing the square, those with greater financial and cultural capital will dictate the outcome, due to their ability to discursively construct their interests as in line with those of the public (Dear, 2000).
In the previous chapter, the findings were analyzed in relation to the literature review. The following are a list of recommendations intended for policy makers and planners in the City of Toronto or any other city addressing similar public space issues in order to enhance diversity in public spaces such as the Yonge-Dundas Square.

**Recommendation 1: Allow the Space to naturally evolve with as little management mechanisms as possible.** Paramount to the success of a space is the creation of an environment that attracts not only a large diversity of people, but also a space that allows each individual to claim their space for their own self-expression, regardless of contestation that may develop. Part of this process is allowing the square to move beyond a manicured space that is overly managed to one that encourages change or allowing the space to evolve organically, which in turn increases ownership of the space and address issues of safety and security. According to one of the interviewees, “the space should be allowed at times to evolve naturally with out the aid of management, sort of organic, like during the winter Olympics when Canada accomplished what was considered a “double double,” resulting in gold medal wins in both men and women hockey and curling. People came from all over in an organic manner to Yonge-Dundas Square to celebrate those wins” (Downtown Yonge BIA Official, Personal Communication, Interview, 16 March, 2014). This spontaneous gathering highlights not only a high level of patriotism, but also the fact that diversity of people can come together in one place and allow their differences to coexist with one another, with little assistance from management. Therefore a measured level of flexibility is needed to ensure that rigid policies do not stifle spontaneous celebrations and in turn
Examining the Consequences of By-laws on Diversity in Yonge-Dundas Square

2014

67

...contestation in public space. Also as related by one interviewee, management should be willing to accept unconventional uses such like pillow fights or snow related activities that does not infringe on safety and added cost (Downtown Yonge BIA Official, Personal Communication, Interview, 16 March, 2014). Going a step further, both the board of management and the City of Toronto should experiment with minimal management techniques as a measure of increasing diversity of users and uses. Such a step will correctively address the issues of exclusiveness occurring at Yonge-Dundas Square.

**Recommendation 2: The need for a Public Space Advocate.** The development of the Yonge-Dundas Square was a successful collaborative process that allowed the city and its various departments to partner with local businesses in the area and create a new type of partnership that resulted in a new open space in the heart of Toronto’s commercial hub. However, according to Milroy (2008), the municipal planner has a duty first and foremost to the public good; however; as was highlighted with the Yonge-Dundas Square case, planners are undertaking the dual role of representing both public and private interests. This creates what Carr et al. (1992, p.363) considers to be the, “tension between motives to serve the public good and motives to serve private interests.” However the reality is that today’s municipalities are faced with increases in financial strain and therefore, the role of planners is being reinvented in the creation of public space. As a result, a public space advocate who can promote sound public space principles in the interest of the general public in and ever changing planning environment is necessary in order to ensure the creation of an ideal and purely democratic public space. Such an advocate can work collaboratively alongside planners to ensure generally established principles that defines a public space that is open and access to all. In moving forward if such principles are omitted, the outcome would be one where public
spaces are created to meet solely the needs of private development interest, while the spaces already created would seek to adopt much more overt private management strategies.

**Recommendation 3: Revisiting the goals of the square and determine if it is meeting the needs of the community and potentially make recommendations to change it.** As revealed in the findings, the Yonge-Dundas Square’s space is programmed a lot and it has become a location for large-scale marketing and advertising events. There needs to be periodic review of the objective goals of Yonge-Dundas Square to ensure its continued effectiveness and to determine if it is adhering to the needs of its diverse local businesses, residents and social organizations in the area. As identified by a Downtown Yonge BIA Official (Personal Communication, Interview, 16 March, 2014), Yonge-Dundas Square is at a time where it needs to be reviewed to determine if it is meeting the community’s goals. A process of engaging both the community stakeholders and the users of the square in the planning and day-to-day operational and program activities, will allow for a much more inclusive operational model that creates a dialogue to address the tensions, needs and wishes of a diverse community. Such a process would seek to augment the objectives, while allowing for a strategy to consistently discuss and review the added objectives. Furthermore long-term approaches that incorporate socio-cultural goals as well as ongoing consultation with nearby stakeholders and the users of the space will go a long way to create an environment of mutual learning and a heightened sense of inclusiveness, representation, discretion and discussion of alternatives. Also this will allow by-laws to evolve to meet the desires of its users.

**Recommendation 4: Boldness and creative deliberation in ensuring the square is programmed during the winter periods.** In developing the area, a
certain level of boldness and creative deliberation was justified in ensuring the redevelopment addressed many of the problems affecting the Yonge and Dundas area. Moving forward, the same level of boldness and creative deliberation is needed to ensure the space is regularly programmed during the winter period, when commercial activities are very limited. An added incentives could change the costing model in order to ensure that during the winter months, commercial entities or local organizations can use the square for free or at a extremely lower cost. This ensures that as a public space, Yonge-Dundas Square is not sitting there vacant for months upon months. Furthermore, this could be a time where the square’s flexibility is activated so as to ensure it is allowed to be contested and pushed to the limits, by allowing a diversity of users to occupy the space with limited intervention from management. For example, combining a skating rink, outdoor café, outdoor library reading room, children’s play area and outdoor winter markets.

**Recommendation 5: Promote more downtime and passive use of the square for the general public.** Yonge-Dundas Square has been identified as a great commercial success story for city of Toronto, acting as a catalyst for economic development in the downtown core (Yonge-Dundas Square Board of Management Staff, 2012, p. 3). However this report reveals that there needs to be changes in the practice of staff so as to ensure there is added time for general leisure, that is free from programmed activities being held by private entities. According to a city of Toronto official interviewed, “I argue for scheduled breaks during the week for off time, passive use of the square, in particular during the lunchtime” (Personal Communication, Interview, 17 March, 2014). This would ensure a balance in terms of private versus public use, and thus limit the implementation of private mechanisms such as fencing to guard a private event.
CHAPTER 8. CONCLUSION

From an urban planning perspective this report has helped to highlight the importance of public spaces as an urban policy tool that encapsulates a much broader and universal significance needed for the sustainment of cities. It supports the idea that “[a]lthough the social and spatial compositions of cities differ considerably across the world, public space plays a significant role in the life of cities everywhere; for cities to work, there is undeniable need for public space” (Madanipour, 2013, p. 2). The city of Toronto, according to Boudreau, Keil, and Young (2009, p. 86) represents, “a multicultural mosaic, where diversity serves as a defining character and source of pride for its residents, as well as a marketable asset.” Within multiculturalism we adhere to and are tolerant of differences, since it “brings us into conflict at the fine grain of our spatial experiences as well as in our broader concerns” (Healey, 2006, p.201). Therefore, in order to understand the importance of the Yonge-Dundas Square in the life of the City of Toronto and its citizens, it is critical to know the planning process behind the development of such places in promoting diversity. This report presented an inquiry into the question of how local by-laws created by the City of Toronto contributed to the creation of barriers that affect diversity of users and activities. Secondly, it was important to identify if the by-laws, as enforced by security officials, were in line with their intent to promote safety and security. In addition, since the area underwent a major transformation from its days of social and economic decline to one of commercial success, it was important to understand the foundational traits that helped to bring about such changes. More importantly, a review of the by-laws and regulations governing Yonge-Dundas Square helped to promote an understanding of what were the intentions of the by-laws and to what extent they were affecting the users and activity. Furthermore, the interviews of various
stakeholders involved in the creation and management of the space allowed this report to provide a holistic view of what was actually occurring at the Yonge-Dundas Square.

The desire to create a new public space around the Yonge-Dundas area can be traced back to the 70s, however it was not until a group local businesses in the area petition government to address what they saw as the social and economical decline in the area, that a new type of space was created. Yonge-Dundas Square is unique from Toronto’s other Public Squares as it was established by City Council as a key driver to promote economic development in the Yonge-Dundas area. More importantly, unlike other Public Squares that are attached to civic centres, Yonge-Dundas Square is intended primarily for commercial events and activities.

Drawing from a detailed document review, literature review, and series of interviews, this report has concluded that the advent of Yonge-Dundas Square introduced some new conditions never before addressed in the city of Toronto; these include: the commercialization of public space, a management with private interest represented, and exclusionary uses expressly permitted instead of expressly forbidden on the square (see also Milroy, 2009). Furthermore, this report’s analysis reveals that Yonge-Dundas Square at any time could represent a space that raises concerns about social exclusion, economic competitiveness, place image, culture, gender and ethnicity. Together these factors highlight Yonge-Dundas Square as one of the most contentious sites in the City of Toronto.

Finally, this report reveals that Torontonians are faced with an interesting paradox whereby the combination of public by-laws and private security enforcement serves the interest of the majority, but affects the minority by preventing the poor and the homeless from utilizing the city’s public spaces. Without interviewing security officials who are tasked with implementing the by-laws and dealing with issues of access to the space it is
difficult to state conclusively whether the by-laws are in fact deterring use; however, it can be inferred from the findings and analysis that were presented that the by-laws are creating barriers to accessing Yonge-Dundas Square. Furthermore, the success of the space has been associated with the increase in use of the square. The findings have also highlighted that Yonge-Dundas Square represented a major catalyst for economic development and reinvestment in the downtown core, with the square generating annual surpluses for eight consecutive years, reducing the City’s annual fixed costs. However, as a public space that may be intended to be accessible to everyone, its measure of success as a public space remains elusive, because from the analysis of this report, it is of extreme importance that a public space not exclude or discourage certain members of the public from accessing the space. Security measures taken to implement and enforce the bylaws create an environment that is safe, clean and secure. However when the discretion of implementing those bylaws is left to the security officials it can make the enjoyment of the space and the overall publicness of the space into question. Therefore the space might be public but it incorporates private management strategies that have become widely accepted in many urban public spaces.

Looking towards the future, as the first public space created in the new [amalgamated] city of Toronto, through a process never before undertaken, Yonge-Dundas Square, “represents a case of what not to and what to do; there are good practice of what to do [....] therefore it is vitally important that we get it right. It will set the standard for all public space in the future” (Downtown Yonge BIA Official, Personal Communication, Interview, 17 March, 2014). In this respect, real public spaces and the behavior of citizens within those spaces often fall short of the ideal public space described in the literature (Carmona et al., 2003, p. 109). However, although a perfect public space may not exist in reality, this reality should not stop planners from striving
to achieve as close to perfect a space as possible.

This report is only a small beginning in the exploration of ways to address the inclusiveness and contestation of public spaces in the City of Toronto. Furthermore, as identified in the findings and analysis section of this report, there exist many opportunities for further research into public spaces in the city of Toronto. Some further questions that this research poses include: 1) how do you successfully measure the concept publicness in an era of increased intrusion by neoliberal forces, 2) how does an interpretation of the 'publicness' of public spaces allow planners and policymakers to implement and enforce the regulation of such spaces, 3) how can alternative ownership and management schemes that include private interest influence the extent to which public spaces meet the goal of a particular geographic community or community of interest, and finally, 4) how can dwindling access to public spaces meet the needs of diverse communities without excluding anyone.

Although not all public spaces have the same level of ‘publicness,’ this report reveals that there needs to be additional dialogue on what public spaces mean to the residents of Toronto, so as to ensure future spaces reflect their needs and desires. Lastly, since the development of the square and the creation of the Board of Management, Yonge-Dundas Square has influenced other squares with officials from other cities and countries inquiring about the process and the operation of the Yonge-Dundas Square. Locally, the square has also influenced renovation of Nathan Phillip Square and a review of its management oversight. The management and operational practice of the Yonge-Dundas Square is the only one of its kind and there needs to be a review in its costing model to ensure its competitive edge is not eroded by other squares that offer a similar space at a cheaper cost.
**GLOSSARY OF TERMS**

**BIA** – are local commercial property owners and tenants within a geographic area work together to enhance the safety, look and feel of their neighborhoods to attract more visitors to shop and dine, as well as to draw new businesses to their area.

**By-law** – is a legal instrument that City Council in the City of Toronto uses to exercise its powers and becomes effective on the date it is enacted unless it specifies otherwise.

**Good Neighbour Policy** – The Yonge Dundas Square is situated amongst several residential, retail and office buildings. In an effort to minimize disruption to our neighbours, the Square abides by the Municipal Code of Toronto Chapter 241 (noise by-law). All performances must remain under 85dB as measured from the surrounding sidewalk. No loud performance may extend past 11:00 pm or begin before 7:30 am.

**Nathan Phillip Square** – is an urban plaza located in front of City Hall, at the intersection of Queen Street West and Bay Street.

‘Publicness’ - Maintained for or used by the people or community:
BIBLIOGRAPHY


Smith, M. (2003a, May 15-22). By permit only If Dundas Square is a people place, why is city charging $3,000 event fees? *Now Toronto*, 22 (37).

Smith, M. (2003, October 2-9). Dancing in the dark We’re in a two-step with Chief Buzzkill Fantino over who wins the heart of the city. *Now Toronto*, 23 (5).


Tennyson, L. (2014). Will urban beaches become the norm?. Retrieved May 01, 2014, from Rudi.net: https://www.rudi.net/node/16422


APPENDICIES

Appendix A – Interview Questions

Introduction:
1. What was your role in the development of the Yonge-Dundas Square?

Theme 1: Background Information about the Space

1. What were the prominent goals and intentions of the city in regards to the
development of the Yonge-Dundas Square? Is the Square (as it has been
realized) consistent with the initial goals and the scope of development?
2. What types of users did the development target? Who suggested them?
3. Can Yonge-Dundas Square be characterized as public?
   a. Probe: What aspects would lead one to characterize the space as
      public?
   b. Is it open and accessible to all?

Theme 2: The process of Developing regulations and By-laws

1. Are there regulations that determine how the space can be used? If so,
can you specify what these are?
   a. Probe: are there specific purposes / or uses for the space that are
      banned?
2. Are there regulations determining who can use space?
   a. If so, can you specify who can or cannot use the space?
   b. Probe: Are there specific groups or individuals who are restricted or
      banned from using the space?
3. What were the intentions of the by-laws that regulate Yonge-Dundas
   Square?
   a. When were these by-laws first implemented?
   b. Did the development of the major cinema and retail complex
      component that was approved in 1997 influence these creation of
      the by-laws
   c. Have they changed over time? If so, then how have they changed
      over time?
   d. Does the city re-evaluate the by-laws to reflect new changes to the
      use of the space?

Theme 3: Public Consultation
1. Were public consultations held to discuss the creation of the public squares by-laws?
   a. What was done to ensure all stakeholders were involved in the creation of the public squares by-laws?
   b. In your recollection of the public consultations what were some of the key issues of concern raised by stakeholders.
   c. During the process of creating the by-laws for Yonge-Dundas Square, were there specific activities or users that the by-laws were trying to regulate.

2. Could you explain the role and responsibilities of the BIA, and other organizations in developing the site and were they involved in the creation of the by-laws? How much did the Public-private partnership influence the development of the by-laws?

3. During your time as a councilor, how were complaints about use of and activities in the Square dealt with?

4. During your time in office, the Management Board contained a careful mix of stakeholders. What steps are taken to ensure there was an ongoing consultation process with individuals, businesses or organizations that do not typically have a platform to speak or who are not represented on the board but are users of the space?
   a. What was done to ensure all stakeholders were involved in the creation of the public squares by-laws?
   b. In your recollection of the public consultations what were some of the key issues of concern raised by stakeholders.

5. Do you think there are any unintended consequences of the by-laws that govern the Yonge-Dundas Space? If so, what are these unintended consequences?
   a) Probe: for example exclusionary uses expressly permitted instead of expressly forbidden or public leisure being permitted if the square is not being used for a fee-for-permit event

**Theme 4: Implementing the By-laws and Managing the Space**

1. What do you think is the strongest element of the square in terms of its ability to attract diverse groups and diverse activities?
   a) How much of this process is ‘community needs’ and how much is determined by economic forces?

2. My research reveals that the Square was developed and managed through a public-private partnership between the City of Toronto and Downtown Yonge Street BIA?
   a. What do you see as the primary objective of this partnership?
   b. What do see as the advantages and disadvantages of having such a relationship?
3. Many of the by-laws governing Yonge-Dundas Square restrict certain activities and individuals. For example, No person shall, within the limits of a square, except in accordance with terms and conditions:
   - Solicit for or engage in any trade
   - Ride a bicycle.
   - Display an exhibit of any kind.
   - Present or take part in any dramatic, musical, artistic or other performance

a. How does the square implement such regulations?

b. How much flexibility does management have in implementing and interpreting such by-laws?

c. How much flexibility does security officials and police officers that operate in and around the Square have in implementing and interpreting such by-laws?

**Theme 5: Final Thoughts**

1. How do you think the process and the ultimate outcome of Yonge Dundas square might impact the development of future public spaces in the city of Toronto?
2. What do you like most about Yonge-Dundas Square?
3. Would you change anything about Yonge-Dundas Square if you could? If so, what would it be?
4. Is there anything else that you would like to offer that I have not covered in my questions?

Thank you for your time. If you would like to receive a copy of my report, I will make sure that you get a copy when it is completed.
Appendix B – Chapter 636: Public Squares

TORONTO MUNICIPAL CODE
CHAPTER 636, PUBLIC SQUARES

Chapter 636

PUBLIC SQUARES

ARTICLE I
General

§ 636-1. Definitions.

§§ 636-2. and 636-3. (Reserved)

ARTICLE II
Yonge-Dundas Square Board of Management

§ 636-4. Board of Management established and defined.

§ 636-5. Maintenance and operation of Square.

§ 636-6. Powers and duties of Board.

§ 636-7. Board structure and procedures.

§ 636-8. Consent of City Council required.


§ 636-10. Insurance.

ARTICLE III
Use of the Square

§ 636-11. Prohibited activities.


§ 636-14. Permit zone permits.


§ 636-16. Denial of permit; appeal.

§ 636-17. (Reserved)


§ 636-19. Exempt activities.

§ 636-20. Right of entry.


636-1 2011-12-01
Appendix C – Yonge Dundas Relationship Framework

(APPENDIX 1)

Relationship Framework \(^1\)

for

City of Toronto

With

Yonge-Dundas Square Board

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\(^1\) See Item EX26.4 (2008) as adopted by City Council at its meeting held on December 1, 2 and 3, 2008