

## *A paper on the idea of a city charter for Toronto*

Tim Rourke March 2019

raccoon@burble.ca

I have an invitation to a round table discussion on drafting a city charter for Toronto. The general topic of more power for Toronto is becoming hotter again due to the behaviour of the latest provincial government. Also, due to the growing crunch in Toronto resulting from its utterly inadequate governance structure.

However, I have not seen much improvement in the local “chattering classes” ability to analyze the situation and see optimal solutions. They still seem to be lost in magical thinking and wedded to the failed ideas that brought about the present crunch. I do not see any solution until things get bad enough that the public are motivated to rise up and find competent leaders.

There are three big crunches starting to unfold in Toronto. Similar problems are happening in cities over most of the western world due to the latest “crisis of capitalism”. Toronto has developed its own particularly severe forms of these problems.

These are not crises; they have been predicted for a long time. They are crunches. They come from a failure over a long period to deal with obvious developing problems. The crunches are in transportation, housing, and delivery of services.

The problem is that the city does not have the power and resources to deal with these problems on its own. Talking about how the province or the federal government has failed to fund the city properly is pathetic. The problem is that higher levels of government have funded the city, rather than the city funding itself.

In a properly structured federal system, there are things which a federal government does, things which a state, province, or region does,

and things that municipal governments do. When you talk about the third order of government, the municipal level, people in Toronto act like this is a bizarre idea. Why is that? People in Canada were not so clueless forty years ago.

In most advanced countries with federal systems, the hub cities are treated as provinces in their own right. This should have been instituted in Canada over fifty years ago. This does not need much explaining; it is so different jurisdictions and levels of government are not in conflict with each other, as is the case in Ontario.

The thing that gets in the way of solving this governance problem is the same thing that prevents other needed reform in Canada. The Toronto mess is a subset of the Canadian constitutional mess. Almost all democracies have in their fundamental laws a system for amending said laws. We have no such thing in Canada and our colonial governance systems are becoming totally unworkable in this century.

The need to fix the mess with Toronto and other major cities in Canada is the perfect motivation to finally develop a system for modernizing our governance structures. The nimbusses who keep trying to shut down all talk of reform by reciting documents from the nineteenth century like they came down from heaven and are unalterable for all time by mortals, need to shut up and go away. Institutions are created by humans to meet human needs and are modified or eliminated by them as needed.

However, fixing this mess requires a huge amount of work in a short time. It also makes the talk about a “city charter” sound really pathetic. Who is going to grant this charter?

What would be in this charter?

To deal with its problems, the whole GTA needs to become a de facto province. It needs all the powers Ontario now has, and freedom from any interference from Ontario. It should not be a big mystery that the biggest reason Ontario treats Toronto so destructively is that without keeping it in subordination to the province, as it is, will collapse.

The powers Toronto needs can only be granted by the federal government. This is unless the populace of Toronto decides to solve the matter on the streets. They probably will, eventually, if conditions get bad enough, which will happen fairly soon if the needed reforms are not carried out. Here is one motivation for Ottawa to act.

Ottawa will act if the crunch gets so severe that it starts to effect the national economy, which it will. Also, if it starts to get a strong push from a strong urbanist movement/party based in GTA. Expect Ottawa to act very fast if such a movement comes up with the inspiration to threaten to run candidates in a federal election.

It is said that the big reason the federal government will not intervene in jurisdictional problems between provinces and municipalities is that if they do it once then everyone will want their own problem fixed as well. This sounds a lot like excuses we get from many branches of government, such as police, courts, even the health care system. It is a really pathetic excuse for not doing their job. Even more so, for failing to put into place permanent systems for arbitrating jurisdictional disputes.

The federal government has powers under disallowance and the “declaratory power” which could be applied to the destructive attacks on

Toronto by the Ford government. However, this would be interim until constitutional adjustments are made allowing for “federal cities”. The present federal government has made some noises about being willing to act to protect the city from the province. They actually seem a bit bewildered by the lack of response.

I am also baffled by the weak response to these attacks on the city. Nothing can help Torontonians if they will not help themselves. It is depressing to think that incompetent and abusive use of power has to lead to total breakdown before people get their backs up about it.

It gets worse when much of the population is suckered in by the extreme right because progressive actors are simply not there; not dealing with real world issues, not offering solutions. From this, the problem is clearly seen as a lack of effective leadership. By that is meant, people with some analysis of the nature of the present crunch and some realistic, socially positive solutions to propose.

Another “city charter for Toronto” goes nowhere. I thought we already had one. It means nothing if the province can just revoke it at will. To repeat, a charter that is worth anything can only come from the federal government. The federal government will only respond to a serious proposal backed by a serious movement.

When the leadership develops which can do that, I will be interested. Meanwhile, things do not look good for Toronto in the short and medium term. I am resigned to conditions sharply deteriorating in the city over the next few years.

