

Presentation to the Office de consultation publique
Benny Farm Consultations
December 2003

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Introduction

The purpose of this presentation is to describe the political background to the current Benny hearings, as the by-law cannot be understood without an understanding of its history, and to examine how long-standing policy issues raised by the Benny Farm project have progressed.

That the issue of Benny Farm is intensely political is evident from the simple fact that this is the fifth public consultation organised by the City, mandated by a third municipal administration (Doré, Bourque, Tremblay), held by a fifth consultative body (Comité-conseil d'arrondissement (CCA), Bureau de consultation de Montréal (BCM), Commission de développement urbain (CDU), Conseil du quartier, and now the Office de consultation publique de Montréal) dealing with the same site in less than a dozen years. As well, the promoter, Canada Lands Company (CLC) goes to great lengths in its written presentation not only to describe its own political role but also to describe the principles and values that underlie its plan.

The political aspects of this project have permeated the actions of all the parties and, I expect, will colour the nature of many of the presentations that will be made before the Office during these hearings. There have been so many political promises made and broken in this dossier over the years that many have lost faith in the ability of the decision-making system to do its job. There has been a tendency by some progressive, community minded people who hope to see affordable housing established on the Benny Farm site to view any new study by urban planners or any new public consultation as a dangerous procedure which will only delay and dilute. I disagree, because I believe that, a competent public examination of the issues is always useful and important.

My involvement with Benny Farm

I have been involved in local activities on housing issues for over 30 years. For 16 years I was a member of City Council for the Décarie district, just south of Benny Farm. I have organised consultations on various community needs in NDG.

In the Benny Farm dossier, I was a member of the Comité-conseil d'arrondissement which held hearings in 1992, I presented a brief to the BCM in 1994, I was a member of the CDU when hearings were held in 1998, I made a presentation to the Conseil du quartier in 2001.

For years I was an active member, together with representatives of other housing groups and the veterans' associations from Benny Farm, of the NDG Community Council's Housing Committee, during which time Benny Farm was the main object of the committee's attentions. I was a participant in the Benny Farm Community Round Table, and most recently, I was Vice-President of the Board of the Fonds foncier communautaire Benny Farm (FFCBF) from the time it was established until it was dissolved earlier this year.

My involvement with Benny Farm has been entirely motivated by concerns about adequate housing, and community control over local development. My activities on behalf of community organisations have never been remunerated. While I live in NDG, it is not near Benny Farm; I have never expected to live or own property on Benny Farm; I am not an active real estate agent whose revenue might depend on zoning decisions in the neighbourhood.

The political issues

Apart from the specific design issues which form the basis of the zoning by-law, there have been other major issues which have always arisen during the discussion of the development of Benny Farm and during the public hearings, some of the most important being:

- conservation – a desire to preserve the architectural design of Benny Farm; the design of Harold Doran has been of considerable interest: ICOMOS the international non-governmental organization dedicated to the conservation of the world's historic monuments and sites held a conference on the patrimony of Benny Farm; Michael Fish, a noted Montreal architect has written a book on the subject; many local residents have had strong feeling about preventing demolition of the buildings and the disappearances of the green spaces

- use exclusively for housing – Benny Farm has been entirely residential for over 50 years and the maintenance of this vocation has been important to many; for half a century, Benny Farm allowed many lower and middle-income people to be able to live in NDG, and its continued role for these income groups has been a priority.
- renovation – renovating the existing buildings has been seen as an important means of conserving them; it has been widely understood to be a lower-cost means of providing housing on the site, thus being accessible to lower-income families; there is a significant community ecological sensitivity in the recycling of existing buildings and materials;
- public property – government agencies have owned the site for over 50 years; the tenants' rents and taxpayers money paid for the buildings; many feel that privatization of the land would allow private owners to speculate on this property; there are higher expectations of a public agency than of a private promoter as for responsibility to community needs; a fragmented property under different owners is less susceptible to having a definable mission, and it would make any form of community identity or activity more difficult.

There have also been strong opinions expressed on the issues concerning the nature of decision-making:

- democratic – would decisions on the presentation of any future plan for the site be arrived at openly and democratically, based on a full consideration of community needs?
- coherent – would decisions be respectful of existing policies – sustainable development, housing, urban planning, etc.?
- identity of the initiator – should an agency, not accountable to the local population or the City be allowed to take the initiative in proposing the redesign of a significant part of central NDG, leaving to the citizens and the municipal administration a relatively passive role?

- community control – would the process contribute to the community developing a greater capacity for self-government and autonomy?

A brief political chronology

CMHC: The current saga of Benny Farm started off with a political decision: the Progressive Conservative government under Brian Mulroney decided to change the mandate of Canada Mortgage and Housing Corporation (CMHC) – at that time one of the larger landowners in Canada – instructing it to divest itself of its properties. CMHC informed the community that its mandate was to build new housing for the veterans, their current housing being inappropriate for an aging population, and to finance the construction by selling off the rest of the site so that the operation “wouldn’t cost the taxpayers a cent”.

In other words, the financing of the government’s responsibilities to the veterans would no longer be carried by the government, but by future occupants of the Benny Farm site. This political bookkeeping would have considerable effects on the rest of the Benny Farm planning. Canada Lands recently explained, in the first part of these hearings, that CMHC’s continuing rights in the financial aspects of the veterans’ new housing dictated a sale of these units to a third party, presumably at current market value.

For the remainder of CMHC’s tenure, through three different project managers, there was always a refusal to enter into discussions with representatives of community organisations; at best there were information sessions on decisions already taken.

CMHC attempted to mobilize public opinion in favour of the anticipated privatization and demolition by making the issue one of patriotism and veterans’ rights. A “consultation” of the veterans indicated that a very high proportion of them would look favourably on new housing. What was not explained was that the veterans were not presented with any alternatives nor was any background information on the potential for creating more appropriate conditions in the existing buildings discussed.

Attempts by community associations to bring such information to the attention of the veterans' were met with hostile reactions, tantamount to saying that anyone who was interested in conservation or renovation was anti-veteran, trying to prevent them from getting what the government was offering them.

As polarisation in the community developed, including expressions of classism and even occasional signs of racism concerning possible uses of the land, CMHC did not take any public steps to calm down the situation by clarifying that alternate scenarios for the site would not threaten the veterans' future well-being.

Federal government – Despite the Liberal Party's housing promises in its Red Book of election promises, the government which took over after the defeat of the Progressive Conservatives made it clear that it was not going to interfere with CMHC's plans, despite repeated appeals from community organisations; CMHC was to be treated "at arms' length" by the government. The same attitude prevailed when Canada Lands took possession of the site. Later revelations of Alfonso Gagliano's direct attempts to influence development decisions on Benny Farm confirmed scepticism concerning the rigour of the government's policy.

The Member of Parliament for NDG, Warren Allmand tried hard to play a constructive role in the Benny Farm issue, convening meetings to mediate between different groups, but he was stymied by the government's refusal to make available to him documents concerning the project.

The City of Montreal – In spite of policies giving priority to housing for those in need, and fostering the role of non-profits groups in the development of new forms of housing, the municipal administration under Jean Doré was prepared to allow privatization, condo construction and a massive demolition on the site, even though a local consultations expressed strong objections. The CCA in its report to the municipal administration proposed that CMHC be required to sit down and negotiate changes to its project with community groups; the administration ignored this proposal. Later, following the BCM hearings, during which CMHC indicated that the proposed new buildings for veterans would eventually be transferred to a non-profit housing group, the City neglected to make this a formal condition of the zoning authorisation and thus allowing the new units eventually to be sold off.

Under the Bourque administration, the City again permitted a change to the development plans which would allow for massive demolition, again despite overwhelming opposing views expressed at the CDU's hearing. (CMHC wanted changes because it found that its previous plan was not economically viable: it contained 'irritants' such as an orderly schedule for development.) Within weeks after the vote at City Council, Mayor Bourque suddenly 'discovered' that there were 300 housing units deliberately being kept empty on the site as a housing crisis was brewing; he offered a timid support to a community-led process.

Canada Lands – Soon after Canada Lands took over Benny Farm as part of a larger transfer of lands from CMHC, there were encouraging signs of a new approach. Mr. Erhard Bucholz, then the director of Canada Lands, seemed open to dealing with the community and encouraged community representatives to engage in discussions with the company. Under the aegis of the NDG Community Council, the Benny Farm Community Round Table was organised, to which were invited nearly 50 groups and individuals, including neighbours and residents of the Benny Farm site.

Canada Lands' approach at this time, as communicated to the community, was that it would not develop the site itself; thus, the Round Table established the Fonds foncier communautaire Benny Farm (FFCBF) as a local community-run development corporation to draw up a proposal for the site. The FFCBF had as members or consultants staff experienced specialists in architecture, social housing development, financing of non-profit corporations, renovation techniques, etc. (Canada Lands itself would later hire some of these consultants because of their expertise.)

Minister Gagliano expressed considerable interest in the FFCBF's proposal for a community land trust on Benny Farm and even volunteered to accompany the FFCBF to visit an existing trust in Vermont.

Impatient because Canada Lands seemed unwilling to make public its plans or strategy, the FFCBF started to put on some pressure, and soon a formal protocol was agreed to, listing certain undertakings that each side would carry out in a six-month period, following which Canada Lands would receive an offer to purchase.

While projects of an equivalent size sometimes take years to put together, within six months the FFCBF completed the conception of the project,

prepared designs, arranged for commercial financing for several tens of millions of dollars, received initial approval from municipal services for its site plan and zoning requirements and took part in the City's consultation at the Conseil du quartier, engaged in its own consultation and negotiation process with neighbours, helped half a dozen non-profit community organisations prepare plans for housing projects and receive the first stages of approval for subsidies, recruited 200 names of potential tenants, and was in the final stages of negotiation for a multi-million dollar program of community social and economic development projects for NDG to be based on Benny Farm.

The City's consultation, before the Conseil du quartier fizzled when 2 councillors refused to make a decision shortly before an election.

Canada Lands, towards the end of the entente, refused to meet the FFCBF and refused to explain why, a sharp contrast to their enthusiastic encouragement of the FFCBF only months earlier. There were evidently political decisions taking place in the background that have never been disclosed. The Canada Lands representative with whom the entente had been signed was replaced.

The FFCBF sought a judicial interpretation of the entente to protect its rights, fearing that a sale might be imminent. This court action was used as a pretext for both Canada Lands and the federal government to refuse to continue any discussions with the FFCBF. (What would they have preferred the FFCBF to do? Occupy their offices?) In court, Canada Lands pleaded, and the judge agreed, that the entente created no rights for the FFCBF and no obligations on the part of Canada Lands; which was always free to walk away, regardless of whether or not the FFCBF carried out its side of the bargain.

The FFCBF was shocked that a federal government agency would treat a community partner in such a manner. Apart from the loss of the products of many thousands of hours of work by community members, nearly \$200,000 of grant monies, and possibly a million dollars' worth of donated labour, there was a clear political message about the agency's attitude towards the community: letting the community control a project was not to be allowed.

The Task Force – Shortly afterwards, Canada Lands now announced that it wanted to embark on a “consensus-building” activity. This gave the

impression that Canada Lands had no specific agenda of its own (despite its recent actions towards the FFCBF), that all scenarios were valid and that whatever the community could 'agree' on would be OK. Canada Lands then handpicked individuals of its own choosing to work on a Task Force to work out the 'consensus'.

The individuals had been associated with various groups. In the case of the FFCBF, it is important to clarify that the two members who were asked to join the Task Force were never seen as representatives by the FFCBF: they were not chosen by the FFCBF, they were not mandated by the FFCBF which did not know the positions they would take in advance. The FFCBF never gave its approval to the idea of a handpicked Task Force; in fact it criticised the process as improvised. The principal of participation of certain of its members caused a major disagreement in the FFCBF and when it became apparent that their presence on the Task Force was giving credence to the impression that the Task Force's ideas were a continuation of the FFCBF's project, the FFCBF decided to disband.

The Task Force soon established a list of issues fundamental to the Benny Farm dossier on which 'consensus' should be sought. Canada Lands has included this list on page 7 of its proposal.) This was done in closed-door meetings without the public or the media being able to understand what was contentious, As soon as there was an agreement on a small number of these issues, Canada Lands stopped the process and declared that a "consensus" had been reached. One of the last actions of the FFCBF was to point out that such a consensus was indeed a shallow one since many important issues on the list of fundamental issues which had given rise to debate for years had not been dealt with.

I would like to draw attention to the report of the CDN/NDG borough's urban planners (June 2, 2003) which pointed out two serious flaws in this process: i) it suggests that the City's planning priorities based on the Urban Plan and the experience of many examinations of the Benny Farm site did not form the basis of discussions in the Task Force, nor was the nature of discussions between the urban planners and Canada Lands concerning certain planning principles divulged to Task Force members; ii) it points out that by the choice of members of the Task Force, some of whom being known to have immovable positions, the nature of any 'consensus' of the Task Force would be a foregone conclusion.

Canada Lands' desire for a consensus is not equivalent to a desire to have a good project, merely one that causes the least ripples, a lowest common denominator of tolerance. The urban planners did not see, for example, that the location of the CLSC on the site as 'essential' from any urban planning point of view; on the contrary. But in the search for 'consensus' of the Task Force, this must have mattered little.

Then, in a strange manner of attaining a 'consensus', four firms of architects were invited to participate, not to collaborate on a single high-quality plan, but to produce four different plans, four different design visions. The significant difference amongst the plans was evidence of the thinness of the Task Force's 'consensus'. Canada Lands said that this was not a competition between firms, but no one was fooled. Even the study deposited by Avi Friedman at the request of Canada Lands says that it conforms to the "proposed plan by the winning team of the competition for the site design."

In a novel form of consultation, anyone was allowed to vote for their favourite proposal following presentations by the architects which were so different in style, tone and approach that it was in some cases hard to sort out the design and urban planning principles from the sales pitches. The results were tabulated, but it was not the public that decided; it was not the Task Force that decided. It was Canada Lands! The announcement of the firm that was to receive the contract for the site plan was couched in language that suggests that the choice was more a political compromise than a reflection of opinion expressed by the participants in the 'consultation'.

Conclusion/deductions on the issues

I have attempted to give some examples showing that political issues and political actions and tactics have been present in all aspects of this dossier. It is not merely a change in zoning or the construction of buildings. That Canada Lands' proposal does not discuss or even mention the extent of housing needs in NDG only confirms that politics rather than serious planning remain the leitmotif.

At the end of 2003, how have the different issues raised by the Benny Farm project fared?

Conservation: the current proposals have massacred Doran's original site plan. Little of the garden city approach remains. The cacophony of building styles and new thoroughfares bears no resemblance to the original design.

Use exclusively for housing – The residential character of the site is seriously compromised by the intrusion of institutional functions. The inclusion of substantial private sector housing for those who have many alternatives limits access for those who do not.

Renovation – Less than one half the existing units will be saved from demolition. Only a third of the units originally on the site will survive. The Borough's urban planners noted that the same density could be achieved on the site entailing the demolition of only 48 units rather than close to 140.

Public property – Much of the site will pass into private hands. Apart from the new privately owned units to be constructed, one must add the 237 units on Benny Farm recently built for the veterans which Canada Lands confirms will also be sold to private interests. The failure of Canada Lands to include these units in its statistics on the future use of Benny Farm seriously skews the results by showing only a partial picture of the site.

The fragmentation of ownership will make any possibility of establishing a site-wide association very difficult; it appears that it would involve only residents, not neighbours or the outside community. Gone is any idea that Benny farm belongs to the community.

As for the nature of decision making present in this dossier and the move towards community control, there has been little at which to rejoice. A political decision was evidently taken not to let the project fall under the control of the community. While community groups have been involved in recent phases, Canada Lands has controlled all the decision-making and will continue to exercise that control. It has announced its intention to continue to be present in the dossier as principal developer for the indefinite future.

I conclude that a great proportion of the community's political and social expectations of Benny Farm have been denied.

Some comments on one aspect of the project:

I am strongly against the presence of the CLSC and a sports/recreation centre on the Benny Farm site. Their inclusion is for reasons that are not justified under urban planning reasons.

Without repeating the details, I support the arguments made in the Borough's urban planning report of June 2, 2003. These include the incompatibility of the residential and institutional functions, and the imprudence of not concentrating institutional functions on commercial streets, despite the positive effect such functions could bring to Sherbrooke Street. The only other body with expertise in urban planning to examine the matter of the site, the Comité ad hoc d'habitation et d'urbanisme also has serious reserves concerning the proposed site for the CLSC.

The CLSC does not explain why it is necessary for all its services, administrative and clinical, to be located in the same building, and requiring parking on the site. Since demolition of housing is the result, I would have expected an examination of alternatives

The documents deposited by the CLSC do not give any detailed breakdown of how many of the desired parking spaces are intended for clients or for staff who go out on home visits on the one hand, and staff who will remain in place all day, and could therefore use public transport. It is disappointing that neither the traffic consultant nor the City questioned the nature of the CLSC's need for parking, even though it requires the demolition of additional housing.

The CLSC wisely left out any information concerning the frequency of service of the 104, 138 and 162 buses as compared to the 105, and the number of passengers these respective routes carry; this data would discredit the CLSC's argument as to the 'necessity' of its location on Benny Farm.

I am particularly disturbed that the CLSC, an organisation concerned with housing for the less well-off, would encourage the demolition of residences so that offices could be constructed; that it would fight for the

disappearance of Benny Farm green space to be replaced with parking lots.

I am disappointed that the CLSC, in trying to gain community support for its proposed location did not trust its potential supporters enough to give them a balanced view of the conveniences and inconveniences of the Benny Farm site. I am disappointed that when some CLSC supporters accused those with differing opinions about the location of the CLSC as being “against the poor and the elderly”, that the CLSC did nothing to calm them down.

I oppose the location of a sports/recreation centre on the site for the same reasons as I object to the CLSC, with an additional aspect: this proposed centre was a last-minute political invention of those opposed to creating more social or affordable housing on the Benny Farm site. At present, it is clear that there is no project, there is no financing for construction or for operation, there is no promoter, and no commitment from the City that they will be forthcoming. At this time, the major function of the proposal for a centre is to make the CLSC appear less out of place on the site for the purpose of these hearings.

If the City agrees that a sports/recreation centre is a priority and can commit the necessary financial resources, it could examine building it on the north side of Monkland. Benny Park has always had a sports and recreational vocation and the loss of housing and green space on the south side of Monkland should not be seen as preferable to a loss of green space on the north side.

The City's urban planning analysis

If one may be excused for not expecting a real estate company to undertake a detailed urban planning analysis of its proposal, the same cannot be expected from the City.

While the urban planning staff of the CDN/NDG borough examined many aspects of the dossier in the June 2, 2003 report, the two reports deposited by the central Economic Development and Urban Development Department are inexplicably silent on every conceivable urban planning issue.

From the brief report on the proposed amendment to the Urban Plan, one gets the impression that amending the Urban Plan is a mere technical adjustment, a near-automatic correction without further consequence. There is no mention of the contents or the principles of the existing Urban Plan that the by-law proposes to change, what justifications there are for a change, what the effect on the surrounding community will be, nor what other neighbourhood issues pertinent to the content of the Urban Plan are likely to be influenced by the change.

In the short report on the zoning by-law, there is a mention, devoid of any context, of the report that Pierre-Richard Bisson made years ago, paid for by CMHC to justify demolition rather than renovation; no other opinions or reports produced since are mentioned, even those which would lend credence to Canada Lands' current intention to engage in limited renovation. The analysis of all the multiple aspects of the Benny Farm site plan, which could have used the 12 years of experience of the City's urban planners on the site, is reduced to a mere three paragraphs of text, which include the curious mention that part of the site plan covered by the by-law will "conserve la trace du projet de 1945", Doran's original plan!

This refusal to examine the urban planning consequences of any of the aspects of the by-law put forward by the promoter is entirely unacceptable. It does not meet the minimal level of competence expected from a City. It belittles the role of urban planning and raises the question about under what set of rules discussion of urban development takes place. Since I know that the experienced civil servants at the City are capable of far more thorough and reasoned analyses, I have to conclude that once again, political considerations have taken precedence over normal procedures.

Recommendations:

1. That the Office de consultation publique propose that the City exercise its responsibility and leadership in relation to the planning of large projects; that the City no longer allow developers to usurp the urban planning functions of the City; that the City ensure that planning of major projects takes into consideration all the issues raised by the Urban Plan;
2. That the Office de consultation publique propose that the City establish guidelines for the exercise of consultation on urban planning matters on its territory which reflect a commitment to access to information, transparency, and a clear procedure for examining and processing public input.