

Thanks to Wal-Mart for its latest assault

By JOHN BARBER

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A waterfront Wal-Mart? Bring it on! This city needs a good zoning fight - one with right and wrong clear-cut and unmistakable, one to provide relief from the muddy struggles of "intensification," a Good Thing sufficiently elastic it can be used to justify anything.

Even the marquee Queen West Triangle fight is becoming tedious, a dispute over increasingly small differences. But Wal-Mart is just plain bad - and anybody who opposes the corporate giant's stealthy approach to downtown Toronto is, by contrast, righteous and high-minded.

In this case, that actually happens to be true. Wal-Mart and its handmaids - developers who want to build an enormous "power centre" on Eastern Avenue in Leslieville - are doing everything possible to live up to the corporation's reputation for high-handed contempt of local economies. It's no wonder the entire east end is taking up the struggle - and why Toronto community council yesterday voted unanimously to support it.

Never mind that the site is not exactly on the waterfront, that the lead tenant ultimately might not be Wal-Mart and that the development has been made to look "urban" (just as Wal-Mart adopted a "green" stand while trying to penetrate Vancouver). There's no mistaking this attack for other than what it is.

It's our turn to beat up Wal-Mart and nothing will stop us! As with so many undesirable developments that openly defy established city policies, this one is heading straight to the Ontario Municipal Board, where such defiance is often welcome and indeed blessed. That's why there is now a giant Canadian Tire being built nearby. But the Wal-Mart proposal is more outrageous. Because a different group of developers proposed a project for the same site three years ago - but never sought any approvals for it - the current developers claim all provincial and municipal policies enacted since then don't apply to them. In particular, they claim exemption from tough new provincial policies that protect against the loss of employment lands - policies designed to give municipalities the authority needed to resist proposals exactly like this one.

What could be more classically Torontonian than a whole pile of progressive policy that wins awards but doesn't actually apply to the real world? Obeying current policy "would be a deep, dark hole to fall into," development lawyer Dennis Wood declared, explaining why his clients won't abandon their OMB appeal despite making nice noises about consultation. Luckily for him and his clients, current practice allows them to skip around any impediments the city may dream up to preserve good jobs. That's good for the rest of us, too, because the coming appeal will expose the bankruptcy of star-chamber planning better even than the muddied Queen West Triangle fight.

That's why the city declined the developer's recent request to negotiate its demands prior to the hearing, albeit without surrendering its right to appeal to the star chamber. Another OMB decision to disallow both provincial and city policy protecting employment lands - like the notorious Triangle decision - would be sufficiently outrageous to blow the entire system to bits.

The case against Wal-Mart is so strong it will be difficult for the province to resist intervening to protect its own policies - and, on the eve of an election, its good name in Toronto.

So we should thank the clumsy giant for its latest assault. Whatever happens, the battle will be decisive. Either Toronto has the right to plan its own future or it doesn't.

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