

Qadeer, Mohammad. *The Evolving Urban Land Tenure System in Canada*. Report No. 10. Winnipeg: Institute of Urban Studies, 1985. Pp. iv, 47. \$6.00

Randall White

Volume 15, Number 1, June 1986

URI: <https://id.erudit.org/iderudit/1018905ar>

DOI: <https://doi.org/10.7202/1018905ar>

[See table of contents](#)

Publisher(s)

Urban History Review / Revue d'histoire urbaine

ISSN

0703-0428 (print)

1918-5138 (digital)

[Explore this journal](#)

Cite this review

White, R. (1986). Review of [Qadeer, Mohammad. *The Evolving Urban Land Tenure System in Canada*. Report No. 10. Winnipeg: Institute of Urban Studies, 1985. Pp. iv, 47. \$6.00]. *Urban History Review / Revue d'histoire urbaine*, 15(1), 102–103. <https://doi.org/10.7202/1018905ar>

sub-headings do little to guide the reader through the muddle, and the index is equally unhelpful. In fact, this book is most frustrating to use as a source, despite its useful content, while its deserved place in the historiography is diminished by its restrictive viewpoint.

Barbara R. Tunis
Ottawa

Qadeer, Mohammad. *The Evolving Urban Land Tenure System in Canada*. Report No. 10. Winnipeg: Institute of Urban Studies, 1985. Pp. iv, 47. \$6.00.

Professor Qadeer's thesis in this extended essay of "theoretical interpretation" is that "modifications and revisions in the rights associated with land ownership since 1970" have had the cumulative effect of fundamentally changing property rights in virtually all Canadian provinces. As he notes, this claim would also be supported by such organizations as the Canadian Real Estate Association and the Fraser Institute. In his view, however, the changes involved are largely to be welcomed, rather than made the subject of "nostalgic lament." Moreover, they are less ideologically motivated (at least in a traditional left/right sense) than their opponents typically recognize.

The changes include, among other things: new environmental protection and land use planning legislation in all ten provinces; various actions to protect scarce agricultural land; assorted public land banking schemes; legislation to restrict land ownership by non-residents in some provinces; experimentation with land speculation taxes in others; public action to protect such unique areas as the Fraser and Cowichan River Estuaries in British Columbia and the Niagara Escarpment in Ontario; legislation to preserve "vista corridors" in Halifax; rent review legislation in various places; such tenurial innovations as condominiums and time-sharing arrangements; and even ostensibly private actions by large financial and real estate institutions.

Professor Qadeer allows that much of the revision since 1970 flows from earlier developments in land use planning, particularly since the Second World War. He acknowledges the historic peculiarities of the hybrid of French, British, and American traditions that has always made public regulation of private land uses somewhat easier in Canada than in the United States. He allows as well that many of the changes since 1970 "may not have been very effective." And he concedes that some new popular "conservation ethos," which he sees as the political driving force behind these changes, has been thwarted in important ways by the national and international economic difficulties that became clear in the later 1970s. In the most recent revisions to provincial planning legislation — in Ontario, for example, — "review procedures have been streamlined and the approving

authority has been decentralized," while the "Governments of British Columbia, Alberta, and Saskatchewan have relaxed some of the more stringent regulations."

Nonetheless, *The Evolving Urban Land Tenure System in Canada* argues that the broad thrust of a major trend toward a new degree of public involvement in private (and 'corporate') decisions about land use, in the interests of "rights to common property," remains intact. In fact, the changes since 1970 simply reflect haphazard and largely unconscious "attempts to accommodate the externalities of urban land and the demands of a post-industrial economy. . . . If most of the present regulations were to be rescinded today, they would have to be reinvented on popular demand to ensure everybody's access to the common goods — air, water, sunshine, land, etc." The "unfinished agenda of urban land reforms in Canada" is to stop quarrelling over archaic ideologies about property rights, and embark on a new debate that will sort out the anomalies wrought by the haphazard changes of the past decade and a half in a businesslike way. This new debate would redefine both private and common rights to real property for the Canada of the twenty-first century, and ultimately guarantee these redefined property rights in the new Canadian Charter of Rights and Freedoms.

Of course, a variety of objections to this particular theoretical interpretation can be raised, even by those who feel more sympathy for the values espoused by Professor Qadeer than for those espoused by the Fraser Institute. Like many who share his values, it might be argued, he does not grapple seriously enough with the genuine challenges that the new economic development priorities in North America and elsewhere present for his argument. (To take one specific case, he seems somewhat naive about the long-term implications of permanent regimes of rent control.) He also radically underestimates the extent to which, in Canada as in the United States, popular demand for an end to at least excessively bureaucratic and 'statist' forms of government regulation has also emerged as a major trend during the period since 1970.

At the same time, his argument does explicitly recognize the continuing importance of private property rights, and the need to deal with the inefficiencies and random injustices of the new regulatory processes (the most recent changes in provincial planning legislation notwithstanding): "The present processes are only means to social ends. Better ones can be devised." Moreover, a generation ago Franz Neumann, the expatriate German social democrat who grew to admire democracy in America, observed that though there is "an almost universal agreement" in democratic political theory on "the supreme significance of private property," it is also "obviously necessary to redefine the social function of property in each historical stage." If, as so many commentators of virtually all ideological stripes now claim, we are indeed entering some new "post-industrial" historical stage,

then, even when all objections have been duly allowed for, Professor Qadeer still has a point. In any event, his essay is refreshingly undogmatic, and well worth reading and thinking about.

Randall White
Toronto

Artibise, Alan F.J. *A Matter of Political Responsibility: Real Property Assessment in Winnipeg*. Research and Working Paper No. 12. Winnipeg: Institute of Urban Studies, 1984. Pp. 40. \$8.00.

This document should be required reading for every municipal politician in Canada. It is both scholarly, and, as it turned out, is a controversial tract for the times.

In brief, it documents what happens when the foundation of local finance — property assessment — is not properly cared for. In this case, successive local governments in Winnipeg gave assessment a low priority. There was no reassessment from 1962.

The results in Winnipeg were predictable, and not unlike those of every other community where assessment review has been neglected. As Artibise's research paper notes (p. 35) "many citizens are grossly and unfairly overtaxed (or undertaxed)," and development patterns are "adversely affected by an inequitable tax system." In the latter case, in Winnipeg, downtown properties were overtaxed compared with the suburbs: the core was subsidizing the periphery. Ironically, at the same time, the city, province and federal authorities were pumping money into the core in an effort to revive the heart of the city.

But despite the inequities, political action was slow. It was easier to let a complex problem lie, especially when re-evaluation would have affected most adversely the vote-filled suburbs. The more time that passed, however, the more gross the distortions became, and the more intractable the problem.

Of the many responsibilities of local governance, the assessment system is the one that can least afford to be neglected. It is the basis of local finance, for one thing, but it is also a yardstick of local economic activity, apart from any moral or legal questions involving equity. If it is not maintained and maintained equitably and accurately, the feedback it provides on the urban economy becomes distorted, and local economic policy as reflected in both taxing and expenditure is made false.

Attention to assessment should, before all else, be the top priority of every municipal politician. It cannot only provide

quite accurate diagnosis of the health of a place, but can often point to the proper treatment for urban ills.

This is an important document, not only for Winnipeg. It points to a problem that is widespread, for example in Ontario. And it is a delusion to think that provision of a current, accurate and fair assessment can be ignored or put off. To do so effectively precludes a city from developing social or economic policy. It can neither administer nor plan. It simply becomes a creature of its own momentum, and in time will slow down and stop, tangled up in the contradictions of its own financing.

John H. Taylor
Department of History
Carleton University

Bingham, Janet. *Samuel Maclure, Architect*. Ganges, B.C.: Horsdal and Schubert, 1985. Pp. xii, 164. Illustrations, maps, index. \$9.95 (paper).

Some of the most distinctive and expensive houses in Vancouver and Victoria, British Columbia were designed before the First World War by Samuel Maclure and his various partners. Many survive to this day as private homes or as quasi-public community centres. Characteristically they are Tudor Revival houses, with elegant spacious interiors, and set in generous gardens. Those in Victoria tend to be in Rockland, Oak Bay, or Saanich, while those in Vancouver are clustered either in the exclusive Shaughnessy Heights subdivision or are found on choice sites along the edge of the Point Grey peninsula. An examination of these houses and their architect should shed light on regional variants of international architectural currents and also on those who profited from the province's resource economy and then sought a package of pre-industrial images to announce their position.

Unfortunately this book does not come close to being comprehensive on the architect's work nor does it address broader issues. Thin documentation, a sycophantic narrative, and heavy reliance on the recollections of an aged daughter of the subject influence Bingham's thesis that Maclure's work was typified by his civility. He was kind and generous, loved his wife Daisy, and was concerned about the high quality of hand-crafted details. Making money was never a priority, but the creation of a work of art was critical. That his designs survive seems to be the product of such sensitivity, not the fact that they were for a class that had the resources to command such quality.

Bingham's book is best read with a pot of finely-brewed tea and with crustless sandwiches, thus cultivating the sitting-room tone appropriate for anecdotal family history,