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THE CITY OF TORONTO FISCAL CRISIS: NEOLIBERAL URBANISM & THE RECONSOLIDATION OF CLASS POWER

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ABSTRACT: This paper examines the root causes of the Toronto fiscal crisis in the context of federal and provincial offloading of services and responsibilities. Moreover, the author argues that corresponding municipal governments have consolidated and expanded processes of urban neoliberalism. To conclude, this paper raises some complicated dilemmas which the residents of Toronto, like other urban centres, must sooner or later confront.

KEYWORDS: Ontario; Toronto; Budget Crises; Urban Neoliberalism

With an estimated budgetary shortfall of \$550-million for the fiscal year 2009, the City of Toronto is in an officially declared era of scarcity with an accompanying policy of fiscal austerity. City spending in Canada's most populous city, which is also responsible for 40% of Ontario's and 20% of Canada's GDP, is up \$588-million this year having increased four-fold over the past six years to \$8.7-billion¹. Although municipal fiscal crises have been a recurring problem for some three decades as fiscal capacities could not keep up with service demands, urbanization and pressures related to amalgamation, this process of neoliberal urbanism has escalated over the past decade as social service downloading and tax-shifting for competitiveness, as well as the current economic crisis, have combined to intensify neoliberal urbanism. The City of Toronto's structural inability to finance these expenditures has resulted in city council's efforts to reduce social services, seek concessions from its unionized and non-unionized workforce, as well as a renewed interest in privatizing city assets, contracting-out, increasing public-private partnerships and a shift away from commercial property taxes to increased consumption-based levies. In an attempt to rebrand itself as 'Toronto Inc', the creative, diverse and world-class city, the so-called progressive political coalition at city hall made up of social democrats, liberals and a few independents, which has drawn extensive support from public- and private-sector unions, as well as urban social movements, is finding itself increasingly under strain.

The persistence of neoliberal urbanism in the City of Toronto, as with other urban centres throughout North America, raises important questions about extra-local political pressures and economic constraints that cannot be resolved at the municipal level of government. This paper will briefly explore the historical transition in Toronto from predominantly manufacturing to service sector forms of employment, decades of federal and provincial offloading of services, as well as recent shifts in municipal public policy since amalgamation. Moreover, particular emphasis will be laid on the structural inability of the City of Toronto to meet its balance of payments, deteriorating public housing conditions and urban air quality, intensified processes of gentrification, in addition to rising poverty and unemployment. Finally, this paper will conclude with a brief discussion of the complicated decisions which Torontonians will undeniably have to confront if they wish to maintain, let alone improve, their standards of living.

¹ This paper draws partially from an earlier article which appeared in *The Bullet*. The author would like to thank Greg Albo, Sam Gindin and Justin Paulson for their comments and suggestions.

Although the inability of municipalities to meet their fiscal requirements has been a chronic feature of Canadian urbanism for at least the last three decades, this process has rapidly intensified in the last ten to fifteen years. Of course, the transition to neoliberal austerity and monetary policy was initially set in motion in Canada under Conservative Prime Minister Mulroney in the mid-1980s when the federal government gradually reduced equalization payments, withdrew from key social programs and, of course, the imposition of the North America Free Trade Act (NAFTA), which sought to progressively dismantle regulatory standards and protective barriers. Reductions accelerated under the Liberals in the mid-1990s with changes to the Canada Health and Social Transfer (CHST) and Employment Insurance (EI) and have continued unabated to date with Prime Minister Harper's Conservatives as is most clearly visible in the reduction of the GST from 7% to 5% which significantly reduced federal fiscal capacities, as well as continued reductions in corporate tax rates. Such reductions at the federal level, with the most severe crisis of capitalism since the 1930s to boot, have contributed to record budget deficits of over \$50-billion, which trump the deep stagnationary periods of the 1980s and early-1990s. Over this period, Ontario's budgetary policy is particularly revealing.

As federal and provincial governments looked to trim the proverbial fat from their budgets, successive governments simply offloaded more programmes and funding responsibilities onto municipalities without matching fiscal supports. As a means of 'solving' the then-record provincial deficit of \$12.4-billion set by the Ontario NDP in the early-1990s which included a wage freeze and mandatory unpaid leave for civil servants, the election of Conservative Premier Mike Harris in 1995 inaugurated what later came to be known as the Common Sense Revolution. The emphasis was on calls for fiscal austerity, corporate tax-breaks, balanced budgets, privatization, fire sales of public utilities and the privileging of business interests. Throughout Harris' tenure, taxation rates were reduced by 30%, many business related levies were simply removed, the Ontario Drug & Disability benefit and social housing severely curtailed, as well as funding for local airports, water, sewage, public transit and social assistance massively reduced as Ontario found itself in a perpetual state of fiscal insecurity. In turn, as creatures of the provinces, many cities found themselves with increased budgetary expenditures, in particular the delivery of social services and municipal infrastructure, which then looked to 'fix' their fiscal demands by intensifying urban neoliberalism.

The subsequent election of the Liberals in 2003 under Premier McGuinty has quietly consolidated and sustained Harris' neoliberal project. While McGuinty looked left for support in opposition to Harris, he continued to pass right as corporate tax cuts outpaced poverty reduction. Moreover, McGuinty's Liberals, despite meager improvements in income supports, have continued shifting away from taxes on capital, towards marketized public expenditures and market-driven industrial policy leaving the core of earlier policies intact (Evans, 2008). While just over a year ago the McGuinty government was predicting a budgetary shortfall of \$500-million, revisions continue to increase having gone from an expected deficit of \$14-billion in March to \$18.5-billion in June to the record-shattering predication of nearly \$25-billion in October. Optimistically, Ontario is now predicting deficits for at least the next seven years with GDP expected to fall 3.5% in 2009, which has been compounded by a loss of over 205,000 jobs and a 25% reduction in the auto sector when compared with 2008. As a result, official unemployment in Ontario is now pushing 9% which excludes, of course, huge numbers of part-time precarious workers engaged in contingent or temporary forms of employment, while racialized groups, women and immigrants, as well as students and seniors, fair far worse.

In keeping with neoliberal policy prescriptions, McGuinty's liberals have cut income-taxes by \$1.2-billion which is largely overshadowed by the \$2.3-billion in cuts to corporate tax rates, which are untargeted and regressive, favour high-income earners and severely weaken the ability of the province to restore long-term fiscal health, let alone adequately deliver public social services (Albo & Evans, 2009). Ontario is also introducing a Harmonized Sales Tax (HST), a consumption-based levy, which will disproportionately impact lower- and middle-income earning families as the price of basic necessities (e.g. food, hydro and gas, vitamins, etc) will rise while, theoretically at least, it is argued that businesses will become more productive, globally competitive and labour productivity will rise. Under the Ontario HST, the 8% provincial sales tax

is effectively eliminated from the cost of capital inputs and merged with the 5% GST. This continues and extends the neoliberal logic of competitive lowering of taxation between jurisdictions, tax-shifting from businesses to consumers and, with the Ontario Corporate Income Tax set to fall from 14% in 2009 to 10% in 2012, will make the province among the lowest in the OECD and 15 percentage points below the corporate tax rates of the US Great Lakes states (ibid). This is likely the greatest tax reform measure in a generation and quite possibly represents the most blatant transfer of revenue sourcing from progressive income and corporate taxation policies to consumers in the form of 'value-added' taxes. The undermining of public revenues will likely exacerbate flagrant social inequalities, while the introduction of intensified austerity measures remains on the political agenda.

Although Ontario has modestly begun uploading some aspects of the Ontario Disability Support program and the Ontario Drug Benefit plan, the province (and Toronto) remains fiscally entrapped while simultaneously lacking the political will, vision and wherewithal to adequately address the crumbling capacities of provinces and the ability to meet the needs of their residents. What's more, with less than one-third of Ontarians and one-fifth of Torontonians eligible for EI, Ontario's long-term economic decline continues unaffected as resources, manufacturing and social sectors continue to deteriorate. Like the federal and provincial bail-outs of the automotive and banking industries which have come with no production guarantees or community involvement in the decision-making process, there has been no sustained planning, coordination and long-term strategizing at the federal, provincial and municipal levels². Meanwhile the bulwark of so-called 'shovel ready' stimulus spending simply goes toward upgraded existing infrastructure, rather than a deeply-rooted (let alone radical) reorientation of investments in the economy of the future. This includes redesigning urban centres as environmentally sustainable (e.g. garden roof tops, massive public transit projects), water-usage, energy (e.g. wind, solar power), local sourcing of manufacturing, food and labour where possible, modifying homes, living arrangements and productive industries, as well as a commitment to public social services, including schools, universities, arts, cultural centres and public spaces.

Premier McGuinty recently stated that he isn't ruling anything out when it comes to imposed austerity or the selling of public utilities, while finance minister Duncan has recently alluded to the need for the public-sector to shrink at least 5%. As Albo and Evans (2009, p.6) have recently argued: "The power of the capitalist state is being used to contain the crisis, kick-start accumulation, and underwrite a credit expansion and the economic imbalances in a new form". The Government of Canada, like the province of Ontario, lacks the structural capabilities to maintain their fiscal capacities and preserve existing social services. If the province of Ontario represents the pre-eminent neoliberal province, the City of Toronto may likewise hold the title at the municipal level.

When the former six municipalities around Toronto were integrated into the 'Megacity' in January 1998, Toronto residents were warned of the serious potential for increasing fiscal problems and declining quality of social services in light of increased services demands, as provincial support was severely reduced. As creations of the provinces, property taxes remain the main source of municipal governments' revenue outside of allocated federal or provincial funding. Municipalities receive roughly 8¢ on every dollar paid in taxes and lack additional revenue sources such as income, sales, corporate, resource and import taxes available to the other tiers of government. Following the Second World War, Toronto businesses were heavily invested in 'productive' growth in the industrial and manufacturing sectors, which became undone in the late-1970s as urban sprawl, capital flight and shifting employment patterns pushed many industries outside of the Greater Toronto Area (GTA). Since then, Toronto has gradually transitioned and has become the centre of financial capital, producer services and media capitals in Canada, as well as a whole range of low-wage service industries. Like other 'global' cities, this has made Toronto

² The governments' of Ontario and Canada contributed roughly \$4-billion and \$6.5 to General Motors and Chrysler, while the banking industries received approximately \$275-billion through the Insured Mortgage purchase Program (IMPP) and the Extraordinary Financing Framework (EFF). See Da Silva, 2009.

highly dependent upon the internationalization of capital both on the world market and entering into Canada. This is an economic constraint, of course, that local politics cannot easily address, and which Toronto city council has tended to reinforce in designing practically all of its urban development policies around.

This, in turn, has truncated the political vision and ambitions of local governments as nothing could allegedly be done except to design 'Toronto Inc' as the 'creative city' attempting to attract 'footloose' international capital and urban professionals. Other aspects of city services, notably the services provided by urban workers in their daily lives, become less important. This was most visibly demonstrated when Toronto Mayor Miller's so-called progressive coalition, under pressure from right-wing councilors, political lobbyists and the business community, sought concessions from, and came to demonize, its civil workers into accepting the logic of neoliberalism as is evidenced by the historic civic workers strike this past summer in Toronto³. Elected in 2003, the former NDP member Mayor Miller used a broom as a prop for his campaign vowing to clean-up city hall and sweep away the urban policies of conservative Mayor Lastman, who had been in power since amalgamation in 1998.

Like McGuinty at the provincial level who, rather than move-away from Harris's blueprint, reconsolidated the neoliberal pathway, Mayor Miller has kept up stride for stride. In fact, more services, urban amenities and tax breaks are supplied to the capitalist and professional classes and less for community services and the urban poor. This is the vision behind why Mayor Miller tells city unions to come to terms with the way the world has changed, and why progressive councilors do not attempt to develop alternative local development strategies to neoliberalism. Instead, many perpetuate the logic of neoliberalism and simply accept the fiscal parameters of municipal urbanism. This includes, for instance, the attempt to move away from the universal provision of social services at increasingly higher standards to market provisions with attached user-fees. Furthermore, the withdrawal of government from the market as much as possible, except during confrontations between labour and capital when its coercive and disciplinary powers may be exercised, tax-shifting and reductions for competitiveness, the lowering of public-sector employment and wages, pressure on the private-sector to keep wages low, a cult-like emphasis on balanced budgets, the creation of new profit opportunities for business and the prioritization of the individual and economic responsibility.

Of course, Toronto, like many cities, is tackling a fiscal mess that long predates the current economic recession. Former Mayor Lastman attempted to rectify Toronto's fiscal challenge by following the 'slash and burn' tactics of his conservative counterparts in the provincial legislature at the time. The sentiment was when you have competition you bring down costs. As a means of becoming 'leaner' and more 'efficient', this included plans to massively contract-out city services, a move toward casualized, seasonal and temporary forms of employment and a confrontational approach in challenging Toronto's historically militant unions. Some seven years later and an economic recession as a functional rationale, a progressive city council is looking to intensify its attack on labour and redistribute wealth upwards in order to meet its fiscal challenges—challenges generated by capitalism in economic crisis and the policies of neoliberalism.

As the most severe crisis of accumulation since the Great Depression continues to intensify in scale and scope, pressures to increase spending at the municipal level have been growing. As years of service downloading have gutted the ability of municipalities to fund social expenditures, increasing population growth, social dislocations from the economic crisis and the need for greater urban infrastructure have systematically combined to deny many access to the means of subsistence. In fact, Toronto faces an annual backlog of \$1.1-billion in infrastructure and operating expenses versus yearly revenues. Despite the recognition of the urban fiscal impasse, Toronto city council has done little to fundamentally address it. For example, in 2007 Torontonians were told that they will have to get used to lowered expectations and reduced social services such as clean-up and snow-removal, less access to community pools, arenas and centres, waste-disposal and water-testing, as well as reduced library hours, park improvements and

³ See Barnett and Fanelli, 2009.

transit hikes as part of sweeping ‘cost containment’ measures to restore long-term fiscal health. Plans included closing all community centres on Mondays, reducing recreational programs and delaying the opening of ice-rinks and the retrenchment of city spending by 5%. Although some of these measures were undertaken, council was forced to restrain its cutbacks under enormous pressure from the general public at which point emergency funding from the federal and provincial governments, and \$60,000 from MasterCard for outdoor skating rinks, temporarily limited further cuts.

In 2008, Toronto City Council again found itself with a growing budget shortfall. Mayor Miller lamented:

“Deep cuts would not have been necessary had the land transfer tax been approved. Do we want to live in a vibrant successful City that’s one of North America’s most important and take its rightful place in the world, or do we want our quality of life to deteriorate?... If you want a great city you have to find the resources to pay for it.”

With little recourse to additional funding from the province and the federal government, Toronto city council looked to, on the one hand, implement a range of consumption-based taxes and, on the other, move away from commercial property taxes, while simultaneously undervaluing business land assessments and providing major grants and financial incentives for investment in the city. Moreover, under the historic provisions of the City of Toronto Act, which grants Toronto recourse to municipal taxation policies unlike any other city in the province, city council passed a range of regressive taxes in the form of the Municipal Land Transfer Tax (MLTT) ranging from 0.5-2% and the Personal Vehicle Ownership Tax (PVOT), which is \$60 in addition to the already-existing \$75 provincial fee. Fortunately, council did forego an additional ‘sin’ tax on alcohol sales (perhaps fearing public uproar?). Concurrently, city councilors also “approved generous property tax breaks to attract high-paying, knowledge-economy jobs to strategic areas of the city, although the business community is already urging the city to further sweeten the pot” (Hanes, 2008). These incentives—worth over \$500,000 million—include Tax Incremental Equivalent Grants (TIEGs) such as commercial rebates and subsidies and decreased property taxes, as well as brownfield remediation, which consist of tax incentives and deferrals for industrial clean-ups.

Again, however, the business community’s insatiable appetite for public subsidies, reduced wages and municipal incentives was demonstrated in an op-ed piece in the *Toronto Star* by Board of Trade President and CEO Carol Wilding. After citing with satisfaction Chicago Mayor Richard Daley for laying-off 1500 union employees, Los Angeles Mayor Antonio Villaraigosa for firing 1200 and instituting 26-days of unpaid leave, as well as New York City Mayor Michael Bloomberg’s threats of firing 3700 unionized workers in his July 1 budget, she went on to suggest that Toronto Mayor Miller ‘Indeed...might want to follow the lead of his American counterparts’ (Royson, 2009). Despite the additional tax revenue and ‘generous’ tax breaks for commercial development projects, the economic crisis has wiped out fiscal gains, while these tax measures are quite inadequate with respect to urban needs and fiscal capacity. Because of the inadequate funding of the public sector under neoliberalism, Toronto’s estimated infrastructural costs run well into the tens of billions with major repairs and upgrades needed for roads, highways and bridges, water and plumbing, electrical generation and distribution, leisure and recreational facilities, waste management and recycling all crumbling under current conditions. The chronic underfunding of public assets is part and parcel of the neoliberal city, which includes concessions from city workers delivering key services, privatization, public-private-partnerships, increasing commercial tax breaks, municipal branding campaigns and policies that seek to carve out a market niche and ‘clusters of creativity’. Despite the obvious question of who is creative and who’s not, as well as what happens to the non-creative clusters, it is likely that none of these measures will resolve the fiscal problems of the City of Toronto and the general crisis of urban neoliberalism in Canada.

As a result, there are renewed pressures to contract-out city services and employment, as well as the privatization of some capital assets as a means of temporarily relieving its immediate budgetary ailments. City council continues to raise, and the Toronto Board of Trade lobby for, privatizing Enwave, Toronto Hydro and the Toronto Parking Authority (with an estimated value of over \$60-billion in assets). But the actual evidence of outsourcing and privatization in North

America suggests that the privatization of formerly public-sector jobs—and the experiences of private sector building projects on urban transport and infrastructure projects, and also hospitals—has been shown to correlate with more expensive and less efficient goods and services, little public oversight and a lower quality of overall services (CUPE-NUPGE-PSAC, 2006). The sale of assets and contracting out can provide short-term fiscal injections, but does not solve the structural urban fiscal crisis.

Despite persistent calls and efforts from city council, rightwing pundits and business lobbyists to keep public-sector wages ‘in check’, this did not discourage Toronto councilors in the midst of the current economic crisis earlier this year from raising their own salaries nearly 12% over the next four years (not to mention their retention of their own “merit” bonuses and severance packages). The Mayor will see his salary rise to roughly \$167,000, while councilors will earn just over \$99,000, that’s apart from an additional \$53,000 expense budget. Comparatively, average compensation for unionized workers—including overtime—was less than \$40,000 in 2007, while efficiency at the operational level is generally cost-effective (Stanford, 2008). Toronto residents, however, are being warned to get ready for the pain. Since municipalities cannot by law run deficits, the remainder of the half-billion dollar shortfall would have to be covered by further cuts, increased property, user fees and consumption taxes, or transfers from the federal and provincial governments—unlikely given their ‘own’ fiscal nightmares.

As Toronto budget chief Shelley Carroll recently stated: “We asked staff to prepare proposals showing us what it would look like if they were to protect all those things that we hold dear in this community but find a 5% reduction to their operating budgets” (Spears et al, 2009). Having saved approximately \$102-million earlier this year from not filling vacancies and another \$33-million from the 39-day Toronto civic workers strike, the proposed 5% budget reduction would slash about \$175-million from Toronto’s budget, still leaving roughly \$300-million in the red. If history is an indication, it is likely that in addition to the added austerity measures, city council will move forward with both major tax hikes and severe cuts in public services. With inflation by and large flat (ranging from an estimated -0.9% to a core rate of inflation of 1.6%), it is projected that the city will raise property taxes 4%, water rates by 9%, recreational programs and the renting of city-run facilities 4%, as well as increased user-fees for curbside garbage collection and public transit. While the Government of Canada, the Province of Ontario and the City of Toronto, aim to correct their budgetary shortfalls, one can expect a growing social polarization, increasing income inequality and deteriorating quality of life as ruling class interests aspire to deepen and strengthen the neoliberal project.

One ‘service’ to date excluded from fiscal austerity measures has been the Toronto police force, whose operating budget has swollen from nearly \$541-million in 1999 to \$855-million just ten years later. As John Clarke (2007) has recently argued, in an effort to criminalize poverty and homelessness we are seeing a massive, unrelenting and escalating drive to persecute the dispossessed on behalf of the Business Improvement Associations. With the inception of the Safe Streets Act, panhandlers are increasingly being ticketed and/or sent to prison and Toronto’s homeless population, estimated to be well over 70,000, has been forced out of the urban core of the city in order to make way for gentrification. Regularly ranking first or second as the most expensive city in Canada to live, Toronto’s upscale urban redevelopment has been in the midst of stagnant wages (in real terms unchanged since 1982!) and the removal of social provisions such as EI, social assistance and governmental initiatives that aimed to generate affordable housing.

As it presently stands, 180,000 tenants in Toronto live in buildings and units in need of dire repair, while over 70,000 people are on a ten-year wait-list for affordable housing. The economic recession has served to intensify employed and unemployed poverty, social polarization and precariousness as welfare caseloads in Toronto have risen nearly 25% as compared with 2008. Moreover, Toronto’s unemployment at 11.5% is markedly higher than the national average at 8.5% which excludes, of course, a whole series of ‘undocumented’ workers and those under-employed and unemployed whose skills are apparently uncompetitive in a profit-driven world. Equally important, a recent study by former Toronto Medical Officer of Health Dr. Barbara Yaffe shows that five common air pollutants contribute to about 1,700 premature deaths, including 6,000 hospital admissions each year, 1,200 cases of childhood bronchitis and 72,000 days of asthma

symptoms in Toronto each year (City of Toronto, 2004). The study, which compared Toronto's data with 27 major urban centres over a ten-year period, ranked Toronto's nitrogen dioxide levels fourth highest, exceeded only by Los Angeles, Hong Kong and New York. While some can escape metropolitan Toronto's near-toxic air quality and find refuge in the sprawling suburbs others, due to a lack of financial resources, familial networks, work-related issues and social ties, are left with few alternatives.

As all three levels of government seek to 'resolve' their fiscal impasse an immediate question which then becomes apparent is: Who will pay for the crisis? Toronto's predicament, like so many North American cities, cannot simply be understood as an economic or political dilemma, but reaches deep into the very fabric of social life. Far from experiencing a crisis of legitimacy, the economic recession has served to reconstitute and reconsolidate class power, while elites are currently setting the stage for the 're-regulation' of the economy. Processes of neoliberalism are emerging stronger, unconcealed and more violent with the weaknesses of the working class, understood in its broadest sense, so exposed. Rather than retreating from the notion of class politics, the ferociousness of neoliberalism calls forth the need to get at shared social relationship within capitalism—relationships that cut-across and potentially bridge intersecting axes of oppression.

What emerges in the face of Toronto's Fiscal enigma is the need for collective capacity building, as well as continued examinations which bluntly explore the varied crises facing cities. Moreover, 'solutions' are always collaborative endeavours, which almost certainly result in new and unexpected predicaments. There is a blatant contradiction in the present demands from employers for concessions from the private and public sector workers: the economic crisis has been generated by the inefficiencies and reckless excesses of finance capital, but it is being demanded that workers pay for the crisis while public funds used to bailout private companies. Why isn't Toronto city council mobilizing its population to put pressure on the provincial and federal governments to address the urban fiscal crisis that has partly been created by their policies? Likewise, why isn't city hall addressing the tax and fiscal structures that systematically favour commercial and capitalist interests in the city, while limiting the abilities of the city to meet its social needs? Rather than intensify neoliberal urbanism in Toronto, it is high time that Torontonians begin to battle it.

Turning Toronto into the kind of city where needs are met and where people have the substantive capacity to assert themselves, in whatever fashion, must be based on acting and learning together, so that any movements skills and competences are broadened and enhanced through action and mobilization. The insistence on the 'right to city' could develop into a very dynamic movement if locally mandated groups are mobilized in the defense of their communities. This requires going beyond trouble-free coalitions and should instead promote open and frank discussions, which seek to develop long-lasting bonds, stronger ties and deep-rooted associations, perhaps even, organizations. The insistence on the local also elicits the need to think ambitiously again as issues related to employment, immigration, environment and imperialism, for example, go beyond local concerns. Community organizers, social justice groups and the labour movement will need to critically examine the shortcomings of past strategies and tactics, the limitations of what they are doing independently and what they may potentially be able to do together. Moving beyond the fatalism which saps the energy of many social justice movements requires reversing the demoralized passivity of a good many activists who feel powerless in order to ensure that the costs of this downturn—and expected future costs—are not be borne by those who contributed the least to its fruition. Slashing public services by 5%, even 10%, will not solve any of the three levels of governments' fiscal problems. But it certainly will magnify the polarization between those who own and control access to the means of life and those with nothing to sell but their ability to work. When Toronto city councilors and, more importantly, Torontonians on the whole come to terms with such an inconvenient truth, the collective capacity may emerge so that rather than applying palliatives Toronto's fiscal cure may be sought.

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