

The Peter A. Allard School of Law

## Allard Research Commons

---

Centre for Law and the Environment

Centres

---

2022

### How Law Shapes Food Sovereignty in Urban Canada

Julia Witmer

Follow this and additional works at: <https://commons.allard.ubc.ca/cle>



Part of the Environmental Law Commons

---

CLE WORKING PAPER SERIES

# How Law Shapes Food Sovereignty in Urban Canada

**Julia Witmer**

Schulich School of Law, Dalhousie University



CENTRE FOR  
LAW & THE  
ENVIRONMENT

WORKING PAPER  
NO. 1/2022

FEBRUARY 2022

Series editor:  
.....

---

This working paper series presents new research by researchers affiliated with the Centre for Law and the Environment at the Allard School of Law, University of British Columbia. The papers are available on the Centre's website, <https://allard.ubc.ca/cle>

---



**PETER A. ALLARD  
SCHOOL OF LAW**

**75<sup>TH</sup>  
ANNIVERSARY**

# How Law Shapes Food Sovereignty in Urban Canada

Julia Witmer<sup>1</sup>

## Abstract

Inspired by the right to the city, this paper outlines the legal architecture of food sovereignty activities in urban Canada. The architecture is rooted in three fields of law: constitutional law, municipal and planning law, and health law, and explored through various case studies in urban centers. The paper reviews legal instruments in each field and analyzes how they shape different food sovereignty activities in supportive and restrictive ways. Constitutional law generally proves restrictive in its limited recognition of local government as true government, restricted provincial power in agricultural regulation, and its general treatment of food as a commodity. Municipal and planning laws are largely supportive in enabling local governments to act in the public interest through zoning and planning measures, creative actions, and governance structures. Health law proves a mixed regulatory field, restrictive of food sovereignty activities when food safety is prioritized, but supportive when enabling creative governance activities. This paper offers one perspective on how law shapes food sovereignty activities in urban Canada under a theory of the right to the city.

## Keywords

Food sovereignty activities; right to the city; constitutional law; municipal law; health law; regulations.

## Contents

Introduction .....	2
1. Right to the City, Food Sovereignty, and the Law .....	3
1.1 The Right to the City: A Theory in Revival .....	3
1.2 Food Sovereignty: The Right to The City in Rethinking Food Systems .....	4
1.3 Food Sovereignty and Reimagined Legal Structures .....	7
2. The Constitutional Law of Food Sovereignty .....	9
2.1 Constitutional Law Restricts Food Sovereignty by Not Recognizing Local Governments as True Governments .....	9

---

<sup>1</sup> JD Candidate 2022, Dalhousie University Schulich School of Law, julia.witmer@dal.ca.

2.2 Constitutional Law Restricts Food Sovereignty by Limiting the Provincial Role in Agriculture .....	10
2.3 Restricts Food Sovereignty by Treating Food as a Commodity .....	10
2.4 Restricts Food Sovereignty by Treating Food as a Commodity .....	11
3. The Municipal and Planning Law of Food Sovereignty .....	12
3.1 Supports Food Sovereignty by Enabling Local Governments to Plan and Regulate Based on Context .....	12
3.2 Supportive of Food Sovereignty by Enabling Local Governments to Act Creatively ...	16
3.3 Supports Food Sovereignty by Allowing Local Governments to use Alternative Governance Structures.....	18
3.4 Restricts Food Sovereignty by Creating Broad Purposes and Enabling a Range of Action.....	18
4. The Health Law of Food Sovereignty .....	20
4.1 Restricts Food Sovereignty by Creating Broad Purposes and Enabling a Range of Action.....	20
4.2 Supportive of Food Sovereignty by Offering Another Avenue to Create the Right to the City and Food Sovereignty .....	21
Conclusion.....	23
Appendix .....	24

## 1. Introduction

In 2017–2018, one in eight households in Canada were food insecure.<sup>2</sup> This paper explores the role law plays in shaping and improving Canada’s food system and food security in Canada. Specifically, it identifies and analyzes the different legal instruments that restrict and support food sovereignty activities across urban Canada.

Inspired by the Right to the City, this paper outlines the legal architecture of food sovereignty activities in urban Canada. Food sovereignty activities are analyzed through three fields of law: constitutional law, municipal and property law, and health law. Within each of these fields, specific claims are made regarding the law’s role in either supporting or restricting food sovereignty activities in urban Canada.

Constitutional law was found to be restrictive of food sovereignty because it does not recognize local governments as true governments, it limits the role of provincial governments in agriculture regulation, and it treats food as a commodity. Despite these restrictive elements, constitutional law was also found to be supportive of food sovereignty because of the discretionary power provided under s. 95<sup>3</sup> enabling the federal government

<sup>2</sup> “Household Food Insecurity in Canada” (accessed 11 September 2020), online: *Proof Food Insecurity Policy Research* < <https://proof.utoronto.ca/food-insecurity/> > [<https://perma.cc/WVA3-RU72>].

<sup>3</sup> *Constitution Act, 1982*, s 35, being Schedule B to the Canada Act 1982 (UK), 1982, c 11 [*Constitution*] at 95.

to make sweeping legislation. Understood through municipal and planning law, constitutional law is restrictive because the delegated laws lack a hierarchy of purposes for local governments. Despite this restriction, municipal and planning laws regulating food sovereignty were found to be mostly supportive as they enable local governments to act creatively in the public interest through zoning, planning, and governance structures. Finally, health law was found to be restrictive of food sovereignty when it prioritizes food safety over other pillars of food sovereignty and supportive in that it creates another avenue to govern food and apply the pillars of food sovereignty.

This paper is divided into four sections. Part I uses the theory of the Right to the City to highlight basic features of food sovereignty and its relationship to law. The remainder of the paper explores how Canadian laws impact food sovereignty activities in urban Canada: part II explores the role constitutional law has in shaping food sovereignty activities, part III analyzes the role of municipal and planning law and part IV briefly studies the role of health law.

## 2. Right to the City, Food Sovereignty, and the Law

Part I uses the theory of the Right to the City to define both the concept of food sovereignty and its activities, as well as to help characterize the relationship between the law and food sovereignty. This section concludes by introducing the research question and methodology of this project in exploring the role of law in restricting and supporting food sovereignty activities in urban Canada.

### 2.1 The Right to the City: A Theory in Revival

Since the early 2000s, there has been a revival in academic interest in the theory of Right to the City.<sup>4</sup> In contrast to other theories of individual or legal rights, Right to the City is a radical theory aiming to reimagine the world and its current systems.<sup>5</sup> The original Right to the City theorist, Henri Lefebvre, believed political struggles were inherently spatial struggles for political change.<sup>6</sup> Thus, Right to the City speaks to a right to claim a shaping power over the process of urbanization, and in particular the way in which cities are made and remade.<sup>7</sup> The city is not the existing city, but instead the right to create, participate and live in a new city created based on the world they hope to live in.<sup>8</sup> Right to the City passes

- 
- "In each Province the Legislature may make Laws in relation to Agriculture in the Province, and to Immigration into the Province; and it is hereby declared that the Parliament of Canada may from Time to Time make Laws in relation to Agriculture in all or any of the Provinces, and to Immigration into all or any of the Provinces; and any Law of the Legislature of a Province relative to Agriculture or to Immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada."

<sup>4</sup> David Harvey, "The Right to the City" (2008) at 1, online (pdf): David Harvey <<https://davidharvey.org/media/righttothecity.pdf>> [perma.cc/T7Y6-ZPCR].

<sup>5</sup> Mark Purcell & Shannon K Tyman, "Cultivating Food as a Right to The City" (2015) 20:10 Local Environment 1132 DOI: 10.1080/13549839.2014.903236 at 1134.

<sup>6</sup> *Ibid* at 1135.

<sup>7</sup> Harvey, *supra* note 3 at 2.

<sup>8</sup> *Ibid* at 1.

the power from the state back to the citizens to reimagine and recreate their own city (or block, borough, neighbourhood, community).

The Right to the City is a means to a beginning, rather than a means to an end.<sup>9</sup> It marks the start of a continuous revolution, one where basic rights are inherent.<sup>10</sup> Although the right to city in its truest and fullest form is radical, it can be used to understand less radical approaches within existing legal regimes. Since food sovereignty movements often claim a shaping power over the food system, rather than an individual or collective claim to the 'right to food,' nearly all expressions of food sovereignty involving a struggle for access to food embodies the Right to the City.

## 2.2 Food Sovereignty: The Right to The City in Rethinking Food Systems

The theory of the Right to the City has been adopted and applied in the rethinking of food systems, most radically by transitioning the power from the state back to the people to manage and participate in food systems, and less radically, in creating a seat at the table for citizens to make and shape decisions about food resources and power distribution. The clearest expression of Right to the City within food advocacy is the concept of food sovereignty.

Food sovereignty developed through the agricultural peasant movement La Vía Campesina<sup>11</sup> and is a holistic concept which can be understood as “the right of communities, peoples and states to independently determine their own food and agricultural policies,”<sup>12</sup> in contrast to the global, corporate, highly centralized and commoditized agri-food system. Requesting the right to actively participate in food systems is a clear expression of Right to the City theory.

Since 2007, the concept of food sovereignty has gained popularity with academics and policymakers now working to implement food sovereignty nationally and internationally.<sup>13</sup> Different groups use varying definitions and applications of food sovereignty, yet there is always a shared focus on reclaiming a public voice in shaping the food system.<sup>14</sup> The Nyéléni Declaration, as developed in 2007 at the International Forum for Food Sovereignty, included six key pillars of food sovereignty, and a seventh pillar was added during the People’s Food Policy process.<sup>15</sup> The current seven pillars state that food sovereignty: (1) focuses on food for people where all have access to healthy and culturally appropriate food and people are at the centre of policies, (2) builds knowledge and skills, (3) works with nature, (4) values food providers, (5) localizes food systems, (6) puts

---

<sup>9</sup> Purcell, *supra* note 4 at 1133.

<sup>10</sup> *Ibid* at 1134.

<sup>11</sup> Priscilla Claeys & Nadia CS Lambek, “Introduction: In Search of Better Options: Food Sovereignty the Right to Food and Legal Tools for Transforming Food Systems” in Nadia CS Lambek et al, eds, *Rethinking Food Systems: Structural Challenges, New Strategies and the Law* (New York: Springer, 2014) 1 at 11.

<sup>12</sup> *Ibid* at 11.

<sup>13</sup> Koen Dekeyser, Lise Korsten & Lorenzo Fioramonti, “Food sovereignty: shifting debates on democratic food governance” (2018) 10:1 Food Security at 226.

<sup>14</sup> Annette Aurélie Desmarais & Hannah Wittman, “Farmers, Foodies and First Nations: Getting to Food Sovereignty in Canada” (2014) 41:6 Journal of Peasant Studies at 1153.

<sup>15</sup> “What is Food Sovereignty” (last visited 11 March 2021), online: *Food Secure Canada* <[https://foodsecurecanada.org/who-we-are/what-food-sovereignty#:~:text=%22Food%20sovereignty%20is%20the%20right,injustice%20in%20the%20food%20system%20\[perma.cc/GR76-FZRC\] \[FSC\].](https://foodsecurecanada.org/who-we-are/what-food-sovereignty#:~:text=%22Food%20sovereignty%20is%20the%20right,injustice%20in%20the%20food%20system%20[perma.cc/GR76-FZRC] [FSC].)

control locally, and (7) recognizes that food is sacred.<sup>16</sup> These pillars will be used to analyze whether the legal instruments discussed are acting to support or restrict food sovereignty.

Food sovereignty activities can involve anything striving to reclaim a public voice in the shaping of food systems. It can take the form of collaboration, local government planning and zoning, independent citizen work, or policy or institutional change. One specific sub-section of food sovereignty is Indigenous food sovereignty. This is particularly important in Canada, where many Indigenous people still face threats to their food systems stemming in part from colonialism.<sup>17</sup> Although very important, Indigenous food sovereignty and Indigenous sovereignty generally are beyond the scope of this paper. Rather, the focus of this paper is on food sovereignty activities in Urban Canada aiming to provide the power back to the 'people'. The term 'people' and 'civil action groups' are used in this paper to represent collectives currently working towards food sovereignty, following the theory of the Right to the City.

A key aspect of Right to the City and food sovereignty is the active involvement of the public in decisions. In practice, this can take the form of multi-stakeholderism or co-governance in which various stakeholders, including civil society groups, help shape the food system.<sup>18</sup> For example, in the Yukon, a collaboration between Yellowknife Food Charter Coalition<sup>19</sup> and Ecology North<sup>20</sup> allows non-governmental organizations to shape municipal and territorial governance through policy and community initiatives.<sup>21</sup> Municipal food policy councils also exist to provide a forum for community members to be involved in the food system through food issue discussion, interventions, and policy change; these have increased in popularity in the last few decades.<sup>22</sup>

Food sovereignty can look similar to the "Food as Commons" movement because both theories strive to reject the corporate food regime while understanding and reimagining food as a common good rather than a commodity.<sup>23</sup> Food as commons, as well as food sovereignty activities, may include food provisioning practices,<sup>24</sup> local government

---

<sup>16</sup> *Ibid.*

<sup>17</sup> Tabitha Robin, "Our Hands at Work: Indigenous Food Sovereignty in Western Canada" (2019) 9:2 *Journal of Agriculture, Food Systems and Community Development* 85.

<sup>18</sup> Peter Andree et al, "The governance engagement continuum: Food movement mobilization and the execution of power through governance arrangements" in Peter Andree et al, eds, *Civil society and social movements in food system governance* (New York: Routledge, 2019) 1 at 19.

<sup>19</sup> The Coalition includes members from the City of Yellowknife, the Yellowknives Dene First Nation, local businesses and community organizations, farmers and harvesters, health practitioners and other members of the public. The coalition created their own Food Charter and strives to improve food security.

<sup>20</sup> Ecology North is a charitable, non-profit organization based in Yellowknife, Northwest Territories, Canada that was formed in 1971 to support sound environmental decision-making on an individual, community and regional level.

<sup>21</sup> Carla Johnston & Peter Andr ee, "Pathways to Co-Governance? The Role of NGOs in Food Governance in The Northwest Territories, Canada" in Peter Andree et al, eds, *Civil society and social movements in food system governance* (New York: Routledge, 2019), ch 2 at 43.

<sup>22</sup> Chantal Blouin, et al, "Local Food Systems and Public Policy: A Review of the Literature" (2009) *Equiterre & The Centre for Trade Policy and Law*, Carleton University at 38- 39.

<sup>23</sup> Jose Luis Vivero-Pol et al, "Introduction: The food commons are coming..." in Jose Luis Vivero-Pol et al, eds, *Routledge Handbook of Food as a Commons* (London and New York: Routledge, 2019) 1 at 15.

<sup>24</sup> Oona Morrow & Deborah G Martin, "Unbundling property in Boston's urban food commons" (2019) 40:10 *Urban Geography* at 1486 and 1489.

planning and zoning (such as bylaws and community ordinances<sup>25</sup>) and shared urban fridges.<sup>26</sup> Cities in Maine, USA, use ordinances to declare individual towns “food sovereign,” meaning only municipal rules govern what food is grown, raised or produced, and sold in that town, not state or federal law.<sup>27</sup>

Food sovereignty can still be understood as a peasants’ movement with people working towards their own sovereignty. In Managua, Nicaragua, inhabitants appropriated and claimed urban space by growing fruit trees on ‘patios’ which not only contribute to household food security, but also create home as a liveable material and emotional space while transforming urban landscapes their land.<sup>28</sup> Community Shared Agriculture (CSA) can be seen as an example of food sovereignty, in its efforts to reimagine food systems and relationships.<sup>29</sup> Finally, food sovereignty can be seen through institutional or policy change at any level. In Ecuador, food sovereignty was constitutionalized<sup>30</sup> and in Nicaragua, food sovereignty was turned into a state-level food policy.<sup>31</sup> However, delegating all power to federal governments to shape food sovereignty has proven ineffective— food sovereignty, like Right to the City, requires that the public actively participate in the work.<sup>32</sup> If all the power has been delegated to the state, it is not truly food sovereignty.

This understanding of food sovereignty and food sovereignty activities will continue to be important during the analysis of the legal instruments chosen, to determine whether the law supports or restricts the activity in question.

---

<sup>25</sup> Nathan Bellinger & Michael Fakhri, “The Intersection Between Food Sovereignty and Law” (2013) *Natural Resources & Env’t* 45.

<sup>26</sup> Oona Morrow, “Sharing food and risk in Berlin’s urban food commons” (2019) 99 *Geoforum* 209, “New Outdoor community fridge opens in Waterloo Region” (22 December 2020), online: <<https://www.cbc.ca/news/canada/kitchener-waterloo/kitchener-community-fridge-food-insecurity-1.5851685>> [https://perma.cc/P8ZK-CM46].

<sup>27</sup> Sarah Schindler, “Food Federalism: States, Local Governments and the Fight for Food Sovereignty” (2018) 79:4 *Ohio St LJ* 761.

<sup>28</sup> Laura J Shillington, “Right to food, right to the city: Household urban agriculture, and socionatural metabolism in Managua, Nicaragua” (2013) 44 *Geoforum* 103.

<sup>29</sup> Eleni Papaoikonomou & Matías Ginieis, “Putting the Farmer’s Face on Food: Governance and the Producer–consumer Relationship in Local Food Systems” (2017) 34:1 *Agriculture and Human Values* 53.

<sup>30</sup> Bellinger, *supra* note 24.

- Republic of Ecuador Constitution Oct. 20, 2008, tit. VI, ch. 3, arts. 281 and 401.
- “Article 281: “[f]ood sovereignty constitutes an objective and strategic obligation of the State to guarantee that people, communities, pueblos, and nationalities achieve self-sufficiency with respect to healthy and culturally appropriate food on a permanent basis.”
- “Article 401 declares Ecuador to be a country free of genetically modified seeds and crops, except in the interest of national security.”

<sup>31</sup> Wendy Godek, “Food Sovereignty Policies and the Quest to Democratize Food System Governance in Nicaragua” (2021) 38:1 *Agriculture and Human Values* 91.

- *Soberanía y seguridad alimentaria y nutricional* (SSAN Policy Framework)
- Right to Food is guaranteed in Article 63 of Nicaragua’s constitution.

<sup>32</sup> *Ibid* at 226.

### 2.3 Food Sovereignty and Reimagined Legal Structures

Right to the City theory may seem utopian and unimaginable within existing legal structures. But the use of utopian imagery which calls on sacrifices in the present to achieve a better future can be a powerful tool of legal imagination and revision.<sup>33</sup> The field of human rights would likely not be what it is today without the presence of utopian and moral ideals.<sup>34</sup>

Legal food researchers Lambek and Claeys have identified various advantages to using a legal lens in the examination of food systems, including using legal methods to observe the rules and structures that shape, limit, and influence food actors.<sup>35</sup> Additionally, less radical aspects of Right to the City can clearly be used in designing and implementing law, such as involving the public in decisions through management and participation.<sup>36</sup> Finally, regardless of how radical a particular food sovereignty proposal may seem all food sovereignty activities currently exist within legal structures and regulations. Since any food sovereignty activity, short of a revolution, will be governed by law, current food sovereignty activities should be studied in the context of current legal regulations and government policies.

This paper gathers and analyzes legal instruments that shape, restrict, and support food sovereignty activities in urban Canada. The paper's findings show that the legal frameworks of constitutional law, municipal and planning law, and health law act to both support and restrict food sovereignty. Constitutional law is more restrictive than supportive, municipal and planning law is more supportive than restrictive, and health law is either restrictive or supportive depending on the context.

The research method for the paper involved three key steps: gathering a dataset of academic literature and analyzing the connection between food sovereignty and legal instruments in urban Canada, reviewing each source for the food sovereignty activity or activities and its legal instrument, and characterizing the legal instrument as either supportive or restrictive of food sovereignty.

The search was conducted in the Academic Search Premier (social science database), Novanet (library catalogue), Hein Online (legal database), Google Scholar (database) and Google for grey literature. The search strategy was organized by three main concepts: 'legal instruments,' 'urban Canada,' and 'food sovereignty'. With respect to legal instruments, the search terms included legal\*, law\*, legislation, policy, regulation, ordinance, bylaw. With respect to urban Canada, the search terms included Canada, Canadian Cit\*, Canadian municipalities, suburban Canada, and urban Canada. The final section of food sovereignty included terms: food sovereignty, food justice, right to food, food governance, food as commons, food, and urban agriculture. No limits were placed on the publication date, location (inclusive of all of Canada), or discipline (inclusive of social sciences, planning, and law). This strategy, particularly by locating food sovereignty activities first, may have introduced bias in favour of supportive legislation. It is likely that the legal instruments restricting food sovereignty may not be directly related to any food

---

<sup>33</sup> Costas Douzinas, "Human Rights and Postmodern Utopia" (2000) 11 Law and Critique 219 at 223.

<sup>34</sup> *Ibid* at 223.

<sup>35</sup> Claeys, *supra* note 10 at 5.

<sup>36</sup> Antonia Layard, "Property Paradigms and Place-Making: A Right to the City; a Right to the Street?" (2012) 3:2 J of Human Rights & The Environment 254 at 261-262.

sovereignty activity (for example a zoning bylaw that creates requirements for sidewalk size may impede urban food growing on front lawns or public property). The initial search also used a specific resource database from the Food Policy Network.<sup>37</sup> Two search terms were used in the resource database: law and Canada (without Boolean “”).

**Table 1 Literature review inclusive criteria and lists of related terms**

Main Concept	Related Terms		Boolean Strategies
Legal Instruments	<ul style="list-style-type: none"> <li>- Policy</li> <li>- Legislation</li> <li>- Law</li> </ul>	<ul style="list-style-type: none"> <li>- Regulation</li> <li>- Ordinance</li> <li>- Bylaw</li> </ul>	Legal* Law* Using “”, AND, ()
Urban Canada	<ul style="list-style-type: none"> <li>- Canada</li> <li>- Canadian City</li> <li>- Canadian municipalities</li> </ul>	<ul style="list-style-type: none"> <li>- Suburban Canada</li> <li>- Urban Canada</li> </ul>	Canadian Cit* Using “”, AND, ()
Food Sovereignty	<ul style="list-style-type: none"> <li>- FS</li> <li>- Food justice</li> <li>- Right to food</li> </ul>	<ul style="list-style-type: none"> <li>- Food governance</li> <li>- Food as commons</li> <li>- Food</li> <li>- Urban agriculture</li> </ul>	Using “”, AND, ()

The initial search in Academic Search Premier on October 31, 2020 yielded 142 results. The Google Scholar search on October 31, 2020 yielded 15 results between two searches using various terms as listed above. The initial Google searches on October 31, 2020 yielded 924 results and 13 results in two separate searches. The search on the Food Policy Network on November 1, 2020 yielded five results.

During the screening stage, the inclusion criteria were focused on the title, abstract, and subject. In total, four articles were downloaded from Academic Search Premier but zero were used in the final paper; zero articles were downloaded from HeinOnline; five articles were downloaded from Google Scholar and one was used in the final paper; three articles were downloaded from Google and two were used in the final paper; and three articles were downloaded from the Food Policy Network database and all three were used in the final paper. Many articles were removed because they did not clearly state a legal instrument, were focused on Indigenous FS food sovereignty, or focused on the United States which is beyond the scope of this paper. In total, seven resources were used in the final analysis.

The food sovereignty data were organized into a table which included: the food sovereignty activity, the jurisdiction, the legal instrument(s), the literature source, and a brief analysis of whether the legal instrument is restrictive, supportive, or ambiguous of food sovereignty. This table is included as an Appendix.

The theory of food sovereignty, as developed through the Right to the City in Part I, was used to analyze food sovereignty activities and their governing legal instruments in the subsequent sections. The impact of constitutional law, municipal and planning law, and health law on food sovereignty are analyzed in Part II, III, and IV, respectively. In each

<sup>37</sup> “Food Policy Resources”, online: *Food Policy Networks* < <http://www.foodpolicynetworks.org/food-policy-resources/>>.

section claims are made regarding the relationship between food sovereignty and the area of law, specifically whether the legal instruments are working to support or restrict food sovereignty in urban Canada. The claims are accompanied by an analysis of the legal instruments in the context of specific food sovereignty activities.

### 3. The Constitutional Law of Food Sovereignty

Constitutional law restricts food sovereignty by not recognizing local governments as true governments, limiting the role that provincial governments have in agriculture, and by treating food as a commodity. Despite these restrictive elements, it can still be understood to be supportive of food sovereignty in the power it assigns to the federal and provincial governments.

#### 3.1 Constitutional Law Restricts Food Sovereignty by Not Recognizing Local Governments as True Governments

Food sovereignty is restricted by the *Constitution Act* (the “*Constitution*”) because municipalities are not recognized as true governments. S. 92(8) of the *Constitution*<sup>38</sup> provides provinces with the power to regulate municipal institutions, making municipal corporations “creatures of the province.”<sup>39</sup> By providing the provinces with complete jurisdiction over municipalities, along with all property and civil rights [92(13)] and all matters of a merely local or private nature [92(16)], the *Constitution* fails to recognize and constitutionally protect local governments.<sup>40</sup>

If local governments were created under a true head of power under the *Constitution*, their power would be constitutionally entrenched, and thus protected - ultimately benefiting food sovereignty. Local governments are the closest government to the people and are most likely to fulfill both food sovereignty and Right to the City goals of involving local citizens through management and participation.<sup>41</sup> Moreover, the proximity of local governments to people gives them a unique perspective on citizens’ problems and concerns, allowing these interests to be at the core of policies.<sup>42</sup>

Although the Supreme Court of Canada (SCC) has specified that local governments’ powers should be interpreted broadly,<sup>43</sup> municipal governments are still at the mercy of provincial law. The provinces can further restrict the municipalities within the statutes. For example, the *City of Toronto Act* allows the Lieutenant Governor in Council to make regulations imposing limits and conditions, including a complete prohibition, on the City’s powers under s. 25.<sup>44</sup>

---

<sup>38</sup> *Constitution*, *supra* note 2.

<sup>39</sup> Ron Levi & Mariana Valverde, “Freedom of the City: Canadian Cities and the Quest for Governmental Status” (2006) 44:3 *Osgoode Hall LJ* 409 at para 11.

<sup>40</sup> *Constitution*, *supra* note 2 at ss 92(8), 92(13), 92(16).

<sup>41</sup> FSC, *supra* note 14.

<sup>42</sup> Alexandra Flynn, “Operative Subsidiarity and Municipal Authority: The Case of Toronto’s Ward Boundary Review” (2019) 56 *Osgoode Hall LJ* 271.

<sup>43</sup> *R v Guignard*, 2008 1 SCR 472 at para 17.

<sup>44</sup> *City of Toronto Act*, SO 2006, c 11 [Toronto].

Therefore, by not recognizing municipal governments as true governments under the *Constitution*, food sovereignty is restricted because decisions being made are rarely executed as close to the people as possible. If municipalities were recognized as a distinct level of government, they would have a constitutionally protected power to make decisions in the best interests of their constituents without being at the mercy of provincial legislation.

### 3.2 Constitutional Law Restricts Food Sovereignty by Limiting the Provincial Role in Agriculture

The provinces' constrained role under the *Constitution* to regulate agriculture restricts food sovereignty because it places the power which controls the agri-food system further away from the people. Under s. 91<sup>45</sup> the federal government is granted jurisdiction over areas related to the food system, including trade and commerce, criminal law, immigration and Indigenous peoples and the land. Section 95 of the *Constitution* attempts to work towards cooperative federalism by enabling provinces to make laws in relation to agriculture and provides the federal government with discretionary power to make laws from "time to time."<sup>46</sup> The federal government's power to be involved in the food system, under section 91 and 95<sup>47</sup>, is restrictive of food sovereignty as it continues to push the power away from the people.<sup>48</sup> The power sharing formula under s.95 requires the willingness of governments to cooperate and harmonize with each other.<sup>49</sup> Although the concurrent jurisdiction exists under s. 95 of the *Constitution* the federal government enjoys ultimate legislative power because of the doctrine of federal paramountcy.<sup>50</sup> The power sharing under s. 95 and the residual power under s.91 moves agriculture decisions further from the level of government closer to the people – which can be seen as a restriction on food sovereignty.

### 3.3 Restricts Food Sovereignty by Treating Food as a Commodity

The *Constitution* also restricts food sovereignty insofar as it allows and encourages food to be treated as a commodity. There is an entire market of agri-food governed by the federal government<sup>51</sup> and Agriculture and Agri-Food Canada has defined the food sector as a "powerhouse of the economy."<sup>52</sup> Although the term "food" is not explicitly used, s. 91(2) of

---

<sup>45</sup> *Constitution*, *supra* note 2 at s 9.

- "laws for the peace, order and good government of Canada"

<sup>46</sup> *Ibid* at s 95.

<sup>47</sup> Sarah Berger Richardson & Nadia Lambek, "Federalism and fragmentation: Addressing the possibilities of a food policy for Canada" (2018) 5:3 CFS/RCEA at 31, 36.

<sup>48</sup> Desmarais, *supra* note 13 at 1153.

<sup>49</sup> Richardson, *supra* note 46 at 36-37.

<sup>50</sup> *Ibid* at 33.

<sup>51</sup> "International trade of agri-food products" (last modified August 31, 2020), online: *Government of Canada* <<https://www.agr.gc.ca/eng/international-trade/?id=1432136045585>> [perma.cc]/FL6V-G7M4].

<sup>52</sup> Government of Canada, "Everyone at the Table! Government of Canada Announces the First-Ever Food Policy for Canada" (Ottawa: 2019), online: <[www.canada.ca/en/agriculture-agri-food/news/2019/06/everyone-at-the-table-government-of-canada-announces-the-first-ever-food-policy-for-canada.html](http://www.canada.ca/en/agriculture-agri-food/news/2019/06/everyone-at-the-table-government-of-canada-announces-the-first-ever-food-policy-for-canada.html)> [https://perma.cc/25N9-6N9Y] [Table].

the *Constitution* provides the federal government with the authority to control the regulation of trade and commerce, which includes food stuffs.<sup>53</sup> This is restrictive of food sovereignty as it continues to view and regulate food as a commodity. Treating food as a commodity is inherently against food sovereignty because it fails to view food as sacred and food for the people – key pillars to food sovereignty.<sup>54</sup>

### 3.4 Restricts Food Sovereignty by Treating Food as a Commodity

Although the federal government's power is typically viewed as restrictive of food sovereignty, the power can also be leveraged to support it. As mentioned, agriculture is a shared jurisdiction under ss. 91, 92 and 95 of the *Constitution*. The current division of powers enabled the federal government to create a national food policy for Canada.<sup>55</sup> Although federal action does not meet a traditional definition of food sovereignty, specifically one focused on the peasant movement or local involvement, it can encourage the pillars of food sovereignty on a national scale.<sup>56</sup>

The federal Food Policy “Everyone at the Table” was created in 2019 under the power of the Minister of Agriculture and -Food.<sup>57</sup> The division of powers under the *Constitution* enabled the formation of the Agriculture and Agri-Food Canada Department and the enactment of the *Department of Agriculture and Agri-Food Act*.<sup>58</sup> This *Act*, under s. 4, provides the Minister of Agriculture and Agri-food with broad powers “to extend to and include all matters relating to agriculture, products derived from agriculture, and research related to agriculture” and allowed for the creation of the National Food Policy.<sup>59</sup> The Policy itself strives to ensure that all people in Canada have access to enough “nutritious and culturally diverse food,” which also aligns with the principles of food sovereignty.<sup>60</sup>

Therefore, the *Constitution* is generally restrictive of food sovereignty as it does not recognize local governments as true governments, restricts the provincial power to regulate agriculture, and treats food as a commodity. Yet, it has the potential to be supportive because it provides the federal government with discretionary power to enact policies that contain principles of food sovereignty.

---

<sup>53</sup> *Constitution*, *supra* note 2 at s 91(2).

<sup>54</sup> FSC, *supra* note 14.

<sup>55</sup> Richardson, *supra* note 46 at 43.

<sup>56</sup> FSC, *supra* note 14.

<sup>57</sup> Canada, Agriculture and Agri-Food Canada, *Food Policy for Canada: Everyone at the Table* (2019), online: <[https://multimedia.agr.gc.ca/pack/pdf/fpc\\_20190614-en.pdf](https://multimedia.agr.gc.ca/pack/pdf/fpc_20190614-en.pdf)> [<https://perma.cc/WD9F-DSMH>].

<sup>58</sup> *Department of Agriculture and Agri-Food Act*, RSC 1985, c A-9, s 4 [Agri] & Partners and agencies, Agriculture and Agri-food Canada (accessed April 2021), online: <<https://www.agr.gc.ca/eng/about-our-department/partners-and-agencies-agriculture-and-agri-food-canada/?id=136070120348>> [<https://perma.cc/UU2J-LHW9>].

<sup>59</sup> *Ibid* at page 2 (enacted by the Minister of Agriculture and Agri-Food (2019)).

<sup>60</sup> Table, *supra* note 51.

## 4. The Municipal and Planning Law of Food Sovereignty

Municipal and planning law is the body of law enabling municipal corporations to govern their local communities. Under s. 92(8) of the *Constitution Act*, the provinces have exclusive jurisdiction to make laws in relation to municipal institutions in each province.<sup>61</sup>

The proximity of local governments to citizens offers a uniquely supportive avenue for food sovereignty because these governments are generally more aware of the citizens' interests when drafting policy decisions, and because of their proximity and size, often local governments often have an easier avenue to conduct public consultation. Therefore, the structure of local governments embodies three of the pillars of food sovereignty: in a less radical way they place control locally, ensure citizens are at the core of policies, and work to localize the food systems.<sup>62</sup> More specifically, municipal and planning law supports food sovereignty by: recognizing the decision-making authority and accountability of municipal councils, allowing creativity in municipal governance through broad delegated powers, and permitting municipalities to determine how to best to meet their governance structure needs.

Despite these supportive elements, municipal and property law can also be understood as restrictive of food sovereignty because many provincial statutes do not provide a hierarchy of purposes for local governments.

### 4.1 Supports Food Sovereignty by Enabling Local Governments to Plan and Regulate Based on Context

Provincial governments recognize the unique role of local governments and, through statute, provide them with the authority to make context-specific decisions based on the needs of their communities, plan for the current and future issues affecting cities, and pass zoning requirements through bylaws. In addition to the broad delegation by the statutes themselves, the SCC has also invoked the principle of “subsidiarity” to read provincial statutes with a broad delegation to ensure a degree of independence for local governments.<sup>63</sup> In this section, the *City of Toronto Act*<sup>64</sup>, the *Municipal Act*<sup>65</sup>, the *Local Government Act*<sup>66</sup>, and the *Planning and Development Act*<sup>67</sup> will be analyzed in the context of food sovereignty activities to understand the benefit of delegating broad power to local governments to plan and zone their communities.

The *City of Toronto Act* is a city-specific statute that exists because of a “charter movement” in the early 2000s demanding a “new deal” for unique cities accompanied by additional rights and recognition.<sup>68</sup> David Miller, mayor of Toronto at the time, described

---

<sup>61</sup> Constitution, *supra* note 2.

<sup>62</sup> FSC, *supra* note 14.

<sup>63</sup> Flynn, *supra* note 41 at 300.

<sup>64</sup> Toronto, *supra* note 43.

<sup>65</sup> *Municipal Act*, SO 2001, c 25 s 2 [*Municipal*].

<sup>66</sup> *Local Government Act*, RSBC 2015 <

[https://www.bclaws.gov.bc.ca/civix/document/id/lc/statreg/r15001\\_00](https://www.bclaws.gov.bc.ca/civix/document/id/lc/statreg/r15001_00)> [BC Local]

[<https://perma.cc/XUW8-CZQB>].

<sup>67</sup> *The Planning and Development Act*, SS 2007, c P-13.2 [SK Plan].

<sup>68</sup> Andrew Sancton, “The False Panacea of City Charters? A Political Perspective on the Case of Toronto” (2016) 9:3 SPP Research Papers.

the legislation as a “[recognition] that Toronto is akin to a province in its size and importance.”<sup>69</sup> Provincial pressure, including committee hearings and statements and actions by David Miller<sup>70</sup>, enabled the passing of the *City of Toronto Act*. The legislation remains unique across Ontario, enlarging the powers of Toronto.<sup>71</sup> The preamble focuses on the economic importance of Toronto, noting the role that the city plays in “creating and supporting economic prosperity” for all Ontarians, and states that the Act aims to build a “strong, vibrant and sustainable city... capable of thriving in the global economy.”<sup>72</sup> It also recognizes Toronto as a level of government capable of exercising its powers in a responsible and accountable fashion.<sup>73</sup> S. 6(1) notes that the City’s powers are to be interpreted broadly to ensure that the City can govern its affairs as it considers appropriate.<sup>74</sup> Toronto has the power to implement any service or thing they deem necessary or desirable for the public under s. 8.<sup>75</sup> These powers provide Toronto with significant discretion in the operation of the City which is supportive of food sovereignty as it encourages decisions at the level of government closest to the people.

The broad power under s. 8(1) of the *Act* seemingly enabled the City to design the Grow TO Urban Agriculture Plan.<sup>76</sup> The Plan focuses on reimagining the food system in Toronto and provides an overview of the current urban agriculture landscape and future goals. It highlights the food sovereignty priorities of focusing on food for people, working with nature, and localizing food systems.<sup>77</sup> The *City of Toronto Act*<sup>78</sup> under ss. 7 and 8 also seemingly enabled the creation of the Green Roof Bylaw (Municipal Code Chapter 492),<sup>79</sup> which requires that any building or addition that is 2,000 square meters or greater and constructed after January 30 2010 must include a green roof.<sup>80</sup> Green roofs have the potential to create productive green spaces allowing for small-scale local food production, which is supportive of food sovereignty.<sup>81</sup> This bylaw is a tangible example of the City using its delegated power to create policies which encourage and promote more sustainable ecosystems, urban agriculture, and food generally.

The *Municipal Act* is also supportive of food sovereignty as it enables Ontario municipalities other than Toronto to create zoning requirements based on their community

---

<sup>69</sup> *Ibid.*

<sup>70</sup> *Ibid* at 8.

<sup>71</sup> Harry Kitchen, “Is ‘Charter-City Status’ A Solution for Financing City Services in Canada- Or is That a Myth?” (2016) 9:2 SPP Research Papers.

<sup>72</sup> Toronto, *supra* note 43.

<sup>73</sup> *Ibid.*

<sup>74</sup> *Ibid* at 6(1).

<sup>75</sup> *Ibid* at 8(1).

<sup>76</sup> Toronto, *supra* note 43; Toronto, City of Toronto, *Grow TO an Urban Agriculture Plan for Toronto*, Action Plan (October 2012) < <https://www.toronto.ca/legdocs/mmis/2012/pe/bgrd/backgroundfile-51558.pdf>> [perma.cc/7ST4-CX4X] [GrowTO]; Burgandy Dunn, “Increasing Access to Local Food: Policies from other Places As A guide to Increasing Local Food Access Through Land Use Planning in Ontario” (2013) Canadian Environmental Law Association and Sustain Ontario.

<sup>77</sup> FSC, *supra* note 14.

<sup>78</sup> Toronto, *supra* note 43 ss 7–8.

<sup>79</sup> City of Toronto, municipal code 492, *Green Roofs* (25 August 2020) [TO Roof]; Dunn, *supra* note 75.

<sup>80</sup> TO Roof, *ibid* at 492-2A.

<sup>81</sup> Corinne Kisner, “Green Roofs for Urban Food Security and Environmental Sustainability” (December 2008), online: *Climate Institute* < [climate.org/archive/topics/international-action/urban-agriculture.htm#:~:text=It%20transforms%20the%20endless%20concrete,the%20air%20city%2Ddwellers%20breathe](https://climate.org/archive/topics/international-action/urban-agriculture.htm#:~:text=It%20transforms%20the%20endless%20concrete,the%20air%20city%2Ddwellers%20breathe)> [https://perma.cc/66RK-ECWS].

needs. The purpose of the *Municipal Act*, under s. 2, is to create municipalities that are responsible and accountable governments, equipped with the power and duties to provide good government.<sup>82</sup> The cities of Brampton,<sup>83</sup> Guelph,<sup>84</sup> and Niagara Falls<sup>85</sup> have used ss. 10(2)(9) and 11(3)(9) of the *Municipal Act* to enact bylaws regarding urban chickens.<sup>86</sup> Urban chickens and hens are a form of urban agriculture which focus on food for people and localize the food systems— both of which support food sovereignty. For example, the bylaw in Niagara Falls regulates for a maximum of ten chickens per private property within the urban boundary.<sup>87</sup> This small size is a clear indication that the intention of permitting urban chickens is for individual use, rather than food as a commodity. Bylaws promoting urban agriculture, including urban chickens, place individuals at the centre of the policy, focus on food as a resource, and strive to create more local systems—all of which are supportive of food sovereignty.<sup>88</sup>

Ontario's *Planning Act* is supportive of food sovereignty because it enables municipalities to develop official plans (OP) under Part III, community improvement plans under Part IV, and encourages cooperation of governance in decision making under s. 1.1.<sup>89</sup>

Allowing local governments to create OPs is supportive of food sovereignty because it enables them to incorporate principles of food sovereignty into other seemingly unrelated city planning.<sup>90</sup> The City of Kitchener, under ss. 14, 14.7(3), and 27 of the *Planning Act*, created its Official Plan.<sup>91</sup> This OP provides a framework for decision-making in future planning of the city, and identifies the importance of proximity to food destinations [s. 6(e)], permits, encourages and supports urban agriculture (ss. 15.D.13, 15.8.2 and 7.C.4.8), and defines community gardens with the purpose of producing food for personal and local consumption rather than profit (Part F). This plan supports food sovereignty as it focuses on people and access to food rather than treating food as a commodity. It also works with nature by protecting agricultural zones and aims to localize food systems.<sup>92</sup>

The BC *Local Government Act* is also supportive as it enables local governments to participate in community planning and bylaw formation.<sup>93</sup> Under s.1 the purposes of the *Act* are to provide a legal framework and the necessary powers, duties, and functions for the cities to fulfill their purposes of responding to the needs and changing circumstances of

---

<sup>82</sup> Municipal, *supra* note 64.

<sup>83</sup> City of Brampton, by-law No 261-93 (340-2012), *Animal Control By-Law* < [www.brampton.ca/EN/City-Hall/Bylaws/All%20Bylaws/Animal%20Control.pdf](http://www.brampton.ca/EN/City-Hall/Bylaws/All%20Bylaws/Animal%20Control.pdf) > [https://perma.cc/NWP9-AX9E].

<sup>84</sup> City of Guelph, by-law No (2016)-20122, *Animal Control Bylaw* (19 December 2016).

<sup>85</sup> City of Niagara Falls, by-law No 2002-129 and 2010-70, *Animal Control By-Law* < [https://niagarafalls.ca/pdf/by-laws/Animal\\_control.pdf](https://niagarafalls.ca/pdf/by-laws/Animal_control.pdf) > [https://perma.cc/B3RM-HK62].

<sup>86</sup> Municipal, *supra* note 64.

<sup>87</sup> *Supra* note 84.

<sup>88</sup> FSC, *supra* note 14.

<sup>89</sup> *Planning Act*, RSO 1990, c P 13

< [www.ontario.ca/laws/statute/90p13?search=planning+act](http://www.ontario.ca/laws/statute/90p13?search=planning+act) > [https://perma.cc/25PT-ACG4] [ON Planning].

<sup>90</sup> FSC, *supra* note 14.

<sup>91</sup> Vanessa Ong, "Feeling out of place suddenly, and you haven't even moved': Food gentrification, alternative foods, and sociospatial justice in Downton Kitchener, Ontario" (2020) Master of Environmental Studies in Planning Thesis at 67,68 and 87.

<sup>92</sup> FSC, *supra* note 14.

<sup>93</sup> BC Local, *supra* note 65.

their communities.<sup>94</sup> Part 14, Division 4 of the *Act* enables the formation of OPs and Part 25 enables the formation of regional growth strategies.<sup>95</sup> The *Act* has led to OPs, growth strategies, and bylaws, examples of which are supportive of food sovereignty and will be discussed in the remainder of the paper.

The Shaping our Future Strategy for the Greater Vancouver Regional District<sup>96</sup> was enacted through Bylaw No.1136,<sup>97</sup> 2010 under Part 25 of the *Act*.<sup>98</sup> This strategy focuses on agriculture and food supports in response to environmental and climate change impacts.<sup>99</sup> It places importance on protecting agricultural lands to support local food production and aims to support education programs focused on local food systems.<sup>100</sup> It supports food sovereignty as it works with nature, strives to localize the food system, and aims to build related knowledge and skills.<sup>101</sup>

Kamloops adopted their OP, KAMPLAN,<sup>102</sup> under s. 472 of the *Act*<sup>103</sup> through Bylaw No 46-1.<sup>104</sup> KAMPLAN lists various food policy goals for the city, including protecting, promoting, and enhancing local agriculture and supporting local and regional food systems to increase access to nutritious food.<sup>105</sup> These goals align with various food sovereignty principles, including working with nature, focusing on food for people, and localizing food systems.<sup>106</sup>

Kamloops' Food and Urban Agricultural Plan adopted under s. 429 of the *Local Government Act*<sup>107</sup> summarizes the city's support for sustainable food systems. The Plan highlights the use of urban agriculture, educational programs, participation in the Kamloops Food Policy Council, and creates policy direction moving forward.<sup>108</sup> All of these elements, as well as the overall purpose of the Plan, align with the pillars of food sovereignty, especially as they focus on food for the people, build knowledge and skills, and localize food systems.<sup>109</sup>

---

<sup>94</sup> *Ibid* at s 1.

<sup>95</sup> *Ibid*.

<sup>96</sup> Metro Vancouver, *Metro Vancouver 2040 Shaping Our Future*, (Regional Growth Strategy) <<http://www.metrovancouver.org/services/regional-planning/PlanningPublications/RGSAdoptedbyGVRDBoard.pdf>> [https://perma.cc/F5NZ-BVVF ] [Van Regional Growth].

<sup>97</sup> Greater Vancouver Regional District, bylaw No 1136, *A Bylaw to Adopt a Regional Growth Strategy for the Greater Vancouver Regional District* (29 July 2011) <[http://www.metrovancouver.org/boards/Bylaws1/GVRD\\_Bylaw\\_1136.pdf](http://www.metrovancouver.org/boards/Bylaws1/GVRD_Bylaw_1136.pdf)> [https://perma.cc/X222-SR6X].

<sup>98</sup> BC Local, *supra* note 65.

<sup>99</sup> Van Regional Growth, *supra* note 95.

<sup>100</sup> *Ibid* at 6, 25, 29 (goals 2.3, 2.3.6. vii).

<sup>101</sup> FSC, *supra* note 14.

<sup>102</sup> City of Kamloops, by-law No 46-1, *KAMPLAN Official Community Plan* (17 April 2018) [KAMPLAN].

<sup>103</sup> BC Local, *supra* note 65.

<sup>104</sup> KAMPLAN, *supra* note 101.

<sup>105</sup> KAMPLAN, *supra* note 101.

<sup>106</sup> FSC, *supra* note 14.

<sup>107</sup> City of Kamloops, *Food and Urban Agriculture Plan: Harvesting Our Potential* (September 2015) <[https://www.kamloops.ca/sites/default/files/docs/city-hall/15-09-food\\_urban\\_agriculture\\_plan\\_2015\\_285947.pdf](https://www.kamloops.ca/sites/default/files/docs/city-hall/15-09-food_urban_agriculture_plan_2015_285947.pdf)> [https://perma.cc/4S33-LMCS] [Kam Agri].

<sup>108</sup> *Ibid*.

<sup>109</sup> *Ibid*.

Vancouver amended its Zoning and Development Bylaw<sup>110</sup> to introduce discretionary height increases to roof-mounted energy technologies and green roofs under s.10.18.4,<sup>111</sup> under ss. 298(1)(a), 228 and 349 of the *Local Government Act*.<sup>112</sup> The regulatory adjustment for green roofs supports sustainability and the underlying principles of food sovereignty because it strives to reduce barriers and promotes the use of sustainable practices at the individual level which may lead to urban agriculture.<sup>113</sup>

The Saskatchewan *Planning and Development Act* enables cities to implement OPs as well, which have been shown to support food sovereignty. The purpose of the *Act*, under ss. 3(a) and 3(c), is to ensure municipalities can establish planning and development systems and support the development of environmentally, economically, socially and culturally sustainable communities.<sup>114</sup> Section 31 defines an official community plan as a comprehensive policy framework guiding the physical, environmental, economic, social, and cultural development of a local government.<sup>115</sup> Municipalities are also entitled to develop a regional plan under s. 119.8 (1).<sup>116</sup>

Design Regina: The Official Community Plan<sup>117</sup> was enacted under Bylaw NO. 2020-1<sup>118</sup> with authority from Part IV, s. 29(2) of the *Act*. This Plan has goals dedicated to food, including increasing access to healthy and affordable food, and collaborating and seeking partnerships focused on food.<sup>119</sup> The OP supports food sovereignty because it focuses on food for the people and seeks partnerships which attempt to localize the food system.<sup>120</sup>

Therefore, municipal and planning law tends to support food sovereignty by ensuring municipalities have the authority to make decisions to support food sovereignty in their locale through bylaws, planning and zoning.

## 4.2 Supportive of Food Sovereignty by Enabling Local Governments to Act Creatively

The broad power delegated to local governments enables them to respond to issues creatively. This section explores examples of local governments acting creatively through the provincial statutes examined above. Creative responses include community initiatives, grants and funding, and supporting existing civil action groups.

S. 4 of the *Cities Act* in Saskatchewan outlines the purposes of local governance to provide services, facilities, or other things which the council deems necessary and desirable

---

<sup>110</sup> Nettie Wiebe et al, *Food Sovereignty in Canada: creating just and sustainable food systems* (Fernwood Pub, 2011) at 307.

<sup>111</sup> City of Vancouver, section 10, *Zoning and Development By-law* (2021) <<https://bylaws.vancouver.ca/zoning/zoning-by-law-section-10.pdf>> [https://perma.cc/WHM2-DM3M].

<sup>112</sup> BC Local, *supra* note 65.

<sup>113</sup> FSC, *supra* note 14.

<sup>114</sup> SK Plan, *supra* note 66.

<sup>115</sup> *Ibid.*

<sup>116</sup> *Ibid.*

<sup>117</sup> Wiebe, *supra* note 109 at 152; City of Regina, *Design Regina: The Official Community Plan* (2013) <<https://www.regina.ca/about-regina/official-community-plan/>> [https://perma.cc/C6G6-MZH8] [Design Regina].

<sup>118</sup> City of Regina, by-law 2020-1, *Design Regina: The Official Community Plan Amendment Bylaw* (29 January 2020).

<sup>119</sup> Design Regina, *supra* note 116.

<sup>120</sup> FSC, *supra* note 14.

to all or part of a city.<sup>121</sup> The purpose also specifies that local governance must develop and maintain a safe and viable community while providing wise stewardship of public assets.<sup>122</sup> This broad city power enables local governments in Saskatchewan to respond in creative and innovative ways to support community gardens.

Grow Regina Community Garden encouraged a partnership between the City of Regina, community volunteers, the Food Bank, and the City donated land to the community for gardening. The city also operates gardens on vacant land.<sup>123</sup> Saskatoon created a community garden and contributed land and other resources to non-city run gardens.<sup>124</sup> Community gardening is supportive of food sovereignty in that it focuses on food for people at the local level, works with nature, and strives to build knowledge and skills. Therefore, both Regina and Saskatoon were able to provide unique food sovereignty support through donations to existing community groups, human resources, and land rather than simply introducing regulations or public funding.<sup>125</sup>

Ontario's *Municipal Act* under s. 107 enables municipalities to make grants to any person, group, or body for any purpose that council considers to be in the interest of the municipality. This enabled the City of Kitchener to create a Neighbourhood Strategy focused on providing grants to community groups to create community building do-it-yourself projects.<sup>126</sup> This is a clear example of Right to the City and food sovereignty working in the context of existing government systems as the local government is supporting grassroots action through financial support. This provides a creative way to put control locally in the hands of food providers and community members and highlights building community knowledge and skills—all pillars of food sovereignty.<sup>127</sup>

The *City of Toronto Act*, under s. 8 enabled the City to partner with the Black Creek Community Farm (the "Farm") in 2002.<sup>128</sup> The Farm is an urban farm in the Jane-Finch area of Toronto focused on increasing access to healthy food through programming and food distribution.<sup>129</sup> This partnership is supportive of food sovereignty because it places the control at the local level and in the hands of the local food providers, with support from the City. The Farm also exemplifies various principles which align with food sovereignty, including valuing food providers, building knowledge and skills, and recognizing the fact that food is sacred.<sup>130</sup>

S. 263 of BC's *Local Government Act*<sup>131</sup> allowed the City of Victoria to enact the "Growing in the City" program focused on urban food production.<sup>132</sup> The program includes free seed distribution to citizens and focuses on food for the people, building knowledge and skills

---

<sup>121</sup> *The Cities Act*, SS 2002, c C-11.1 < [www.canlii.org/en/sk/laws/stat/ss-2002-c-c-11.1/latest/ss-2002-c-c-11.1.html](http://www.canlii.org/en/sk/laws/stat/ss-2002-c-c-11.1/latest/ss-2002-c-c-11.1.html) > [https://perma.cc/846G-ZNU2] [*Cities Act*].

<sup>122</sup> *Ibid.*

<sup>123</sup> Wiebe, *supra* note 109.

<sup>124</sup> *Ibid* at 159 -160

<sup>125</sup> *Cities Act*, *supra* note 120 at Part I s 3(2).

<sup>126</sup> Ong, *supra* note 90 at 4; City of Kitchener, *Budget Issue Paper: Love My Hood* (2020).

<sup>127</sup> FSC, *supra* note 14.

<sup>128</sup> GrowTO, *supra* note 65.

<sup>129</sup> Wiebe, *supra* note 109 at 160-170.

<sup>130</sup> FSC, *supra* note 14.

<sup>131</sup> BC Local, *supra* note 65 at s 263(1)(c).80.

<sup>132</sup> "Growing in the City", online: *City of Victoria* < [www.victoria.ca/EN/main/residents/parks/growing-in-the-city.html](http://www.victoria.ca/EN/main/residents/parks/growing-in-the-city.html) > [https://perma.cc/5RU2-MZDS]; Dunn, *supra* note 75 at 15.

and striving to localize the food system—all aspects that align directly with the pillars of food sovereignty.

In conclusion, the broad power delegated to local governments is supportive of food sovereignty as it allows local governments to assess their community needs and respond creatively.

### 4.3 Supports Food Sovereignty by Allowing Local Governments to use Alternative Governance Structures

Finally, municipal and planning law is supportive of food sovereignty as it allows local governments to define and meet their own needs through alternative governance structures. The City of Vancouver used their power<sup>133</sup> to create the Vancouver Food Policy Council and house it within their existing City structure. The Council is a good example of the local government working with stakeholders and pushing the boundaries of governance structures.<sup>134</sup> Section 202A provides municipal councils with the power to undertake social planning in relation to social needs, social well-being, and social development.<sup>135</sup> *The Vancouver Charter* is a piece of city-specific legalisation written years before other municipal legislation in British Columbia and it provides various powers to the city to work in the city's best interest.<sup>136</sup>

The entire framework of the Vancouver Food Policy Council aligns with the principles of food sovereignty and Right to the City: it works to improve food sustainability in Vancouver to make food appropriate, accessible, and available in a manner that is financially viable, while protecting the health and dignity of people and reducing the environment impact.<sup>137</sup> The Council is made up of citizens who are involved in the food system, and they provide input to the City Council and staff. Placing the power with the people is a key feature of Right to the City and food sovereignty and is clearly articulated through this Council by allowing citizens to provide input and be involved in decisions.

Therefore, the broad delegated power of the municipal and planning acts enables local governments to define their interests and govern in a way that makes sense at their level, which can include creating food policy councils aligned with food sovereignty.

### 4.4 Restricts Food Sovereignty by Creating Broad Purposes and Enabling a Range of Action

Although the broad delegated powers can be supportive of food sovereignty, they can also act to restrict as they do not provide a hierarchy of purposes of local governments. In practice, this means a local government can focus on one priority while rejecting the others, which can restrict food sovereignty FS.

---

<sup>133</sup> Vancouver Charter, SBC 1953, c 55 [Van Charter] at s. 159.

<sup>134</sup> Dunn, *ibid* at 87; "Vancouver Food Policy Council", online: *City of Vancouver* < <https://vancouver.ca/your-government/vancouver-food-policy-council.aspx> > [perma.cc/RJ9W-ZUTQ] [Van Council].

<sup>135</sup> Vancouver Charter, *supra* note 132.

<sup>136</sup> *Ibid.*

<sup>137</sup> Van Council, *supra* note 133.

*The Cities Act*, as mentioned above, enables local governments in Saskatchewan to implement urban agriculture through community gardening.<sup>138</sup> Although community gardening is often supportive of food sovereignty, recent research has highlighted that it can negatively impact food sovereignty in practice because the gardens often increase the surrounding property values.<sup>139</sup> This increase in property values can lead to the gentrification and displacement of marginalized groups.<sup>140</sup> The City of Saskatoon has noticed the correlation between community gardens and both increased property value and decreased crime; the City even advertises this as a benefit and positive attribute of the gardens on their website.<sup>141</sup>

To understand how the *Act* restricts food sovereignty, the purpose of municipal planning in Saskatchewan must be understood. The purpose of the *Cities Act*, in s.3(2) is to provide a “legal structure within which cities govern themselves and make decisions they consider appropriate and in the best interests of the residents”, “to provide cities with the flexibility to respond to existing and future needs of their cities in creative and innovative ways”, and “to ensure that... cities are accountable to the people who elect them and are responsible for encouraging and enabling public participation in the governance process.”<sup>142</sup> The *Act* under s.4(2) also outlines the purposes of the cities “to provide good government” (a), “maintain a safe and viable community” (c), and “to foster economic, social, and environmental well-being” (d).<sup>143</sup> These purposes provide for a broad power of interpretation and do not specify which purposes should be prioritized. Therefore, the City of Saskatoon is technically enabled under *The Cities Act* to prioritize the fostering of economic well-being and decreased crime over ensuring a safe and viable community for all residents. Despite the lack of clarity on priority of purposes, *The Cities Act* continues to enable creativity, and so it may be possible for Saskatoon to strategically plan for the growth of community gardens while preventing gentrification.

The broad scope of the purpose of *Planning Act* and OPs can also be restrictive of food sovereignty. The City of Kitchener Official Plan<sup>144</sup> was developed under ss. 14, 14.7(3), and 27 of the *Planning Act* and has already been used as an example of support for food sovereignty.<sup>145</sup> Although the OP has aspects which support food sovereignty, the plan as a whole focuses on growth management strategies to intensify the urban core.<sup>146</sup> These strategies have led to the gentrification of the urban core, displacing food options and housing for a range of marginalized people with speciality food stores, luxury shops, and high-end condos.<sup>147</sup> For example, under 15.D.2., the OP encourages the development and retention of “food stores” but does not specify if these stores must be culturally diverse or

---

<sup>138</sup> *Cities Act*, *supra* note 120.

<sup>139</sup> Ong, *supra* note 90 at 18.

<sup>140</sup> *Ibid* at 18-19.

<sup>141</sup> “Community Gardens,” online: City of Saskatoon < <https://www.saskatoon.ca/environmental-initiatives/environmental-dashboard/land/community-gardens?>> at “Did You Know” [<https://perma.cc/VHD9-U37S>].

<sup>142</sup> *Cities Act*, *supra* note 120.

<sup>143</sup> *Ibid*.

<sup>144</sup> Ong, *supra* note 90 at 67, 68, & 87.

<sup>145</sup> ON Planning, *supra* note 88.

<sup>146</sup> Ong, *supra* note 90 at 67, 68, & 87; City of Kitchener, *Official Plan: A Complete and Healthy Kitchener* (2014) <[www.kitchener.ca/en/resourcesGeneral/Documents/DSD\\_PLAN\\_City-of-Kitchener-Official-Plan-2014.pdf](http://www.kitchener.ca/en/resourcesGeneral/Documents/DSD_PLAN_City-of-Kitchener-Official-Plan-2014.pdf)> at Part A [<https://perma.cc/NFA2-J4YE>] [Kitchener Official Plan].

<sup>147</sup> Ong, *supra* note 90 at 67, 68, & 87.

affordable.<sup>148</sup> The lack of clarity and the results of the OP in practice seem to signify that the City of Kitchener is imagining and treating food as a commodity rather than a resource.

To understand the restrictive element of the OP, the *Planning Act* regulation must be analyzed. The purposes, under s. 1.1, of the *Planning Act* are to “promote sustainable economic development in a healthy natural environment,” “integrate matters of provincial interest in provincial and municipal planning decisions,” and “recognize the decision-making authority and accountability of municipal councils in planning.”<sup>149</sup> The contents of an OP, under s. 16(1) include “goals, objectives and policies primarily to manage and direct physical change and the effects on the social, economic, built and natural environment of the municipality or part of it.”<sup>150</sup> The City of Kitchener OP remains in line with both the general purposes of the *Planning Act* and the goals of OP creation. But, because the OP chose to prioritize economic development over sustainability or health, it is in part restrictive of food sovereignty. There is no regulation within the *Planning Act* to restrict this type of prioritization, and so the provincial legislation also enables a restriction of food sovereignty. Therefore, the broad power provided through provincial statutes can also restrict food sovereignty as the statutes do not create a hierarchy of prioritization for local government purposes.

In conclusion, municipal and planning law supports food sovereignty by enabling local governments to act on behalf of the public through zoning and planning, creativity, and governance structures. It also works to restrict food sovereignty by not ensuring a hierarchy of purposes for local governments, which allows economic interests to be prioritized over social need.

## 5. The Health Law of Food Sovereignty

Health law is an amorphous topic covered by both federal and provincial legislation depending on the circumstances and nature or scope of the health problem in question.<sup>151</sup> Therefore depending on how food, and food sovereignty FS, is described, it can be understood through the lens of health law. Health law can be restrictive of food sovereignty if it prioritizes food safety in policies over pillars of food sovereignty, such as people’s need for food.<sup>152</sup> Health law can also be understood to be supportive of food sovereignty as it provides another creative avenue to place food at the centre of policies and engage the public in food-related decisions.

### 5.1 Restricts Food Sovereignty by Creating Broad Purposes and Enabling a Range of Action

Since an element of food sovereignty is access to healthy food, food safety regulations are not inherently restrictive of food sovereignty.<sup>153</sup> Food safety regulation becomes restrictive

---

<sup>148</sup> Kitchener Official Plan, *supra* note 145.

<sup>149</sup> ON Planning, *supra* note 88.

<sup>150</sup> *Ibid.*

<sup>151</sup> *Schneider v British Columbia*, [1982] 2 SCR 112, SCJ No 64 at Estey dissent.

<sup>152</sup> FSC, *supra* note 14.

<sup>153</sup> *Ibid.*

when it prioritizes safety over the other principles of food sovereignty, such as building knowledge and skills, recognizing food as being sacred, valuing food providers, and localizing food systems.<sup>154</sup>

An example of food safety regulation restricting food sovereignty is evident in British Columbia (BC). The Meat Inspection Regulation in BC was modified in 2007 as a response to international outbreaks of bovine spongiform encephalopathy.<sup>155</sup> There was no evidence of contamination within BC facilities, but the modified regulation drastically altered the landscape of meat production in the province.<sup>156</sup> The updated regulation, under s. 5(1), requires that all slaughter and processing facilities become licensed to sell meat for human consumption and requires animals to be inspected before and after slaughter.<sup>157</sup> Staff at the Ministry of Agriculture and Lands revealed that by 2010 only 37 licensed facilities existed in BC where an estimated 400 existed before this regulation.<sup>158</sup> The large decline in licensed facilities can likely be attributed to the fact that compliance with these regulations required high levels of capital investment and increased operating costs which may not be possible for smaller food production facilities.<sup>159</sup>

Therefore, this food safety regulation created a regulatory roadblock for food sovereignty in BC.<sup>160</sup> Although its purpose was focused on people and the safety of their food, it worked to take the support away from local food systems and did not consider the impact it would have on food providers, especially at the local and peasant level.<sup>161</sup> By prioritizing the health and safety aspect of food, the regulation failed to consider the other impacts it may have on food sovereignty, such as valuing food providers and localizing food systems.<sup>162</sup>

This example clearly highlights that food sovereignty should be a consideration when health policies are created to regulate food. Further research could be done to investigate whether food safety protocols often lead to similar results. If a trend were documented, it would be wise to advise health ministries to consider the other impacts of food safety on food sovereignty and strive to provide exceptions or support to mitigate these risks when developing food safety policies.

## 5.2 Supportive of Food Sovereignty by Offering Another Avenue to Create the Right to the City and Food Sovereignty

Health law is also supportive of food sovereignty as it provides another policy avenue to support food sovereignty. The *Health Protection and Promotion Act*<sup>163</sup> and the *Provincial*

---

<sup>154</sup> *Ibid.*

<sup>155</sup> Wiebe, *supra* note 109 at 201.

<sup>156</sup> *Ibid* at 201.

<sup>157</sup> BC Reg 349/2004.

<sup>158</sup> Wiebe, *supra* note 109 at 201.

<sup>159</sup> *Ibid* at 177.

<sup>160</sup> *Ibid* at 177.

<sup>161</sup> FSC, *supra* note 14.

<sup>162</sup> *Ibid.*

<sup>163</sup> *Health Protection and Promotion Act*, RSO 1990, c H7 [Protection].

*Health Authority Act*<sup>164</sup> will be discussed to highlight how health law can support food sovereignty.

The overall purpose of the *Health Protection and Promotion Act* in Ontario “is to provide for the organization and delivery of public health programs and services, the prevention of the spread of disease and the promotion and protection of the health of the people of Ontario.”<sup>165</sup> Although neither “health” nor “food” are defined,<sup>166</sup> the *Act* mentions food in two instances indicating that food falls under this *Act*. The *Act* lists “nutrition services” as a mandatory family health service under s. 5(4)(vii) and permits the inspection of food premises under Part III.<sup>167</sup>

The Toronto Food Policy Council (TFPC) was not formed under municipal law, but instead under health law.<sup>168</sup> The Toronto Board of Health created the TFPC as a subcommittee to advise the City of Toronto on food policy issues under s. 48 of the *Health Protection and Promotion Act*.<sup>169</sup> The TFPC connects people across the food system to develop innovative policies and projects to support a health-focused food system.<sup>170</sup> It is a great example of food sovereignty and Right to the City embedded within an existing governance structure.<sup>171</sup> The TFPC is supportive of food sovereignty as it involves the public, places people at the heart of food policy decisions, and strives to share knowledge and skills between community members and the City of Toronto.<sup>172</sup> The TFPC has suggested a range of programming and initiatives, such as cooking skills, community gardening, social and economic equity advocacy, and promoting food access, which have been executed by the Toronto Public Health and other community organizations.<sup>173</sup> Therefore the layout and actions of the TFPC align with food sovereignty.

Station 20 West is a community enterprise in Saskatoon.<sup>174</sup> It offers a variety of services, including a health center, housing, promotion of food security, and assistance with childhood development, in a single location in Saskatoon.<sup>175</sup> The centre was formed by a collaboration between the local health region, the University of Saskatchewan, and community-based organizations.<sup>176</sup> The Saskatoon Health Unit was able to join the venture

---

<sup>164</sup> *The Provincial Health Authority Act*, SS 2017, c P-30.3 <<https://www.canlii.org/en/sk/laws/stat/ss-2017-c-p-30.3/latest/ss-2017-c-p-30.3.html>> [Authority].

<sup>165</sup> Protection, *supra* note 162 at s 2.

<sup>166</sup> *Ibid.*

<sup>167</sup> *Ibid* at s 5(4)(vii) and Part III Community Health Protection.

<sup>168</sup> Wendy Mendes, “Creating a ‘Just and Sustainable’ Food System in the City of Vancouver: The Role of Governance, Partnerships and Policy-Making” (2006) Doctor of Philosophy in the Department of Geography at 87;

“About TFPC”, online: *Toronto Food Policy Council* <[tfpc.to/about](https://tfpc.to/about)> [https://perma.cc/3TJ5-XSVS] [TFPC].

<sup>169</sup> Protection, *supra* note 162.

<sup>170</sup> TFPC, *supra* note 167.

<sup>171</sup> Introducing the Toronto Food Policy Council” (2016) at 13, online (pdf): *Toronto Food Policy Council* <<https://sustainontario.com/greenhouse/custom/uploads/2019/07/Introducing-the-TFPC-Who-We-Are-What-We-Do-How-We-Do-It.pdf>> [perma.cc/NX3K-7AT2] [TFPC Sustain].

<sup>172</sup> FSC, *supra* note 14.

<sup>173</sup> TFPC Sustain, *supra* note 170.

<sup>174</sup> Wiebe, *supra* note 109 at 144 -145, “About Station 20 West”, online: *Station 20 West* <[station20west.org/about](https://station20west.org/about)> [https://perma.cc/3TJ5-XSVS] [Station].

<sup>175</sup> Station, *supra* note 173.

<sup>176</sup> Wiebe, *supra* note 109 at 144-145; Station, *supra* note 173.

because of the general powers under *The Provincial Health Authority Act*.<sup>177</sup> This Act<sup>178</sup> provides the Minister of Health with the broad strategic discretion to “do any things that the minister considers advisable for [the purpose of the health care system in Saskatchewan]”.<sup>179</sup> The *Act* then considers specific services the Minister can enact, including anything they deem appropriate to promote and ensure the provision of health services.<sup>180</sup> Station 20 West is a creative avenue to focus on Right to the City and food sovereignty, as it concentrates on a range of social actions which address the deeper issues of poverty.<sup>181</sup> This centre aligns with food sovereignty and Right to the City because it focuses on the people and aims to ensure control locally.

In conclusion, the regulation of food sovereignty under health law has potential to both support and restrict food sovereignty. Although health laws such as those governing food safety can restrict aspects of food sovereignty, health law also offers a creative route to reimagine the governance of food sovereignty and legal instruments regulating its activities.

## 6. Conclusion

This research paper contributes to the broader study of the relationship between law and food sovereignty in the urban Canadian context. Food sovereignty, in this paper, is understood through the context of the theory of the Right to the City. Both concepts, the Right to the City and food sovereignty, were used to quantify food sovereignty and FS activities in the context of legal regulation in Canada. Although food sovereignty and the Right to the City in their truest forms are radical, they are also helpful in understanding the impact that current legal structures have on food sovereignty activities. Constitutional law, municipal and planning law, and health law were used to organize a series of claims about the impact laws have on food sovereignty activities in relation to specific legislation.

The *Constitution* was found to be both restrictive and supportive of food sovereignty. Constitutional law restricts food sovereignty because of its lack of recognition of local governments as true governments, its restriction of provincial power to regulate agriculture, and its role in furthering the treatment of food as a commodity. Constitutional law supports food sovereignty in its role of assigning power to the federal government. Municipal and planning law were generally supportive of food sovereignty, especially because they recognize the power of municipal councils to act through zoning and power, creativity, and governance structures. Municipal and planning law were also shown to be restrictive of food sovereignty as the provincial statutes fail to create a hierarchy of purposes for local governments. Finally, health law was found to be restrictive of food sovereignty when it prioritizes food safety over food sovereignty pillars. Yet health law can be supportive of food sovereignty as it can incorporate food sovereignty principles and a food focus into health policies and other drafting decisions. All these claims were

---

<sup>177</sup> Authority, *supra* note 163.

<sup>178</sup> *Ibid.*

<sup>179</sup> *Ibid* at s 2-1(1).

<sup>180</sup> *Ibid* at s 2-8(b).

<sup>181</sup> Station, *supra* note 173.

supported by examples of food sovereignty activities, such as official plans and bylaws regulating urban agriculture, along with their accompanying legal instruments.

This paper strives to add to the existing literature by exploring the connection between the Right to the City, food sovereignty, policy, and legal regimes. It offers one perspective on the role that three legal fields, namely constitutional, health, and municipal and planning law, have on the regulation of FS activities in urban Canada. Any food sovereignty activity, short of a revolution, will be governed by law, and thus it is critical to study and understand how food sovereignty activities operate within current legal regulations and government policies. This paper highlights that it is possible to retain the integrity of food sovereignty and food sovereignty activities in urban Canada while operating within existing legal frameworks. Perhaps reclaiming the Right to the City and working towards food sovereignty does not require radical change, but rather an intention to work within the existing structures and an attempt to create laws and policies which work to support rather than restrict food sovereignty activities.

## Appendix

The following tables document food sovereignty activities, their jurisdiction and the accompanying legal instruments. This research was used to make the various claims as demonstrated in this paper.

## Municipal/ Planning Law

**Legend:** Food Sovereign Activities:

Urban Agriculture

Food Policy

Food Access

Shifting Food Culture

Other policy

Food Sovereignty Activity	Location	Legal Instrument	Source	Legislation = Restrictive/ Supportive/ Ambiguous	Other Notes	Links
Food Policy	Toronto, ON	City of Toronto Act	Increasing Access to Local Food: Policies from other Places as A guide to Increasing Local Food Access Through Land Use Planning in Ontario	Supportive	<b>Activity: Grow TO</b>  Grow TO Urban Agriculture Plan for Toronto	GROW TO Link: <a href="https://www.toronto.ca/legdocs/mmis/2012/pe/bgrd/backgroundfile-51558.pdf">https://www.toronto.ca/legdocs/mmis/2012/pe/bgrd/backgroundfile-51558.pdf</a>  City of Toronto Act, 2006, S.O. 2006, c. 11, Sched. A: <a href="https://www.ontario.ca/laws/statute/06c11">https://www.ontario.ca/laws/statute/06c11</a>
Urban Agriculture	Toronto, ON (Jane-Finch)	City of Toronto Act  Toronto and Region Conservation Authority (one of 36 Conservation Authorities in Ontario created by	Nettie Wiebe et al, Food Sovereignty in Canada: creating just and sustainable food systems (Fernwood Pub, 2011).  At page 160-170	Supportive	<b>Activity: Toronto: Black Creek Community Farm Urban farm</b> City Partnered with Black Creek Urban Farm in 2002 as noted in Grow TO an Urban Agriculture Action Plan for Toronto Partnership between City of Toronto and	Conservation Authorities Act, R.S.O. 1990, c. C.27 <a href="https://www.ontario.ca/laws/statute/90c27#BK28">https://www.ontario.ca/laws/statute/90c27#BK28</a>  City of Toronto Act, 2006, S.O. 2006, c. 11, Sched. A: <a href="https://www.ontario.ca/laws/statute/06c11">https://www.ontario.ca/laws/statute/06c11</a>

		the Conservation authorities Act, R.S.O. 1990, c. C.27)			Toronto and Region Conservation Authority	
Food Policy	Toronto, ON	Strategy adopted by Board of Health in 2010. Board of health is established under the Health Protection and Promotion Act, R.S.O. 1990, c. H.7	Nettie Wiebe et al, Food Sovereignty in Canada: creating just and sustainable food systems (Fernwood Pub, 2011).  At page 177	Supportive	<b>Activity: Toronto Food Strategy</b>  Toronto Board of Health implemented the TFPC in 1991 as a subcommittee to advise the City of Toronto on food policy issues. TFPC implemented TFS. TFS: trying to look beyond borders of the city, cross sector collaboration to change the food system “TFS represents a breakthrough in public policy” (page 178)  Toronto Public Health is accountable to the Board of Health, Toronto City Council, the Government of	Strategy: Cultivating Food Connections: Toward a Healthy and Sustainable Food System for Toronto: <a href="https://tfpc.to/about">https://tfpc.to/about</a>  Health Protection and Promotion Act, R.S.O. 1990, c. H.7: <a href="https://www.ontario.ca/laws/statute/90h07">https://www.ontario.ca/laws/statute/90h07</a>  Toronto Public Health Strategic Plan: <a href="https://www.toronto.ca/wp-content/uploads/2017/08/8d55-TPH-Strategic-Plan-2015-2019.pdf">https://www.toronto.ca/wp-content/uploads/2017/08/8d55-TPH-Strategic-Plan-2015-2019.pdf</a>

					Ontario, and to the people of Toronto	
<b>Food Policy</b>	Greater Vancouver BC	Bylaw No.1136, 2010 A Bylaw to Adopt a Regional Growth Strategy for the Greater Vancouver Regional District  LOCAL GOVERNMENT ACT [RSBC 2015] CHAPTER 1	Sustainable Development Compromise[d] in the Planning of Metro Vancouver's Agricultural Lands—the Jackson Farm Case  At page 2856	Supportive	<b>Activity: Greater Vancouver Regional District Regional Growth Strategy Exemption Regulation</b>  Adopted 2011 and updated 2020  Various goals, including sustainability Regional food system strategy – goal to protect agricultural lands with an emphasis on food production communities through regional strategies on affordable housing, culture, food, and parks and recreation.	BC Local Government Act. Greater Vancouver Regional District Regional Growth Strategy Local Government Act: <a href="https://www.bclaws.ca/civix/document/id/complete/statreg/r15001_00">https://www.bclaws.ca/civix/document/id/complete/statreg/r15001_00</a>  GREATER VANCOUVER REGIONAL DISTRICT BYLAW NO. 1136, 2010: <a href="http://www.metrovancouver.org/boards/Bylaws1/GVRD_Bylaw_1136.pdf">http://www.metrovancouver.org/boards/Bylaws1/GVRD Bylaw_1136.pdf</a>
<b>Food Policy</b>	Vancouver	The Council is embedded within the city of Vancouver social planning department	Creating a 'Just a Sustainable' Food System in the City of Vancouver: The Role of Governance, Partnerships and Policy-Making	Supportive	<b>Activity: Vancouver Food Policy Council</b>  Vancouver Food policy: Sustainable food system, city of Vancouver social	Vancouver Food Policy: <a href="https://vancouver.ca/your-government/vancouver-food-policy-council.aspx">https://vancouver.ca/your-government/vancouver-food-policy-council.aspx</a>  Vancouver Charter: <a href="https://www.bclaws.ca/civix/d">https://www.bclaws.ca/civix/d</a>

		and the city is enabled under s. 202A of the <i>Vancouver Charter</i>	At page 87		planning department (page 87)  Multi-actor body mandate “to act as an advocacy, advisory and policy development body on food system issues within the City’s jurisdiction (page 249	<a href="#">ocument/id/complete/statreg/vanch_00</a>
Food Policy	Vancouver, BC	Vancouver Charter	Creating a ‘Just a Sustainable’ Food System in the City of Vancouver: The Role of Governance, Partnerships and Policy-Making	Supportive	<b>Activity: Vancouver Food Strategy</b> Vancouver Food Strategy sets out five goals: including the identification of urban farming as a priority action area that can enhance Vancouver’s green economy.	Vancouver Food Strategy: <a href="https://vancouver.ca/files/cov/vancouver-food-strategy-final.PDF">https://vancouver.ca/files/cov/vancouver-food-strategy-final.PDF</a>  Vancouver Charter: <a href="https://www.bclaws.ca/civix/document/id/complete/statreg/vanch_00">https://www.bclaws.ca/civix/document/id/complete/statreg/vanch_00</a>
Food Policy	Kamloops, BC	BC Local Government Act (s. 472)  BYLAW NO.46-1	Creating a ‘Just a Sustainable’ Food System in the City of Vancouver: The Role of Governance, Partnerships and Policy-Making	Supportive	<b>Activity: Kamloops’s Food Policy in the Kamloops Social Plan 2001:</b>	Kamloops Social Plan: <a href="https://www.kamloops.ca/sites/default/files/docs/city-hall/09-socialplan.pdf">https://www.kamloops.ca/sites/default/files/docs/city-hall/09-socialplan.pdf</a>  Local Government Act: <a href="https://www.google.com/search?q=bc+local+government+act&amp;oq">https://www.google.com/search?q=bc+local+government+act&amp;oq</a>

			At page 186			<a href="https://www.google.com/search?q=bc+local+govern&amp;aqs=chrome.0.0i457j69i57j46i175i199j0l2j69i60l3.2927j0j4&amp;sourceid=chrome&amp;ie=UTF-8">=bc+local+govern&amp;aqs=chrome.0.0i457j69i57j46i175i199j0l2j69i60l3.2927j0j4&amp;sourceid=chrome&amp;ie=UTF-8</a>
Food Policy	Kamloops BC	S. 472 of the <i>Local Government Act</i> through Bylaw No 46-1.	Creating a 'Just a Sustainable' Food System in the City of Vancouver: The Role of Governance, Partnerships and Policy-Making  At page 186	Supportive	<b>Activity: Kamplan</b>	Local Government Act: <a href="https://www.google.com/search?q=bc+local+government+act&amp;oq=bc+local+govern&amp;aqs=chrome.0.0i457j69i57j46i175i199j0l2j69i60l3.2927j0j4&amp;sourceid=chrome&amp;ie=UTF-8">https://www.google.com/search?q=bc+local+government+act&amp;oq=bc+local+govern&amp;aqs=chrome.0.0i457j69i57j46i175i199j0l2j69i60l3.2927j0j4&amp;sourceid=chrome&amp;ie=UTF-8</a>  KAMPLAN: <a href="https://www.kamloops.ca/homes-business/community-planning-zoning/official-community-plan-kamplan">https://www.kamloops.ca/homes-business/community-planning-zoning/official-community-plan-kamplan</a>
Food Policy	Kamloops, BC	BC Local Government Act	Creating a 'Just a Sustainable' Food System in the City of Vancouver: The Role of Governance, Partnerships and Policy-Making  At page 186	Supportive	<b>Activity: Kamloops Food and Urban Agriculture Plan</b>	Food and Urban Agriculture Plan: <a href="https://www.kamloops.ca/sites/default/files/docs/city-hall/15-09-food_urban_agriculture_plan_2015_285947.pdf">https://www.kamloops.ca/sites/default/files/docs/city-hall/15-09-food_urban_agriculture_plan_2015_285947.pdf</a>  Local Government Act: <a href="https://www.google.com/search?q=bc+local+government+act&amp;oq=bc+local+govern&amp;aqs=chrome.0.0i457j69i57j46i175i199j0l2j69i60l3.2927j0j4&amp;sourceid=chrome&amp;ie=UTF-8">https://www.google.com/search?q=bc+local+government+act&amp;oq=bc+local+govern&amp;aqs=chrome.0.0i457j69i57j46i175i199j0l2j69i60l3.2927j0j4&amp;sourceid=chrome&amp;ie=UTF-8</a>

						<a href="#">6013.2927j0j4&amp;sourceid=chrome&amp;ie=UTF-8</a>
<b>Food Policy</b>	Prince Albert, SK	General powers under the <i>The Cities Act</i>	Creating a 'Just a Sustainable' Food System in the City of Vancouver: The Role of Governance, Partnerships and Policy-Making At page 177	Supportive	<b>Activity: Food Charter Prince Albert:</b> The Prince Albert Food Charter, the third of its kind in Canada, was developed in 2002. The Food Coalition presented the PA Food Charter to City Council in March of 2002. At that meeting, the council passed the Food Charter "in principle".	Food Charter: <a href="https://foodsecurecanada.org/site/foodsecurecanada.org/files/PrinceAlbertcharter.pdf">https://foodsecurecanada.org/site/foodsecurecanada.org/files/PrinceAlbertcharter.pdf</a>  Cities Act: <a href="https://www.canlii.org/en/sk/laws/stat/ss-2002-c-c-11.1/latest/ss-2002-c-c-11.1.html">https://www.canlii.org/en/sk/laws/stat/ss-2002-c-c-11.1/latest/ss-2002-c-c-11.1.html</a>
<b>Urban Agriculture</b>	Vancouver, BC	<i>Local Government Act</i> under ss. 298(1)(a), 228 and 349  Bylaw: 10.18.4	Creating a 'Just a Sustainable' Food System in the City of Vancouver: The Role of Governance, Partnerships and Policy-Making" At page 307	Supportive	<b>Activity: Roof-Mounted Energy Technologies and Green Roofs</b> (Discretionary Height Increases)	Bylaw ROOF-MOUNTED ENERGY TECHNOLOGIES AND GREEN ROOFS (DISCRETIONARY HEIGHT INCREASES): <a href="https://bylaws.vancouver.ca/bulletin/bulletin-roof-mounted-energy-technologies-and-green-roofs.pdf">https://bylaws.vancouver.ca/bulletin/bulletin-roof-mounted-energy-technologies-and-green-roofs.pdf</a> & <a href="https://bylaws.vancouver.ca/zoning/zoning-by-law-section-10.pdf">https://bylaws.vancouver.ca/zoning/zoning-by-law-section-10.pdf</a>  BC local government act: <a href="https://www.google.com/search?q=bc+local+government+act&amp;og">https://www.google.com/search?q=bc+local+government+act&amp;og</a>

						<a href="#">=bc+local+govern&amp;aqs=chrome.0.0i457j69i57j46i175i199j0l2j69i60l3.2927j0j4&amp;sourceid=chrome&amp;ie=UTF-8</a>
Urban Agriculture	Toronto, ON	City of Toronto Act  TORONTO MUNICIPAL CODE CHAPTER 492, GREEN ROOF	Increasing Access to Local Food: Policies from other Places as A guide to Increasing Local Food Access Through Land Use Planning in Ontario	Supportive	<b>Activity: Toronto Municipal Code Chapter 492, Green Roofs</b>	TORONTO MUNICIPAL CODE CHAPTER 492, GREEN ROOFS: <a href="https://www.toronto.ca/legdocs/municode/1184_492.pdf">https://www.toronto.ca/legdocs/municode/1184_492.pdf</a>  City of Toronto Act, 2006, S.O. 2006, c. 11, Sched. A: <a href="https://www.ontario.ca/laws/statute/06c11">https://www.ontario.ca/laws/statute/06c11</a>
Food Policy	Regina, SK	Planning and Development Act	Wendy Mendes, "Creating a 'Just an Sustainable' Food System in the City of Vancouver: The Role of Governance, Partnerships and Policy-Making" (2006) Doctor of Philosophy in the Department of Geography.  At page 152	Ambiguous	<b>Activity: Regina Official Community Plan</b>	Regina Official Community Plan: <a href="https://www.regina.ca/about-regina/official-community-plan/">https://www.regina.ca/about-regina/official-community-plan/</a>  Planning and Development Act (PDF): <a href="https://publications.saskatchewan.ca/api/v1/products/23220/formats/29813/download">https://publications.saskatchewan.ca/api/v1/products/23220/formats/29813/download</a> Or <a href="https://www.canlii.org/en/sk/laws/stat/ss-2007-c-p-13.2/latest/ss-2007-c-p-13.2.html">https://www.canlii.org/en/sk/laws/stat/ss-2007-c-p-13.2/latest/ss-2007-c-p-13.2.html</a>
Urban Agriculture  Food Access	Regina, SK	The Cities Act	Wendy Mendes, "Creating a 'Just an Sustainable' Food System in the City of Vancouver: The Role	Supportive	<b>Activity: Grow Regina Emerging from Mayor's Hunger Report in 1988 (page 156)</b>	Cities Act: <a href="https://publications.saskatchewan.ca/#/products/408">https://publications.saskatchewan.ca/#/products/408</a>

			of Governance, Partnerships and Policy-Making” (2006) Doctor of Philosophy in the Department of Geography. At page 156		Grow Regina: Grow Regina came into existence in 1994 when a group of community volunteers joined forces with the City of Regina and The Regina Food Bank to make use of empty space near the corner of College Avenue and Broad Street to form one of the largest community gardens in Regina.	Community Gardens throughout Regina are operated by <a href="#">Zone Boards and Community Associations</a> .
Food Policy	Saskatoon, SK	<i>The Planning and Development Act, 2007, SS 2007, c P-13.2</i>	Wendy Mendes, “Creating a ‘Just an Sustainable’ Food System in the City of Vancouver: The Role of Governance, Partnerships and Policy-Making” (2006) Doctor of Philosophy in the Department of Geography.  At page 159 and 160	Supportive	<b>Activity: Saskatoon Strategic Plan</b>	Saskatoon Plan: <a href="https://www.saskatoon.ca/sites/default/files/documents/asset-financial-management/cofs-strategic-plan-2018-final_web.pdf">https://www.saskatoon.ca/sites/default/files/documents/asset-financial-management/cofs-strategic-plan-2018-final_web.pdf</a>  Planning and Development Act: <a href="https://www.saskatchewan.ca/government/municipal-administration/community-planning-land-use-and-development/planning-and-development-actm">https://www.saskatchewan.ca/government/municipal-administration/community-planning-land-use-and-development/planning-and-development-actm</a>
Urban Agriculture	Saskatoon, SK	The Cities act	Wendy Mendes, “Creating a ‘Just an Sustainable’ Food System in the City of	Supportive	<b>Activity: Community Gardens Saskatoon</b>	Cities Act: <a href="https://publications.saskatchewan.ca/#/products/408">https://publications.saskatchewan.ca/#/products/408</a>

			<p>Vancouver: The Role of Governance, Partnerships and Policy-Making” (2006) Doctor of Philosophy in the Department of Geography.</p> <p>At page 159 and 160</p>		<p>Saskatoon Offers: Allotment, community, and vacant lot gardening (owned by the city), Health yards demonstration garden, and Boulevard Gardens.</p> <p>City has contributed land and water supplies, infrastructure, do not require them to pay rent</p>	<p>Community Garden update: <a href="https://www.saskatoon.ca/environmental-initiatives/environmental-dashboard/land/community-gardens">https://www.saskatoon.ca/environmental-initiatives/environmental-dashboard/land/community-gardens</a></p>
Urban Agriculture	Victoria, BC	ss. 263, especially 263(c) and 429 the <i>Local Government Act</i>	<p>Increasing Access to Local Food: Policies from other Places as A guide to Increasing Local Food Access Through Land Use Planning in Ontario</p> <p>At page 15</p>	Supportive	<p><b>Activity: Growing in the City</b></p> <p>Distributes free seeds (City of Victoria in partnership with non-profits). Boulevard gardening, community gardens, urban food tree stewardship, rooftop greenhouses,</p>	<p>Growing in The City: <a href="https://www.victoria.ca/EN/main/residents/parks/growing-in-the-city.html">https://www.victoria.ca/EN/main/residents/parks/growing-in-the-city.html</a></p> <p>Local Government Act: <a href="https://www.bclaws.ca/civix/document/id/complete/statreg/r15001_00">https://www.bclaws.ca/civix/document/id/complete/statreg/r15001_00</a></p> <p>City of Victoria Community Gardens Policy: <a href="https://www.victoria.ca/assets/Community/Growing~in~the~City/Community%20Gardens%20Policy_Revised%202016.pdf">https://www.victoria.ca/assets/Community/Growing~in~the~City/Community%20Gardens%20Policy_Revised%202016.pdf</a></p>
Urban Agriculture	Kitchener, ON	Under ss. 10(2)(9) and 11(3)(9) of the	<p>Feeling out of place suddenly, and you haven’t even moved’: Food gentrification, alternative foods, and</p>	Supportive?  #LoveMyHood Neighbourhood Strategy	<p><b>Action: #LoveMyHood Neighbourhood Strategy</b></p> <p>- Came from Office of the</p>	<p>Municipal Act, 2001 <a href="#">S.O. 2001, CHAPTER 25</a></p>

<p><b>Shifting Food Culture</b></p>		<p><i>Municipal Act</i></p>	<p>sociocracies justice in Downton Kitchener, Ontario At page 4</p>	<p>municipal act s. 107: grants</p>	<p>Chief Administrator's Office (CAO)</p> <ul style="list-style-type: none"> <li>- Support by the City to build do-it-yourself projects focused on community and placemaking</li> <li>- Has a matching grant</li> <li>- Including neighbourhood community gardens and neighbourhood markets (page 4)</li> </ul> <p>Over the past three years, Love My Hood has supported over 90 resident-led projects in every ward of the city, with more than 400 residents taking the lead on neighbourhood projects and investing over 10,000 hours of volunteer time into the community"</p>	<p>Kitchener's guide to great neighbourhoods (DIY): <a href="https://www.lovemyhood.ca/en/resourcesGeneral/Documents/CSD_NDO_Kitcheners_Guide_to_Great_Neighbourhoods_Report_2017_Accessible.pdf">https://www.lovemyhood.ca/en/resourcesGeneral/Documents/CSD_NDO_Kitcheners_Guide_to_Great_Neighbourhoods_Report_2017_Accessible.pdf</a></p> <p>Grant information: <a href="https://www.kitchener.ca/en/city-services/grants.aspx#Love-My-Hood-Matching-Grant">https://www.kitchener.ca/en/city-services/grants.aspx#Love-My-Hood-Matching-Grant</a></p>
<p><b>Urban Agriculture</b></p>	<p>Brampton, ON</p>	<p>Bylaw 261-93</p>	<p>Balking at Bocking: Urban Chicken Policy in Canada" Table</p>	<p>Supportive</p>	<p><b>Activity: Urban Chicken Bylaws</b></p>	<p>Municipal Act, 2001 <a href="#">S.O. 2001, CHAPTER 25</a></p>

		11(3)(9) of the <i>Municipal Act</i>			Lower tier	Bylaw: <a href="https://www.brampton.ca/EN/City-Hall/Bylaws/All%20Bylaws/Animal%20Control.pdf">https://www.brampton.ca/EN/City-Hall/Bylaws/All%20Bylaws/Animal%20Control.pdf</a>
Urban Agriculture	Guelph ON	10(2)(9) of the <i>Municipal Act</i>	Balking at Bocking: Urban Chicken Policy in Canada” Table	Supportive	<b>Activity: Urban Chicken Bylaws</b>  Single Tier	Municipal Act, 2001 <a href="https://www.guelph.ca/wp-content/uploads/PoultryBylaw.pdf">S.O. 2001, CHAPTER 25</a>  Old bylaw (in literature) <a href="https://guelph.ca/wp-content/uploads/PoultryBylaw.pdf">https://guelph.ca/wp-content/uploads/PoultryBylaw.pdf</a> New bylaw: <a href="https://guelph.ca/wp-content/uploads/animalcontrolbylaw.pdf">https://guelph.ca/wp-content/uploads/animalcontrolbylaw.pdf</a>
Urban Agriculture	Victoria, BC	ANIMAL CONTROL BYLAW BYLAW NO. 11-044  Local Government Act 318 (division 5 – animals)	Balking at Bocking: Urban Chicken Policy in Canada” Table	Supportive	<b>Activity: Urban Chicken Bylaws</b>	ANIMAL CONTROL BYLAW NO. 11-044: <a href="https://www.victoria.ca/assets/City~Hall/Bylaws/bylaw-11-044.pdf">https://www.victoria.ca/assets/City~Hall/Bylaws/bylaw-11-044.pdf</a>  Local Government Act: <a href="https://www.bclaws.ca/civix/document/id/consol21/consol21/96323_00">https://www.bclaws.ca/civix/document/id/consol21/consol21/96323_00</a> (division 5 – animals)
Urban Agriculture	Burnaby, BC	Local Government Act	Balking at Bocking: Urban Chicken Policy in Canada” Table	Supportive	<b>Activity: Urban Chicken Bylaws</b>	Zoning Bylaw (s. 3 “Accessory Use”): <a href="https://www.burnaby.ca/Assets/">https://www.burnaby.ca/Assets/</a>

		<a href="#">Zoning Bylaw (Section 3 “Accessory Use”)</a>			Urban chicken bylaws proposed but didn’t make.  Did enact beekeeping	<a href="#">Zoning+Bylaw/Section+3+Definitions.pdf</a>  Local Government Act: <a href="https://www.bclaws.ca/civix/document/id/consol21/consol21/96323_00">https://www.bclaws.ca/civix/document/id/consol21/consol21/96323_00</a> (division 5 – animals)
Urban Agriculture	Halifax, NS	Halifax Regional Municipality Charter  An official bylaw has not been made yet but case 22227	Balking at Bocking: Urban Chicken Policy in Canada” Table	Supportive	<b>Activity: Urban Chicken Bylaws</b>	HRM Charter: <a href="https://nslegislature.ca/sites/default/files/legc/statutes/halifax%20regional%20municipality%20charter.pdf">https://nslegislature.ca/sites/default/files/legc/statutes/halifax%20regional%20municipality%20charter.pdf</a>  Municipal Government Act CHAPTER 18 OF THE ACTS OF 1998: <a href="https://nslegislature.ca/sites/default/files/legc/statutes/municipal%20government.pdf">https://nslegislature.ca/sites/default/files/legc/statutes/municipal%20government.pdf</a>  Case 22227: Amendments to HRM Planning Documents to Enable Egg laying Hens and/or Chickens in All Residential Zones: <a href="https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/190730rc1515.pdf">https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/190730rc1515.pdf</a>
Urban Agriculture	Kamloops, BC	Local Government Act 318	Balking at Bocking: Urban Chicken Policy in Canada” Table	Supportive	<b>Activity: Urban Chicken Bylaws</b>	Local Government Act: <a href="https://www.bclaws.ca/civix/document/id/consol21/consol21/96323_00">https://www.bclaws.ca/civix/document/id/consol21/consol21/96323_00</a>

		ANIMAL CONTROL BYLAW NO. 34-11				ANIMAL CONTROL BYLAW NO. 34- <a href="https://kamloops.civicweb.net/document/8206">https://kamloops.civicweb.net/document/8206</a>
Urban Agriculture	Kitchener, ON And Waterloo, ON	bylaw 2016-118 Kitchener  10(2)(9) of the <i>Municipal Act</i>	Balking at Bocking: Urban Chicken Policy in Canada” Table	Supportive	<b>Activity: Urban Chicken Bylaws</b>  City of Kitchener = lower tier  City of Waterloo = lower tier  City of Cambridge = lower tier  Regional Municipality of Waterloo = upper tier  Would make more sense for region to make a bylaw (Cambridge and Waterloo don’t allow, but Kitchener does)	Kitchener enacted a bylaw: <a href="https://lf.kitchener.ca/WebLinkExt/DocView.aspx?dbid=0&amp;id=1497603&amp;page=6&amp;cr=1">https://lf.kitchener.ca/WebLinkExt/DocView.aspx?dbid=0&amp;id=1497603&amp;page=6&amp;cr=1</a>  Waterloo Bylaw No.09-47: <a href="https://www.waterloo.ca/en/government/resources/Documents/By-law/Animal-control-bylaw.pdf">https://www.waterloo.ca/en/government/resources/Documents/By-law/Animal-control-bylaw.pdf</a>  Municipal Act, 2001 <a href="https://www.waterloo.ca/en/government/resources/Documents/By-law/Animal-control-bylaw.pdf">S.O. 2001, CHAPTER 25</a>
Urban Agriculture	Niagara Falls	By-law No. 2002 - 129 as amended by:	Balking at Bocking: Urban Chicken Policy in Canada” Table	Supportive Urban Chicken Bylaws	<b>Activity: Urban Chicken Bylaws</b>  Lower tier	Municipal Act, 2001 <a href="https://www.waterloo.ca/en/government/resources/Documents/By-law/Animal-control-bylaw.pdf">S.O. 2001, CHAPTER 25</a>  Niagara Falls bylaw: <a href="https://niagarafalls.ca/pdf/by-laws/Animal_control.pdf">https://niagarafalls.ca/pdf/by-laws/Animal_control.pdf</a>

		By-law 2002-152 and 2010-70  10(2)(9) of the <i>Municipal Act</i>				
Urban Agriculture	Gatineau, QC	Bylaw: COMPILATI ON ADMINISTR ATIVE RÈGLEMENT NUMÉRO 183-2005 Gatineau: 50.1  Power from: chapter C- 47.1 MUNICIPAL POWERS ACT	Balking at Bocking: Urban Chicken Policy in Canada” Table	Supportive Urban Chicken Bylaws	<b>Activity: Urban Chicken Bylaws</b>	Bylaw: <a href="https://www.gatineau.ca/doc-web/masson/documents/pdf/Compilation%20administrative%20183-2005.pdf">https://www.gatineau.ca/doc-web/masson/documents/pdf/Compilation%20administrative%20183-2005.pdf</a>  Municipal Powers Act: <a href="http://legisquebec.gc.gov/ouvcq.ca/en/show_doc/cs/c-47.1?&amp;digest=">HTTP://LEGISQUEBE C.GOUV.QC.CA/EN/SHOW DOC/CS/C- 47.1?&amp;DIGEST=</a>
Urban Agriculture	North Vancouver, BC	Local Government Act 318  ANIMAL CONTROL	Balking at Bocking: Urban Chicken Policy in Canada” Table	Supportive	<b>Activity: Urban Chicken Bylaws</b>	Local Government Act: <a href="https://www.bclaws.ca/civix/document/id/consol21/consol21/96323_00">https://www.bclaws.ca/civix/docu t/id/consol21/consol21/96323_00</a>

		<p>BY-LAW NO. 9150</p> <p>Amendments to Zoning Amendment Bylaw No. 8250</p> <p>2. Small Creatures Limitation Amendment Bylaw No.8251 (2012</p>				<p>Animal Control Bylaw: <a href="https://bylaws.vancouver.ca/9150c.PDF">https://bylaws.vancouver.ca/9150c.PDF</a></p> <p>Bylaw Amendments for the regulation of domestic chickens July 2012: <a href="https://www.cnv.org/-/media/city-north-vancouver/documents/urban-chicken-keeping/bylaw-amendments-for-the-regulation-of-domestic-chickens---july-2012.pdf">https://www.cnv.org/-/media/city-north-vancouver/documents/urban-chicken-keeping/bylaw-amendments-for-the-regulation-of-domestic-chickens---july-2012.pdf</a></p>
<p>Food Access</p> <p>Other Policy</p>	<p>Kitchener, Ontario</p>	<p>Zoning By-Law 2019: The Corporation of the City of Kitchener. By-law Number 2019-051</p> <p><i>Municipal Act</i></p>	<p>Feeling out of place suddenly, and you haven't even moved': Food gentrification, alternative foods, and sociocracies justice in Downton Kitchener, Ontario"</p> <p>At page 89</p>	<p>Restrictive</p>	<p><b>Activity: LRT Kitchener</b></p> <p>Restrictive because it creates displacement</p> <p>Notes from feeling out of place (page 89): wealthy people were the prototype for LRT, food places were displaced so people must travel further, how the transit system supports certain flows of urban social life while</p>	<p>Municipal Act, 2001 <a href="#">S.O. 2001, CHAPTER 25</a></p> <p>Bylaw: <a href="https://www.kitchener.ca/en/building-and-development/zoning-bylaw.aspx#ZoningBy-law2019">https://www.kitchener.ca/en/building-and-development/zoning-bylaw.aspx#ZoningBy-law2019</a></p>

					inhibiting or neglecting others. (page 89)	
Other Policy	District of Maple Ridge – suburban Metro Vancouver Municipality District of maple ridge is as suburban metro Vancouver municipality	Adoption Bylaw No.7060-2014  Power from LOCAL GOVERNMENT ACT [RSBC 2015]	Sustainable Development Compromise[d] in the Planning of Metro Vancouver’s Agricultural Lands—the Jackson Farm Case”  At page 4851	Supportive	<b>Activity: Maple Ridge’s Official Community Plan (OCP):</b> Outlines Thornhill Urban Reserve policies as a sustainable development pillars in the regional context statement of the OCP. Outlines the long-term vision for growth and development in Maple Ridge	District of Maple Ridge. Official Community Plan. Available online: <a href="http://www.mapleridge.ca/">http://www.mapleridge.ca/</a> and <a href="https://www.mapleridge.ca/316/Official-Community-Plan">https://www.mapleridge.ca/316/Official-Community-Plan</a>  Bylaw: <a href="https://www.mapleridge.ca/DocumentCenter/View/16248">https://www.mapleridge.ca/DocumentCenter/View/16248</a>  Local Government Act: <a href="https://www.bclaws.ca/civix/document/id/complete/statreg/r1500100">https://www.bclaws.ca/civix/document/id/complete/statreg/r1500100</a>
Other Policy	Vancouver BC	Metro 2040 (Regional Growth strategy) BYLAW NO. 1136, 2010  BC Local Government Act	Sustainable Development Compromise[d] in the Planning of Metro Vancouver’s Agricultural Lands—the Jackson Farm Case”  At page 4849	Supportive	<b>Activity: Vancouver’s Livable Region Strategic Plan</b> BC Local Government Act. Greater Vancouver Regional District Regional Growth Strategy	Local Government Act: <a href="https://www.bclaws.ca/civix/document/id/complete/statreg/r1500100">https://www.bclaws.ca/civix/document/id/complete/statreg/r1500100</a>  Metro 2040 (Regional Growth Strategy): <a href="http://www.metrovancouver.org/services/regional-planning/metro-vancouver-2040/Pages/default.asp">http://www.metrovancouver.org/services/regional-planning/metro-vancouver-2040/Pages/default.asp</a>

						<a href="http://www.metrovancoover.org/services/regional-planning/PlanningPublications/RGSAadoptedbyGV RDBoard.pdf">x and http://www.metrovancoover.org/services/regional-planning/PlanningPublications/RGSAadoptedbyGV RDBoard.pdf</a>
Other Policy	Vancouver, BC	<p>Bylaw No.1136, 2010</p> <p>Local Government Act</p>	<p>Creating a 'Just a Sustainable' Food System in the City of Vancouver: The Role of Governance, Partnerships and Policy-Making</p>	Supportive	<b>Activity: Regional Growth Strategy</b>	<p>Local Government Act: <a href="https://www.bclaws.ca/civix/document/id/complete/statreg/r15001_00">https://www.bclaws.ca/civix/document/id/complete/statreg/r15001_00</a></p> <p>Regional Growth Strategy: <a href="http://www.metrovancouver.org/services/regional-planning/PlanningPublications/RGSAadoptedbyGVRDBoard.pdf">http://www.metrovancouver.org/services/regional-planning/PlanningPublications/RGSAadoptedbyGVRDBoard.pdf</a></p>
Other Policy	Kitchener, ON	<p>Planning Act, R.S.O. 1990, c. P.13</p>	<p>Feeling out of place suddenly, and you haven't even moved': Food gentrification, alternative foods, and sociocracies justice in Downton Kitchener, Ontario</p> <p>At page 67, 68 and 87</p>	Restrictive	<p><b>Activity: City of Kitchener Official Plan</b></p> <p>Positive: s. 7 – aim to support the identification of potential sites for gardens programs and development of rooftop gardening and urban agriculture on public lands (compliments strategic plan – page 68)</p>	<p>City of Kitchener Official Plan: <a href="https://www.kitchener.ca/en/resourcesGeneral/Documents/DSD_PLAN_City-of-Kitchener-Official-Plan-2014.pdf">https://www.kitchener.ca/en/resourcesGeneral/Documents/DSD_PLAN_City-of-Kitchener-Official-Plan-2014.pdf</a></p> <p>Planning Act, R.S.O. 1990, c. P.13: <a href="https://www.ontario.ca/laws/statute/90p13">https://www.ontario.ca/laws/statute/90p13</a></p>

					Language of OP focuses on deindustrialization, directing industrial land uses to the urban periphery, intensifying the urban core	
Urban Agriculture Other Policy	Kitchener, ON	Chapter 270 of the Kitchener Municipal Code  Planning Act, R.S.O. 1990, c. P.13	Feeling out of place suddenly, and you haven't even moved': Food gentrification, alternative foods, and sociocracies justice in Downton Kitchener, Ontario  At page 68	Supportive	<b>Activity: Parks Strategic Plan:</b> <a href="https://www.kitchener.ca/en/resourcesGeneral/Documents/INS_PARKS_ParksStrategicPlan-September2010.pdf">https://www.kitchener.ca/en/resourcesGeneral/Documents/INS_PARKS_ParksStrategicPlan-September2010.pdf</a>  The plan focuses on sustainable development and ensures that there is equable access to green space in redevelopment areas. City of Kitchener addressing community gardening and urban agriculture	Parks Strategic Plan: <a href="https://www.kitchener.ca/en/resourcesGeneral/Documents/INS_PARKS_ParksStrategicPlan-September2010.pdf">https://www.kitchener.ca/en/resourcesGeneral/Documents/INS_PARKS_ParksStrategicPlan-September2010.pdf</a>  Municipal code: <a href="https://www.kitchener.ca/en/city-services/municipal-code.aspx">https://www.kitchener.ca/en/city-services/municipal-code.aspx</a>  Planning Act, R.S.O. 1990, c. P.13: <a href="https://www.ontario.ca/laws/statute/90p13">https://www.ontario.ca/laws/statute/90p13</a>
Urban Agriculture Other Policy	Greater Golden Horseshoe	Places to Grow Act, 2005, S.O. 2005, c. 13	Feeling out of place suddenly, and you haven't even moved': Food gentrification, alternative foods, and sociocracies justice in	Supportive	<b>Activity: A place to Grow: Growth Plan for Greater Golden Horseshoe</b>  A Place to Grow is the Ontario government's	Plan: <a href="https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe">https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe</a>  Places to Grow Act, 2005, S.O. 2005, c. 13:

		<p>Planning Act, R.S.O. 1990, c. P.13</p>	<p>Downtown Kitchener, Ontario</p>		<p>initiative to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life</p>	<p><a href="https://www.ontario.ca/laws/statute/05p13">https://www.ontario.ca/laws/statute/05p13</a></p> <p>Planning Act, R.S.O. 1990, c. P.13: <a href="https://www.ontario.ca/laws/statute/90p13">https://www.ontario.ca/laws/statute/90p13</a></p>
--	--	---	------------------------------------	--	---	---