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'Zoning' before zoning: the regulation of apartment housing in early twentieth century Winnipeg and Toronto

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'Residential restrictions' were widely used in North American cities prior to the development of more comprehensive zoning schemes. This paper examines the use of restrictive by-laws to control the spread of apartment housing in two Canadian cities, Toronto and Winnipeg, prior to World War II. In both cities apartment-house booms in the early 1910s and late 1920s were perceived as threatening the growth of suburban homeownership. Drawing on newspaper reports, council records and correspondence, as well as more quantitative local government records, it is argued that the apparently 'populist' anti-apartment regulations in Toronto were actually more flexible and more favourable to developers than less extensive, but more rigid by-laws in Winnipeg. In both cities, the application of regulations both reflected and created distinctive social geographies. The paper indicates the need to focus on how residential restrictions were implemented on the ground as much as on debates surrounding the formulation of policy or the passage of legislation.

Introduction

A constant dilemma of planning in modern cities has been how to accommodate growth and change alongside demands to protect the value of individual investments. In twentieth century North American cities, the encouragement of suburban homeownership depended on potential homeowners having confidence that their homes would at least retain their exchange value and that, in turn, required the exclusion of 'nuisances' – non-conforming land uses or unwanted neighbours, each considered likely to lead to the devaluation of existing property. Hence, the development of restrictive covenants, specifying minimum building costs, excluding non-residential land uses or particular social, ethnic or racial groups. Hence, too, the introduction of 'residential restrictions' by municipalities concerned not only for their ratepayers but also for income from property taxes; and, especially from the 1920s, the authorization of more comprehensive forms of zoning. Yet urban-industrial capitalism also required continuing cycles of new investment, new forms of production and

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consumption, the creation of obsolescence and new rounds of development and redevelopment, threatening the *status quo* of private property values.

The aim of this paper is to explore attempts to resolve this tension between stability and change in the context of two major Canadian cities, Toronto and Winnipeg, focusing on the application of restrictions on the location of apartment housing, a new and potentially disruptive form of residential development in the early decades of the twentieth century. There have been numerous studies of the ideological foundations of planning and zoning in North American cities, fewer that examine what actually happened in implementing local regulations [1].

The apartment house was both a fashionable and a highly contentious form of dwelling. Apartments were self-evidently 'modern', they lent themselves to efficient, scientific management and employment of the latest domestic technology. Their ease of maintenance allowed more time for leisure and associated consumption practices. The association of luxury apartments with 'world cities', such as New York and Paris, enhanced their role as symbols of metropolitan status. However, critics claimed that apartments could never be 'homes'; that they promoted 'race suicide', encouraging self-indulgence and discouraging couples from having children, but also offering unsuitable environments in which to raise any children they did have; that they made life too easy for women, by reducing the amount of housework that needed to be done; and that they encouraged immorality, both because women now had time on their hands and because of the ambiguous nature of not-quite-public/not-quite-private spaces within individual apartment suites and in and around the 'common parts': courtyards, staircases, elevators, roof gardens and other spaces shared among tenants. Apartments were also branded as insanitary, ill-ventilated, overcrowded and unsafe: children could not be left to play unsupervised on balconies and stairs; infectious diseases could spread like wildfire among the occupants of neighbouring apartments. In areas of single-family dwellings, apartments frequently overshadowed adjacent 'homes', and often ignored customary agreements, such as plot ratios or set-backs from the street, which were not yet enshrined in local by-laws. Consequently, it was feared that apartment buildings reduced the value of adjacent single-family dwellings, thereby threatening the extension of homeownership which governments, planners and most families regarded as morally and socially desirable. The antipathy to apartment-living was given a spatial dimension as homeowners and real estate interests demanded the exclusion of apartment houses from 'residential districts' where only single-family dwellings were to be permitted [2].

The origins of residential restrictions in North America

By imposing a minimum value on buildings, specifying design standards and building materials, or outlawing manufacturing or commercial activities, privately initiated restrictive covenants also created social segregation; but while they could work effectively where large tracts of land were in the ownership of individual landlords, or where neighbouring landowners were like-minded, as in the West End of Georgian and Regency London, they were ineffective in the face of nonconforming land uses condoned by owners of neighbouring properties [3]. On freehold land, covenants were more difficult to enforce

or might apply for only a limited period. None the less, they were employed extensively in North American cities to foster both social and racial or ethnic exclusivity. For example, Blackmar describes how in early nineteenth century Manhattan 'rentiers and developers elaborated their restrictive covenants – in effect private zoning... to govern land use as well as the structural quality of buildings'; and Jackson notes the introduction of deeds forbidding sales to blacks or Irish [4]. But the same practices that excluded racial or ethnic groups could also be used to exclude apartment houses.

In early twentieth century Toronto, restrictive covenants were occasionally, almost fortuitously, used to limit apartment housing. A proposal to erect a 6-suite apartment house on Maynard Avenue in Parkdale, Toronto (Fig. 1), was contested on the grounds that a restrictive covenant specified detached brick or stone dwellings each costing at least $2000. The appellant in the case claimed that he would not have erected his own house, valued at $14 000, had he thought that an apartment house could have been built on the same street. In May 1912 the action had been dismissed, but on appeal, the Supreme Court upheld the

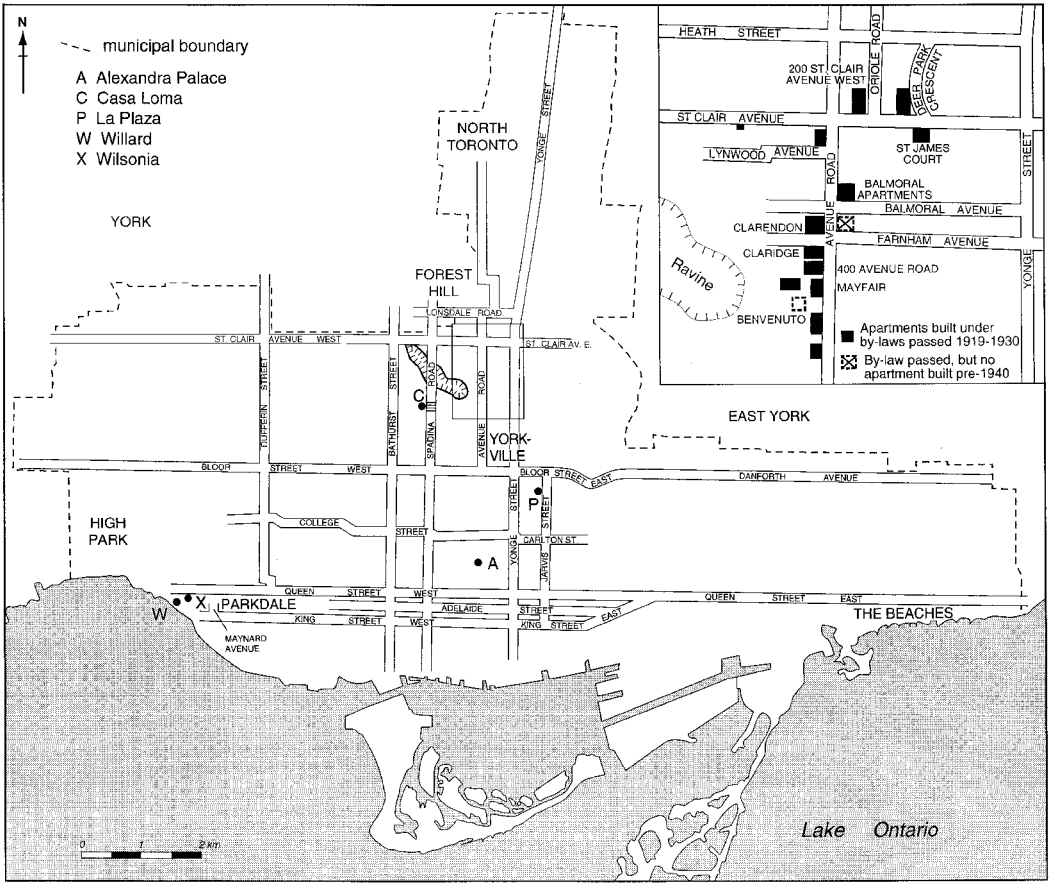

Figure 1. Toronto: locations mentioned in the text, including an inset of Avenue-St Clair.

power of the restrictive covenant to exclude all but single-family dwellings, and granted an injunction to prevent erection of the apartment house. Note, however, that the Supreme Court's decision was not made until 1915, by which time local by-laws were also in force prohibiting apartment houses from streets of detached houses such as Maynard Avenue [5]. A decade later, when the City Council granted an exemption from these by-laws, thereby permitting erection of a 6-storey, 62-suite apartment house on Avenue Road, one of the best residential districts in the city, nothing in fact materialized, in part because the site was protected by a deed covenant which guaranteed residential restrictions until 1930; and by then, with the onset of depression, the moment for luxury development had passed [6].

Increasingly, local residential restrictions were also embodied in by-laws, precursors of more comprehensive zoning schemes, which specified what could and could not be built. A private act of exclusion was converted into a public prohibition of a 'nuisance'. Such by-laws were potentially contentious in societies dedicated to the sanctity of private property. What right did central or municipal government have to prevent a property owner from developing his or her property in the most profitable way? One response was that neither residential restrictions, nor subsequent zoning ordinances, were meant to interfere with market forces. Rather, they were intended to make them more efficient, to provide the security and confidence necessary to encourage investment. Writing about St Louis, Sandweiss comments that 'the planner's job ... was not to impose artificial order on the structure of the city but rather to "promote the natural processes ..."' [7]. The earliest restrictions focused on activities where there was a widely accepted consensus favouring prohibition, and where a racist or socially exclusionary motive could be presented as a question of safety or public health. In Californian towns from the 1880s, during a period of anti-Chinese disturbances, Chinese laundries were excluded from residential districts. Most laundries were frame structures, and as laundrywork required irons, stoves and boiling water, it could be argued that Chinese laundries should be prohibited on grounds of safety. It was also considered acceptable to argue that the activity caused a depreciation in the value of neighbouring properties. In practice, of course, the effect was to exclude Chinese people from Anglo-American neighbourhoods [8].

Apartment houses were also subject to early restrictions, though the by-laws and zoning ordinances which banned them were often contested. For example, legislation was applied to 'second-class cities' in New York State in 1913 where, in response to petitions signed by at least two-thirds of local property owners, residential districts could be established within which only single- or two-family dwellings could be erected [9]. Minneapolis also took advantage of state legislation which allowed the creation of separate industrial and residential districts, following a two-thirds vote of the municipal legislative body responding to petitions from a majority of property owners in any proposed district. Statutes passed in 1913 and 1915 led to the creation of 185 'Restricted Residential Districts'. Although the legislation was contested, by 1920 the Minnesota Supreme Court had confirmed 'the principle of segregation of residential building types' [10]. Compared to single-family 'homes', apartments were regarded as neither 'natural' nor 'residential'.

In many American cities these piecemeal or use-specific restrictions quickly developed into comprehensive zoning schemes, most famously in New York in 1916. By early 1922, city-wide zoning plans had been adopted by 85 cities in 21 states, and partial zoning by a further 63 cities [11]. Diffusion was facilitated by the establishment by Herbert Hoover of

an Advisory Committee on Zoning, charged with the preparation of a model zoning ordinance, which became law in the form of the Standard State Zoning Enabling Act, passed in 1924 but already available in draft in 1922. By 1926, 425 American municipalities had introduced zoning, and by 1936, 1322 (85% of all American cities) [12]. Yet until 1926, when the US Supreme Court ruled that single-family-only zoning was permissible, there was continuing debate about its constitutional legality, at least with regard to apartment housing [13].

The Committee on Zoning included among its membership both Lawrence Veiller, renowned advocate of tenement-house reform in New York, and Nelson Lewis, author of one of the first American planning texts. According to Lewis, the immediate purpose of zoning was to help relieve the post-war housing shortage, by giving developers the confidence to build, secure in the knowledge that they were investing in protected residential districts. But in the longer term, zoning would serve to maximize all kinds of property values. As Christine Boyer has explained:

> Zoning ... was a technical solution meant to secure an orderly and stable development of the urban land market. ... Never meant to tamper with the ethic of private property, American zoning was intended instead to secure the interest of property owners by enhancing the economic stability of home ownership and promoting the speculative development of real estate in the center of the American cities [14].

Residential restrictions, therefore, although imposed by the local state and ostensibly for the general, public good, in practice often had the same effect as restrictive covenants. At the very least, commentators agreed that restrictions and zoning aimed to stabilize land values, to protect single-family districts, and therefore to benefit particular private property owners. Zoning might be intended to curb the wildest excesses of speculation, by removing the possibility of certain kinds of development; but, by creating scarcity, it still caused land values to rise. There were now only a limited number of sites for commerce or high-rise development, so values would rise to reflect their scarcity.

Yet the effects of individual residential restrictions and of comprehensive zoning were often observed to be different. The former were exclusionary and reactive, prohibiting developers from erecting apartments on a succession of attractive sites. The latter certainly continued to be exclusionary, banning apartments from certain 'residential districts', but also designating districts where multi-family dwellings were permitted, although other 'commercial' and 'industrial' uses were still excluded. Given the boosterist expectations of many municipal governments, and their anticipation of continued high rates of population increase during the inter-war years, there was a tendency to zone too much land for apartments. Once zoned in this way, land values would rise in anticipation of high-density development, and single-family dwellings would be deterred by both the cost of land and the prospect of future high-rise neighbours [15].

In the longer term, Veiller and his colleagues argued that zoning should be just one component in comprehensive planning, so that, for example, the traffic implications for the city as a whole of zoning a particular locality could be evaluated. Some planners welcomed the rigidity of zoning, because it offered security to developers and investors, and facilitated 'permanence in the development of the city' [16]. Others emphasized its flexibility: it was possible to re-zone districts or grant 'variances'. In this respect, zoning worked not to stifle

but to stimulate property developers, who could lobby for obsolescent districts to be re-zoned, or for zoning to respond to changing patterns of demand. As we shall see, this is exactly how anti-apartment restrictions worked in practice in Toronto.

Debates about zoning were disseminated in Canada in lectures and articles by visiting American planners. In a paper on 'Protecting Residential Districts', published in the Canadian magazine, *Construction*, in September 1914, Lawrence Veiller stressed the need 'to keep apartment houses and hotels out of the private-residence districts and to discourage so far as we legally can the erection of multiple-dwellings'. In Veiller's opinion, multi-family dwellings interfered with 'proper social conditions and the development of a true civic spirit. A city cannot be a city of home owners where the multiple-dwelling flourishes' [17].

W.J. Donald, managing director of American City Consultants, New York, told the Western Ontario Boards of Trade that 'More values are destroyed by lack of zoning than by fire ... No city would be without adequate fire apparatus. And no city can afford to be without a zoning ordinance'. He praised 'the stabilizing of real estate values by means of zoning', as encouraging investors in mortgages, increasing the proportion of value they would lend, reducing vacancies, and making it easier to sell homes. If land and buildings decreased in value, not only the owner but the whole community suffered, because of reduced revenue from city property taxes. Another eminent planner, Thomas Adams, endorsed Lewis' argument that zoning would instil confidence among builders, including those building their own homes. As things stood, 'Houses, factories, stores and other kinds of building development are mixed up in such a way as to mutually destroy the value of each class of building' [18]. Adams' associate, Horace Seymour, defended zoning as a means of protecting sites for factories and businesses as well as residential areas. The former were, after all, the reason for the existence of cities in the first place. To Seymour, 'Scientific zoning means co-ordination not segregation' [19].

In practice, however, few Canadian cities introduced the city-wide comprehensive zoning schemes that Adams and Seymour advocated. American cities could introduce zoning regulations without further reference to state or federal legislatures, but in Canada, full zoning powers could be granted only by provincial statute and, during the 1920s, only British Columbia (1925) and Alberta (1929) passed the necessary legislation. A draft zoning by-law was prepared for Ottawa (1924), and there were also zoning schemes in Vancouver (1929), Calgary (1930) and Edmonton (1933), but in most places, zoning was still equated with exclusion, particularly with a 'not on our street' defence of middle-class property rights and values [20]. In the context of Toronto, Peter Moore drew a distinction between 'zoning' and 'planning', and between 'populist' and 'Tory reform' varieties of local government decision-making. He argued that zoning in Toronto developed from populist values, originating in

> case-by-case attempts to control nuisances or externalities, to protect and maintain the residential environment or 'character', and above all to protect property values. Zoning in this form was a collective device used for individual benefit, rather than the collective benefit that characterized planning [21].

While this may have been true of the origins of residential restrictions in Toronto, this paper argues that in the inter-war period, the 'individual benefit' accrued to property

developers more frequently than to individual homeowners. As the city's Planning Commissioner, Tracy Le May, observed in 1936, 'Zoning without elasticity must fail' [22]. Toronto's residential restrictions proved far from rigid, especially in districts where obsolescence was already evident or anticipated.

Winnipeg and Toronto

At the beginning of the twentieth century Winnipeg and Toronto were very different in size, but not so different in the aspirations and expectations of their citizens. Winnipeg had grown from almost nothing in the 1870s to over 160 000 inhabitants 40 years later, and had pretensions to being the 'Chicago of the North'. Toronto was an older city, with a population approaching 400 000 by 1910, but it, too, modelled itself on some of the larger American cities on the other side of the Great Lakes. In both cities, middle-class apartment housing became fashionable in the early years of the century, culminating in a glut of modest, usually three-storey, walk-ups in the years preceding World War I (Fig. 2). Despite its smaller population, Winnipeg had more apartment blocks than Toronto by the 1910s; by 1914, 343 building permits for apartments had been granted in Winnipeg, compared to 249 in Toronto [23].

Apartments were promoted as ideal accommodation for bachelors, childless couples, widows, travelling salesmen and their wives, and groups of single working women, for whom sharing an apartment was preferable to boarding. Apartments were 'efficient', 'modern' and 'American'. Luxury blocks close to the downtowns of each city, such as the Alexandra Palace (1904) in Toronto and the Warwick Apartments (1908) in Winnipeg (Fig. 3), were signs of

Figure 2. Willard Apartments, Parkdale, Toronto, soon after their construction in 1910 and 1911 (City of Toronto Archives SC 612, reproduced with permission). This illustration also appeared in the Canadian architectural and building journal, *Construction* **6** (1913). The Willard typified the kind of block, inserted into a landscape of single-family, owner-occupied houses, that provoked the anti-apartment by-laws passed in 1912.

Figure 3. Warwick Apartments, Winnipeg, authorized in 1908 (photo Richard Dennis, 1995): a large (70-suite), company-promoted, downtown block, benefiting from its location facing the city's Central Park.

growing metropolitan sophistication. In Winnipeg, it was also claimed that apartments suited the harsh climate. Living at high densities would make for a shorter journey to work downtown; blocks might contain convenience stores and other communal facilities on the ground floor and in the basement, obviating the need to go outside in cold weather; and they could be heated communally, the hard labour of stoking boilers and clearing away snow delegated to janitors [24].

Luxury blocks downtown were generally acceptable, but problems arose when more modest multi-family buildings were proposed for suburban areas otherwise dominated by single-family, detached, and usually owner-occupied, dwellings. In Toronto, opposition to apartments culminated in by-laws in May and June 1912 which prohibited the erection of new apartment buildings on most streets in the city [25]. Effectively, apartments were to be confined to commercial streets or to sites adjacent to existing apartment buildings where they could do no damage to property values. In Winnipeg no such attempt at widespread prohibition was proposed. It might be expected that in a younger city, an established lobby of residential property owners had not had time to develop. Single-family districts were growing up at the same time as apartments were being built; there was no pre-existing dominant land use. But further investigation reveals that individual property ownership could be more sacrosanct in Winnipeg than Toronto, and that, where opposition to apartment houses was voiced, it was much more likely to succeed.

Building regulations and apartment housing

Some of the earliest legislation was not explicitly locational. Sanitary and safety aspects of apartment housing could be controlled by more stringent building regulations. In Winnipeg

a by-law passed in 1909, and subsequently incorporated into a comprehensive 'Building By-Law' in 1913, limited the area of 'tenement houses' (which included all buildings occupied by two or more families, living independently, but with common rights to areas such as halls or stairways, or shared toilets) to no more than 75% of the area of the lot on which they stood, except that on corner lots, with public streets on two sides, they could occupy 85% of the area. No wooden tenements were allowed and buildings of more than three storeys above grade were to be of fireproof construction; but since most apartment houses incorporated a 'basement' with a floor only slightly below street level, the effect was to allow non-fireproof construction of buildings with four lettable floors. Other clauses in the by-law dealt with minimum yard and room sizes [26].

In Toronto, prior to 1912, by-laws required a minimum of 300 square feet of yard space around each dwelling, but it was unclear whether an apartment building as a whole or each suite required 300 square feet. In April 1912, the City Council agreed a much increased minimum yard space – of 500 square feet for each suite on the floor that contained the most suites – thereby disrupting the economics of apartment-house construction, preventing developers from filling plots with buildings out to the sidewalk, and discouraging the erection of buildings with many small apartments. However, the requirement did not apply to buildings on street corners, where there were already at least two sides with open space on public streets. Nor did the disincentive to build small, 'bachelor' apartments have much lasting effect. The by-laws were subsequently revised to require yard space of 100 square feet per room on the floor with the greatest number of rooms, excepting rooms that had windows opening directly onto public roads, thereby discouraging small rooms rather than small apartments, but maintaining the preference for street-corner sites. In 1927 regulations were changed again, now requiring yard space equivalent to the total area of rooms on the floor with the greatest number of rooms, but still excepting rooms overlooking public highways. Meanwhile, opposition to small apartments resurfaced in 1926 when the council's Committee on Legislation proposed an amendment to the building by-law to provide that no apartment-house suite should consist of less than a living room and bedroom, exclusive of kitchenette and bathroom. They noted that several buildings had recently been erected which were apartment houses in law, but rooming houses in practice [27].

Fireproofing regulations were also periodically revised – in Toronto in 1904, 1913, 1927 and 1928. The Property Committee noted that in 1926 about forty 3-storey + basement buildings were allowed, built in 'ordinary construction' with 'brick exterior walls and all floors and partitions of wood'. Legislation in 1927 reduced the maximum height of 'ordinary construction' from 3-storey + basement to 2-storey + basement, but this too was quickly deemed insufficient. *Construction* applauded the 1928 by-law which made it necessary for virtually all apartment houses to be of fireproof construction: 'The amended by-law hits directly at the two-storey and basement type of apartments permitted without being fireproofed under the old regulation, and which in most cases provided a subterfuge for the actual erection of three storey apartments'. The magazine was also pleased that all three readings of the by-law were passed in quick succession, thereby preventing a flood of last-minute applications under the old by-laws [28]. This had been achieved despite the reservations of one alderman who warned that: 'This is a city of homes but apartment houses have come to stay. If you make them all of this [fireproof]

construction, you won't get the average-salaried man to go into them. They will be too expensive' [29].

Safety should have been even more of an issue in Winnipeg where two major apartment-house fires attracted national attention in the late 1920s. A fire at the 'Casa Loma' block in April 1928, in which five people died, prompted debate about the need for fire escapes and alarm systems. In September 1929 an even more disastrous, night-time fire at 'Medway Court', in the heart of the apartment-house district on Edmonton Avenue, claimed nine lives. When it emerged that there was no caretaker on the premises through the night, the council's Safety Committee debated the need for a by-law requiring night watchmen in apartment blocks, or at least some form of patrol whereby 'half-a-dozen blocks that are near together could be patrolled by one watchman'. An amendment to the building by-law in 1926 had stipulated that 'no building of frame or ordinary construction of more than 3 storeys shall be used or converted into an apartment block or lodging house' and 'the number of habitable rooms on the third storey of such a building shall not exceed eight', while a completely new set of building regulations passed in 1927 required fireproof construction in buildings of 'over four stories in height'. It is clear that Winnipeg was several years behind Toronto in the rigour of its building regulations [30].

Even these kinds of regulation could have spatial effects. At the micro-scale, builders sought corner sites, where the public open space of the street obviated the need for private yard space. At a wider scale, they chose sites outside the limits of building regulations. As early as February 1929, *Contract Record*, a leading journal for the Canadian construction industry, observed a boom in apartment construction in York Township, but a decline in the City of Toronto, claiming that in the latter, costs had increased by 30–40%. The value of building permits for apartments in York Township increased from $50 000 (less than 1.5% of all residential building) in 1925 to $2 546 000 (38%) in 1929. The planner, A.G. Dalzell, noted that on cheap sites in suburbs around Toronto, builders were erecting 'a much cheaper type of apartment, which may in a few years deserve no other name than a tenement'. Forest Hill, usually considered an exclusive, élite suburb, also had an apartment-house boom, because its building code still did not require fireproof construction [31].

The control of apartment-house locations in Toronto

Spatial restrictions in Toronto had begun as early as 1904 with controls on noxious trades in residential districts, partly as an attempt to prevent speculators from holding local residents to ransom. Several cases were reported of 'land-sharks' acquiring vacant lots and announcing that they proposed to erect a laundry or a factory, thereby inducing residents to buy them out at inflated prices [32]. Exactly this strategy was also attributed to some apartment-house developers in 1912 immediately prior to the introduction of anti-apartment by-laws. Catalysts for these by-laws were two cases early in 1912, when developers proposed to erect suburban street-corner apartment buildings, each occupying almost their entire lots, built right out to the sidewalk, as they were legally entitled to do, but contrary to the spirit of suburban development, whereby homeowners had informally agreed to observe substantial set-backs from the street line. In at least one case, the situation was resolved by local homeowners clubbing together to buy land from the

apartment-house developer in order to preserve the set-back, effectively increasing the profit to the developer who proceeded to construct just as large a block as originally planned, but on a smaller lot, by the simple device of adding another storey to his building [33].

Yet there is also evidence of earlier opposition, even before any marked suburbanization of apartment location had occurred. *Toronto Saturday Night* reported in April 1905 that the Mayor of Toronto had on several occasions 'expressed his disapproval of apartment houses and used his official influence to prevent this form of dwelling receiving fair treatment'. The magazine condemned both Mayor Urquhart and City Architect McCallum who had 'reported to the Board of Control against granting the request for permission to establish an apartment house in Queen Street', ostensibly because 'the building which it was proposed to convert into an apartment house was not of the proper shape', but privately because 'he regarded apartment houses as places which tend to promote immorality'. It should be noted, however, that the editor of *Saturday Night* was not a disinterested party, but himself a powerful advocate of apartment houses in their proper place (downtown), soon afterwards promoting his own 'La Plaza Apartments'. By contrast, under a new editor, *Saturday Night* supported the anti-apartment restrictions in 1912, which were thought to 'properly safeguard the householder against the apartment house fiend' [34].

Ostensibly, the aim of the 1912 by-laws was to protect the amenities and property values of individual homeowners, yet opposition to apartments was mobilized by one of the city's leading real estate agents, H. H. Williams, who dealt in, and even owned, apartment houses himself. We can only speculate about his motives: perhaps, as the *Toronto World* suggested, landlords wanted to maintain scarcity, and therefore high rents, at a time when the market was being flooded with cheap apartment buildings; or Williams was advocating zoning, separating apartment districts from single-family districts in order to maximize values in each [35]. Williams did have a private, personal interest in the restriction of apartment-building: his own home on Avenue Road was very close to the corner with Lonsdale Road where another of the city's leading agents, J. J. Walsh, proposed to erect three-storey apartments which violated the existing building line [36]. Yet, in urging the city council to obtain the necessary enabling legislation from the provincial legislature, Williams proposed a wording which would have prevented 'the erection of new buildings or the conversion of existing dwellings for or into anything other than a dwelling house for one private family', a form of words which, interpreted literally, prohibited not only apartment houses but even the accommodation of boarders or lodgers. This was a restriction too far, so the enabling bill passed by the province in April 1912 allowed only the regulation of apartment houses, tenement houses and garages, defining the former as houses in which three or more families were living [37].

By-law 6061, implementing the provincial enabling act, was passed by Toronto City Council in May 1912 with almost no debate. The list of streets from which apartments were to be banned ran to 18 pages in the council's printed minutes, but proved incomplete and had to be supplemented by another by-law a month later listing yet more streets. Yet there were numerous ways round the legislation. For example, provided that a street-corner lot was deemed to front on an unrestricted, commercial street, apartments could be built over its full depth, extending along side streets from which they were otherwise prohibited (Fig. 4). Alternatively, apartment-house developers could apply for another by-law,

Figure 4. Wilsonia Apartments, Parkdale, Toronto, authorized in 1910 (photo Richard Dennis, 1988). Although erected prior to the 1912 by-laws, the Wilsonia was typical of many later apartments, legally fronting on a major commercial street (Queen Street west, off to the left of the picture), but actually having its main entrances on a residential side street (Wilson Park Road).

exempting their proposed site from the original prohibition by-law. It was up to the city's Board of Control, or the Property Committee to which such matters were delegated, to decide whether to recommend an exemption. The Property Commissioner would visit the site and solicit opinions from other local property owners. Where the developer already owned other property, or where there was already an apartment house next door, there was a good chance that the application would be allowed. It was possible, therefore, for developers to colonize 'residential' streets, gradually working their way along them from intersections with unrestricted streets [38].

In the first few years after 1912 it was common for developer and opposition to submit rival petitions to the City Council. By the 1920s a more formal procedure had developed for handling the dozens of applications that were considered every year, although a few cases continued to attract wider publicity in the Toronto press. In most cases, applications to build apartment houses were permitted; the prohibition by-law proved less than prohibitive. Indeed, it could be argued that the real purpose of the by-law was as a safety-valve to prevent overbuilding, and that the beneficiaries of the legislation were not so much individual homeowners as established apartment developers and landlords. Certainly, the effect was to facilitate quite a subtle form of zoning, by allowing apartments in some areas and not others, and by changing the way in which different districts were treated over time.

Between June 1912 and September 1914, of 50 applications for exemption, 32 were granted. Applications were generally allowed in working-class districts and in the old, but by then decaying, inner élite areas around Jarvis Street, where it was recognized that

purpose-built apartment houses were preferable to the irregular growth of multi-occupancy in mid-Victorian villas that had ceased to be fashionable and were too big for occupancy as single-family homes. But they were refused in newer middle-class areas – around High Park, in Yorkville, on side streets in Parkdale, and around the intersection of Avenue Road and St Clair Avenue.

The development of an acute housing shortage during World War I prompted moves to relax the legislation. Proposals from the Property Committee – to allow the conversion of existing dwellings into three-family apartment houses in the downtown south of Bloor Street, and the erection of new three-storey apartment houses south of College and Carlton Streets – were rejected by the full Council several times during 1918. Controller O'Neill argued that three-suite apartment houses and properly sanctioned conversions, which would be fireproof and sanitary, were preferable to the proliferation of overcrowded rooming-houses and the *de facto* multi-occupancy of large old houses. He considered small apartment houses particularly suitable for growing numbers of young, single women employed downtown, who might share a flat for as little as $2.50 each per week. In practice, however, the problems of single people and of a deteriorating residential environment downtown were regarded as secondary to the promotion of family homes for sale. The restrictions remained; scarcity and increased rents followed. In April 1919 the *Toronto World* reported that 'apartment suites ... are almost next to impossible to obtain. Present tenants are remaining where they are and signing removal leases at increases all the way from five to fifteen dollars a month' [39]. Nevertheless, although the anti-apartment by-law remained, exemptions were regularly granted for both conversions and new buildings downtown.

In the 1920s, as the building industry recovered, exemptions also began to be allowed in areas of the city from which apartments had hitherto been strenuously excluded, such as St Clair Avenue and Avenue Road. The following case study charts the progress of apartment-house development in this sector of the city, and reviews the range of arguments that continued to be marshalled against apartment housing.

The fight for Avenue-St Clair

In 1919, the council's Property Committee was still extending residential restrictions into newly developing areas. New by-laws prohibited apartments on and around parts of St Clair Avenue west of Yonge Street (Fig. 1). Two applications to build apartments, at the north-east corner of St Clair Avenue and Avenue Road, and at the junction of Lonsdale and Oriole Roads, were both rejected following polls of local property owners who strongly opposed the proposals. But an exemption by-law was granted in October 1919, to allow an apartment house adjacent to one of two small plots of vacant land which had been acquired by the council for use as 'parkettes' at the intersection of Avenue and St Clair. Several aldermen thought it highly suspicious that the two proposals – the private development of an apartment block and the public development of a park next door – were being mooted at the same time, and after the by-law had been passed, and a building permit issued, Controllers McBride and Cameron attempted to reverse the decision, but

without success. Nevertheless, it was more than five years before a 'fine new apartment house' was completed on the site [40].

By then, a much more intense battle had been waged over a site further west, on Spadina Road, just south of St Clair Avenue, where Roberts Bros proposed late in 1923 to erect four 40-suite apartment houses. The developers, supported by the Toronto Building Trades Council, argued that they had the interests of the city's workingmen at heart: at a time of high unemployment, their proposal would boost the local manufacture of building materials and provide jobs for 125 building workers. Residents and property owners responded that to develop 'one of Toronto's most attractive ravines' would destroy potential parkland and block the route of a projected ravine drive. There were also claims that the traffic generated by 160 new dwellings would necessitate a new bridge across the ravine, 'at the expense of the city'. The proposed apartment blocks themselves were condemned as 'monstrosities' and 'factory-like buildings' [41].

Fundamental to the debate was the expected impact on local property values. Assessments for private houses in the area currently ranged from $14 000 to $130 000. One valuation suggested that 'the shrinkage in value' would be 50% on two houses, 40% on two more, and 10–40% more widely [42].

The Property Committee nevertheless voted to allow construction, but following further objections, the full council rejected the application. The case attracted the attention of *Contract Record*, which sided with local property owners:

> When persons buy property in a restricted district, they virtually pay something for that restriction, because if it were not imposed quite as high a price could not be commanded. They pay this higher price on the reasonable supposition that their investment will be amply protected ... When these restrictions are removed, through action of a municipal council, without the consent of the property owners of the district, it is clearly a case of breaking faith, for which the property holders would in our opinion, be fully justified in demanding compensation [43].

Meanwhile, other sites were less effectively defended. Three exemptions were allowed during 1921 and 1922 for new apartment houses on St Clair Avenue. More exemptions followed in 1924 including one on the corner of Avenue Road and Lynwood Avenue, where the applicant had submitted a petition in support of his proposal, signed by 14 of 21 local owners. The owners of two houses immediately adjacent to the proposed block both expressed opposition, but the views of more distant 'neighbours' were allowed to prevail [44].

This indicates a recurring problem: who should be considered sufficiently 'local' to be 'affected' by a new development? It was assumed that the views of owners, including non-residents, mattered more than those of residents who were tenants. Should equal weight be assigned to all local owners, irrespective of just how close to the proposed development their property was situated? Should owners of more than one property count for more than those who owned just their own home? Should the value of property be taken into consideration? In 1926, the Property Committee proposed a formula for the conduct of property owners' polls on 'car-tracked streets' (which included both St Clair Avenue and Avenue Road):

> that the properties to be polled shall consist of non-income producing properties in a district extending to double the frontage of the property for which the amendment is requested on each side

of the centre line of said property and on each side of the street on which it fronts, and in case of a property abutting on a side street(s) to a distance equal to the depth of the property on such street(s). In considering the result of the poll, the assessed value of the properties polled and the total amount of frontage be considered, as well as numerical strength. Income-producing property shall be taken as being in favor ... [45]

Neither the Board of Control nor the full council were prepared to accept this formalization of practice, but it indicates the importance the committee attached to financial strength and the way in which the presence of rental property on a street automatically made it more likely that new developments would be permitted.

Many apartment houses proposed in the early 1920s were quite modest, often on street corners, often upgrading two-family houses into triplexes (which counted as 'apartment houses' in the city's building regulations). For example, John W. Walker, one of the city's largest private landlords, had erected several houses on St Clair Avenue, each with provision for three families. In at least one, three families were already in occupation, but because Walker had not received permission to erect or use the buildings as apartment houses, he was asked to have one family move out. In response he presented a petition in favour of allowing all the dwellings to be used as three-family apartment houses. This incremental attack on the city's residential restrictions proved successful on the first two occasions when he employed it, though the council rebuffed further attempts in 1924 and 1925 [46].

Resistance to apartments on St Clair Avenue finally collapsed late in 1925 when the council voted 12–11 to approve an apartment house on the north-west corner of St Clair and Deer Park Crescent. In the previous year a leading Toronto architect, J. Hunt Stanford, had applied to erect an apartment house on this site. The Property Committee twice recommended in favour of this proposal. On the first occasion, the recommendation was struck out in council. On the second, an exemption by-law was passed, but repealed soon afterwards. When a new application was made in June 1925, the Property Committee again recommended in favour, despite the opposition of most local property owners. In September yet another application was made and, following more heated debate in council, an exemption by-law was enacted, disregarding a petition from local owners, mostly resident on neighbouring side streets, who argued that:

Many of us have large sums invested in our homes, and the entire vicinity, with the exception of this lot is built up with privately owned detached residences. ... This district has been erected [sic] by the City into a residential one and a residence on the lot in question would complete it as a purely residential district, whereas if the restrictions are removed from this lot it will seriously damage all the houses in this neighborhood for the sole benefit of one man [47].

Their objection conveniently overlooked the fact that an apartment block was already under construction just west of the disputed site on St Clair Avenue; it also neatly illustrated the use of the terms 'residence' and 'residential'. Apartment suites were not 'residences'. Nor were they 'homes'. In Controller Sam McBride's words: 'Toronto was a city of homes, not of apartment houses' [48].

Attention now shifted to Avenue Road Hill, leading south from the junction with St Clair Avenue towards the centre of the city, where the catalyst for change was the death in December 1923 of Sir William Mackenzie, railway, streetcar and electricity baron, and the

subsequent proposal to demolish his home, 'Benvenuto', and break up his extensive estate, which occupied a prime position on the crest of the hill [49]. Precedents for the redevelopment of 'Benvenuto' lay closer to downtown. On Sherbourne Street, First Mortgage Bonds, Ltd, a Toronto syndicate associated with Detroit and New York investors, announced plans early in 1924 to replace 'Dromoland', 'one of Toronto's historic properties', with a 100-suite apartment house. When another inner-city home was proposed for conversion into apartments later the same year, the *Star* philosophically recorded the council's approval: 'It was a debate that is becoming common in the city council owing to the ever-changing conditions, the great, roomy old mansions challenged by the advancing tide of boarding and apartment houses, often willing to yield without a struggle' [50].

The first plan for part of the 'Benvenuto' estate, for a high-class apartment house, failed to materialize, despite receiving official approval with the minimum of debate. A subsequent scheme for an 11-storey apartment hotel to include approximately 600 rooms, a large dining room, ballroom and sun-room, was also abandoned, despite the growing vogue for apartment hotels, where clients could choose from single rooms to suites, furnished or unfurnished, serviced or unserviced. Further west along the same ridge, 'Casa Loma', a 98-room neo-Gothic castle built for another prominent businessman, was also proposed for conversion. One local historian has linked the vogue for apartment hotels to the phased repeal of prohibition in Ontario after May 1925: Toronto became an attractive destination for visitors from the US, where prohibition continued until 1933. But the prospect of invasion by thirsty Americans was also a good reason for resisting the siting of hotels in élite residential areas! So, on Avenue Road Hill, ideas for an apartment hotel had yielded by 1928 to plans for a conventional, if high-rise, 12-storey apartment house. In fact, no development occurred on this part of the estate until after World War II [51].

Other parts of the estate were developed in the late 1920s and 1930s with less spectacular luxury apartments. The remaining contentious issues in these and other sites on the western side of Avenue Road concerned the extent of set-backs, the maximum height of buildings and the problems caused by automobiles. When the National Trust Company applied in 1926 to erect the 'Clarendon Apartments', a three-storey + basement building, complete with a special wing of rooms for 'extra' servants, and estimated to cost $450 000, local property owners insisted on substantial set-backs before they withdrew their objections [52]. In the following year, a 14-storey, 160-feet high apartment building was proposed, facing the 'Clarendon'. The application was subsequently modified to allow an 8-storey building, and the scheme eventually agreed was for only 6 storeys and set back at least twenty feet. But what the 'Claridge Apartments' lost in height, they made up for in architectural exuberance. Whereas the 'Clarendon' took the form of an Elizabethan palace, with 'mullioned bay windows' (Fig. 5), the 'Claridge' displayed 'an unexpected touch of Moorish flamboyancy, well restrained', combined with an entrance hall 'suggestive of the comfortable, luxurious, decorated Spanish–American type' (Fig. 6) [53].

Early in 1926 the Property Committee had privately approved a policy of allowing apartment houses along the entire length of Avenue Road south from St Clair Avenue [54]. But this only determined their recommendations to the full council, where many aldermen were still fiercely opposed to apartment housing, especially when buildings were proposed for their own wards. This is illustrated by the last two cases which merit attention, both on

Figure 5. Clarendon Apartments, Toronto, authorized in 1927 (photo Richard Dennis, 1991).

the east side of Avenue Road, where property ownership was divided among a handful of relatively wealthy owner-occupiers.

In 1924, the owner of the north-east corner of Balmoral Avenue and Avenue Road, had applied unsuccessfully to redevelop her property with apartments. When an application was made two years later to erect a 6-storey, 62-suite apartment house one block to the south of her property, she unsurprisingly protested:

> I am in favor of the erection of this apartment house only provided the restrictions on other properties on Avenue Road are removed. ... Every ratepayer should be treated alike [55].

In a poll of 60 owners, 50 were opposed and only six definitely in favour. The value of the property of those who wanted the restriction lifted was $179 984 (equivalent to $29 995 per owner), while those against held property valued at $447 574 ($8951 per owner). The Property Committee therefore appeared to bow to big business by recommending in favour of the proposal. One alderman commented that 'this is one of the most diabolical attempts on the part of the Property Committee to seek the release of the building restrictions against the expressed wisdom of the people of that district'. He asked why apartment houses had not gone there before expensive homes had been erected. Now, when handsome houses had been erected the 'apartment house octopus had spread out its tentacles'. Another alderman defended the recommendation on grounds of class, noting that the proposed apartments would rent at between $120 and $300 per month: 'they will be occupied by anything but a cheap line of people' [56].

Sitting in committee, the council voted 14–11 to strike out the Property Committee's recommendation. Then, when local residents had gone home, thinking that they had won their case, the recommendation was reinstated in the full council meeting (though in

Figure 6. Claridge Apartments, Toronto, authorized in 1928 (City of Toronto Archives SC 612, reproduced with permission). This illustration also appeared in *Construction* **22** (March 1929).

practice made up of the same councillors who had been eligible to vote in committee) and carried by a vote of 14–12. It took another month for the exemption by-law to achieve its third reading, during which local residents continued their protests. They argued that whereas the 50 who objected to the application were 'bona fide residents who have their homes there, and intend to remain there', the six who consented included 'two [who] are selling their properties to the promoters of the scheme and will have no further interest in the district, and a third [who] has a direct financial interest in the scheme. The remaining three are more or less remote from the proposed building'. They also objected to the disturbance that would result from motor cars for 60 families (sic), and to the proposed height of the building. As with many other schemes, although permission was granted, no development took place. The granting of an exemption by-law was only the first step along a road to development which also required rescinding or awaiting the lapse of deed restrictions. A further by-law allowing development of the site was not passed until 1940 [57].

In 1928, the site at the north-east corner of Avenue and Balmoral again came up for debate. Balmoral Apartments Ltd applied to erect a 6-storey, 31-suite building, to include space in the basement for no fewer than 42 automobiles. The majority of local owners again opposed the application and the Property Commissioner recommended against its

approval. But following minor changes, the committee recommended in favour, a proposal in council to strike out this recommendation was defeated by the narrowest of majorities (12–11) and a by-law was granted in April 1928, followed by a building permit in September of the same year [58]. Three letters of protest at the proposed erection of the building survive in the correspondence of the Property Committee, each neatly encapsulating different strategies of resistance. An Adelaide St investment broker wrote to the mayor (Sam McBride) as to an old friend, asking after his health, and using the excuse that his wife was 'quite perturbed' at the prospect of an apartment house opposite their home. Flaunting the authority of University of Toronto Department of Civil Engineering notepaper, another resident, who had orchestrated the protest in 1926, objected that Balmoral Avenue was 'already too narrow for our present traffic conditions ... As citizens we feel that we have a vested interest in the locality and have spent money not only, but thought and effort in building up a district of homes'. More emotionally, and bereft of any letterhead, a handwritten letter to the committee, also from a veteran of the previous protest, declared that:

> We women, living near the corners of Balmoral and Avenue Road, who bought our homes with the thought of spending the rest of our years here, will be obliged to leave and go elsewhere.
>
> We dread being forced from our homes, knowing we could get no spot so congenial. Knowing also, that if we have to sell, our properties will be much depreciated in value – we could only sell at a sacrifice.
>
> I do not think these high buildings are an asset to the City, certainly they do not contribute to the health and comfort of the householders near them.
>
> There are more than enough Apartment houses in this locality now [59].

Approximately 500 exemption by-laws were granted between 1912 and 1939. Half involved the conversion of existing buildings into apartment houses, a transformation that was especially common in the post-World War I housing shortage and again in the late 1930s; the remainder were for new apartment blocks. This total excludes large numbers of 'duplicate' by-laws, where amendments were passed within a few months, relating to the same kind of development on the same site [60]. The actual number of new apartment houses erected on previously prohibited sites was less than this figure, partly because some of the more complicated and drawn-out 'duplicates' may have escaped detection, and partly because some schemes were abandoned after permission had been granted. Exemption by-laws remained valid only if construction was commenced within 12 months (and, after 1928, 6 months) of their enactment. Consequently, many by-laws passed around the onset of the Depression never bore fruit [61].

The overall effect was to stagger the development of a succession of apartment-house districts: in South Parkdale, the Beaches, north of High Park, around Avenue-St Clair and, by the late 1930s, in North Toronto (Fig. 7). In total, and including permits where no exemption by-law was required, more than 360 new apartment houses were authorized in Toronto between 1920 and 1938. Rates of construction fluctuated dramatically over time as well as spatially. In 1920, only seven permits for new apartment buildings were granted, worth a total of $285 000; but by the late 1920s there were renewed fears that the supposedly superior tenure of owner-occupation was being undermined by the increasing popularity of living in apartments. In 1928, 96 permits were issued, for apartments

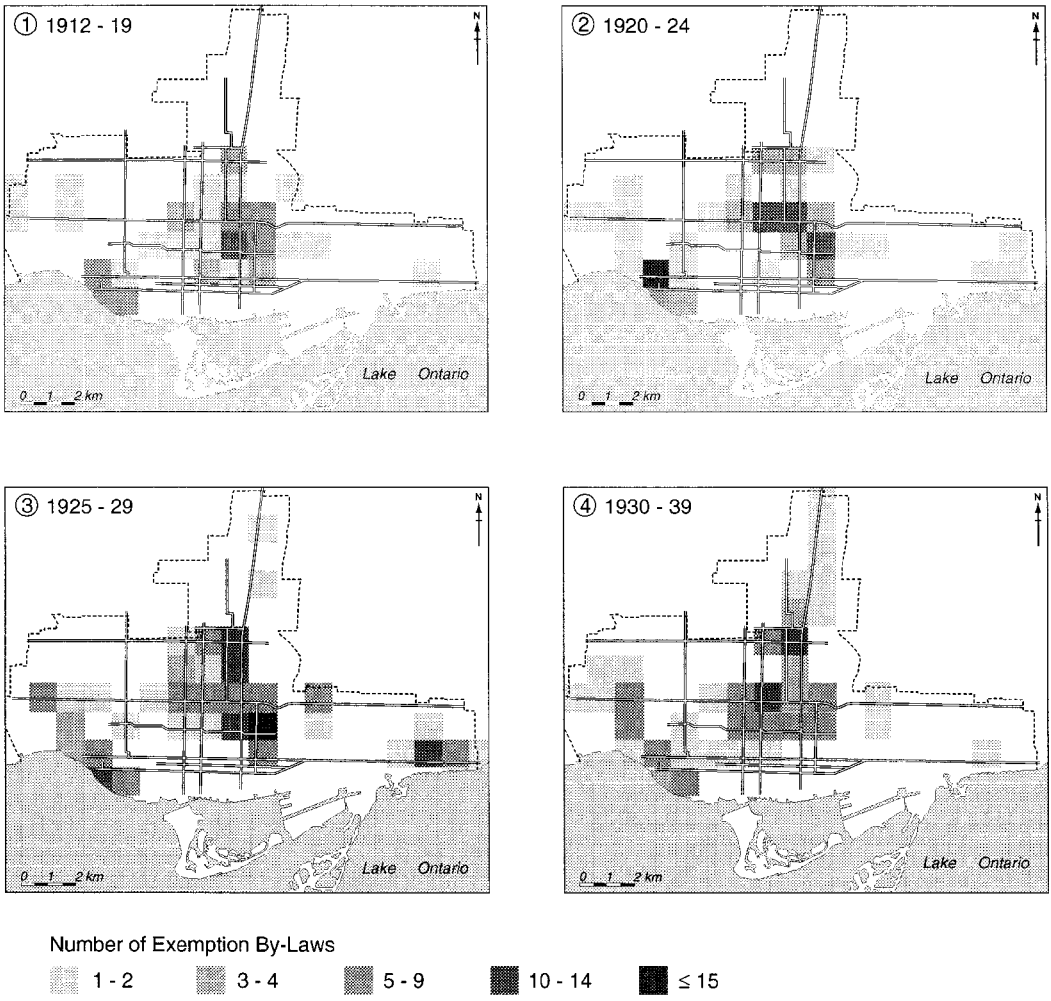

Figure 7. The geography of exemption by-laws in Toronto, 1912–1939.

estimated to be worth $7 257 000. Including permits for alterations and additions to existing buildings, apartment-house construction accounted for more than 14% of all building work and 42% of new residential construction in Toronto in 1928. The onset of depression brought a total cessation of apartment-house building. No new apartment houses were authorized in 1932. By 1938, new apartments were again worth about 15% of all new building, but their total value of $1 345 000 was less than a fifth of what it had been at the height of the boom [62].

Popularly, the most sustained and forceful opposition to apartments in Toronto was expressed by Sam McBride, at various times alderman, controller and mayor. It was McBride who had initiated the April 1912 extension of yard space around apartments,

labelling apartment houses as 'the breeders of slums'. 'What are apartment houses?' he asked. 'Places where people were afraid to bring children into the world'. They were 'the greatest cause of race suicide'. On several occasions, he claimed that property owners were using the council to get residential by-laws repealed so as to enhance the value of their own property, while causing their neighbours' to depreciate. And he appealed to a patriotic, if not xenophobic, spirit in blaming 'not Canadian, but American capitalists' for speculation in apartment housing [63]. McBride was not anti-development: under his mayoralty an elaborate plan to aggrandise the city was proposed, promptly replaced by a more austere, but also more comprehensive plan when he was succeeded by Bert Wemp in 1930. Wemp and other 'fiscal conservatives' generally voted in favour of allowing apartments, but other Conservatives, including two Jewish aldermen, sided with McBride [64].

It is evident that throughout the 1920s, the council's Property Committee was more supportive of apartment-house development than was the full council which, in turn, was prepared to permit many more proposals than local residents endorsed. If the latter had had their way, then very few apartment houses would ever have been built. The legislation would have fulfilled the populist objectives of politicians like McBride and the sentiments expressed by so many planners, architects, doctors and residents that living in flats was an inferior way of life. In practice, the piecemeal granting of exemptions facilitated an evolving zoning system that was attuned to changing circumstances. By comparison, Winnipeg's superficially less restrictive system also proved less amenable to change.

Winnipeg

Under the influence of growing enthusiasm for town planning in the US, the City of Winnipeg established a City Planning Commission in 1911 and sponsored a 'First Canadian Conference on Town Planning' in 1912. Artibise believes that both initiatives were simply window-dressing on the part of growth-minded aldermen, anxious to portray their city as progressive, but quick to abandon the Commission as soon as it exposed social or environmental problems that required costly remedial action. However, the Commission's first meeting, in October 1911, recognized the need for 'restrictive regulations' and 'ultimately the planning of zones', and despite the indifference of the council, a citizen-initiated Winnipeg Housing and Town Planning Association was formed in March 1913 [65]. By then, the Winnipeg Building By-Law had been passed and a first anti-apartment by-law followed in February 1913, prohibiting the erection of 'apartment or tenement houses or public garages' from the élite residential area of Armstrong's Point (Fig. 8) [66]. By 1915, 20 such by-laws had been passed. Another spate of similar by-laws were enacted in the early 1920s – ten in 1922, eight in 1923 – although almost no new apartments were being erected anywhere in Winnipeg at this time, so that it is difficult to know what was prompting the fear of development. Possibly, by this time, the threat was from the erection of garages and gasoline stations, and since there was an established formula incorporating 'apartments' and 'public garages', it was simplest not to change it [67]. By 1926 there had been 59 by-laws which made explicit mention of apartments. However, by this time, there were also other formulae which effectively excluded anything but single-family dwellings: areas could be declared 'residential districts' or 'building alignments' could be required,

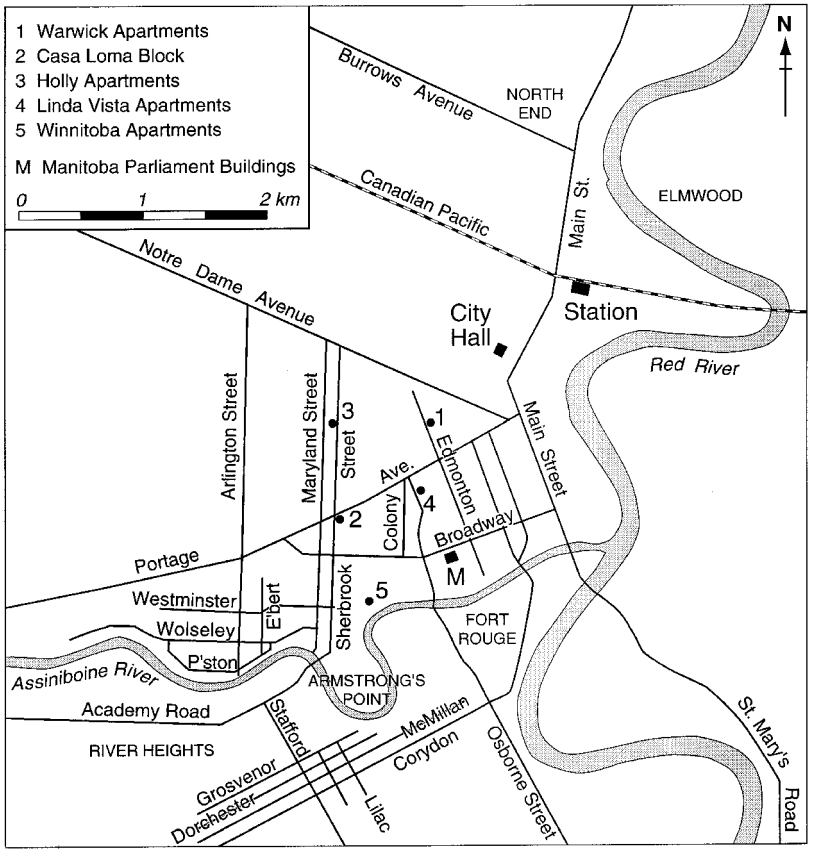

Figure 8. Winnipeg: locations mentioned in the text.

obliging such large set-backs from the street that apartments could not be fitted in. It is difficult, therefore, to judge the precise extent of prohibitions on apartment-house construction.

In essence, the procedure was the reverse of Toronto's. In Toronto, apartments were banned almost everywhere, and then exemptions were granted at the request of developers. In Winnipeg, apartments were allowed everywhere, until local property owners demanded a ban in their neighbourhood. In Toronto, exemptions were sometimes granted for whole streets or blocks, but often only a particular address or lot was specified: the most blatant form of spot zoning. In 1941 the City Solicitor ruled that it was illegal for the city to make by-laws which would benefit particular individuals, such as the landowner of a specific site, rather than the general public interest. Thereafter, exemptions continued to be granted, but with a minimum of a whole face of a city block being specified [68]. In Winnipeg, bans were invariably applied to segments of streets, from one intersection to the next, sometimes excluding corner sites where it was thought that apartments, or flats over stores, might still be acceptable. In Toronto, once an apartment had been permitted on one site in a

neighbourhood, it usually followed that exemptions could be gained for other sites in the vicinity. In Winnipeg, too, there was a neighbourhood effect. Once one group of owners had successfully lobbied the council to ban apartments, then their neighbours on the next street would try the same tactic. The result was a concentration of anti-apartment by-laws in only a few districts: Armstrong's Point, River Heights, parts of the West End, and one isolated cluster of streets by the Red River in Elmwood (Fig. 9).

Another important characteristic of the procedure in Winnipeg was that once a 'sufficiently signed petition' had been received (signed by at least three-fifths of property owners in the area to which the petition applied), the City Council was obliged to pass the necessary by-law [69]. In Toronto, the council could, and did, choose to ignore the petitions submitted by local homeowners, or the ballots of all local owners conducted by the

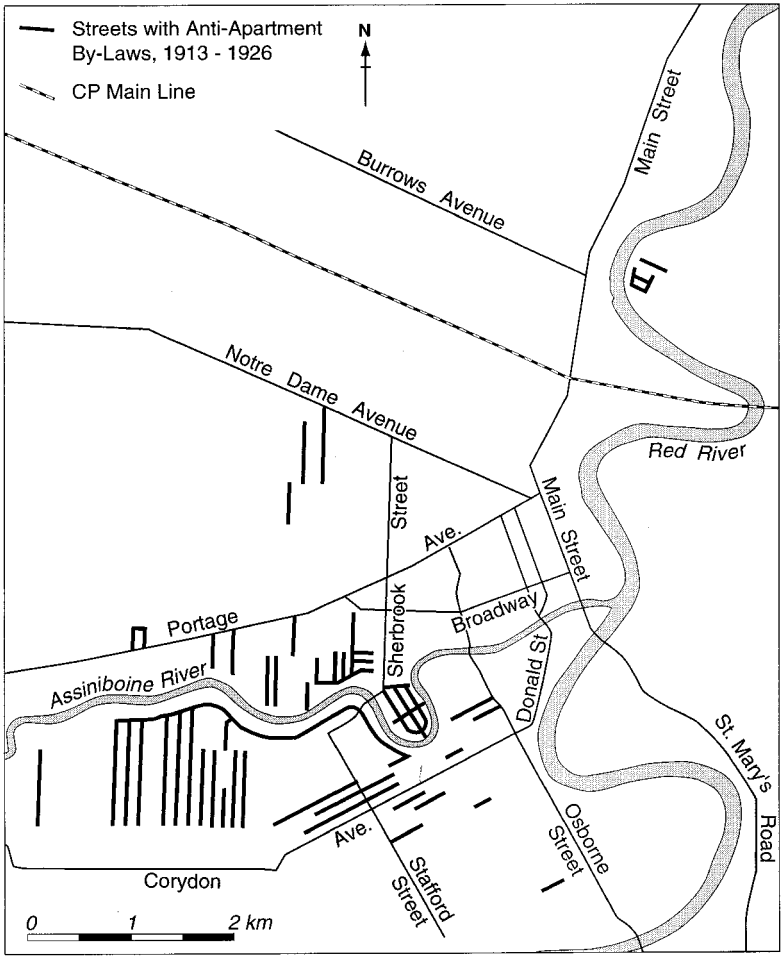

Figure 9. The geography of anti-apartment by-laws in Winnipeg, 1913–1926.

Property Commissioner, or the recommendations of the Property Committee. In Winnipeg the rights of existing property owners were sacrosanct, but only owners in a few areas of the city mobilized to exercise them.

One consequence of these procedures was the need to specify quite precisely who might be affected by the erection of an apartment building, who had the right to express an opinion. The *Manitoba Free Press* reported a request to amend the Winnipeg Charter early in 1914, to 'strengthen the hands of property owners against persons desiring to erect apartment buildings'. It was proposed that when four ratepayers notified the council that they were circulating a petition, the building inspector must not issue any permits for the district to which the petition applied until the council had either rejected or passed a prohibiting by-law. Even if the petition was never submitted, the building inspector would have to wait six months after receiving the notice from the ratepayers before granting a permit. In 1921 the council's Committee on Legislation recommended a revision to the Charter such that 'no (prohibiting) by-law shall be passed until the Council shall have received a petition ... signed by at least three-fifths of owners resident within the City ... of the property proposed to be named in the said by-law, and of the property fronting directly across therefrom on the same street'. Perhaps the publicity this received was the trigger for the new wave of by-laws in the following years [70].

In 1928 the Committee on Public Safety at last recommended a by-law which would have reproduced the state of affairs in Toronto:

> No permit shall be issued for the construction or erection of any apartment or tenement house or duplex house or terrace in any tier of lots in which [these kinds of dwellings do not currently exist] without first applying to the Council for permission to do so, and no permission shall be granted by the Council without notice having first been given to the owners or occupants of the premises in said tier of lots.

However, the by-law was not proceeded with in 1928, and by the following year attention had shifted to the comprehensive zoning of entire city districts [71].

Few cases in Winnipeg attracted as much attention in the press as some of those in Toronto, discussed above. In 1913, Alderman Davidson appeared twice as the defender of the apartment house, arguing that the city's building inspector had no right to withhold building permits in anticipation of a by-law being passed, even if the petition for a by-law had already been circulated before the application for a permit had been made. Some by-laws were subsequently challenged in the courts, and others were contested before they were passed. Thus, a 1922 by-law which prohibited apartments on Arlington between the Assiniboine and Wolseley Avenue excluded three lots on the corners of Palmerston and Wolseley Avenues. Likewise, a series of by-laws relating to north–south streets in River Heights all excluded the first 120 feet from the corners of Academy Road (Fig. 8) [72].

There were a few occasions on which anti-apartment by-laws were rescinded. In May 1929, James B. Brown requested an amendment to the existing by-law, which prohibited apartments on McMillan between Lilac and Stafford, allowing him to build a block on the south-east corner of Wentworth and McMillan. Apartment blocks which predated the by-law already existed on the other three corners of the intersection. Local homeowners claimed they were entitled to protection, and that they had bought their homes in the belief that the site in question was too small for an apartment block. Were a block to be built, the

value of their property would be depreciated. The Committee on Public Safety suggested a compromise, which would allow a block on this site, but restrict the remaining lots covered by the existing by-law to 'residential' use, with a 20-foot set-back. The issue dragged on into the following year, by which time the building boom had ended and the city was heading for depression. Elsewhere, on part of Wolseley Avenue, an apartment-block ban was replaced by a 20-foot set-back [73].

The post-World War I housing shortage was countered in Winnipeg in two ways. First, several uncompleted apartment-block shells, abandoned at the end of the pre-war boom, were completed during 1917. Second, there were several requests between 1917 and 1919 to convert buildings into apartment houses, leading to a by-law in 1919 which allowed the fourth floor of non-fireproof buildings erected prior to 1914 to be used for tenement purposes until 1921 [74]. None the less, there was still scope for landlords to exploit demand by raising rents. Detailed evidence of rent rises is available from the surviving account books of two apartment blocks. At the 'Linda Vista' on Vaughan Street, flats which rented for $35 per month in 1916 cost $70 per month in 1921. Total income for the whole block (of about 30 flats) was $8553 in 1916–17, rising to $14 741 in 1921, then declining to $12 313 in 1928. At the 'Holly Apartments', a 21-suite building completed in 1914 on Sherbrook Street, gross revenue increased from $7615 in 1915 to $15 506 in 1921. The owner calculated that his net revenue over the same period increased from $412 to $7633, equivalent to a return on investment increasing from 0.6% to 14.0% [75].

Yet the consequence was not to stimulate a new apartment-house boom, perhaps because of the shadow cast over the city by the Winnipeg General Strike of 1919. Only five apartment blocks were erected between 1921 and 1924. When a building boom did occur, it lagged slightly between Toronto's. In Toronto the peak year was 1928, with 1932 the first (and only) completely barren year. In Winnipeg the peak was reached in 1929 (28 new blocks valued at $2.5 million), tailing off to almost nothing in 1932, then followed by four years in which no new apartments were constructed [76].

In total, 104 new apartment blocks were erected, and ten completed or reconstructed in Winnipeg between 1917 and 1940. They were concentrated in those middle-class districts where anti-apartment by-laws did not apply, usually because apartment housing had already gained a foothold prior to 1913: in Fort Rouge, in the old Hudson Bay reserve between Broadway and the Assiniboine, and in the inner West End where a few streets, such as Colony Street, were lined with three-storey walk-ups (Fig. 10). In the whole of the North End, a mainly working-class and immigrant district, there were barely half a dozen post-World War I blocks.

Some builders attempted to evade or ignore controls on apartments. In May 1928, the *Western Canada Contractor & Builder* reported that work had started on a 41-suite block on Grosvenor Avenue, to cost $1.25 million, of which N. J. Lobel was the owner. The building permit, dated April 1928, recorded a value of only $150 000. In fact, the builder of this block, subsequently known as the 'Ritz', was Bentley Taylor. Taylor had obtained a permit to erect the 'Ritz' but, owing to breaches he committed against the Building By-Law, the Commissioner of Buildings cancelled the permit and took action against him for continuing to build without a permit. Taylor appealed to the Council but lost. He was fined in the Police Court, but ignored the fine and continued to build. He was prosecuted and

Figure 10. Winnitoba Apartments, Young Street, Winnipeg, authorized in 1926. Further along the street can be seen the Clayton and Huntley Apartments, both begun in 1914 but not completed until 1917 (photo Richard Dennis, 1995).

fined a second time, but in December 1928 when the case was recorded in Council Minutes, he was still building [77].

Taylor had also clashed with the law in 1927 when local residents had requested an injunction to prevent him from completing a building at the corner of Westminster Avenue and Ethelbert Street, on the grounds that the inclusion of five bathrooms, a light well at one side of the building, and a flat roof, indicated that it was to be used as an apartment house in violation of a caveat on the property. Taylor denied the accusation, and the judge was obliged to dismiss the action, declaring that 'Five bathrooms in a single family home may be excessive but they do not prove that the house is to be used for an apartment block' [78]. The subsequent history of occupancy of the building proved that the local residents were right!

The move to comprehensive zoning

By 1928 Winnipeg City Council was edging towards a more comprehensive system of zoning, imitative of what was also being introduced in other Western Canadian cities. Under an enabling by-law passed in January 1929, a series of 'Use Districts' was defined. In R1 districts, only single-family, duplex and semi-detached housing, and some institutional buildings such as churches, schools and libraries, were permitted. In R2 districts, apartment houses were also allowed, while terraced houses and boarding and lodging houses were limited to R3, or to districts in which commercial or industrial uses were also permitted. By the end of 1929, zoning schemes had been agreed for Armstrong's Point, River Heights and

North Winnipeg, but the area between Portage Avenue and the Assiniboine River west of Maryland Street (which included Wolseley and Westminster Avenues that had long been areas of contention) proved more difficult to resolve. The scheme finally approved in May 1930 increased the area in which apartments were permitted [79].

By the end of 1930, zoning by-laws had also been passed for Fleet Avenue, for Elmwood and Glenwood, and for streets around Dorchester Avenue, south of the Assiniboine River. When Fort Rouge was earmarked for zoning in 1932, it was noted that its existing population of 3400, already mostly in apartments, could be increased to 10 000 if apartments were allowed throughout the area [80].

As Peter Moore showed, Toronto made no progress towards zoning during the 1920s and early 1930s. Work did begin in 1936 to consolidate the mass of individual residential restriction by-laws (including the anti-apartment and exemption by-laws) into a comprehensive zoning law, which was eventually passed in 1944. It was not implemented, even then, because the city first had to obtain additional powers from the province. It was not until 1954 that Toronto had an effective and enforceable system of zoning. Moore argued that the development of zoning was 'an attempt to replace the Populist values and traditions of the residential restrictions with the Tory values and procedures of the reform and planning movements' [81]. Residential restrictions, concerned primarily with the protection of existing property interests and values, had to evolve gradually into a system that looked forwards as well as backwards, and that tried to reconcile public and private interests, the needs of the whole urban community with those of particular individuals. As I have argued in this paper, the implementation of residential restrictions by-laws in the inter-war period actually demonstrated this evolution, as the balance of power shifted away from individual homeowners. Yet it could also be argued that from the outset restrictions helped developers and agents more than owner-occupiers.

Given Winnipeg's fiercely individualist and property-orientated local government in the early years of this century, it may seem strange that comprehensive zoning developed there earlier than in Toronto, albeit in a piecemeal way, district by district. As Artibise has shown, Winnipeg's municipal electoral system was weighted in favour of large-scale property ownership: investors who owned property in several wards were entitled to vote in each ward where they held property; absentee owners (who lived outside Winnipeg) were entitled to vote (although only in person); serious consideration was given to granting votes to businesses as well as individuals; and the extension of the municipal franchise to women effectively benefited better-off families, who now had two votes, over working-class families, who might still not own or rent sufficiently rated property to have any vote [82]. Yet, in practice, more benefits accrued to small-scale, individual homeowners in Winnipeg than in Toronto, perhaps because in a more stagnant economy there was less conflict between private house property and business property interests. Re-zoning, with the potential to de-stabilize property values, was much rarer in Winnipeg than Toronto. On the other hand, the switch to comprehensive zoning was probably easier to implement in a stagnant economic context, where a collectivist programme of welfare necessarily developed to counter the effects of depression. The same philosophy that in many mid-Western and Prairie cities approved of 'bonusing' and other municipally sponsored incentives to economic development, such as municipally owned waterworks, electricity supply and tramways, could also be mobilized in support of comprehensive zoning as a means by

which a city could function efficiently and profitably, especially faced with the collective threat of the Depression. It could also be argued that only a dramatic change in the system – from street-by-street by-laws to comprehensive zoning – was capable of breaking the stranglehold of local property interests, facilitating planning that was more than a perpetuation of current patterns.

By contrast, Toronto's city council was prepared to change the rules as it went along, to ride roughshod over the short-term wishes of local residents, to facilitate the demands of property developers, to promote a dynamic urban structure which could accommodate a changing metropolitan population. New apartment areas emerged, existing apartment districts changed their character. Although it was not explicit in the anti-apartment by-laws, their consequence was to promote further residential segregation, different grades and ages of apartments being located in different parts of the city. Toronto by-laws served the needs of developers as much as, if not more than, those of local residents. They could be used as a safety valve to control the flow of new construction, to prevent overbuilding at times of reduced demand, or to open up new sites to satisfy increasing demand; to maximize commercial property values by simultaneously limiting the areas in which certain kinds of development were permitted, and offering the possibility of re-zoning with the prospect that the value of previously restricted property might increase. In Toronto, the system was interpreted so flexibly that a major change in the regulatory system was less urgent.

A wider interpretative context is provided by Philip Booth's recent discussions of the tension between certainty and discretion in controlling development in different European countries and in the US, and of the continuity between private landowners' restrictive covenants, local government by-laws, and the emergence of development control in Britain. Booth argues that the latter was capable of delivering 'more, not less, control' through its very flexibility. Perhaps Canadian cities can be positioned politically as well as geographically somewhere between the extremes of British discretion and more rigid American attitudes to legislation [83].

Partial as the current analysis is, and it would be desirable to explore further the political contexts in which planning evolved in each city and to develop further research connecting attitudes to zoning to other aspects of local politics, it demonstrates both the variability and the flexibility of early zoning practices, the critical role of space as an active agent in the shaping of and resistance to regulation, and the continuing need to supplement studies of policy and legislation with studies of implementation. By focusing on the interface between policy and implementation, we can go some way to understanding how, to paraphrase Marshall Berman, modern citizens made themselves 'at home' in modern cities [84].

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ESRC-funded project focused on the owners and residents of apartment houses. Elanor McBay of UCL's Cartographic Laboratory prepared the maps.

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60. Calculation based on print-out, in chronological order, of all by-laws with the word 'apartment' appearing in the title, and checked to eliminate by-laws that were not concerned with local exemptions (e.g. changes in building regulations) and duplicate by-laws.
61. City of Toronto Appendix A (1928), Board of Control Report No. 10, p. 671; *Toronto Daily Star*, 4 April 1928, p. 15.
62. CTA, Building Permit Registers; Might's Directories to the City of Toronto; A.G. Dalzell, *op. cit.* [31].
63. *Toronto Evening Telegram*, 30 April 1912; *Toronto Daily Star*, 6 December 1923, p. 4, 23 September 1924, p. 3, 6 October 1925, p. 4, 9 February 1926, p. 7, 9 March 1926, p. 3.
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66. City Of Winnipeg By-Laws 7528, 13 January 1913; 7639, 24 February 1913.

67. The following section is based on a search of printed by-laws and council minutes, supplemented by newspaper reports of key council meetings. One future line of investigation would be to examine the links between Winnipeg and Minneapolis, the nearest larger city. As noted earlier, Minneapolis introduced 'Restricted Residential Districts' in 1913 (the same year as Winnipeg started to restrict apartment housing), and the Minnesota Supreme Court confirmed their legality for apartment-house zoning in 1920 (just prior to a second wave of by-laws in Winnipeg).
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73. City of Winnipeg Minutes (1929), nos. 629 (13 May), 640 (27 May), 714 (10 June), 789 (24 June), 866, 908 (8 July); Minutes (1930), nos. 229, 233, 260 (17 February); Minutes (1928), no. 769 (11 June); By-Law 12972; *Winnipeg Evening Tribune*, 25 June 1929, p. 5.
74. City of Winnipeg Building Permit Registers; J. Gray, *The Boy From Winnipeg*. Toronto: Macmillan, 1970, pp. 12–3; City of Winnipeg Archives, Minutes, Fire, Water, Light and Power Committee, nos. 403 (24 September 1917), 482 (14 January 1918), 1321 (3 November 1919) and 1331 (7 November 1919); By-Law 9886 (8 December 1919).
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80. City of Winnipeg By-Laws 13944 (26 May 1930), 14050 (8 December 1930), 14055 (22 December 1930); *Western Canada Contractor & Builder*, December 1932, p. 13.
81. P.W. Moore, *op. cit.* [21], pp. 326, 328.
82. A.F.J. Artibise, *op. cit.* [23], pp. 100, 143.
83. P. Booth, *Controlling Development: Certainty and Discretion in Europe, the USA and Hong Kong*, London: UCL Press, 1996; P. Booth, From regulation to discretion: the evolution of development control in the British planning system 1909–1947. *Planning Perspectives* **14** (1999) 277–89.
84. M. Berman, Why modernism still matters, in S. Lash and J. Friedman (eds) *Modernity and Identity*. Oxford: Blackwell, 1992, pp. 33–58.