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The Governance of Public Space by Legally Unique Bodies: A Case Study of Vancouver's Granville Island

Alexandra Flynn

Allard School of Law at the University of British Columbia, flynn@allard.ubc.ca

Claire Stevenson-Blythe

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Abstract

This paper focuses on the governance of Granville Island, a former industrial stretch of land that operates as an arts destination abutting the city's waterfront. While Granville Island might look like any other neighbourhood in Vancouver, it is in fact owned and managed by the Canada Mortgage and Housing Corporation, a federal agency, on behalf of the Government of Canada. This paper examines what it means, democratically speaking, for the federal government to operate public space in a city. Public entities are each legally unique, raising questions as to how public entities and their relationships with other entities can be understood, evaluated, and adjudicated. This paper study animates how public entities are understood under Canadian law by demonstrating the difficulty in crafting inclusive, participatory governance models that respond to the many interests involved in public space, especially spaces that are explicitly identified as 'innovative'. Drawing on qualitative data and document review, the paper highlights the manner in which Granville Island has been structured and operated by the federal government, its singular focus on commerce and tourism, and its weak commitments to accountability, transparency and engagement. Granville Island is rendered 'invisible' in its governance: it blends into the urban form as though part of the City of Vancouver, while at the same time lacking in accountability, transparency and engagement. We conclude that while Granville Island governs public space, making it seem like a neighbourhood in a municipality, it cannot be conceptualized as a 'democratic body'.

Keywords

urban studies, special purpose bodies, governance, land use, local government, neighbourhood, community, law and society

I. Introduction

This paper focuses on the governance of Granville Island, a former industrial stretch of land that operates as a tourist and arts destination abutting the city's famed waterfront. While Granville Island might appear to be a seamless part of Vancouver, it is in fact owned by the Government of Canada and managed by the Canada Mortgage and Housing Corporation (CMHC), a federal agency, on behalf of the Government of Canada. CMHC is a Crown corporation that is governed by a board and is responsible to Canada's Parliament through an elected Minister (CMHC, 2022). This paper traces the characteristics of this governing arrangement to examine the implications, democratically-speaking, of the governance model on the public space known as Granville Island.

In 1976, the Granville Island Trust was established to steward the redevelopment of a former industrial area. Following decades of widespread displeasure from the public and local businesses, and numerous vacant buildings, the trust was replaced in 2019 with an empowered Granville Island Council (GIC), which guides budgeting, planning, and long-term decision-making (Korstrom, 2019). Governed by both GIC and a manager employed by the CMHC, neither of which are elected, Granville Island is one of thousands of *public entities outside government proper* ("public entities"), making decisions on public lands, services and programs, without the same public involvement as democratically elected bodies (Flynn and Valverde, 2019: 267).

This paper brings Granville Island into broader discussions of governance beyond ‘public’ and ‘private’, to the nuances of ‘public’ bodies including what Emil van Eck and Rianne van Melik call ‘non-profit quasi-autonomous non-governmental organizations’ (‘quangos’) (van Eck and van Melik, 2023). Situating their work in the Netherlands, van Eck and van Melik note how this ‘softer’ former of privatization has resulted in the “entrepreneurial and business-like governance of public space” (2). Technically speaking, Granville Island is a ‘quago’, a body that has been “established at arm’s length from the government to deliver public services and fulfill public-policy goals” rather than a quango, which is funded by the government but operated privately, although the literature rarely distinguishes between the two forms (Oh et al, 2023). However, the terms quangos and quagos obscure the unique history and governance of Granville Island. We examine how Granville Island’s governance model has evolved to become more accountable, transparent, and representative over time, yet continues to be constrained by its institutional form.

Public entities are *ad hoc* bodies that are each legally unique (Zale, 2018). In Canada, provinces have constitutional authority to delegate ‘local matters’ to agencies, boards, commissions or corporations, including transit, housing, and land-use planning. But public entities exist at all levels of government – federal, provincial, municipal – with little or no consistency in their legal design, even when their functions or territories overlap. To date, there have been few studies in the Canadian context exploring the manner in which public entities are legally designed, in relation to the principles of accountability, transparency, and representative, which serve as elements in both deliberative democracy and quango/quago literature (Papadopoulos and Warin, 2007). These principles ensure that the

“routine and daily government processes produce actions, services, and products” that respond to the interests of citizens (Harrison and Sayogo, 2014). As our paper explores, these principles are also helpful in elucidating how public entities experience the tensions of operating within institutional constraints and subject to greater demands for openness.

In this paper, we first set out the literature related to the governance of public entities, focusing in particular on entities that oversee public space. We set out how public entities are understood in the Canadian context by demonstrating the difficulty in crafting inclusive, accountable governance models that respond to the many interests involved in public space, especially urban spaces that are explicitly identified as ‘innovative’ (Hess and Stevenson-Blythe, 2022) and re-branded post-industrial sites (Farhat, 2018). Second, we draw on qualitative data and document review to highlight the manner in which Granville Island has been structured and operated by the federal government, its focus on commerce and tourism, and its shifting commitments to accountability, transparency and engagement. Granville Island blends into the urban form as though part of the City of Vancouver, while at the same time is governed very differently as a public entity. Third, we argue that the expectations of the accountability, transparency, and representation of Granville Island – hallmarks of ‘trust’ in deliberative democracy (Trotta, 2017) and determinants of the quality of governance in political science literature (Schmidt, 2015) - are influenced by the fact that it is a public space located in the heart of Vancouver. We conclude that while Granville Island might seem like a neighbourhood in a municipality and despite positive reforms, its structure as a public entity and its specific institutional constraints make it challenging to adopt an accountable, transparent, and representative governance model.

In conducting this study, we include – but move beyond – legal analysis and textual analysis, understanding that this kind of study would result in an understanding of law “in the books,” but not “in action” to understand how governance operates in practice (Valverde, 2012). We acknowledge that the way in which laws and rules are described by governments does not assist us in fully understanding the legal space in operation (Blomley, 2004). To understand how the governance of Granville Island operates in practice, our methodology involves a legal and policy review, coupled with semi-structured interviews with seven former and current Granville Island staff and stakeholders, including tenants, staff, and advocates. We did not interview members of the GIC by design, relying instead on the information publicly available to understand their mandate and actions. The purpose was to understand how decision-making institutions and processes operate in practice, with a specific focus on accountability, transparency and engagement. This approach, we hope, makes legible the way in which governance is both crafted in law and policy, impacted by institutional design, and subject to change over time.

II. Governing Public Entities

The legal frameworks of public entities are meaningful in determining who holds decision-making power, how this power is exercised, and the effects on openness and accountability (Schragger, 2010). As Mariana Valverde (2016: 207) writes, public entities “live in the political shadows, emerging into public view only when there are spending scandals or major jurisdictional disputes.” Outside of crises that might temporarily shine a light on the

existence of public entities, there is little transparency on or access to the “general workings of the political-legal-informal governing assemblages that underpin the formally existing entities that in turn build and operate many key local infrastructures” (Valverde, 2016: 207). This uncertainty is due partly to the many legal forms that public entities may take, even within Canada, which this paper focuses on.

Beyond limited interdisciplinary works, the literature on public entities is found in political science and public administration (Lucas, 2013). Insights are available from the United States and Britain, where a number of scholars have examined the effects of what they call ‘network governance’ or ‘fragmented policy-making’ at the local government level. The legal rules in each country differ dramatically from one another, leaving cross-jurisdictional comparisons prone to inaccuracy (Valverde, 2016; Mathur and Skelcher, 2007; Greve et al, 1999). In the Canadian context, both municipal governments and public entities are tasked with facilitating public services (Makuch, 1985), however the latter are created on an *ad hoc* basis without a system-wide design or singular model (Valverde, 2016). They vary considerably in terms of legal structure, size and mandate (Burak, 2010; Spicer, 2015; Lucas, 2013; Makuch, 1985; Sturgess, 2015). For more than a hundred years, across Canada and beyond, these quasi-private public entities have supplied or managed what are considered to be local goods, like water services (Lucas, 2013; Sturgess, 2015).

In their study of private-public partnerships in the Canadian context, Mariana Valverde and Aaron Moore concluded that North America has long used an *ad hoc* approach to structuring and empowering public authorities, without a coherent or even constrained

general legal framework, unlike the United Kingdom for example. These entities have very little in common amongst them (Valverde, 2016: 205). Blanket statements about public entities are therefore unhelpful given the uniqueness of each body with case studies illuminating the tensions in the legal and governance workings of particular bodies (Hart, 1998; Hyett, Kenny and Dickson-Smith, 2014). While public entities can be used to oversee any public purpose, most are concerned with specific services, like sewage utilities or public transit, areas that might seem to benefit from subject matter expertise. Oversight differs widely, ranging from representation on a local entity decision-making body, control of finances, direct citizen representation, or some combination of all three (Ziegler, 1959). Some are jointly governed by multiple governments and most focus on specific functions, like utilities (Furlong and Bakker, 2011). A smaller number of public entities manage public space, like parks, even where a municipality has underlying title (Loughran, 2014, Reichl, 2016).

In relation to public space, the trend of public entities taking a leadership role in turning purportedly unused infrastructure into high-profile green spaces has resulted in gentrification along these corridors. Public agencies have devolved power to these entities and rely on significant outside capital, making them more reliant on and responsive to these private interests, with a focus on property values, tourism, and securing space for the creative class (Rigolon and Németh, 2018). Professors Lang and Rothenberg (2016) note that certain public spaces may be managed and financed by private bodies, while other parks and public spaces in poor neighbourhoods are left underfunded and forgotten.

This is due to their inability to further a ‘growth machine’ agenda, which is a powerful, pro-development network of business interests and local politicians whom favour increased economic development at the expense of other residents and stakeholders (Molotch, 1987). In this account, the primary role of government is to promote growth, in order to promote the city and give it name recognition (Gotham, 2002). For example, despite New York’s High Line being built largely with public funds, the New York City government outsourced its management to Friends of the High Line, which Loughran (2014) cites as an “archetypal urban park of the neoliberal era”. This describes governance scenarios where rising inequality of economic and cultural resources leads to unevenly developed public parks, ranging from privatized spaces in wealthy districts to neglected parks in poor neighbourhoods.

Recent studies of public spaces managed by non-government entities have focused on the transfer of management responsibilities to private and community stakeholders, a dominance of corporate interests in high-profile spaces, and privatisation of parts of the public realm (De Magalhaes and Carmona, 2006), and include privately-owned public spaces or POPs (Lee, 2020). However, the long-standing existence of public entities and their use across the political spectrum defies the claim made by some critics that governments are privatizing everything (Valverde, 2016: 199). Justifications for the creation of and continuing support for public entities include civil servant-driven institutional reform; a purported desire to separate politics and administration; elite interests seeking to control public entities; and the perception that public entities are better able to manage projects and attract investment than municipal governments (Lucas, 2013). These

rationales may apply differently to public entities depending on their mandates and visibility.

Even so, limited studies of public entities overseeing public spaces suggest an overemphasis on the interests of businesses and housed residents over those of street vendors or the houseless population (Galvis, 2014). There are similar critiques towards public entities as with business improvement areas or districts (BIDs), which represent business and property owners within specific sections of a city in order to financially benefit their members, sometimes using tactics like policing (Steel and Symes, 2015). Studies have shown an overemphasis on cost-effectiveness rather than inclusivity and participation (van Eck and van Melik, 2023). Branding and placemaking by BIDs, though sometimes contentious at the time, becomes the official, unquestioned narrative (Schaller, 2019). But these same themes can emerge in the context of municipal governments generally, where ‘not in my backyard’ interests, often represented through neighbourhood associations, can lead to exclusion of vulnerable residents, and successful objections to development or density (McClymount and O’Hare, 2008). While BIDs can perform inclusive governance, for example a Toronto BID’s decision to work closely with Indigenous leaders to reflect Indigenous histories in public space (Palamarchuck, 2022), the governance of public space by public entities cannot be taken for granted as a process that is open or democratic; instead attention is demanded as to the nitty-gritty details of who can access and use spaces, and how priorities are defined and by whom (Zamanifard, Alizadeg and Bosman, 2018).

Numerous studies have documented the expectations of public entities in relation to the broader public (Etsub et al, 2016; Oh et al, 2023). Where the function of the public entity is essentially public in nature, there is an expectation of greater accountability directly to those affected (van Thiel, 2019). Scholars have outlined the degree to which public entities are made accountable to the public and key stakeholders through changes in oversight, representation, and participation (Schmidt, 2015). In this paper, we focus on the accountability, transparency, and representation provided by a local entity to give insight into how ‘public’ the public space truly is. Accountability refers to the degree to which public bodies operate with fairness and oversight to their constituents, who will differ depending on the public entity (Langford, 1983; Fuchs, 2012: 45). This definition means horizontal accountability to citizens and other stakeholders, rather than vertical, which means accountability to a parent government (Cole, 1999). Transparency means the degree to which decision-making, including the documents supporting particular actions, is clear to those who have a stake in the decision (Fuchs, 2012: 45; Bertilli, 2008). Representation refers to decision-making structures, including who serves as a decision-maker and representing whom, and their mandate and constraints (Fung, 2004). As Paul Hirst (1995) explains, reforming public entities “offers a chance to enhance democracy by giving greater say back to citizens” (358).

Here, we focus on how the interplay between the unique legal design of Granville Island and the degree to which its governance is accountable, transparent, and representative. To understand the legalities and governance of Granville Island, the next section examines the history of this small land mass, changes to its governance model, and the existing

stakeholders.

III. The “In the Books” Governance of Vancouver’s Granville Island

Creation of Granville Island

Granville Island is located centrally in Vancouver, near False Creek. This area is within the ancestral lands for the x^wməθkwəyəm (Musqueam), Skwxwú7mesh (Squamish) and Sə́lilwətaʔ/Selilwitulh (Tseil-Waututh). Indigenous peoples used the two sandbars for fishing, catching shellfish, and gathering. The British established a colony in British Columbia in 1858, bringing Timber and sawmills as early as the 1860s and, twenty years later, a railway (Harris, 2017: 333, 341). A permanent village was created near the sandbars, but residents were forced to leave the area after a small reserve was created in False Creek in 1869 near their traditional village, Senákw (Vancouver Heritage Foundation, 2018).

In 1913, governments removed Skwxwú7mesh citizens from nearby Senákw (Harris, 2017: 364). That same year, the Pacific Dredging Company Ltd was contracted to develop what was a sandbar under the Granville Bridge into an island. The Federal Government led the initiative shortly after the completion of the Granville Street Bridge to promote industrial development in Vancouver. The “island” was built from fill from the bottom of False Creek and English Bay. Multiple entities, including local businesses, fought over who owned the land until it was conveyed to the National Harbour Commission in 1916 (Vancouver

Heritage Foundation, 2018). The National Harbour Commission constructed a seawall around the sandbars and built a wooden road and railway to Granville Island, and the land was leased to mostly factories and mills. The industrial companies manufactured and supplied fibre, rope, chain, and materials for logging, mining, and shipping (Meuse, 2017). The industry continued to slow down after the first World War, and businesses moved off Granville Island after a series of fires in the 1950s. The sawmills began to fall into disrepair in the 1960s.

In 1973, the Government of Canada took ownership of the 37.6 acre Granville Island from the National Harbour Commission at a cost of \$5.8 million based on the advocacy of Minister Ron Basford, who dreamed of a mixed-use, arts-based island for Vancouverites (CMHC, 2017: 2). CMHC, a federal public agency, continues to hold and manage Granville Island (CMHC, 2022), which remains an anomaly alongside CMHC's core mandate, which focuses on residential housing and mortgages. Granville Island's original mandate was set out in the Granville Island Reference Document (City of Vancouver, 1978). Starting in 1975, the former industrial buildings were transformed into studios, shops, markets, and restaurants as part of a redevelopment (Vancouver Heritage Foundation, 2018), while maintaining public access, a pedestrian environment, and limits to retail use (Ganong K et al, 1976: 5). There are no residences on Granville Island, meaning that the main stakeholders are those holding leases (Goldberg, 2017).

In 1976, the federal government established the Granville Island Trust, which was tasked with directing the redevelopment. The 1976 *Report of the Interim Trust* recommended that

Granville Island develop its own unique character to appeal to a broad public, not simply becoming another one of Vancouver's parks or shopping centers (Ganong K et al, 1976: 4-5). This report encouraged new and imaginative ideas for the development of public open spaces, with the objective of the greatest use by the greatest cross section of the population. Taking a page from placemaking literature (Richards, 2017), Granville Island was imagined having developments chosen with a preference for innovation (described as "unusual interest and excitement"), public interest (described as developments that serve the needs of the community), and a varied operating pattern (described as ensuring activity at various hours and seasons).

In 2002, a BC court ruled in favour of the Skwxwú7mesh that they could reclaim Senákw, which lies about a kilometre from Granville Island (Harris, 2017: 321). While the implications of Granville Island's governance in relation to the federal government's obligations to First Nations are too complex to detail here, it is important to acknowledge that the legal landscape has shifted dramatically since Granville Island was first created (*Haida Nation v British Columbia (Minister of Forests)* [2004] SCC 73 [35], [37]). If the federal government were to affect changes to the ownership of Granville Island, it would trigger specific legal obligations to the Nations (*Guerin v. The Queen*, [1984] 2 SCR 335; *Haida Nation v British Columbia (Minister of Forests)* [2004] SCC 73).

Governance Through the Granville Island Trust

When Granville Island was transferred from the jurisdiction of the National Harbour

Commission to CMHC, the Granville Island Trust was appointed to advise the government and management, and to liaise between the local communities, local MPs, the responsible Minister, and senior CMHC officials (CMHC, 2017: 8). The Granville Island Trust was chaired by a CMHC Manager and five (later seven) members of the Vancouver community who were not CMHC employees. The Report of the Interim Trust of July 1976 stated that the role of the Granville Island Trust “is advisory to the federal government landowner through its agent CMHC, with responsibility for management resting with CMHC” (Ganong et al, 1976: 16). While this was the official mandate, in practice, the Trust governed and planned Granville Island directly until 1985, when the Trust became purely advisory (Goldberg, 2017: 4; Seelig, 2014).

There were (and are) few binding agreements or legislation concerning Granville Island. The *Reference Document for Granville Island False Creek - Area 9* was approved by Vancouver City Council on April 18, 1978 and amended in 1999 and is used by the City of Vancouver in conjunction with the policies, requirements, and guidelines of the False Creek Official Development Plan By-law (City of Vancouver, 1978: 1). This document outlined requirements for development on Granville Island, including land uses, building heights, public open space, circulation and parking, public transit and rail, and development character. Granville Island has its own regulatory framework and is not bound by city zoning requirements. There is also a service agreement between the City of Vancouver and CMHC for the provision of basic municipal services. Importantly, there are several leasing guidelines between CMHC and the Government of Canada for the leases of buildings on Granville Island, which acts as the main revenue source (CMHC, 2007).

A Series of Governance Reviews

In 2000, CMHC approached the City of Vancouver to reimagine how Granville Island would be managed given anticipated growth (Director of Current Planning, 2000).

Following outreach jointly managed by CMHC and the City of Vancouver, seven principles and objectives were outlined, including maintaining Granville Island as a public place for a variety of uses and activities, favouring locally-owned and operated independent businesses, ensuring a broad means of access by favouring pedestrians, bicycles and ferries, and preserving open space (Director of Current Planning, 2000). The report also outlined the importance of “inclusive decision-making,” with the involvement of the general public when considering new projects for the Island and outlining a clear process for development proposals. Little else was said regarding consultation.

In 2016, the Government of Canada initiated the Granville Island 2040 project and tasked CMHC and the City of Vancouver with appointing an independent special advisor to lead the project on behalf of CMHC. CMHC commissioned this project to produce a comprehensive vision for the next quarter-century. The *Final Report on Comprehensive Planning and Vision for the Future of Granville Island* (“Final Report”) was presented to CMHC in Spring 2017. The recommendations in the Final Report attempted to capture the previous principles and planning guidelines that informed the redevelopment of Granville Island, namely transformation of a former industrial site into an urban opportunity place characterized by diverse land use mix, preservation of historical character and authenticity,

commitment to arts and crafts, and public and waterfront access (CMHC, 2017: 2). The report recommended making the “promotion of innovation a fundamental criterion, making Granville Island’s commitment to environmental and social sustainability more explicit, and committing to fostering a culture of open and ongoing dialogue and collaboration with local Indigenous peoples” (CMHC, 2017: 11).

Governance was raised as a key issue of concern by stakeholders, including the perceived lack of local autonomy and decision-making; transparency about policy, planning, and decision-making; and effective communications and consultation (CMHC, 2017: 59). Following the Final Report, CMHC commissioned a governance study. This report was developed with extensive public consultation that engaged visitors to Granville Island and Vancouver residents throughout Metro Vancouver. The Final Report recommended that any future governance body be accountable to the Government of Canada through CMHC; have authority and capacities aligned with the mission of Granville Island; consist of members whose backgrounds and experiences allows them to act without real or apparent conflicts; be responsive to other stakeholders and community interests; and be expected to operate in accordance within the highest social and ethical standards, and required to make public annual reports on finance and development (CMHC, 2017: 59). As a result of these recommendations, and as detailed next, changes were made to the Granville Island governance model.

Governing Granville Island Now

The governance of Granville Island now rests with two different bodies: the Granville Island Council and a General Manager, each appointed by CMHC. Various stakeholders engage with these two decision-makers, including two formal ones: Friends of Granville Island (FoGI), a community group created in 2019, and the Granville Island Business and Community Association (GIBCA), which has long been in place.

Granville Island Council

The Granville Island Council was established in response to the Final Report. Unlike the Granville Island Trust, the Granville Island Council was meant to have “greater decision-making powers and influence over the strategic direction of Granville Island” (Korstrom, 2019). While the role of the Trust was strictly advisory, the Council’s mandate includes influence over the strategic direction of Granville Island, including reviewing plans, setting strategy, managing risk, and overseeing organizational performance (Granville Island, 2019:1). Comprising seven members, two from CMHC, one from the City of Vancouver, and four local and community members and experts, the Council is responsible for key decisions pertaining to Granville Island’s budgeting, planning, and long-term strategy (Korstrom, 2019). The Council has affirmed its commitment to greater communication and publishes its meeting minutes and annual reports (Granville Island Council, 2023). At the time that this article was published, the minutes of meetings were posted on Granville Island’s website, however notices of meetings and details of how to attend were not available.

Canada Mortgage and Housing Corporation (CMHC)

According to a CMHC staff member, the day-to-day management of Granville Island rests with a General Manager appointed through CMHC. This senior official oversees 37.6 acres of land and over 300 businesses, including restaurants, hotels, artisans and craftspeople which employ more than 3,000 people. Functionally, the CMHC staff member asserts that Granville Island has their “own security guards [...] servicing, garbage and snow removal,” but policing, fire, ambulance and emergency services are provided by the City of Vancouver. All of the buildings that are leased pay taxes to the City, and the City also levies a Payment in Lieu of Taxes (PILT) which applies to untenanted spaces on Granville Island that aren't paying a property tax.

CMHC is a crown corporation, but does not have the ability to borrow money. Nor is it represented by an elected government, other than indirectly through the federal government. Why Granville Island is held and administered by CMHC rather than through another federal entity is likely due to Ron Basford, who was both a Minister of Parliament for Vancouver Centre and the Minister of State for Urban Affairs (Alexander, 2021). The interviewed CMHC staff member noted that the land cannot be sold and any long-term leases require the approval of the federal government. Granville Island receives no tax revenues and must sustain itself through lease revenue only. Moreover, Granville Island differs dramatically from CMHC's other functions. As a former General Manager stated, “Canada Mortgage Housing Corporation is a residential mortgage company. There is not a single residential mortgage on Granville Island suggesting a mismatch between the

governance and the nature of what is being governed” (Smith, 2019). CMHC’s oversight of Granville Island seems to be based on the legacy of its early visionaries, not because CMHC is best suited to govern (Chan, 2022). This institutional vestige of CMHC’s guardianship seems unquestioned.

Interestingly, Granville Island is not the only public space owned and governed by the federal government, although it is an anomaly that it resides within CMHC. For example, Toronto’s Harbourfront Centre is a not-for-profit charitable corporation with a mandate to provide the public with cultural, recreational and educational programming on federal lands alongside the Harbourfront (Williams, 2017). Montréal’s Old Port is administered by the Canada Lands Company (CLC), a change made in 2012 to “strengthen governance, increase efficiency and accountability and will provide them with a more stable financial footing” (Canadian Press, 2012). The federal government also operates public lands together with provincial and municipal governments, as well as First Nations, each with unique legal arrangements (Whiteside, 2019). Thus, the locus of Granville Island within CMHC need not be a permanent reality.

Other Stakeholders

Community groups also form part of the governance of Granville Island, albeit unofficially. The two groups are the GIBCA and FoGI. The tenants of Granville Island and the Vancouver public are also stakeholders, although they are not represented through any entity other than GIBCA and FoGI.

The GIBCA was established in 1995 and is a BC non-profit society that represents the business and community interest on Granville Island (Granville Island Business & Community Association, 2016). Its mandate is to promote the general well-being of all who work or use Granville Island for any legal purpose, and to bring together like-minded people to work cooperatively on specific projects. The GIBCA is a voluntary organization; all who work or volunteer on Granville Island are eligible for full GIBCA voting membership, with non-voting memberships are available to individuals and businesses not on Granville Island. The GIBCA is governed by a volunteer board of directors (Granville Island Business & Community Association, 2016).

The members of FoGI are mainly from the public as opposed to local businesses. According to a CMHC staff member interviewee, it originated “to make sure there was local accountability.” and was established in an attempt to bring “some kind of oversight, a forum in which questions could be asked and decisions could be challenged in a structured manner.” FoGI has been trying to understand the Granville Island’s governance for years, with a CMHC staff member noting that “there is so much ambiguity about what is the line between the City and CMHC and who is responsible for what.” FoGI is seeking greater local representation and creative control, and greater involvement of Indigenous Peoples (FoGI, 2020). They imagine an independent organization based in the local community and more receptive to the needs and Vancouverites, rather than tourists, and which could seek additional funding to improve and revitalize the Island (Smith, 2019).

Granville Island is thus a public space which is governed by two public entities: CMHC and the GIC. The public space has corporate tenants, comprised of artisans and tourist shops, but no residential tenants. Based on the law in the books, the governance of the Granville Island has shifted over time, in part to have greater transparency, accountability, and participation. The next section examines “governance in action” to understand how Granville Island operates in practice.

IV. Governance in Action: An Undemocratic Public Body

Building on the governance structure “in the books,” we now consider three factors in evaluating the degree to which Granville Island is democratic: accountability, transparency, and representation in decision-making (Marie, 2019; Przeworski, Stokes and Manin, 2001).

1. Accountability

As mentioned above, Granville Island is guided by the Final Report. In the words of an interviewee, this report was to determine, “what it is we are governing before we can decide how to govern.” Along this vein, a tenant on Granville Island, asks, “where is the accountability structure?” One Granville Island interviewee stated, “there is nothing regulatory about Granville Island 2040 [the process that led to the Final Report], it is a vision statement and very similar to ... an Official Community Plan.”

As noted, Granville Island is governed by both the GIC and CMHC. The GIC was formed in large part in response to the lack of accountability on Granville Island. As one participant stated, “when they dissected what was going on with Granville Island in 2017 [...] they came to the idea that we need something a little bit more accountable [...] to the local population, because that’s who primarily the island serves.” In response to this, the Granville Island Council was formed and “is now in the process of governing the island [...], although we are in the process of trying to figure out what that actually means and generate more accountability for the Council.”

One of the first tasks of the newly-created GIC was to choose who would serve as the General Manager, in order to be, in the words of a CMHC staff member, “more accountable to the tenants and the visitors of Granville Island, to the community of Granville Island.”

The consensus amongst interview participants is that the Council was successful in choosing the new General Manager. One interviewee noted that the new General Manager “seemed to alleviate many of the initial concerns we had in terms of dialogue” by being responsive, listening and wanting input. A long-time tenant on Granville Island believes that the new manager “is the only [manager] that I know of, at least in the last 20 years, who has some connection with Vancouver and with arts and culture.”

While this is positive, some organizers feel that GIC is otherwise “window dressing” to make the governance of Granville Island seem accountable to the public, since there are members of the public who form part of the GIC. According to a participant, the Council was meant “to be responsive to the 2040 Report, but it is not, [as] CMHC effectively runs

Granville Island with an iron hand.” That same participant noted that the lack of accountability is attributable to CMHC having too much control over the Island with little to no oversight from elected officials. As one senior official framed it, “there is no way for a general member of the public to go to the minister and say ‘you’re elected in Ontario, but you’re responsible for this incredible chunk of land in Vancouver’ and so there is no direct democracy in that perspective.” An interviewee asserted that the Council has “no fiscal accountability or no fiscal authority over the Island. And it’s unelected.” As the interviewee states, the Minister appoints the GIC and they are accountable to the Minister, so there is no “semblance of democratic accountability.”

The lack of clear lines of authority may explain accountability gaps. A participant from FoGI found that there is “so much ambiguity about what is the line and who is responsible for what [...] it is not clear, even for the staff. There are no set rules and laws [...] and even for us as a community, we have been trying to figure this out for years.” FoGI has, in the words a participant:

tried to find out for years how much power is actually in the General Manager’s hands, because we do not know for certain that there is an entity that has power over the General Manager’s decisions that is not the Council. Whether it is CMHC, the Federal Government, the Minister [...] there is no transparency about it. The public should know.

It appears to some participants that the General Manager “is the only one who has the power to make decisions locally,” although the degree of authority is not clear.

Participants attributed accountability challenges to a few different causes. First, the leadership changes the direction in how CMHC acts. As one participant stated: “[t]he people who work for CMHC] don’t understand what they are supposed to do. And they look to the managers, and if the managers change then everyone’s direction changes.” Second, the relationship between the Council and CMHC is not clear, with a participant stating that:

[Historically], the managers would say they would get advice from the Trust. But they are getting more than advice from somebody. In the old days, the government was hands off, no one was giving the managers instructions, and they were able to make decisions and [Granville Island] was its own self-running system. And then something changed, and the government became more involved, [but] it is unclear how.

This issue is exacerbated by the strong role of CMHC staff in governance, with a participant stating, “you then had bureaucrats running a unique cultural space.” This sentiment was shared by another long-time tenant on Granville Island, who states that while “bureaucrats are supposed to be accountable,” when something goes wrong, “nothing happens and no one is held accountable.” As one participant put it, “Unless [CMHC] wants to create a governance structure that is clear and understanding [...] then we just had to cross our fingers that the people who are around us want to support Granville Island or even talk about it.”

2. Transparency

To one CMHC official, the transparency of decision-making is straight-forward: if the public wanted to “learn more about how and why policy decisions are made, you would contact [CMHC].” And like any local government, they would let the public know “through staff in one-to-one conversation, because we are very responsive to the public, how things work.” While the Granville Island website does list the GIC members, a participant questioned if “some general member of the public would have the foresight to know that these people were who they could write to.” An interviewed CMHC staff member also understood one of their responsibilities was to “find the relevance of [GIC], evolve the governance of [GIC] to make it more transparent and locally responsive,” including ensuring there are agendas and minutes to the Council meetings.

But according to interview participants, neither CMHC nor the GIC have been sufficiently responsive. While the General Manager has committed to having transparency, to some that intention has not been broadly realized. For example, a participant noted that when contacting the GIC, people may receive “at very best a pro forma response” and they “wouldn’t respond to emails, or letters and when they did respond it was to the effect of ‘we’re very busy’.” How and where to access GIC is challenging, too, given that they don’t reach out through media or social platforms. In addition, a participant claimed that some reports are only available following FOI requests.

Contributing to the lack of transparency is the fact that CMHC is a governmental body, but not a government. For example, some participants want to understand how

the finances of Granville Island work and found none of the oversight that would be required in a municipality. The implications were summed by one participant asking:

What happens to the rents that [CMHC] receives? What is the relationship between the rents they receive and the budget to run their office? Is there a process whereby they have financial control in terms of having a budget, expenses, income, and do those offset one another? And at some point, if there was a conflict between their ability to collect rents and their ability to create a structure with which rents are paid, how do they deal with potential conflicts within themselves?

3. Representation

From the perspective of officials, the Granville Island 2040 process, culminating in the Final Report, was “very participatory and engaging” and was designed “to get public involvement into decision making and vision setting.” Participants agreed, stating that the process “was wonderful” and had “a fair amount of public consultation.” FoGI credit the 2040 process as having created an important framework for current governance, with a participant referencing a video called “It’s Time for Local Creative Control,” outlining the challenges with management of CMHC and governance approach, missed opportunities regarding cultural and artist partnerships, and the need for local decision making and management.

There is therefore confusion over whether Granville Island is operated by officials as a public space, or whether it is meant to have a corporate identity focused on Granville Island as a cultural hub. One participant explained that the language used to describe governance are “derived from the corporate sector.” The lack of communication and clarity of power on the Island contributes to increased tension. To one participant, a “huge point of frustration to tenants on the Island is that there is no one to go to [...], their main point of contact is CMHC staff [...], there is no elected representative to talk to.” The members of FoGI are mainly from the public as opposed to local businesses, created “to make sure there was local accountability” and to bring “some kind of oversight, a forum in which questions could be asked and decisions could be challenged in a structured manner,” according to a FoGI member.

The centrality of CMHC in the governance model means that the General Manager is the main point of contact for stakeholders. According to a CMHC staff member, the General Manager has “four hats”: the first is as the “go-between” between local affairs and CMHC, with “all the fiscal responsibility and long-term lease responsibility as a landlord.” The General Manager is also responsible to the GIC, which is “trying to move [towards] more innovative approaches and community based decision making,” and then to the tenants and the wider community. Amidst these four hats, its responsibility is “[number one] to the bigger picture of sustainability on the Island and number two [being] responsive to our tenant community, because [...] without them, we are nothing.” Sustainability is meant in financial sense: “our public is defined as primarily our tenant community until now because we are financially responsible to ourselves, we can’t get money from CMHC [as they] are

not allowed to give us money.” Put another way, the tenant-landlord relationship is central to CMHC, because rents are the only form of revenue available to operate Granville Island.

Granville Island’s mission is as a cultural hub and CMHC’s relationship with tenants suggests that tenants are the main stakeholders with whom they engage. Indeed, the rents on Granville Island are “set very low” and a tenant participant acknowledges that “the space we have, the public exposure we have, rents could be astronomical.” That same participant noted that CMHC has recently introduced changes to increase revenues, where if tenants’ revenue exceeds a certain amount of gross revenue, rents increase. However, without clear lines of accountability, the representation of and engagement with tenants may not always be in clear view. One participant explained that a former CMHC staff member “was really horrible to the community, [leaving] a terrible careless paper trail through emails, publicly bullying people, threatening people’s livelihoods, and literally withholding leases from people.” The result was that “[the tenants] were vulnerable.” Another participant explained their experience as “just really hostile.”

FoGI has been trying to understand the Granville Island’s governance for years, with FoGI noting that “there is so much ambiguity about what is the line between the City and CMHC and who is responsible for what.” FoGI is seeking greater local representation and creative control, and greater involvement of Indigenous Peoples (FoGI, 2020). They imagine an independent organization based in the local community and more receptive to the needs and Vancouverites, rather than tourists, and which could seek additional funding to improve and revitalize the Island (Smith, 2019).

What emerges from this review of accountability, transparency, and representation are two clear tensions. First, there is a lack of clarity in the governance of Granville Island as a result of GIC and CMHC's dual involvement. CMHC's role is fundamentally concerning to participants, as Granville Island is very different from CMHC's other governance tasks, which involve mortgages and housing, rather than public space (Chan, 2022). One participant pointed out the unusual nature of CMHC's governance of Granville Island: "the bottom line is that Granville Island is a complete anomaly for CMHC. It should not be within the confines of CMHC in my view." Another participant agreed: "CMHC [has] corporate leases all over the country, [...] that's their mandate. They are the wrong entity to be managing a cultural space, [it's] not complicated."

Second, while it is not unusual for public bodies like Granville Island to operate outside of the elected sphere, it is helpful to have a clear line of access to the governing body.

Oversight can also differ widely, ranging from official representation on the public entity's decision-making body, control of finances, direct citizen representation, or some combination of all three (Ziegler, 1959). What does matter, however, is who the public entity feels it represents. The GIC was intended to be provide greater representation to the public, but as noted, the participants interviewed didn't find this to be the case. Perhaps, as one participant noted, this function of the GIC is in progress as it "is trying to figure out what that actually means."

V. Conclusion

Private urban governance includes public bodies that adopt ‘private’-like rationales, as well as private spaces that operate for the public (like POPs). While it would be simplistic to reduce local governance bodies to the binaries of law/non-law and private/public, the function of Granville Island seems clear: based on a reading of the law in the books and the law in action, Granville Island is branded as an urban marketplace operated by a government landlord that sees customers as the public and an entrepreneurial and business-like public space (van Eck and van Melik, 2023). Granville Island’s new governance model has not disrupted this ‘private’ focus, with the main task to be the oversight of tenancy relationships.

The fact that this kind of private-like urban governance exists in Vancouver is neither new, nor surprising. BIDs, for example, are a long-standing local governance actor. However, Granville Island sheds light on how the vestige of CMHC governance has resulted in less democracy. Granville Island was originally conceived of as a public space of innovation, with revenue dependent on collecting rents from artisans and other tenants. While CMHC never had a mandate or expertise to steward public space, the inclusion of Granville Island within its portfolio was due the political leadership of the time. In the fifty years since Granville Island was conceived, its institutional presence within CMHC has intensified the focus on landlord-tenant relationships as opposed to democratic governance. The GIC still doesn’t operate with as much accountability, transparency, and representation as a government actor, and CMHC has remained focused on the hundreds of tenant relationships. The separation between the landlord and the governing body, and the

emphasis on Granville Island as an urban marketplace, hinders, rather than enables, democratic governance.

When Granville Island was created, the mandate was simple: create an artist and tourist hub. At that time, the Trust, the precursor to the GIC, were aligned on how to move forward. The Island at this time was not conceptualized as a broader community and CMHC understood the main stakeholder to be tenants. Over time, other interested parties have entered the scene and sought inclusion in Granville Island's plans, including city residents. Since then, CMHC and the GIC have acknowledged the existence of community stakeholders who have interests in accountability, transparency, and representation. As a result, the governance of Granville Island has been changed, mobilized in particular after the Final Report, FoGI's advocacy, and the commitments of the CMHC General Manager. What remains now is a shift in the perception of what is being governed beyond landlord-tenant relationships to a public space that has multiple stakeholders. However, despite these commitments, there remain challenges in achieving this broader mandate.

This nitty-gritty of Granville Island reveals the challenges, but also possibilities, for transforming the 'publicness' of private urban governance more broadly. The literature on public entities reflects a trend of including greater accountability, transparency, and representation in their institutional design. This paper contributes that literature by explaining how efforts to transform are contingent on the unique legalities of the public entity in question. In other words, as the Granville Island case study shows, public entities have the capacity to shift their practices and understanding of their mandates, but remain

constrained by their institutional designs.

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Interviews

Confidential interview #1 with member of Friends of Granville Island (May 26, 2021) – author conducted.

Confidential interview #2 with former member of the Granville Island Trust (May 3, 2021) – author conducted.

Confidential interview #3 with member of Friends of Granville Island (April 1, 2021) – author conducted.

Confidential interview #4 with Granville Island tenant (May 7, 2021) - author conducted.

Confidential interview #5 with member of Friends of Granville Island (June 15, 2021) – author conducted.

Confidential interview #6 with Granville Island tenant (May 5, 2022) – author conducted.

Confidential interview #7 with CMHC staff member (June 15, July 23, 2021) – author conducted.

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