



Canadian Urban  
Institute Institut  
Urbain du  
Canada

# JURISDICTIONAL SCAN

## SPACE PROJECT

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**PREPARED BY:**

Canadian Urban Institute

**PREPARED FOR:**

City of Toronto

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## Introduction

This jurisdictional scan was initiated by the Canadian Urban Institute to:

- Identify policies and programs in other major cities, in Canada and internationally, that incent or encourage meanwhile uses by artists.
- Examine policies in Canadian cities that could be adapted or extended to apply to meanwhile uses.
- Review cultural policies in place at the provincial and federal levels to explore how those might assist companies interested in meanwhile uses.

## Methodology

Commencing at stage 2 of the *Space Project*, the research team pursued this jurisdictional scan with the following guiding questions:

- What policy levers would help property owners to provide meanwhile spaces for artists;*
- In what other cities are there policies around meanwhile uses, and what level of government do they come from;*
- Do they apply to non-profits or arts organizations,*
- Do they apply to vacant spaces; and*
- How do they work and are they effective.*

## Key Findings

We found a variety of interesting models. Overall, three areas were most prevalent:

- **Tax incentives** to encourage private property owners to temporarily lease vacant buildings to those working in arts and culture, whether as a rebate, discounted rate, an exemption, or as a form of tax increment financing.
- **Policies** that identify publicly-owned spaces that can be made available for low or no cost to artists on a temporary permit basis.
- **Practices** of leasing publicly-owned buildings intended for future demolition or vacant lots for nonprofit arts, cultural, social or recreational purposes.

## About the Canadian Urban Institute (CUI)

[CUI is Canada's Urban Institute.](#) We are the national platform that houses the best in Canadian city building – where policymakers, urban professionals, civic and business leaders, community activists, and academics can learn, share, and collaborate with one another from coast to coast to coast. We have three decades of experience working with the city building community on all aspects of placemaking. We have both knowledge and practical experience in project management, working with planners, governments, regulators, engineers, architects, and designers to strengthen the built environment.

## City of Toronto: "Creative Co-Location Facilities Property Tax Subclasses" (Policy Lever)

Link: [Creative Co-Location Facilities Property Tax Subclass Designation](#)

Location: Toronto

Type of Law: Local

### Is this publicly funded program directed towards the subsidization or activation of space?

This is a publicly funded program that is directed to give a property tax rebate for those in the cultural sector. There are three streams (tenant based, membership based and live music)

### Is this publicly funded program arts related?

Yes. However, it has nothing to do with temporary spaces.

### Did this program come into fruition out of COVID-19?

No, it was implemented in 2018.

### Could this program be used as a permanent intervention?

Aspects of this policy lever could be used by Why Not. This policy lever focuses more creating permanent affordable and sustainable creative hubs. The goal of this policy lever is to be a permanent intervention. However, the scale seems too much different than what Why Not is intending to do. Some ideas may be beneficial to look into. The property tax breaks given to owners who provide lease spaces for 30% less than market rate is an interesting policy lever that could be used for more temporary spaces.

### Insights:

The aim of the policy lever is similar. This lever wants to protect the creative and cultural hubs of Toronto, much like WhyNot. However, there is a difference. Why Not is comfortable with temporary uses of space for individual artists. With this policy lever, there needs to be an abundance of artists or cultural sector workers within one location and it is intended to be permanent. It works by raising taxes for commercial and industrial businesses. There is a plethora of detail involved in the selection process as the city did not want there to be loopholes for more lucrative cultural enterprises. This specific policy lever is supposed to assist artists and cultural sector workers as well as those in the not for profit space. The policy lever is allowed to be doubled up with the charitable organization tax rebate program. However, qualification is quite strict. Buildings or spaces must be at least 10,000 square feet (half of that if they are city owned) OR 40 creative tenants. This lever is also looking to give a tax break to property owners who are giving a 30% market rate reduction per square foot, however again this may not apply to temporary uses of space as the leases must be around five years in length (there is some flexibility here). The goal of the policy lever is to create permanent affordable and sustainable creative hubs.

## City of Calgary: Lease Policy for Non-Profit Organizations in City-Owned Buildings Intended for Future Demolition (Program/Resource)

Link: [Lease Policy for Non Profit Organizations in City-Owned Buildings Intended for Future Demolition](#)

Location: Calgary

Type of Law: Local

**Is this publicly funded program directed towards the subsidization or activation of space?**

Yes. The city is losing city-owned buildings that are scheduled to be demolished in the future for non-profit groups through interim leasing agreements.

**Is this publicly funded program arts related?**

Yes, it is specified that this policy is directed towards non-profit arts, cultural, social or recreational organizations.

**Did this program come into fruition out of COVID-19?**

No, it was introduced in 2012.

**Could this program be used as a permanent intervention?**

No. This program focuses on utilizing buildings that are about to be demolished. Unless the government is constantly planning to demolish buildings, which is not likely, this is not a sustainable nor permanent intervention.

**Insights:**

This policy introduces a similar intention to the WhyNot Project, which is to provide interim spaces for non-profit groups. However, once buildings are demolished and there are no other buildings that are planned to get demolished, that leaves the groups with no shelter and support again. This policy could be backed by the City of Calgary Limited benefit non-profit organization policy lever to work on finding artist relatively permanent temporary spaces once those to be demolished facilities become unavailable.

## City of Calgary Property Tax Exemption (policy lever)

Link: [City of Calgary Tax Exemption](#)

Location: City of Calgary

Type of Law: Local

**Is this publicly funded program directed towards the subsidization or activation of space?**

Yes, this program aims to ease the burden of property taxes for not for profits that, "return significant community benefit".

**Is this publicly funded program arts related?**

It is not specifically for the arts, but non-profit arts organizations would qualify.

**Did this program come into fruition out of COVID-19?**

No, there is no indication that this program was started due to COVID-19.

**Could this program be used as a permanent intervention?**

If Why Not is used as an intermediary on leases, this style of application could make sense in incentivizing land owners to activate their vacant spaces on a temporary basis.

**Insights:**

Much of the policy levers researched have indicated tax breaks as being particularly effective in incentivizing land owners to activate their vacant spaces on a temporary basis. Although this particular lever is not directed at vacant land, the use of property tax breaks for spaces that are used by non-profit organizations can be beneficial.

## City of Vancouver- Lease a Community Facility (Program/Resource)

Link: <https://www.dnv.org/our-government/lease-community-facility>

Location: Vancouver

Type of Law: Local

### Is this publicly funded program directed towards the subsidization or activation of space?

Yes. Vancouver is leasing some rooms in some district-owned buildings to community groups looking for spaces to run their organizations.

### Is this publicly funded program arts related?

It is not specified whether it is arts related or not, but neither did they put a limit on what groups can lease those spaces.

### Did this program come into fruition out of COVID-19?

Establishment date is unknown, but it did not come into fruition because of COVID-19.

### Could this program be used as a permanent intervention?

Yes, as long as there are vacancies and groups can lease them for a longer period of time. Not only does it align with Why Not project's targets, it also helps with the utilization rate of public facilities.

### Insights:

The different buildings do provide a wide variety of facilities, for example theatres, halls, meeting spaces, multipurpose rooms and more, which would cater for different groups' needs. It would be nice to see this service expands outside of North Vancouver. The City of Vancouver also has a similar program but only with a very limited amount of facilities.

## Government of Canada: Canada Cultural Spaces Fund (Program/Resource)

Link: [Canada Cultural Spaces Fund](#)

Location: Canada

Type of Law: Federal

### Is this publicly funded program directed towards the subsidization or activation of space?

Although this is publicly funded, there is not necessarily an emphasis on space. These funds can be used to secure equipment as well.

### Is this publicly funded program arts related?

Yes- this is arts related. Not-for profit arts organizations and heritage organizations can apply to improve their overall product. This can be through the construction or renovation of facilities (can include creative hubs) or the purchasing of specialized equipment.

### Did this program come into fruition out of COVID-19?

No- this program began in 2018 out of a conscious Federal plan to improve the conditions of the arts, culture and heritage sectors.

### Could this program be used as a permanent intervention?

No- there are many requirements that do not match with the scope of the WhyNot project. Organizations must provide proof of ownership or long-term leases (minimum of 10 years) to secure the funding if it is to be used for a construction or renovation project.

### Insights:

There is no mention of temporary space or the use of temporary space on the webpage or on the application guidelines.

## Riga City Council Tax rebate (Policy Lever)

Link: [Riga City Council Tax Rebate](#)

Location: Riga, Latvia

Type of Law: Local

**Is this publicly funded program directed towards the subsidization or activation of space?**

Yes, this policy lever is for the activation of previously under-utilized space. Tax breaks of up to 90% are given to building owners who support educational, cultural and social functions.

**Is this publicly funded program arts related?**

Yes, this publicly funded policy lever is related to the non-profit and arts/ cultural sector. Although it has uses for the educational sector the ideas remain the same.

**Did this program come into fruition out of COVID-19?**

No- it was implemented before. The report that is linked came out in December 2019.

**Could this program be used as a permanent intervention?**

Yes, there are similarities in the goals of the program and with the right implementation a similar program could be successful.

**Insights:**

This policy lever provides building owners with substantial benefits if they are to lease previously vacant buildings to the arts and culture sector. A program such as this could increase the amount of meanwhile spaces in Toronto and would be advantageous to WhyNot.



## Dublin City Council: Dublin City Development Plan

Link: [Dublin City Development Plan](#)

Location: Dublin

**Type of Law:** Local Law. This plan states that it is the policy of Dublin City Council to, "encourage and facilitate temporary uses, especially ones affording public access and of creative and cultural uses for the visual and commercial improvement of retail areas"

**Is there a tax/financial rebate or tax/financial incentive to use vacant space?**

There is a financial incentive / support for bottom-up initiatives that are creative uses of vacant space in the city.

**Is this policy specific to meanwhile/temporary use of space?**

Yes. The policy indicates that vacant land is a key issue that the City of Dublin is facing. In turn, this makes Dublin less desirable for investment. The incorporation of social and cultural objectives through these temporary spaces are indicated.

**To Whom Does this Law/Policy Apply To? (Who claims it and benefits from it?)**

The city mostly discusses the benefits that this would provide to itself as well as its residents. A more connected city would be an outcome of this.

**How does it work?:**

The Dublin City Council implemented an increased levy on vacant buildings while also softening policy in regards to temporary uses of space. The city will promote and facilitate the temporary use of vacant spaces.

**Insights:**

There is a lot of language in the plan discussing how Dublin City Council will encourage the use of temporary space. However, the role that city council will play is not discussed in detail. This increased levy and promotion of temporary uses of vacant space align with this project.

## City of New York: NYC Department of Small Business Services - ChaShaMa Priority Areas (Program/Resource)

Link: [ChaShaMa Priority Areas](#)

Location: New York, USA

Type of Law: Local

### To Whom Does this Law/Policy Apply To? (Who claims it and benefits from it?)

This specific Policy is in partnership with ChsShaMa's storefront startup. The NYC Department of Small Business Services decides on these priority neighbourhoods. Selections of participating businesses will be prioritized for majority-owned women or minority businesses.

### How does it work?:

Application based. ChaShaMa leases the vacant space and then takes applications for small businesses to use these spaces for free (\$250 deposit).

### Insights:

Some aspects of this document can be used for this project. The application and deposit that renters have to pay can increase the likelihood of renters being committed to the space. The prioritization of minority collectives is also appealing.