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**'THIS LAND IS YOURS': OWNERSHIP AND
AGENCY IN THE SHARING CITY**

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'This Land is Yours': Ownership and agency in the sharing city

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Abstract. As people try to remake cities in more collaborative ways, how do law and legality shape their actions and aspirations? Focusing on Lande, an organisation that brings citizens together to transform vacant sites into parks, playgrounds and productive gardens, this article finds a co-constitutive relationship between law and citizen engagement. Established in Montreal, Canada, Lande drew inspiration and advice from organisations in New York and other cities internationally. Law was a key concern. Yet, more than the navigation of particular rules and regulations, interactions with international groups were crucial in facilitating engagement with legality more generally. Just as Lande tells the citizens of Montreal in a very grounded way that 'this land is yours', the relational and material ways in which the group's international precursors engage and (re)develop understandings of law and ownership provide powerful invitations to reshape the city and one's place in it.

Keywords: citizen engagement, community gardens, legal consciousness, property, urban theory

As people try to change the world around them, and particularly to reshape cities in ways that are more socially and environmentally just, how do understandings of law and legality shape their actions and aspirations? Once people take action, how do these understandings continue to evolve?

This article approaches these questions through an examination of a Montreal-based organisation, *Lande*. Taking inspiration from international groups such as *596 Acres* (New York), *Lande* draws on interactive technology to facilitate the appropriation and sharing of vacant land by citizens. Like its international

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counterparts, *Lande* helps citizens to identify unused spaces in the city and to transform them into temporary and more lasting playgrounds, parks and gardens.

The formation of *Lande* grew out of engagement with two other travelling ideas: PARK(ing) Day (San Francisco) and Restaurant Day (Helsinki). Yet the story of *Lande* is more than one of importation. Despite very different legal bases, a key part of what makes both PARK(ing) Day and Restaurant Day so inspirational is the way in which they invite participants to rethink law and their interactions with it. Just as *Lande* tells the citizens of Montreal in a very grounded way that 'this land is yours', the relational and material ways in which PARK(ing) Day and Restaurant Day engage and (re)develop understandings of permissible behaviour provide powerful invitations to reshape the city and our place in it.

Drawing on interviews with three of the four founders of *Lande*, as well as interviews with over 30 others involved in participatory planning in Montreal more broadly, I discuss the role of law and legality in the establishment of *Lande*. Focusing particularly on property, I argue that understandings of ownership play an important role in determining whether and how people feel able to act to (re)shape the city. Once people do act, understandings of ownership and legality can themselves be reshaped, in turn facilitating greater engagement in the making and remaking of the city.



SHARING IN THE CITY

Lande facilitates the repossession of vacant lands in Montreal by citizens for collective transformations into community gardens, parks and playgrounds. In doing so, *Lande* works to make Montreal more liveable, to democratise planning processes and to foster social and environmental sustainability.

Lande operates primarily through an interactive, online map. In a process *Lande* likens to crowdsourcing, the website invites people – anyone – to identify land as vacant.² Clicking on a Google map brings up a short form requesting information about the land (approximate address, street corner, physical condition). Once this is submitted, *Lande* checks the site, then it is given a marker on the map. Clicking on the marker brings up a photo and information about the site: its ownership, size, the borough in which it is located and any other relevant information. Alongside that information is an invitation to sign up to contribute to the transformation of the site into a park, playground or, most often, a space for urban agriculture.

Once ten citizens share their interest in transforming a vacant piece of land, *Lande* organises a meeting. The first meeting enables groups to form common objectives, establish a work method and identify potential obstacles. While *Lande* provides ongoing advice and support after that first meeting, the aim is that communities run transformation projects themselves. As *Lande* explains, their

² *UrbUrb Presentation for écoHackMTL* (2014) <<http://ecohackmtl.org>>.

objective is to 'eliminate all obstacles that stand in your way so you can concentrate on what matters most: transforming vacant land into the land of your dreams'.³

Acknowledging that the internet reaches only certain (mostly young) parts of the community, *Lande* also uses other tools to engage citizens.⁴ A key technique is installing signs on the sites themselves. Proclaiming, 'This Land is Yours', the signs provide an important tool to reach a wide range of community members and, particularly, to reach local, engaged community members.

when you're a website you can be anywhere in the town...But when you see it on the lot I think people feel that they really belong, that the lot really belongs in the neighbourhood and their day-to-day life. So the core of the people who came just by the sign are really strong, versus the ones who came from website or the [media].⁵

Lande was formed by four young urban planners. Mikael St-Pierre and Philippe Letarte, who studied together at the University of Quebec at Montreal (UQAM), were working on what they called *UrbUrb* in 2014 when they heard that Andréanne Malthais-Tremblay and Gaëlle Janvier were starting a similar project. The two pairs met, and quickly decided to join together. Gaining considerable recognition along the way,⁶ the website landmtl.com was launched in March 2015. Since then, over 1,600 people have expressed interest in contributing to transformation projects.

Lande is part of a growing movement to facilitate the sharing of urban space. In its establishment, *Lande* benefited from advice and inspiration provided by similar organisations in other cities.⁷ The New York-based 596 Acres has been particularly influential, leading the Community Land Access Advocacy Network to support and link organisations like *Lande* across the world.⁸ The strength of the concept is apparent in its rapid expansion: 596 Acres provides contact details for 37 organisations in six countries working to facilitate the appropriation of vacant land for community uses.⁹

The sites developed by members of *Lande* and their international counterparts might be understood as what Davina Cooper calls 'everyday utopias'.¹⁰ In contrast to utopias as conventionally understood – ideal and unattainable – everyday utopias remake the world in practical ways. They are comparable to the 'experimental utopias' evoked by Henri Lefebvre, the 'heterotopias' described Michel Foucault, the

³ *Transform Land* Lande <<http://www.landemtl.com/en/transform-land/>>.

⁴ Interview with Philippe Letarte (4 August 2015).

⁵ Interview with Philippe Letarte (9 August 2017).

⁶ *UrbUrb* received the Food Systems Prize and the People's Prize at *écoHackMTL* in 2014. *écoHackMTL* <<http://ecohackmtl.org>>.

⁷ Interview with Letarte, above n 3.

⁸ *596 Acres* <596acres.org>.

⁹ <http://596acres.org/land-access-advocacy-network/> Accessed September 6, 2017.

¹⁰ Davina Cooper, *Everyday Utopias: The Conceptual Life of Promising Spaces* (Duke University Press, 2014).

'Nowtopias' of Chris Carlsson or even the 'other worlds' envisioned by J.K. Gibson-Graham.¹¹

On Cooper's analysis, everyday utopias are 'networks and spaces that perform regular daily life... in a radically different fashion.'¹² Instead of lobbying, seeking votes or attempting to take over dominant structures, everyday utopias create the change they wish to encounter. They are innovative and socially ambitious, but also partial and provisional. Everyday utopias are 'hot spots of innovative practice' rather than totalising expressions of ideals; participants step in and out, remaining connected to the outside world.¹³

Through *Lande*, small parts of Montreal are remade in ways that are different, and even utopian. *Lande* works toward a city that is greener, and more responsive to the desires and abilities of those who live in it. Importantly, *Lande* emphasises the use value of land over its exchange value: commons rather than private property, porous rather than firm boundaries. Yet *Lande's* approach differs from others (particularly Marxist others) who have emphasised this shift in revolutionary terms. *Lande* works toward community in provisional ways. *Lande's* staff and volunteers remain engaged in the mainstream economy – as political advisors, account managers, even government officials – and private property is not rejected. Even speculation is still possible, as *Lande* recognises that gardens might eventually be developed for more profitable uses. What is important, for *Lande*, is that there is space for community and for productive use in the interim. *596 Acres* describe the work in this way:

We harness technology and policy expertise to strengthen local campaigns that transform cities one block at a time. With this approach, *596 Acres* fills the gap between policy and the people in our neighborhoods in a way that neither the government nor other non-profit projects do. While policy makers work toward prioritizing urban agriculture and public space, we connect people with new and emerging opportunities to make local change now.

Our tools help neighbors see vacant lots as sites of opportunity for green spaces in neighborhoods that lack them. We activate imaginations, initiate campaigns to legally get the keys to previously inaccessible vacant lots, and ultimately unlock more than just the gates. Through collaborative organizing residents become active stewards of urban land.

¹¹ Henri Lefebvre, *Writings on Cities* (Blackwell Publishers, 1996) 151; Michel Foucault, 'Des Espaces Autres' (1984) 5 *Architecture/Mouvement/Continuité* 46; Chris Carlsson, *Nowtopia: How Pirate Programmers, Outlaw Bicyclists, and Vacant-Lot Gardeners Are Inventing the Future Today* (AK Press, 2008); JK Gibson-Graham, 'Diverse Economies: Performative Practices for 'Other Worlds'' (2008) 32(5) *Progress in Human Geography* 613. They might be understood also as commons, see Healy in this issue.

¹² Cooper, above n 9, 2.

¹³ *Ibid* 9.

By changing the way people see the land in their neighborhoods, we transform their relationships to power.¹⁴

While there is much to celebrate in the work of *Lande*, the issues are not always straightforward. As *Lande* explains in a recent report,

The question of space is one of the most conflicted. Because space is limited, it represents an object of greed and tension.¹⁵

Despite efforts to engage citizens across all of the nineteen boroughs of Montreal, *Lande* has so far operated primarily in the inner, gentrifying parts of the city. In Montreal as in other cities, temporary projects like community gardens have been linked with lower crime rates and rising property prices – so *Lande* might itself be contributing to the displacement of poorer residents.¹⁶ Further, while *Lande's* claim that 'this land is yours' might appear inclusive and generous, it could also be seen as brushing over important and unresolved questions, particularly regarding Montreal's colonial past.

The members of *Lande* are well aware of this. Recognising their own privilege as 'white, French, hip, up-and-coming people', and the particular barriers for immigrants and minorities in partnering with government, *Lande* note that broadening their reach will be a slow process, and will rely on partnerships with existing organisations that are more deeply embedded in their communities.¹⁷

These issues are important, but beyond the scope of this article.¹⁸ I do not set out to provide an evaluation of *Lande's* activities, but begin instead with an acceptance that there is at least some value in *Lande's* contributions (in the conversion of unused sites into spaces that are greener, more sociable and more accessible – for at least some people; in the shifts in skills, expectations and political engagement of citizens – at least some citizens). My focus then is on the co-constitutive relationship

¹⁴ *Mission and Story* (2016) 596 Acres <<http://596acres.org/mission-and-story/>>.

¹⁵ 'La question de l'espace en est une des plus conflictuelles. Puisque l'espace est limité, il représente un objet de convoitise et de tension.' Translated from the French by the author. Benoît Saulnier-Tremblay, 'Réglementation Sur Les Terrains Publics Vacants À Montréal' (*Lande*, April 2016) 10

<http://www.cremtl.qc.ca/sites/default/files/upload/reglementation_sur_les_terrains_publics_vacants_a_montreal_land_2016.pdf>.

¹⁶ Claire Colomb, 'The Trajectory of Berlin's "Interim Spaces": Tensions and Conflicts in the Mobilisation of "Temporary Uses" of Urban Space in Local Economic Development' in John Hennebury (ed), *Transience and Permanence in Urban Development* (2017) 131; Katherine Burnett, 'Commodifying Poverty: Gentrification and Consumption in Vancouver's Downtown Eastside' (2014) 35(2) *Urban Geography* 157; Ann Deslandes, 'Exemplary Amateurism: Thoughts on DIY Urbanism' (2013) 19(1) *Cultural Studies Review* 216.

¹⁷ Interview with Letarte, above n 4.

¹⁸ But see: Amelia Thorpe et al, 'Pop-up Justice? Reflecting on Relationships in the Temporary City' in *Transience and Permanence in Urban Development* (2017) 151.

between law and participation in those contributions. How do understandings of legality shape engagement in the construction of parks, playgrounds and community gardens? How does that engagement in turn (re)shape those understandings?

LANDE, LAW AND LEGALITY

It sounds like a big law school thing, but it's really a paper form. But if you don't know, it sounds really, really terrifying to go against one of your elected officials and say, oh I want to have access to this and to that.¹⁹

Law is a key barrier for citizen engagement in (re)shaping the city.²⁰ As in other areas where laypeople interact with law, the legal aspects of claiming and converting vacant land can seem inaccessible and even frightening.²¹ Vacant lots may appear unused, but not unguarded. They are often closed off physically and expressively. Signs warn against unauthorised entry, perhaps noting potential sanctions for trespassers; wire fencing and remnants from previous uses mark the space as unsafe and unavailable.

In contrast to the visibility of potential physical and legal risks associated with entry (not to mention active use of the space), ways to overcome these are much less apparent. Negotiations around access can be complicated, particularly with respect to liability and ending the agreement; even determining who the owner is and how to contact them can often be challenging. Compliance with planning regulations and securing water and other utilities create further obstacles.

For *Lande*, this problem is heightened by the fact that the process of communities transforming unused sites into temporary parks and gardens is novel.²² There are no established application or approval processes. With the legal aspects unclear, working out how to make the transformation happen is complicated. It is difficult to determine which permits are required, which fees must be paid, which processes must be followed.

...if it's too hard, nobody's going to do it. ... If you call 311 to the city and you ask and no one knows and they keep sending you from one part to another, well you're not going to do it. You're going to stay home and you're going to watch TV ... That's the thing about those vacant lands. Let's say I don't know jack about urban planning and about ownership and politics and everything. And I see this ugly land that's been there

¹⁹ Interview with Letarte, above n 3.

²⁰ Laurence Houde-Roy, 'Le Casse-Tête Des Terrains Vacants' *Métro*, 19 April 2016 <<http://journalmetro.com/actualites/montreal/950454/le-casse-tete-des-terrains-vacants/>>.

²¹ Laura Nader (ed), *No Access to Law: Alternatives to the American Judicial System* (Academic Press, 1980); Rebecca L Sandefur (ed), *Access to Justice* (Emerald JAI, 2009). See also McDermont, this issue, on the experiences of those at the 'sharp-end' of regulation.

²² Saulnier-Tremblay, above n 14.

in front of my house for the last 5 years. How do I know who's the owner? How do I get access to him? Do I need a permit to do stuff? Can I do stuff? What can I do?²³

Further, while identifying the relevant title-holder and the relevant regulations are important, they are not enough. As scholars of legal consciousness have long argued, law depends upon its interpretation by the people who obey, enforce, draft, redraft, ignore, disobey or otherwise engage with it. Law is constrained and constituted by legality, the understandings and meanings of law that circulate in social relations.²⁴ Legal pluralism provides related insights, showing legality as dynamic, shaped by the interactions of multiple and shifting legal orders (from the normative orders of trade unions to religious associations to professional bodies, to informal social networks²⁵), and by multiple and shifting interpretations of the law at stake.²⁶ Legal subjects thus participate actively in the shaping and reshaping of legality.²⁷

Difficulties in negotiating law for *Lande* are not merely products of the inaccessibility or scariness of laws, nor the novelty of the activities in question. Also significant is the multiplicity of law. In their interactions with law and legality, people draw on narratives and meanings that are inherently multiple, with the result that there are always multiple interpretations of the law at issue.²⁸ This, Robert Cover argues, means that law is 'jurisgenic', constantly giving rise to new interpretations.

What is at stake then is committed action. The ability of alternative interpretations to succeed depends on legal subjects believing in their interpretation, and the resonance of their interpretation within and beyond the interpretive community.²⁹ Ewick and Silbey make a similar point with respect to legal consciousness. Legality, they argue, requires actions as well as understandings, and is always constructed collectively.³⁰ The experience of *Lande* provides further evidence of the degree to which law is enacted in the actions of its subjects, and of the importance of meanings, practices and sources of authority outside of conventional legal texts.

Property is particularly important in thinking about the role of legality in the work of *Lande*. In building a garden, participants in *Lande* make proprietary claims on the city. Rarely, however, do these claims derive from titles or other legal texts. The

²³ Interview with Mikael St-Pierre (14 September 2015).

²⁴ Patricia Ewick and Susan S Silbey, *The Common Place of Law: Stories from Everyday Life* (University of Chicago Press, 1998).

²⁵ Sally Engle Merry, 'Legal Pluralism' [1988] *Law and society review* 869.

²⁶ Boaventura de Sousa Santos, 'Law: A Map of Misreading. Toward a Postmodern Conception of Law' [1987] *Journal of Law and Society* 279.

²⁷ Martha-Marie Kleinhans and Roderick Macdonald, 'What Is a Critical Legal Pluralism?' (1997) 12 *Canadian Journal of Law and Society* 25, 39.

²⁸ Robert M Cover, 'The Supreme Court, 1982 Term—Foreword: Nomos and Narrative' (1983) 97 *Harv. L. Rev.* 1.

²⁹ *Ibid.*

³⁰ Ewick and Susan S Silbey, above n 23, 46. (emphasis in original)

property in question is complex, extending beyond the boundaries of state law. As Letarte explains,

People can feel ownership about a place without having it by law. And that's something you have to understand, that people need to understand. Sometimes we're doing research about properties here... We can find out that one—that's amazing—one vacant lot that's really important for people, [but] the guy who owns it had no idea what was going on. ... So sometimes there's a disconnection between the ownership of private property and the ownership of the neighbourhood. Because people own it for financial reasons and people want to use it for community reasons and sometimes there's a big clash.³¹

The claims made by citizens involved with *Lande* relate not to formal legal title, but to a more informal sense of ownership. Often described in terms of belonging (or its richer French equivalent, *appartenance* – from the verb *appartenir*, literally, 'to hold a part in'), ownership can denote connection to a particular site, a neighbourhood or even the city as a whole. One interviewee explained the feeling of ownership as a matter of being able to 'recognise yourself' in a particular place.³² Unlike a more personal sense of identity or empowerment, ownership is constructed through relationships that are spatially grounded. Ownership concerns a feeling of belonging to a particular place – this is *my* street, *my* neighbourhood, *my* city – and with this a feeling of being able to speak for that place.

Ownership is not the same as legal title, as Letarte's comment above makes clear. Yet ownership is not entirely separate from law. As Davina Cooper explains, conceptions of property could be limited to conventional notions of ownership. However, a more open approach makes possible a fuller and more complex understanding of the role played by property in social life: recognising and examining the ways in which other relationships are entangled in, and sometimes even substituted for, more conventional property relations.³³

For Cooper, property depends on relationships of belonging that are supported by authoritative practices – recognition, clarification, simplification, definition and power.³⁴ Cooper's analysis echoes Cover's. Just as Cover argues that committed action on the basis of alternative interpretations can remake legal meaning, Cooper argues that authoritative practices can convert relationships of belonging into proprietary relationships. In this way, property encompasses a range of formal and informal activities that can supplement, displace and sometimes directly challenge official state law.

³¹ Interview with Letarte, above n 3.

³² Interview with Michel Venne (9 September 2015).

³³ Cooper, above n 9, 159.

³⁴ Davina Cooper, 'Opening up Ownership: Community Belonging, Belongings, and the Productive Life of Property' (2007) 32(3) *Law & Social Inquiry* 625; Cooper, above n 9.

Cooper's work forms part of a growing body of scholarship highlighting the ways in which property depends upon its social, material and temporal context.³⁵ Well beyond exclusion or bundle of rights theories, property is understood as a matter of narrative and persuasion,³⁶ of relationality,³⁷ performance,³⁸ efforts to give effect to social values,³⁹ and much else besides. Building directly on Cooper's work, Sarah Keenan argues that property is constituted by relationships of belonging that are 'held up' in space.⁴⁰ Because everything happens in space, and because space is itself socially constructed, following Doreen Massey, Keenan argues that property must be understood as constituted through the networks in which it is located. These are not fixed, but temporally and spatially contingent. While this contingency typically follows conventional trajectories, Keenan argues, this is not inevitable. Property is open to subversion and invention.

The ownership at issue in the temporary gardens of Montreal can be understood in this way: as a relationship of belonging supported by authoritative practices and held up at particular times in particular places. In some cases, those practices and places may be sufficient to produce relationships approximating (and even displacing) formal property rights. Predating *Lande*, the *Parc des gorilles* in the Rosemont area exemplifies this.⁴¹ After working for several years on an unsanctioned garden, the community succeeded in gaining support from the City to purchase the site, and even to use powers of compulsory acquisition to facilitate this. In other cases, and perhaps most of the cases where *Lande* is operating at present, the relationships at issue may be more emergent.

Just as law is constrained and constituted by wider understandings of legality, ownership is crucial in the assemblages that give form to property. Whether emergent or more property-like, ownership plays a key role in how rights to land are understood and how they are exercised. Ownership can have a significant impact on how land is used, influencing both the development and implementation of planning rules and

³⁵ Margaret Davies, *Property: Meanings, Histories and Theories* (Routledge-Cavendish, 2007).

³⁶ Carol M Rose, *Property and Persuasion: Essays on the History, Theory, and Rhetoric of Ownership* (Westview Press, 1994).

³⁷ Jennifer Nedelsky, 'Law, Boundaries and the Bounded Self' (1990) 30 *Representations* 162.

³⁸ Nicholas Blomley, 'Performing Property: Making the World' (2013) XXVI(1) *Canadian Journal of Law and Jurisprudence* 23.

³⁹ Gregory S Alexander et al, 'Statement of Progressive Property, A' (2008) 94 *Cornell L. Rev.* 743.

⁴⁰ Sarah Keenan, *Subversive Property: Law and the Production of Spaces of Belonging* (Routledge, 2014).

⁴¹ Jeanne Corriveau, 'Montréal Exproprie Le Parc Des Gorilles' *Le Devoir*, 14 March 2017 <<http://www.ledevoir.com/politique/montreal/493912/montreal-exproprie-le-parc-des-gorilles>>.

policies, as well as imposing more informal constraints on the scope for development beyond those contained in formal legal texts.⁴²

Ownership is closely connected to participation. Without some sense of ownership, interviewees emphasised, it is unlikely that people will get involved. Transforming a vacant site into a community space requires considerable time and resources: from negotiating with landowners and city officials, to the physical labour of breaking up concrete or removing rubbish, to gathering and purchasing plants and materials for the new garden, park or playground. Ownership is crucial in engaging people in this work.

Ownership is a particular question for vacant land. Many of the sites on which *Lande* works are owned by the local or provincial government, so communities do own the land in some sense. Yet these sites are typically fenced off, overgrown, dumped on, and have been for decades. It is thus rare to find anyone with feelings of belonging or connection to those sites. There is no apparent ownership. These are sites that appear unused, abandoned and unowned.

RECLAIMING THE CITY BY DAYS

A key objective for *Lande* in working with communities is shifting ideas about ownership, law and legality. Helping citizens to contact the owner of the land, to identify relevant planning by-laws, and to negotiate with the owner are key tasks. Beyond efforts to make regulatory processes more accessible, *Lande* works also to help communities develop feelings of ownership for the sites on which transformations take place, and for the city beyond. This is a broader and more complex goal. In seeking to understand how *Lande* builds ownership among the citizens of Montreal, a further question arises: how did the members of *Lande* – a group of young volunteers – themselves develop the ownership necessary to take on this role?

An important factor in *Lande's* establishment was its inclusion in *Je Vois Montréal* ('I See Montreal'). After years of economic stagnation across the city, *Je Vois Montréal* was established (thanks to a large private donation) in the hope of catalysing development.⁴³ The concept was simple: ask citizens for their ideas. Within a year, *Je Vois Montréal* became *Je Fais Montréal* ('I Make Montreal') – emphasising the implementation of those ideas. Housed in the City of Montreal and led by a high

⁴² Amelia Thorpe, 'Between rights in the city and the right to the city: Heritage, character and public participation in urban planning' in Lucas Lixinski and Andrea Durbach (eds.) *Heritage, Culture and Human Rights: Challenging legal discourses* (Hart, 2017).

⁴³ 'Je Vois Montreal Searches for Ways to Revitalize City' *CBC News*, 17 November 2014 <<http://www.cbc.ca/news/canada/montreal/je-vois-montreal-searches-for-ways-to-revitalize-city-1.2837595>>.

profile former federal minister, *Je Fais Montréal* provides advice, support and connections for citizens with ideas for projects to enliven the city.

Lande was one of 181 projects selected for *Je Vois Montréal* in 2014.⁴⁴ This meant that *Lande* was included in a project ‘laboratory’ in which a range of mentors provided advice on developing plans, briefs and budgets, and in a high profile public event, in which participants gained significant media exposure and met with business and political leaders (St-Pierre sat next to the Prime Minister). *Lande* was also given ongoing access to a dedicated team of public servants who provided assistance with permitting and other regulatory processes, including advice and introductions to relevant officials when needed. Identifying and negotiating regulatory requirements became a much more manageable process.

Participation in *Je Vois Montréal* helped *Lande* to move quickly, but at least as important in discussions with the founders of *Lande* was their experience in other participatory city-making initiatives. Before Malthais-Tremblay, Janvier, Letarte and St-Pierre could work to facilitate the development of ownership among others, they first had to develop their own feelings of ownership. For Malthais-Tremblay and Janvier, previous engagement in Restaurant Day provided critical grounding for *Lande* in helping them to develop their own feelings of ownership. For Letarte and St-Pierre, participation in PARK(ing) Day played a similar role.

Restaurant Day began in Helsinki, Finland, in 2011. It was borne out of frustration with the myriad regulations making small-scale food service near impossible. As Malthais-Tremblay explains:

he wanted to sell food in a park with his cargo bike and he had never been able to get the right permit for it. It didn’t exist, it was impossible, there were too many regulations related to selling food in his city, in Helsinki. So he said, well I’ll just try to make it democratised, and that’s what he did with Restaurant Day.⁴⁵

This approach was inspired by a provision in Finnish laws allowing restaurants to operate without permits if they ran for just a single day.⁴⁶ The event was a huge success, and followed by further events every three months for the next five years. By 2016, over 100,000 participants in 75 countries had produced 27,000 pop-up restaurants as part of Restaurant Day, catering for over 3 million customers.⁴⁷ Malthais-Tremblay was one of those participants.

⁴⁴ *Faire Montreal* <<https://fairemtl.ca/en/je-fais-montreal>>.

⁴⁵ Interview with Andréanne Malthais-Trémbly (26 August 2015).

⁴⁶ Dan Hill, ‘Journal: Ravintolapäivä, Restaurant Day, Edible Urbanism and Civic Opportunism’ <<http://www.cityofsound.com/blog/2012/05/ravintolap%C3%A4iv%C3%A4-opportunistic-edible-urbanism.html>>; ‘Restaurant Day’ <<http://www.humanfutures.info/restaurant-day/>>.

⁴⁷ *Info Restaurant Day* <<http://www.restaurantday.org/en/info/about/>>.

when I saw it in a magazine I was like, my god this is so cool. And that's it. I just started it.⁴⁸

In 2014, Malthais-Tremblay, Janvier and others organised three events on Restaurant Day in February. In August, there were 60 in Montreal; in August the following year 100 pop-up restaurants operated around the city. Getting involved in Restaurant Day gave Malthais-Tremblay a new approach to legality. Rather than seeing law as something fixed and finite, she began to understand that legality is both complicated and flexible. What is required is often not clear and, even when requirements are relatively specific, they will not necessarily be enforced. The Montreal Restaurant Day group worked to get a motion of support from the City of Montreal, and to negotiate with city officials so that, despite the many rules and regulations involved, people operating on Restaurant Day will not be fined if they do so without permits. In turn, Malthais-Tremblay and others involved in Restaurant Day then work to make other people realise how the city functions, to democratise city processes as part of promoting the day.

we realised that a lot of people were using vacant lots [for Restaurant Day]. They were using underused parks and public spaces which could be back alleys as well, which are quite popular in Montreal for reappropriation by citizens. So ... I realised that we could do more and should do more than just one day or pop-up restaurants... and there were a lot of vacant lots.⁴⁹

Success with Restaurant Day led Malthais-Tremblay to look for larger projects, and particularly for projects focused on citizen appropriation of the city. A key aim in *Lande*, she explains, is trying to create a sense of ownership among community members, since feelings of ownership and community connection are important to getting engaged, and are strengthened through the process of engagement. For Malthais-Tremblay herself, being involved in Restaurant Day and *Lande* produce a strong sense of personal ownership, belonging and community, and a desire to foster this among others.

Every time I see a group of people doing a popup restaurant I'm like wow, this is so cool. You feel like there's a community, there's a diversity of people. There's people 7 to 77 years old, there's people from all kinds of groups. I feel we're creating something, there's community being created. I don't get that when I'm just sitting in my office doing research work, even if I know I'm working for let's say, sort of a greater good.⁵⁰

⁴⁸ Interview with Malthais-Trémbly, above n 44.

⁴⁹ Ibid.

⁵⁰ Ibid.

Like Restaurant Day, PARK(ing) Day followed frustration with regulatory frameworks and the identification of a legal loophole. It was conceived in San Francisco, California, by members of the design collective Rebar. Frustrated with the allocation of public space, and particularly the proliferation of privately-owned public spaces, Rebar saw potential in the parking meter for a new approach. Paying a meter, they reasoned, could enable use of the space in other ways, at least temporarily.⁵¹ Rebar used the space to create a 'park' with turf, a tree, a bench and signs inviting passers-by to sit and relax. With a website, a creative commons licence and a handbook offering tips for the installation of 'parks' in parking spaces, Rebar created PARK(ing) Day to encourage others to reclaim parking spaces in other cities. With close to 50 parks in its first year, PARK(ing) Day expanded to almost 1,000 'parks' across 35 countries in 2011. The event continues to take place annually in cities around the world.

PARK(ing) Day was well established by the time Letarte and St-Pierre became involved, and the driver for their engagement was quite different to the inspiration described by Malthais-Tremblay upon discovering Restaurant Day. In 2012, the Conseil Régional d'Environnement de Montréal (an umbrella organisation representing over 50 environmental groups) began promoting PARK(ing) Day as part of a broader campaign about urban sustainability, and UQAM was one of the organisations they approached to take part. UQAM then approached St-Pierre as a student to build the 'park', and St-Pierre invited Letarte to join him.

Despite this rather bureaucratic beginning, PARK(ing) Day proved significant for St-Pierre and Letarte. With nets, pads and hockey sticks, they turned two parking spots in the centre of the Montreal into a temporary hockey rink. Hockey was chosen because it 'is relevant for everyone. Every boy and girl plays hockey once in [their] life in this town.'⁵² The event succeeded in engaging many people in play, and in turn in conversations about the city. It also gained wider recognition, winning the people's prize in a competition held by the Conseil Régional d'Environnement as part of their promotion of the event – no small achievement, given there were over 100 'parks' created around Montreal.

Beyond this formal recognition, participation in PARK(ing) Day was important for Letarte and St-Pierre in shaping their own relationships to the city and their aspirations to influence others. Instead of thinking about the city and their ideas for it in the context of their planning degrees, developing concepts on paper and learning the various processes to be negotiated so as to bring them to fruition, PARK(ing) Day required a much more direct, physical engagement with the urban environment. As such, it had a powerful impact.

⁵¹ Blaine Merker, 'Taking Place: Rebar's Absurd Tactics in Generous Urbanism' in Jeffrey Hou (ed), *Insurgent public space: guerrilla urbanism and the remaking of contemporary cities* (Routledge, 2010) 45, 45.

⁵² Interview with Letarte, above n 3.

PARK(ing) Day is one of the pieces of the biggest puzzle to go through. I think it's a fun one, like I said it's a striking one. You cannot feel nothing about PARK(ing) Day when you see it. Even if it's curiosity but it's a part of a bigger project.⁵³

PARK(ing) Day encouraged St-Pierre and Letarte to take on further projects aimed at remaking the city and, importantly, at inspiring others to do so too. As St-Pierre explains,

I saw the fun and potential of doing stuff like that and at some point, I started something in my head, yeah. Maybe it led to [*Lande*], maybe.⁵⁴

THIS LAND IS YOURS

The story of *Lande* could be told as one of importation: of the local adoption of ideas about reusing vacant space based on precedents in New York and elsewhere, encouraged by the successful implementation of other international ideas in Restaurant Day and PARK(ing) Day in previous years. There is much that such a story would fail to capture. Beyond providing ideas for adoption, the international precedents provided in 596 Acres, Restaurant Day and PARK(ing) Day were important in inspiring the development of local ideas and, particularly, in fostering the ownership necessary for their implementation.

Part of what makes Restaurant Day and PARK(ing) Day so inspirational is the way in which they invite participants to rethink law and their relationships with it. The founders of both events made several statements about law and, particularly, about ways to use the law creatively. While many of the statements about law may have little relevance beyond their initial jurisdiction – the regulatory frameworks in Helsinki and San Francisco are not the same as those in Montreal – they can still have powerful impacts on legality. Rather than seeing law as a Kafkaesque barrier to citizen engagement, the approaches to law in PARK(ing) Day and in Restaurant Day suggest instead that law is a tool that can be used creatively and productively. The two events encourage people to see the law as something flexible and negotiated rather than firm and fixed. Importantly, they reject a view of law as restricted to lawyers, and advocate instead a view of legality as open to interpretation and engagement.

As Rebar suggests in their handbook, St-Pierre investigated the rules regulating parking in Montreal as part of his preparations for PARK(ing) Day. This was productive, revealing that the laws were not clear and had perhaps been misinterpreted by others.

⁵³ Ibid.

⁵⁴ Interview with St-Pierre, above n 22.

I'm no lawyer or anything, but from the way I read it, you can't really give a ticket to someone ... I think I'm the only one in Montreal who knows that ... I always say, look at the bylaws, there's nothing in there that says you can't do anything.⁵⁵

With this reading, law becomes more open, more a matter of performance and invention, of multiple and malleable meanings. Rebar's encouragement to examine the law prompted St-Pierre to develop an alternative interpretation of the law at issue, and his actions on the basis of that interpretation provided the grounding for new legal meanings.

Significantly, Restaurant Day and PARK(ing) Day invite participants to rethink legality by encouraging actions with visible, physical consequences. In demonstrating that ordinary citizens can change the form of the city, even briefly, through direct actions on the ground, Restaurant Day and PARK(ing) Day have a powerful influence on understandings of ownership and its connection to control over development of the city. Through its material assemblage in physical space, ownership obtains a much firmer character. This is crucial to its impact:

being out with your neighbours, doing any part of activity which could be like cooking or serving food, starting a collective garden, or cleaning a space, it gives you a very... brick and mortar, a very physical sense of community belonging. I've never personally, I've never felt that before I've been engaged in that kind of activity.⁵⁶

This material enactment of alternative legal interpretations has important relational qualities. Following established processes of writing letters and submissions to try to influence the development of the city can be not only demoralising, but also isolating, highlighting the powerlessness of individuals. Building a temporary park or pop-up restaurant, however, provides an opportunity to build community, and to gain valuable feedback and affirmation.

Restaurant Day and PARK(ing) Day provide opportunities for the negotiation of property, for the physical demonstration of claims to ownership by participants, and for affirmation of those claims through interactions with other people. Positive feedback from passers-by was repeatedly emphasised as a key indicator of success.

Most important, we do the *aménagement*, the *design urbain* around the space, but they do the *PARK(ing) Day*. If there is no *frequence*, the place doesn't take the importance, no? Even if we put a roller-coaster there, it doesn't matter.⁵⁷

⁵⁵ Ibid.

⁵⁶ Interview with Malthais-Trémbly, above n 44.

⁵⁷ Interview with Andres Toro, Lora Milusheva and Steve Charters (11 August 2015). (Toro)

...there's an idea of other people seeing it that is important ... You need to have spectators looking at it and, kind of, acknowledging that you've left a trace.⁵⁸

For the founders of *Lande*, having international precursors such as 596 Acres, Restaurant Day and PARK(ing) Day from which to seek guidance was important, just as having the law explained and an accessible contact to ask about regulatory questions through *Je Vois Montréal* was also beneficial. Yet more than the content of this guidance – the particular tips for restaurants or parks, the suggestions for dealing with parking inspectors and other officials – what was perhaps most valuable about Restaurant Day and PARK(ing) Day was the experience in engaging on the ground. To really shift from seeing law as a barrier to law as a tool, to build the sense of ownership necessary to engage in (re)shaping the city, active, situated engagement is required.

Mark Purcell makes this point strongly in his discussion of democratic participation more broadly.⁵⁹ Arguing that democracy is something for which we must continually strive, Purcell emphasises the importance of a precipitating event, something that pushes people to become aware and to become active. From there, Purcell argues, people can develop a taste for further engagement. This is because in taking action, particularly with others, people can find joy, 'a down-deep delight that we can discover when we take up the responsibility of managing our affairs together'.⁶⁰

The importance of fostering a taste for participation, of helping people to achieve small changes that might inspire further engagement, is emphasised by *Lande*.

...if they get a small victory ... even if it's in the neighbourhood or on the street, the people want to say hey, I really succeeded in that and they want to go to maybe ... the borough and then to city hall. So I think this is what they want to do, people want to reclaim their city.⁶¹

The idea that *PARK(ing) Day* and *Restaurant Day* are fun, and that *Lande* should also be fun, is also stressed. As Letarte explains,

if you want people to get involved or to react you have to make them play. ... [so that] people can see that cities can be more playful, that they can interact with their city.⁶²

Alongside fun and delight is normalisation. Consistent with Cooper's discussion of everyday utopias, a significant function of *Lande's* gardens – like the 'parks' created on *PARK(ing) Day* and the pop-up restaurants opened on *Restaurant Day* – is their role

⁵⁸ Interview with Jeanne Dagenais-Lespérance (3 September 2015).

⁵⁹ Mark Purcell, *The Down-Deep Delight of Democracy* (John Wiley & Sons, 2013).

⁶⁰ *Ibid* 119.

⁶¹ Interview with Letarte, above n 3.

⁶² *Ibid*.

in bringing about new understandings of what is ordinary and acceptable.⁶³ Participants see the appropriation and remaking of land for community purposes as natural and right, but only after immersion in them. The process of participation is crucial: community-led gardens, 'parks' and restaurants don't simply give effect to alternative understandings of what should be, they help to bring about those ideas.

Just as law comprises more than legislation and judicial decisions, legal barriers to the creation of community gardens, parks and playgrounds (like other forms of participatory planning) are not simply matters of inappropriate rules and regulations. The ways in which legality can discourage efforts to build community spaces are often indirect. A lack of understanding of relevant processes, or even an absence of such processes, can make it very difficult for community members to participate in remaking the city in more democratic or sustainable ways. Legal barriers also extend beyond regulatory processes. Regardless of legal title, it is less likely that community members will contribute if they are unable to develop feelings of ownership for the site in question, if the possibility of community direction seems not everyday, but extraordinary.

CONCLUSION

Lande is helping citizens to remake the city, making small spaces greener, more collaborative, more open and perhaps even more utopian. *Lande* facilitates the sharing of space, the sharing of skills, and the sharing of labour. From crowdsourcing the identification of potential sites to facilitating collaboration on physical transformations, *Lande* works to help communities realise visions for collective change in the city.

Engaging with law is one of *Lande's* key functions. Recognising that law operates frequently as barrier to community engagement, *Lande* helps citizens to change their relationship to the law. *Lande* provides help with researching relevant rules and regulations, with identifying legal owners, with negotiating leases and other legal agreements. *Lande* also provides help with legality in a broader sense, challenging the hegemony of particular segments of society over law and assisting citizens and communities to build the sense of ownership and normality that is necessary to take on urban transformation projects.

Through signs on vacant sites across the city, *Lande* tells the citizens of Montreal, 'This Land Is Yours'. By facilitating physical engagement with these sites, *Lande* deepens this message. Enabling people to engage with the city in material and relational ways is crucial to developing ownership of those sites, and potentially of the city on a larger scale.

⁶³ Cooper, above n 9, 5.

Lande is itself the product of this kind of support. Drawing on assistance provided by others in *PARK(ing) Day* and *Restaurant Day*, the founders of *Lande* were able to understand the law differently. Legality became something flexible, that could be worked with creatively, and also something accessible, that anyone can come to terms with.