

News

## Sidewalk Labs criticized over ‘blatant insincerity’ of Indigenous consultation process



Elder Duke Redbird (left) and Calvin Brook (right).

By [Amanda Roth](#)  
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A scathing [open letter](#) released Friday demands Waterfront Toronto “reevaluate its relationship” with Google’s sister company Sidewalk Labs over what it calls a “manipulation of the public consultation process” and “blatant insincerity” in the company’s approach to Indigenous consultation on the planned smart-city development of Toronto’s eastern waterfront.

The letter, written by Elder Duke Redbird, a Toronto-based Indigenous artist, educator, poet and activist, and Calvin Brook, co-founder at architecture and Indigenous design studio BrookMcIlroy, expressed concerns over the consultation process held by Waterfront Toronto and Sidewalk Labs on the waterfront development, as well as Sidewalk Labs’ final plan, according to a copy obtained by *The Logic*.

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### Talking Point

The letter’s release comes less than a week before a crucial deadline for the controversial project. Waterfront Toronto, the organization responsible for redeveloping an area on Toronto’s eastern waterfront, and Sidewalk Labs, a Google sister company focused on smart-city development, have until October 31 to agree to a deal to proceed with the redevelop the Quayside neighbourhood.

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“Despite Sidewalk Labs’ apparent dismissal of the Indigenous input it asked for, the MIDP is littered with references to Indigenous consultation; to ‘working together’; an ‘inclusive’ process; and to the Indigenous organizers of the workshop,” the letter says. “This resulted in a grossly misleading implication of endorsement by the Indigenous community of Toronto.”

“They did a bait and switch,” said Elder Redbird in an interview with *The Logic*. “Get us in the meeting, pretend that they’re doing an Indigenous consultation, take our proposals and not address any one of them.” The letter comes less than a week before a crucial deadline for the controversial project. Waterfront Toronto, the organization responsible for redeveloping an area on Toronto’s eastern waterfront, and Sidewalk Labs, an Alphabet subsidiary focused on smart-city development, have until October 31 to agree to a deal to proceed with the redevelop the Quayside neighbourhood.

On Nov. 16, 2018, Waterfront Toronto and Sidewalk Labs held an Indigenous consultation workshop, according to the letter. That meeting resulted in a Dec. 12, 2018 report, which provided 14 recommendations and guidance on Indigenous design principles for Sidewalk’s proposal to Waterfront.

The recommendations included calls for dedicated affordable housing for urban Indigenous people and the creation of a long-term governance and stewardship plan, embedding Indigenous community involvement through all of the phases of the waterfront development project. The participants also recommended Sidewalk Labs review the Truth and Reconciliation Commission of Canada's 94 Calls to Action, to "demonstrate how the actions can be meaningfully addressed within the project," Elder Redbird told *The Logic*.

"And they completely ignored every one of them."

A second gathering took place on October 16 of this year, and included members of the previous workshop, and some additional Indigenous community members. In that meeting, attendees addressed concerns that Sidewalk Labs' Master Innovation and Development Plan (MIDP), released in June, did not incorporate any of the recommendations presented in the previous workshop.

"It became obvious that all they wanted was a checkmark to say that they had consultation with the Indigenous community, but they didn't introduce any recommendations in their 1,500-page document that addressed any one of the recommendations that we have made," Redbird said.

"The first page of the 1,500-page MIDP is a land acknowledgement, which includes this statement—get this: 'We are mindful of the history and broken treaties and of the urgent need to work continuously towards reconciliation.' And despite the urgent need, none of the recommendations that resulted from this Indigenous consultation process were acknowledged or carried forward in the Sidewalk Labs proposals. So, that's the reality of what we're dealing with."

Governments of all levels in Canada have the duty to consult and accommodate First Nations. "It's a Supreme Court of Canada-recognized duty on government, and it flows from constitutional protections that First Nations have," said Alexandra Flynn, an associate professor at the University of British Columbia's Allard School of Law, in an interview with *The Logic*.

Though Waterfront Toronto is a corporation, there is precedent for that duty to consult to apply to administrative agencies that make public decisions.

Flynn cited the 2017 Supreme Court of Canada [decision](#) *Clyde River (Hamlet) v. Petroleum Geo-Services Inc.*, which "held that administrative bodies can satisfy the duty to consult," she said. "So not just governments, but also these administrative bodies that are related to governments also need to consult."

She said while Waterfront Toronto has an obligation to consult, the duty becomes more pronounced when the City of Toronto steps in to make its decision: "The City of Toronto has already said that they care about engaging and consulting with First Nations."

"Waterfront Toronto has been clear that it expects project implementation to include an engagement plan that extends beyond formality or the legislated requirement to consult, and ensures meaningful engagement with [the Mississaugas of the Credit First Nation (MCFN)] and urban Indigenous communities," said Waterfront Toronto spokesperson Andrew Tumilty in a statement to *The Logic*.

Sidewalk Labs said it was committed to collaborating with Indigenous stakeholder communities in Toronto, "in particular with the treaty holders for the area, the [MCFN]."

"As the Treaty holders of the land on which the Quayside project is proposed, the Mississaugas of the Credit First Nation has re-engaged with both Waterfront Toronto and Sidewalk Labs directly," said Chief Stacey Laforme. "While we understand that no decision has yet been made regarding the project, we look forward to deep consultation going forward."

"We are in the very early stage of the process in this project and there is a lot more work to do to solidify plans based on the engagements we have had and will continue to have," wrote Keerthana Rang, a spokesperson for the company, in a statement to *The Logic*.

“For the Sidewalk Toronto project to truly contribute to Indigenous prosperity and opportunity, Indigenous voices must be at the table. Should the project be approved, we look forward to working with MCFN and other Indigenous stakeholder communities, Waterfront Toronto and its government shareholders in the next phase of the development process.”

Since the two organizations announced their partnership to develop the Quayside in October 2017, the project has been dogged with setbacks, including a number of high-profile resignations, concerns surrounding data and privacy and multiple delays.

Following the MIDP’s release, Stephen Diamond, the chair of Waterfront Toronto’s board of directors, outlined a number of threshold issues that he felt the company would need to address, including the expansion of the plan beyond the 12 acres of the Quayside neighbourhood, and Sidewalk Labs’ proposal to extend public transit. In August, the parties agreed to extend their agreement until March 2020, including a provision to terminate after three months if those issues outlined by Diamond were not addressed.

Those final deliberations have been underway for weeks. On Thursday, Waterfront Toronto’s Investment, Real Estate and Quayside (IREQ) Committee and its board held back-to-back meetings. Both were held largely in closed session due to the “sensitive” nature of the negotiations. The IREQ meeting was adjourned until October 31 to allow members more time to deliberate. Following that meeting, the committee is expected to deliver recommendations to the board for members to consider when they convene immediately after.

“Discussions are continuing between the parties,” Diamond told The Logic following Thursday’s board meeting. “We’re hoping that one way or the other, we will be able to provide the public with a result next week.”

#Sidewalk Labs #Waterfront Toronto