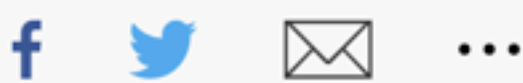


Toronto Media Arts Centre's feud with city on hold thanks to use of disputed space

By **MURRAY WHYTE** Visual Arts Critic
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In the deep tunnel of the city's intractable-seeming dispute with the [Toronto Media Arts Centre](#) over the group's in-limbo space on Lisgar St. there appeared on Wednesday an improbable glimmer of light.

For those keeping score, Tuesday, June 5, was the make-or-break deadline for the city to either finally approve TMAC's agreement of purchase and sale on the space — locked in a legal dispute since 2015 — or send them packing (in February, when the city agreed to allow TMAC interim occupancy, it specified in its terms that the sheriff would be dispatched, if necessary).



Jennie Robinson Faber and Henry Faber of the Toronto Media Arts Centre are seen last year in front of contested turf: 36 Lisgar St., whose dedicated arts space they've gotten access to and, finally, started using. (STEVE RUSSELL / TORONTO STAR)

Instead, something remarkable happened: in a joint statement, both the city and TMAC announced that they had extended the hard deadline with a mind, in the words of TMAC board chair Henry Faber, “to work together to ensure things will move forward as positively as possible.”

Positive, of course, has until now been largely dependent on which side of the divide you sit. In the long haul of the space's checkered history — it was first negotiated for in 2011 — TMAC's goal has always been clear: to finally take legal possession of the 38,000-sq.-ft. space, which was purpose-built for it as a novel Section 37 development charge initiative by Urbancorp, a condominium developer. (Section 37 trades additional density for a “community benefit,” typically public art or a park.)

For the city, the end goal has never been quite so clear: when Urbancorp declared bankruptcy in 2015 within days of TMAC's take-possession date, the city invoked a clause in the agreement to bar TMAC's occupancy. TMAC took the city to court and the pair have been deliberating ever since.

In February, TMAC was allowed to move in while negotiations continued, but under an onerous set of conditions — which, to be fair to the city, is exactly as it should be. The space was negotiated as a community benefit by the city and its duty to the community is to ensure that it becomes exactly that.

To this point, the city's stance toward TMAC has been dubious, to put it kindly. In an affidavit filed in February in response to TMAC's motion for occupancy, Sally Han, the city's manager of cultural partnerships, was quite clear: “My colleagues and I were, and still are, of the view that TMAC is still not a viable group to operate the Combined Arts and Culture Space successfully.”

Based on its long history, the concerns were not unwarranted. Over the protracted span of the project, six of the original eight non-profit arts groups had withdrawn, with two new ones, including Faber's Gamma Space, a new media and gaming incubator, being added. Among many other concerns, Han said in the affidavit that the “financial resources and staff of the two new members were substantially smaller than that of the six TMAC members who abandoned the project.”

Still, after a judge ruled in its favour, TMAC took occupancy in February, with a number of high bars to meet by June 5 to make it permanent. Between then and now, something remarkable seemed to happen: TMAC started hosting arts events, like the Images Festival and the Regent Park Festival. The long-fallow space at 36 Lisgar had people in it, making things, day in, day out. A dead space, on however thin ice, came alive. A community, tentatively, began to make a home of it.

In late May, the city shifted. “We had the most positive interactions with them that we've ever had,” Faber confirmed. “I think they started to see the reaction and engagement from the community, and that really changed the tone of our conversations.” In its statement Wednesday, the city said that the two parties “continue to work in the interest of creating a vibrant, sustainable arts and culture space on Lisgar Street for the benefit of the local community and Toronto's media arts sector. More time will serve to strengthen these efforts.”