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TORONTO'S UNDERGROUND CITY: EXCAVATING THE TERMS OF ACCESS

Jeffrey Hopkins
The University of Western Ontario, London, Canada

Among the most serious urban problems in Canada over the past several decades has been the erosion of traditional streets where public life transpired. Much of the county's civic life now occurs on privately-owned, publicly-used places: above- or below-ground pedestrian ways, atria, office/retail complexes and shopping malls. The privatization of public places has heightened concern about surveillance, discrimination, accessibility and public safety. Similarly, the publicization of private places has intensified anxieties about adequate social control, loss of autonomy and public interference in the operation and management of private business premises. Achieving an equitable balance between public and private rights and obligations, while promoting and maintaining both commercial and community interests, must be achieved if the animation, flexibility, and freedoms conventionally associated with the street are not left outside. How to meet this challenge?

Toronto's "underground city" (TUC) - the ten kilometres of linked retail tunnels below the downtown core - exemplifies this new "indoor street" and is the site of this geographical excavation. Because spatial access structures the degree of publicness and privateness of a place - which in turn assists in organizing the social environment of a place - how, why and by whom access to TUC and its array of activities, civic amenities and resources is administered, contested and negotiated is the focus. Excavating the terms of access will provide a framework for critiquing the emergent problems, proposed solutions and the social implications for TUC and other cities grappling with underground and indoor issues.

Canada's sidewalks are changing; they are moving indoors onto private property¹. The automobile, the skyscraper, the dispersed suburb and the shopping mall have contributed to the demise of a vibrant, pedestrian-oriented, outdoor street life in our city cores. Much of the country's civic life now occurs indoors on privately-owned, publicly-used places in the form of above-ground 'skywalks' between buildings, ground-level office/retail complexes, atriums and shopping malls, and below-ground, shop-lined tunnels. The privatization of public places has heightened concern about excessive surveillance, potential discrimination, universal accessibility and public safety. Concomitantly, the publicization of private places has intensified anxieties about inadequate social control, loss of autonomy and public interference in the operation and management of private business premises. Achieving a just balance between public and private rights and obligations, while promoting and maintaining both commercial and community interests, is a challenge that must be met if we are to ensure that neither the animation, flexibility, and freedoms conventionally associated with the street, nor the economic livelihood of shopkeepers, are left outside. It is this search for equitable public and private rights, reasonable rules of social conduct and a just code of access that is the focus of this piece on Toronto's public/private space interface.

Toronto's "underground city" (TUC) - the ten kilometres of tunnels beneath the downtown core, lined with some 1,100 shops and services, and used daily by 100,000 pedestrians (City of Toronto 1993; FULFORD 1993: 29) - exemplifies this new "indoor street." It is at the forefront of the public/private space debate and is the site of this geographical excavation. The underlying supposition, which both inspires the author and provides the basis for the critique to follow, is the ideal of a truly public place: a spatially unrestricted communal meeting ground for all members of our pluralistic society, a site for what HARVEY calls the "heterogeneity of open democracy" (1992: 591). Such a place, I maintain, is threatened by the move indoors and underground unless the existing social and legal relationships between private property owners and public users are challenged, alternative modes of spatial control are implemented, and a more balanced distribution of power is realized.

Sharing an "indoor street" raises a multitude of issues for society. For human geographers, the crux of the problems arising from the public/private space interface may be viewed as a territorial conflict: a power struggle among numerous agents with varying interests over the boundaries demarcating spatial control. From this perspective, access is the key issue. Access structures the degree of publicness and privateness of a place which plays a major role in the organization of its social environment (BENN and GAUS 1983: 5). By identifying how, why and by whom access to TUC and its array of civic amenities and activities is organized and currently contested, an understanding of the dynamics of the emergent problems, their principal agents and interests, and the potential avenues for reaching a more equitable distribution of power will be exhumed and discussed. Although Toronto's "underground city" is unique in the sense it is at the centre of the public/private space debate in Canada, it is, as will be shown, indicative of a growing world-wide trend toward indoor cities and the privatization of civic space.

No air photograph or traverse atop a downtown city street will reveal Toronto's underground city. It is, from above ground, a hidden geography, but it is by no means a geography exclusive to Toronto; Montreal has in excess of fifteen kilometres of underground city with access to approximately 1,600 shops and services (BOIVIN 1991: 83; London Free Press 1993). There are at least eighty-three other cities in North America with some form of above- or below-ground pedestrian networks within the central core (MAITLAND 1992: 162). Asia and Europe also possess large expanses of publicly-used, underground space. Japan, for example, has over 800,000 square metres of publicly accessible underground space (ISHIOKA 1992: 337), including more than seventy-six underground shopping malls (TATSUKAMI 1986: 19). Tokyo, alone, had more than fifty underground space projects proposed or in progress by the early 1990s (WADA and SAKUGAWA 1990: 33). Finland, Germany, The Netherlands, and Norway, for instance, also have underground projects, ranging from a 1000-seat concert hall, sports facilities and swimming pools, to a central bus terminal². Toronto's underground city is certainly unique given its size, scale and intensity of pedestrian use, but it is part of an indoor geography that is international in scope and one fast becoming an integral part of the contemporary

urban fabric of major cities. The move underground in Toronto and elsewhere has become technologically feasible, spatially advantageous and economically attractive³.

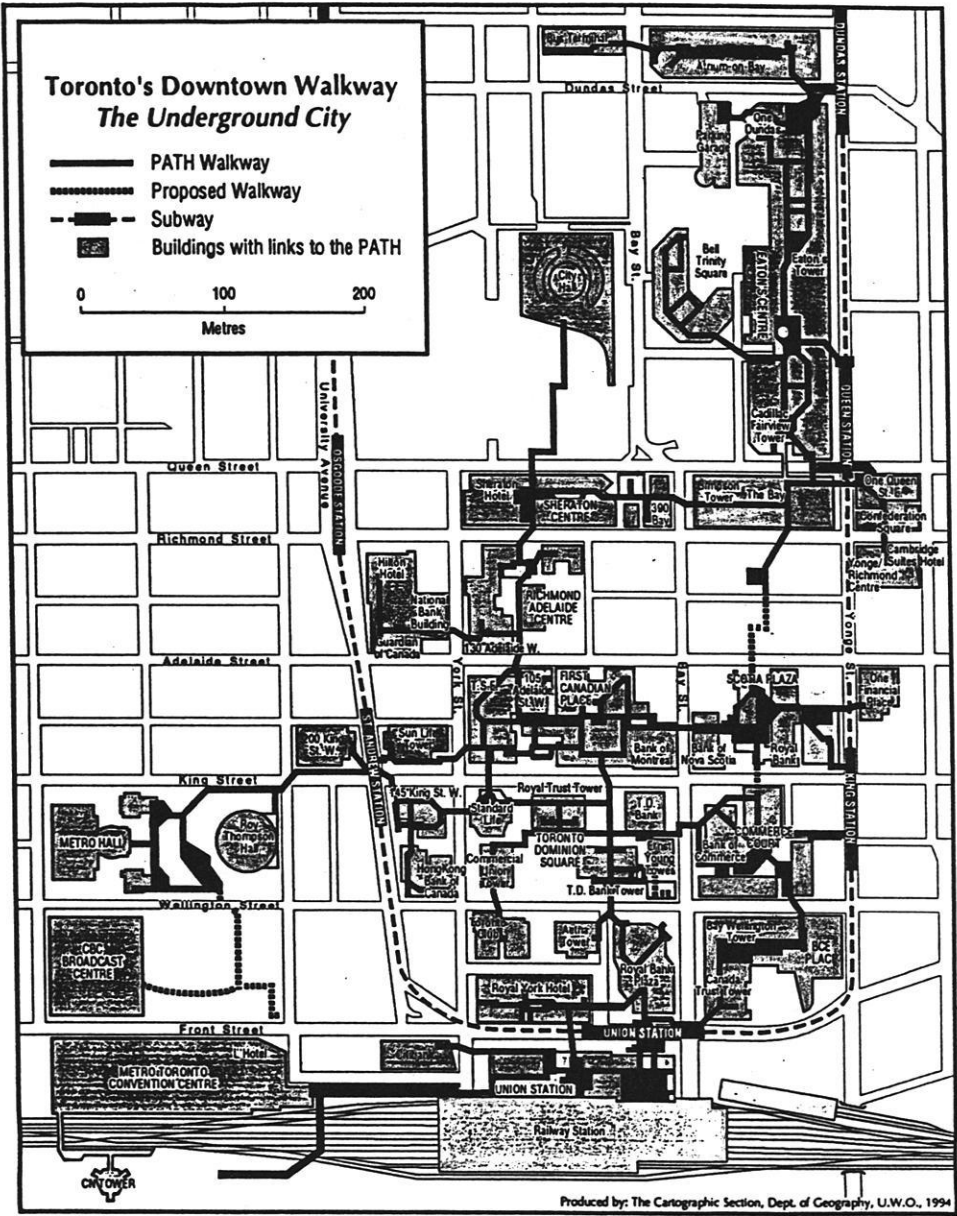
Toronto's pedestrian walkway, as illustrated in Figure 1 on the last page, currently covers the equivalent of roughly twelve city blocks in length and six blocks in width. It connects at least sixty-three different buildings, including more than twenty parking garages, nineteen shopping malls, five subway stations, four hotels, the Stock Exchange and City Hall (JONES et al. 1990: 17). The rapidity of its growth over the past three decades and the plans for future extensions would suggest TUC is a success, but for whom? There are pressing questions about precisely who benefits, who does not, and how Torontonians in particular, and Canadians in general, might equally share the benefits and burdens of moving civic life inside and underground.

The advantages are, aside from the spatial and economic efficiency as noted above, numerous for both the proprietors and users of the premises. For the former, there are potential monetary savings through reduced energy and maintenance costs relative to above-ground structures by virtue of occupying space that is enclosed, subsumed in earth, and insulated from the natural weathering elements of sun, wind, precipitation and seasonal and daily temperature fluctuations. Security is both enhanced and simplified by the limited number of access points and their perpetual surveillance by video cameras⁴. The passageways are, most importantly, a major source of revenue. In the tunnels, or "cashacombs" as RELPH calls them (1990: 80), pedestrians are quite literally a captured market. These monetary reasons alone are incentive for developers to build indoor and underground sidewalks, and are, in a market-driven, capitalist society, the primary reason for their construction⁵.

For the pedestrian, the conveniences are profuse: ease of mobility on the tiled, well-lit and climate controlled corridors; direct access to public transit; proximity to hundreds of stores, services and work places; isolation from the traffic, noise, exhaust and potential physical harm of motor vehicles; a clean environment with innumerable plants, fountains, benches, pay phones and rest rooms⁶. There is the sense of security generated from being indoors, a space guarded by video cameras and removed from the panhandlers, leaf-letters and tumultuous crowds of the streets outside. The convenience, protection and amenities of such an enclosed and controlled space are, one suspects, sufficient cause to entice pedestrian use. Despite these and other advantages for both proprietor and pedestrian, such built environments come with qualities both troublesome and dubious.

For the operators there are responsibilities to both tenants and the public users. These premises, like all businesses, need to operate in a safe, functional and pleasing environment to promote and sustain their economic viability. Ensuring the safety of property, patrons and employees, maintaining acceptable levels of cleanliness and building maintenance, conforming to various municipal, provincial and federal laws, such as building codes, fire safety standards and human rights, present challenges for even the smallest of business establishments. Successfully fulfilling these obligations in a private place of business that, by virtue of its position in

Figure 1



a large, interconnected network of pedestrian corridors, is a public thoroughfare presents a problem that, although familiar to all businesses, is unequalled in scale: how to delimit, promote and maintain acceptable behaviour from the public to ensure the proper functioning of the privately-operated business premises?

For the public user there are a host of drawbacks, ranging from concerns with personal health and well-being to inconvenient design amenities and the potential loss of civil liberties. Being indoors and underground may generate negative psychological and physiological effects for some people, particularly those who work inside on a regular basis (CARMODY and STERLING 1987: 59-60). Lack of exposure to natural sunlight may encourage depression, and the absence of an exterior view may generate a sense of isolation, oppressive feelings of enclosure, phobias of confinement and perceived or substantiated fears of entrapment during fire or other potential calamities (WADA and SAKUGAWA 1990). The very notion of descending "underground" has disturbing connotations of dampness, death or burial for some, including perhaps, the owners of TUC who chose to call their corridors not the underground but the "PATH: Toronto's Downtown Walkway" (FULFORD 1993: 31; RINGSTAD 1994). Indoor air pollution, whether particulate from synthetic materials, radon gas released from the stone and concrete building materials or simply mould from air conditioning, may induce fatigue or illness if ventilation systems are incompetent. Indoor noise pollution, created by the presence of people, piped "muzak" and water fountains reverberating down the hard, tiled, and shiny surfaces of the tunnels, may induce temporary or permanent hearing loss, negative physiological and psychological reactions and impede social relations⁷. The design of TUC has, like other underground cities, been criticized for being inaccessible to the physically challenged due to a dearth of ramps and elevators, difficult to orient oneself relative to the world above due to few direct, visible, vertical links with the outdoors, and confusing for lack of adequate directional signage (BROWN 1989: 81; FULFORD 1993: 29-31; RELPH 1990: 83). Visibly stated rules of conduct are also sparse and limited to notices of hours of operation and "no soliciting". This latter sign is the only declaration, implicit as it is, that the corridors are under predominantly private control. Although the public's submission to private authority upon entry into a place of business is a culturally accepted, legally sanctioned and everyday occurrence, the domination by private interests of such a large and intensely-used site of civic life is unprecedented.

Moving indoors and underground clearly has differing advantages and disadvantages for proprietors and users, but they do share a common problem: spatial control. The proprietors must maintain an atmosphere conducive to business, which necessitates prohibiting those members of the public and activities they perceive as detracting from this objective. Given the high intensity of public use in these corridors, maintaining the desired level of spatial control may be problematic. This level of control over the public's activities and composition in a civic thoroughfare by private agents may be perceived by some members of the public as itself problematic if access is discriminatory and rules of conduct unduly restrictive.

The corridors have become a site of territorial conflict because they are a space both public and private. The boundaries demarcating private space from public space have become blurred: privately-owned business corridors have become publicly-used civic thoroughfares; publicly-used civic thoroughfares have come to occupy privately-owned business premises. Control over this public/private space interface has become a complex issue, but why, for whom, and by what means might this strife be resolved?

At issue is the division of control over the corridors between private and public agents, specifically over the power of exclusion granted and exercised by the former. The dynamics of the conflict are immediately compounded by the number of competing private and public agents involved with differing opinions, varying concerns and disparate levels of power. To speak of private and public interests is to amalgamate a multifarious collection of individuals and institutions into two broad camps. The plurality of these groups notwithstanding, the rudimentary dynamics of the conflict over exclusion may, for the sake of simplicity, be reduced to questions of private and public rights, obligations and interests, which necessarily leads one into the realm of law and the quest for territorial justice.

Fundamental to this territorial conflict is the ideal of private property and the rights and obligations embodied therein. Under Canadian law, a public place is "a place where the public goes, a place to which the public has or is permitted to have access and any place of public resort" (VASAN 1980: 302). The corridors of TUC are legally public places, but they are not public property. On private property - regardless of the intensity of the public's use of the premises - rules of access and conduct may be determined and enforced in part by the owner as prescribed by government and the courts through private property rights (MARTIN 1987: 39-50). With the possession of property come, however, obligations. These restrictions are founded on the principle that there is an inherent public interest in private land. This tenet provides the basis for instituting government legislation that regulates and limits private property rights (e.g., building codes, taxation, zoning bylaws). In short, this bundle of obligations imposed by governments is a formal recognition that public space is a shared space.

The public, in kind, has its bundle of rights and obligations, ranging from those which are constitutionally entrenched to those implicitly understood as cultural norms. Canadians have, for instance, the constitutionally guaranteed freedoms of "expression," "peaceful assembly," and "association" which may be used to challenge private codes of conduct on the grounds they violate these freedoms (Charter of Rights and Freedoms 1982). There are also numerous liberties that are sanctioned and maintained by traditional social norms, such as the freedoms of use and action, temporary claim, and presence (LYNCH 1981: 205-220; CARR et al. 1992: 137-186). One may, for example, use the facilities of a public place as long one does not appropriate them for exclusive personal use or deny others the same freedoms. People also have the right to simply "be," to simply partake in civic life, as long as they conform to the legally entrenched rules of public conduct and the cultural-specific civilities of social intercourse. In order to "be," however, to participate in

public life, one has to have spatial access to public places. Access to space is, therefore, fundamental to the fulfillment of these spatial rights and many of our other democratic freedoms.

Rights and privileges for both the private property owner and the public come, consequently, with controls or limitations in the form of obligations. The primary obligation of both parties is to exercise their respective spatial freedoms without infringing upon or abusing the spatial rights of others. Conflict has arisen over TUC because the spatial rights and freedoms of individuals, groups or institutions within each camp are perceived as a real or potential threat to the spatial rights or freedoms of the other. The rapid growth of the underground city in Toronto in particular and indoor space in Canada in general has surpassed the pace at which society has been able to address the issue of spatial control and the exercise of rights and obligations, but progress is being made. There are several modes available for legitimately challenging the existing spatial power distributions within TUC, and these have been exercised with varying degrees of success.

If ownership of the disputed corridors is transferred from the private to the public realm, then the public/private space interface ceases to exist and with it, the conflict over control. The tunnels could be policed, serviced, maintained and regulated like any other publicly-used, publicly-owned outdoor city street (BROWN 1989: 79). Although governments could acquire these lands through expropriation or purchase on the open market, the costs involved - both in terms of public expense and political fallout - deem this an extremely unlikely, unfeasible and perhaps naive solution to the problem. This also assumes, of course, that municipalities wish to acquire the premises, a responsibility Toronto City Hall has not expressed a desire to undertake (MORGAN 1994). Acquisition of private property by the public sector is one possibility for resolving the problems of spatial control but is an unlikely route due to its Draconian nature and the costs incurred.

Challenges to the existing division of power may also be undertaken through the courts. For example, a dispute arose in 1984 between Cadillac Fairview Corporation - part owner of Toronto's Eaton Centre - and the Retail, Wholesale and Department Store Union over the union's right to distribute information about joining the union to Eaton employees (GLOBE and MAIL 1989). According to one witness, union members merely stood in the publicly-used corridors, greeted employees with a "good morning" and handed out leaflets informing them of a forthcoming meeting; there were no placards and no boisterous activities (LAYTON 1989: 9). Cadillac Fairview called the police and had the union members charged with trespassing on private property.

The union challenged this charge and five years later the Supreme Court of Ontario ruled "the right of workers to meet union organizers is more important than a company's right to protect its private property from trespassers" (GLOBE and MAIL 1989). Although this may be regarded as a victory of public rights over private rights, such case law may be so specifically tailored to particular situations, in this instance the Eaton Centre and the right to organize unions, that such rulings hold little, if any,

relevance for other cases and places. In addition to the questionable applicability of the precedence set by individual case law, judicial proceedings are expensive and time consuming. Unlike unions, few individuals - particularly the most marginalized among us - have the time, money and resources to mount a successful legal challenge against private agents in the courts. These drawbacks aside, litigation does provide an opportunity to resolve specific issues between public and private agents with particular attention paid to the rights and obligations of each.

Governments, as noted above, wield an immense amount of authority over the allocation of spatial power, and may, consequently, be very effective instruments of social and spatial change through passing new statutes, retiring others or modifying existing ones. For example, as Ontario's Trespass to Property Act (TPA) currently stands, private property owners have, in effect, the right to expel others "at any time, for any reason, or for no reason at all" (ANAND 1987: iii). The potential for abuse - be it unwarranted restrictions on acceptable public behaviour, excessive surveillance or discriminatory expulsion based on real or perceived age, economic position, ethnocultural heritage or sexual orientation - is considerable and comes with little, if any, effective accountability. As a direct outcome of concerns initiated by the public over unduly restrictive and discriminatory enforcement of the TPA by owners of Toronto's underground city, the Attorney General of Ontario appointed a task force in 1986 with the mandate to investigate this allocation of power (ANAND 1987). This human rights probe reached several conclusions: among them that some private property owners discriminate against visible minorities, youth and other individuals deemed undesirable; the current law does not distinguish different types of private property and the intensity of the public's use; and invocation of the Canadian Charter of Rights and Freedoms as a defense from expulsion only addresses symptoms of the problem and not the unrestricted authority to exclude patrons that is the cause of the problem. As a result the Government of Ontario proposed amendments to the provincial petty trespass act that would have, if enacted into law, limited the expulsory powers of private property owners while providing a mechanism for defining "reasonable use" by the public in a case by case, space by space, fashion. This bill failed to pass due to a variety of reasons, including lack of political will on the part of the provincial government, intense opposition from the shopping mall industry and small businesses, and a lack of consultation among the parties most effected by the proposed amendments (FRAM 1994). Nonetheless, legislation remains one of the most effective ways of redistributing power by mandating access and codes of conduct in civic places⁸.

Involving the government, whether the legislative or judiciary branch, is not the only route available for resolution. The immediate parties involved may dialogue directly with each other to solve a mutual problem. Metropolitan Toronto Police - the public agent - and the owner's of the Eaton Centre - the private agent - are currently experimenting with a new model of sharing spatial control⁹. Because of the high number of requests for police in the Younge-Dundas district, which includes the Eaton Centre, Metro Police have recently introduced foot-patrol officers to the area.

With permission granted by the landowners, the police office located inside the shopping mall in a position of high visibility. Not only do police service the immediate corridors of the Eaton Centre, more importantly, they have close proximity to a neighbourhood in need of their presence. In theory, both the public and the private sectors gain. Eaton's gets, in addition to its private security force, public police presence to both deter and apprehend offenders, and the public, both mall patrons and neighbourhood residents alike, receive added police protection. In practice, however, problems may arise over precisely how the patrons, the police and private security - acting as servants of the landowners - interact. The presence of publicly-funded police officers on privately-owned property may, for example, lead the common layperson to conclude the general corridors are truly public property and behave accordingly, only to be informed otherwise by private security guards. Altercations could develop from the misunderstandings generated by this enhanced blurring of the public and private domains. Although this particular joint public/private venture is too premature to evaluate, such a process of consultation and cooperation seems well suited to the search for common ground and the spirit of sharing public space.

The search for an equitable distribution of rights and an acceptable code of access to Toronto's underground city is, upon excavation, a quest for territorial justice. How Canadians chose to distribute the benefits and burdens of spatial control inside the corridors of our emergent indoor cities is a morally-charged, ideologically-laden question of social justice¹⁰. Clearly the emergence of large expanses of publicly-used, privately-owned space is modifying the spatial structure of our cities, but changes to the social and legal organization dictating these indoor spatial structures - be it through acquisition, litigation, legislation, and/or consultation - are lagging behind. Maintaining the current distribution of spatial rights and obligations is socially unjust insofar as the needs of both the public and private agents are not being met. Notwithstanding the needs of business for premises conducive to commercial enterprise, the power of exclusion held and exercised by the private sector threatens the public's need for access to civic space. The right to simply "be," to partake in civic life, is prerequisite for the creation and sustenance of shared experiences, a sense of community and belonging. To lose a communal meeting ground - the pedestrian space - on the basis of private property rights, market forces and the desire of certain classes to associate with their own kind, is to lose the very site which embodies the best of Western culture: a truly public place where the democratic ideals of tolerance and equality are openly practiced and sustained through the inclusion and interaction of people on the streets and sidewalks of our pluralistic society. During the decades ahead as our indoor geographies expand, Canadians should not become passive witnesses to yet another erosion of the traditional street; the civil liberty conventionally associated with public life itself: the freedom to just be. As we move indoors and underground, do we really want to leave this civic identity outdoors and above ground?

NOTES

1. A longer, more in-depth version of this paper, entitled "Excavating Toronto's Underground Streets: In Search of Equitable Rights, Rules and Revenue," may be found in the following forthcoming book: CAULFIELD, J. and PEAKE, L. (in press). Critical Perspectives to Canadian Urbanism. Toronto: University of Toronto.
2. The Retretti Art Centre, in Punkaharju, Finland, contains a 1000-seat concert hall built underground in rock (ANTTIKOSKI et al. 1989: 17). Germany has an underground canteen in Bonn and numerous below-ground shopping arcades such as those in Cologne and Dusseldorf (KIND-BARKAUSKAS 1993: 25). In an effort to reduce traffic congestion in Amsterdam, there is a proposal to build an underground bus terminal that would accommodate up to 50 buses (SIKKEL 1993: 33). Underground sports halls and swimming pools have been constructed and are widely used in Norway (BROOK and COLLINS 1990: 8).
3. Over 95 % of the cost to erect a building in central Tokyo may be attributed to the cost of land acquisition (BROOK and COLLINS 1990: 8). At these prices, going underground to avoid purchasing more surface space is attractive.
4. Of the 2.5 million calls for service received by Metropolitan Toronto Police in 1993, only 67 criminal offenses or serious occurrences (i.e. suicide) were investigated by the Force in the underground city (DEAR 1994).
5. A 1991 survey of North American municipalities with an indoor city indicated commercial advantage was the single largest factor driving its construction (MAITLAND 1992: 165).
6. Although the vast majority of the underground resembles a suburban shopping mall corridor, there are parts that possess no stores or services, such as the link between Union Station and The Royal York Hotel, and sections that are murky, such as the underground parking garage which links City Hall to the rest of the underground city.
7. For a case study of the potential auditory, physiological, psychological and social effects of ambient noise on indoor-city patrons see HOPKINS (1994).
8. For a in-depth discussion of the now defunct proposed amendments to Ontario's Trespass to Property Act see HOPKINS (1993). For a critique of a newly proposed category of quasi-public property ownership, which recognizes the essentially public nature of mall space while retaining reasonable rights for property owners, see KRUSHELNICKI (1993).
9. This account is based on an interview with Sgt. COCKSEGE (1994) and correspondence with the Director of Corporate Planning (DEAR 1994), both with Metropolitan Toronto Police.
10. For a succinct overview of social justice see SMITH (1994a). For an in-depth review of the topic as it relates to geography see SMITH (1994b).

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