

Occupy Toronto ready to resist eviction; City has yet to move, but sympathetic church co-owns St. James Park

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Illustrations: Occupy Toronto members are determined not to give the city a reason to evict them from St. James Park, keeping drugs out of the camp and otherwise cooperating with authorities on health and safety issues. Keith Beaty/Toronto Star

Police crackdowns, court injunctions and warnings: around the world, the Occupy movement is being pushed and it is being shoved.

In London, England, a court battle will begin in coming weeks as lawyers for St. Paul's Cathedral and the city work to evict about 500 protesters from the church grounds.

Closer to home, Quebec City's mayor has asked protesters to pack up. Vancouver is seeking a court injunction. In Victoria, activists are moving to an area closer to City Hall in a compromise to make way for an outdoor skating rink.

In Toronto, the protesters, about 500 of them, are well entrenched at St. James Park at Jarvis and King Sts., co-owned by The Cathedral Church of St. James and the city. Quietly, they have dug in their heels and tents in preparation for the long haul.

Will there be one?

Mayor Rob Ford said a few days ago that he is "working on a plan" for St. James Park. While the mayor's office did not respond to a request for comment, Deputy Mayor Doug Holyday said city staff are reviewing the situation.

"They've made their point," he said in an interview with the Star. "Now it's just them squatting in the park ... That can't go forever. Over the next few weeks, we will see an end to this matter."

So the question is, can the city evict the protesters?

The issue is very complicated, says John Mascarin, a Toronto lawyer who specializes in municipal law.

It's tough to say what the city can do without examining ownership documents or the legal statutes that may apply to it, he said.

"But as the owner of the land, the city has the ultimate control," Mascarin said. Any municipality, if it owns land, has a right to treat the land as any other owner and could put restrictions on the use of land, he said.

Mascarin doesn't think co-ownership makes a difference. "The city still has an upper hand."

Of course, he agrees there may be counter-arguments, saying it is a public space and is being used for democratic purposes.

What complicates the matter is that the church has indicated, through a letter on its website, that it is not in favour of evicting the protesters.

"We are talking to the police, the city, the protesters, neighbours ... everyone," said Douglas Stoute, dean at the church.

He added the church and the city have shared the land for 50 years.

George Rust-D'Eye, one of Canada's leading municipal law lawyers, says Toronto, like Vancouver, may be looking at court proceedings.

Meanwhile at St. James Park, protesters are aware of what's going on at protests in other cities.

They say they understand that while activists around the world are still demonstrating against corporate greed, authorities seem to be losing patience and are attempting to push them out.

But Occupy Toronto will not provide any reason to be kicked out, said Anna Crooke, a media relations officer with the movement. While paramedics took a man in his 20s to hospital on Tuesday after a possible drug overdose at the site, "We don't allow drugs or alcohol here," Crooke said.

She said there are regular security checks to ensure that St. James Park is safe and added that the fire marshal has visited the camp twice to check for fire hazards and given it an all-clear.

Occupy Toronto is one of the most organized of the movements, to the point of becoming a talking point for activists in other cities. The protesters are doing everything right, said Crooke, adding that the group has sanction from the church to be there. The church also lets them use its kitchen twice a week.

"If there is any move to evict us, we will fight it," she said. "We will go through proper procedures but we will fight it."

But if the city does evict them, Crooke says there is a backup plan firmly in place.

"We have been offered several venues in the downtown area," she said. "We would go there if evicted. But we won't stop this movement."

