A COLONIAL GENEALOGY OF EVICTION: RACIALIZED DISPOSSESSION IN ATLANTA AND VANCOUVER

by

DANIELA AIELLO

(Under the Direction of NIK HEYNEN)

ABSTRACT

In this dissertation, I examine practices of eviction in two settler colonial cities: Atlanta and Vancouver, to provide a genealogical account of modern day evictions through the lens of racialized capitalist dispossession. Beginning with the assertion that evictions are fetishized by modern social science as a particular act, or as a contemporary phenomena of advanced capitalism, I argue that instead they are foundational to our society. I identify four mechanisms through which the power relations of eviction unfold: authoritative (the law), technological (textuality), infrastructural (spaces of adjudication), and spectacular (public notice). Using this analytic framework, I consider a spectrum of legal, illegal, and extra-legal realms in both sites to explore evictions emergence, and its residual afterlife in landlord-tenant and private property relations. First, I explore practices of survey and land granting in the settler colonial encounter, as well as the development of landlord-tenant law and its textual technologies throughout the

1800s, to elucidate how they are foundational in establishing racial and dispossessive logics of property-making (extinguishment, enslavement, confinement, banishment). I then trace the lease, the warrant and the writ of possession as key textual technologies that delimit contractual relations that prefigure and ultimately enact eviction. As authorizing documents, they travel tenants through multiple spaces of adjudication, ensnared through unequal power relations of specific actors whose enactments belie categories of 'legal' or 'illegal'. Those same actors work to institute rent and debt, not only as a mode of accumulation, but a relationship of deterritorializing control that is explicitly colonial and racial in its function and effects. Throughout, I consider tenant responses to eviction, as a symptomatic reading of how futurities are foreclosed and prefigured by private property, of which evictions are ultimately a symptom - a means to express property's end. This dissertation argues that in order to understand eviction we must expose their colonial-racial contours, or, our "past's presence". Ultimately, a rendering of evictions as racialized capitalist dispossession has key implications for theorizing the urban, as it better positions housing scholars to discern an accounting of what is 'new' and what is not new about evictions in our current moment.

INDEX WORDS: urban geography, race, colonialism, housing, eviction, socio-spatial displacement, racial capitalism, settler colonialism, Atlanta, US South, Vancouver.

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DEDICATION

For the dispossessed, for tenants, and for all those who do not control their housing.

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TABLE OF CONTENTS

Page

ACKNOWLEDGEMENTS v

LIST OF TABLES viii

LIST OF FIGURES ix

CHAPTER

1 INTRODUCTION 1

1.1 Intervention 1

1.2 Argument and Research Questions 6

1.3 Analytics and Terminology 12

1.4 Overview of the Dissertation 16

2 FOUNDATIONS AND PROVOCATIONS 19

2.1 Chapter Overview 19

2.2 Evictions and Socio-spatial displacement 20

2.3 Urban Political Economy and Critiques 29

2.4 Interdisciplinarity and Racialized Dispossession 36

2.5 Socio-Legal studies and Legal Geographies 52

2.6 Conclusion 57

3 RESEARCH SITES 61

3.1 Our Tenant's Rights Crisis on Turtle Island 61

3.2 Atlanta 66

3.3 Vancouver 71

4 METHODOLOGY 77

4.1 Chapter Overview 77

4.2 Postcolonial Comparativism and Genealogy: Reading eviction in two sites ..78

4.3 A Theoretically Informed Critical Urban Ethnography 85

4.4 Positionality and Commitments 99

5 DISPOSSESSION AND EMERGENCE 103

5.1 The Epistemic Grid 105

5.2 The Grant 116

5.3 Landlord, Tenant, and Legal Subjection 127

5.4 Emergent Evictive Knowledge Production 138

5.5 Conclusion 142

6 DISPOSSESSION'S 'AFTERLIFE' 144

6.1 Authorship and the Lease 148

6.2 Textual Tracings and Tenant Responses 156

6.3 Juridical Infrastructure 165

6.4 Notice, Judgment, and Spectacle 172

6.5 Conclusion 179

7 DISPOSSESSION'S OTHER LIFE 181

7.1 Lease as Perpetual Eviction 184

7.2 Rent as Harassment and Control 192

7.3 Evidence, Adjudication and Resistance 200

7.4 Defacto and Mass Eviction 208

7.5 Conclusion 213

8 CONCLUSION 215

8.1 Reading Distress 215

8.2 Racialized Capitalist Dispossession 219

8.3 Naming and Resistance 225

8.4 Future Work 228

REFERENCES 231

APPENDICES

A List of Abbreviations and Acronyms 252

B Eviction Defense Manual - The Housing Justice League 253

LIST OF TABLES

Page

Table 4.1: Chart Summary of Research Activities 90

LIST OF FIGURES

Page

Figure 1.1: Battle for the Balmoral banner, Photo by author....11

Figure 1.2: Tent City ATL banner, Photo by author....11

Figure 5.1: District 14 Plat Map, Henry County, 1821....108

Figure 5.2: New Westminster District Plat Map, 1887....113

Figure 5.3: Lot 196 crown grant....120

Figure 5.4: Sawmill claim field notes....124

Figure 5.5: Digest of Georgia Statutes 1811, Vol. 1....134

Figure 5.6: Statutes of BC 1895, An Act respecting distress for rent....135

Figure 5.7: Writ of Possession exemplar, Powell (1911)....139

Figure 5.8: Writ of Possession exemplar, Statutes of BC (1895)....141

Figure 6.1: Landlord commentary, Rental Housing Task Force, July 2018....146

Figure 6.2: RTA Lease agreement template, December 2016.....149

Figure 6.3: Ross House Tenants gather for press conference, Jan 2017....154

Figure 6.4: Dispossessory Warrant, Fulton County Magistrate, May 2019....158

Figure 6.5: Tenant Answer to Warrant, Fulton County Magistrate, May 2019....160

Figure 6.6: Excerpt from Housing Justice League manual 1, Sept 2019....163

Figure 6.7: Excerpt from Housing Justice League manual 2, Sept 2019....174

Figure 6.8: Writ of Possession, FCMC June 2019....177

Figure 7.1: SROC concerns list from tenant meeting, March 2017....185

Figure 7.2: Mutual Agreement to End Tenancy, Astoria Hotel, July 2016 188

Figure 7.3: SROC cash-for-keys leaflet, January 2019 194

Figure 7.4: West Hotel Press conference, July 2015, Photo by author.....205

Figure 7.5: City of Vancouver Building Inspection, Order to Vacate, June 1 2017.....211

Figure 7.6: Balmoral residents occupy Vancouver's City Hall, June 1 2017 212

Figure 8.1: Editors Letter, Atlanta Journal Constitution, Nov 1887.....217

Figure 8.2: Fox News quote of Waypoint Envoy Owner LLC statement, Oct 2019.....227

CHAPTER 1

INTRODUCTION

1.1 Intervention

A great deal of increasing attention has been paid in recent years to the problem of eviction (Desmond, 2012; 2016; Purser, 2016; Raymond, et. al. 2016; Maharawal & McElroy, 2018; Soederberg, 2018; Immergluck, et. al. 2019; Seymour & Akers, 2019; Shelton, 2019; Garboden & Rosen, 2019). This comes at a time when the crisis of housing precarity and tenant's rights in cities across North America seems to be reaching a critical state. Decades of wage stagnation, amid ever increasing rents in most metro areas has lead to the steady rise of rent-burden: Today over 20-25% of U.S. and Canadian households spend up to 50% of their income on rent (Pitingolo, 2015; Carliner & Marya, 2016). The uptick in eviction research of the last seven years has revealed a strong relationship to rent-burden, while highlighting its racialized, classed and gendered dynamics (Desmond, 2012; Maharawal & McElroy, 2018). Whether they are driven by speculation in upscaling areas (AEMP, 2014; Right to the City Alliance, 2016), or a profound rent-burden among low income renters, evictions are a decidedly racialized phenomenon (Desmond & Kimbro, 2015; Raymond, et. al., 2016; Immergluck, 2019; Teresa, 2018; Shelton, 2019).

This proliferation of eviction research marks a significant shift in attention given to the chronic, everyday eviction experiences of tenants holding low income housing tenure outside of gentrifying neighborhoods. In the U.S. context, where data is more widely available, two of the most consistent and compelling findings therein are that the displacement crisis is most acute in

non-gentrifying, majority black, segregated inner-ring exurbs or suburbs, and that black women are evicted at rates far higher than men (Desmond, 2012). These insights are a troubling contrast to past framings of research on socio-spatial displacement, which have been largely focused on speculation or development-led displacement (Zukin, 1989; Smith, 2005; Wyly et. al, 2010; Lees, et. al, 2018). Understanding how socio-spatial displacement plays out within the urban has been a long and ongoing project across the social sciences. The legacy of that research is one attended by the widespread absence of 'hard data' amid the need to 'prove' displacement is happening (Wyly, et. al, 2010), definitional and empirical disagreements around narrowly construed understandings about what 'counts' as displacement (often centered on the one-for-one replacement of a household) (Marcuse, 1986), and too often, a profound lack of theoretical grounding in necessary Marxian frameworks for informing urban processes (Freeman, 2016). Ultimately, the complex driving forces that make up contemporary socio-spatial displacement are highly variable in their specific mechanisms and outcomes, and lead to a great deal of unevenness in data availability and reliability that have made them empirically difficult to account for in a comprehensive way (Hartman & Robinson, 2003; Newman & Wyly, 2006; Carliner & Marya, 2016; Blomley, Perez & Yan, 2018; Aiello et. al, 2018).

Despite having underrepresented the phenomena through a dominant focus on speculation-led contexts, urban geographers have generated theoretically astute research on socio-spatial displacement. Analyses that emerged from Marxian urban political economy provided much needed explanations of land, rent, and capital accumulation in the city (Smith, 1979; Harvey, 1978; Castells, 1972; Zukin, 1989). And yet, this body of literature has not developed a serious and sustained engagement with theories of race or coloniality as they pertain to the urban or socio-spatial displacement (But see: Blomley, 2004; Roy, 2011; Derickson, 2014;

Safransky, 2014; Toews, 2015; Porter, 2016; Dorries, Hugill & Tomaik, 2019) Those interested in race and the city have turned instead to the legacy of urban sociology, where a great deal of the research situated racial inequality vis-a-vis housing in the history of redlining, segregation, and ghettoization as institutional forms, providing a lens on the dynamic of 'containment' as a key contrast to displacement (Wilson, 1987; Massey & Denton, 1993; Wacquant, 2008). However, across the bulk of these different literatures, a strong inclination remains toward encountering race as an empirical or demographic reality - something to be 'counted' - rather than articulating a theory of race with respect to property in the city. Likewise, only small segments of this work are grounded in a theory of capitalism. Even among the best explanations of private property relations and displacement coming from urban political economy, one finds categories of difference encountered largely as empirics, rendered as epiphenomenal to capitalism. Coloniality or colonization, on the other hand, is largely engaged with as a metaphor, resulting in fetishized notions of the 'frontier' applied to cultural dimensions of gentrification, or for the deployment of so-called 'planetary' frameworks as interpretations of global urban restructuring (Smith, 1996; Smith, 2002; Atkinson & Bridge, 2004; Brenner & Schmid, 2017), though there are important exceptions to this within paradigms and overlaps across legal and settler colonial theory and urban planning scholarship (Blomley, 2004; Edmonds, 2010; Coulthard, 2014; Toews, 2015; Thrush, 2017).

Ultimately, this newer research on eviction leaves housing scholars with a few urgent questions that need answering. In the face of persistent problems with record keeping, data availability and reliability, following decades of under-study, there is still a great deal about the deeper relations of eviction that we do not know. Partly, this is due to long-standing fissures between community and academic-based research, but also to historically narrow definitions of

displacement amid a preoccupation with 'counting'. How do we meaningfully account for the submerged aspects of evictive relations so often referred to as the 'hidden' crisis? Further, after controlling for other key factors related to housing attainment, stability, income, and property value, how do we answer for the fact of the profound anti-blackness (and generally anti-Indigenous/anti-POC) effects evident within relations of eviction in cities that cannot be explained by other factors?

There are two basic problems with respect to social scientific renderings of displacement that hinder deeper and more meaningful answers to these questions. First, a statistical or empirical project that seeks to 'count' eviction that relies on the knowledge and record production of the state's juridical infrastructure is ultimately counting eviction on those presupposed terms, fraught as they already are by uneven and contingent practices. A number of housing scholars have noted that evictions remain a vastly hidden problem for this reason (Hartman & Robinson, 2003; Wyly, et. al, 2010). This suggests that we need another way into the problem. Second, among accounts that attend meaningfully to capitalist social and property relations, accumulation is identified as the primary driver of this process, while marginalizing analyses of race or colonialism to 'difference' or metaphor. Both of these problems, though to different degrees, are rooted in a lack of theory of race and colonialism that articulates their relations as constitutive with capitalism.

These inadequate understandings of socio-spatial displacement have specific effects. In the first instance, a focus on empirics has a tendency to lead to construals of eviction as a chiefly contemporary phenomenon. While we attribute eviction's understudiedness to its status as a hidden problem, their ostensible proliferation over the last two decades appears as unprecedented, which leads to their narration as something exceptional, and therefore *new*. In the

second instance, urban political economy locates its explanation in the processes of post-crisis urban restructuring and the acceleration of accumulative drives characteristic of advanced capitalism. Both of these renderings contribute to discourses of evictions as exceptional.

An especially prominent thread of this assessment has emerged since the publication of Matthew Desmond's *Evicted: Poverty and Profit in the American City* (2016), and his launch of *The Eviction Lab* (2018). His meteoric rise as an eviction expert has carved out a broad mainstream discussion of evictions in short time, and Desmond is perhaps the most prominent proponent of this claim. In wide-reaching mainstream interviews and excerpts highlighting his work and that of *The Eviction Lab*, a repeated refrain is the idea that: "...we've moved from a place where evictions were rare to a place where eviction is common in the lives of the poor" (para 7, The Faces of Eviction, 2018). This assumption, mirrored in narratives of displacement research within urban studies, urban geography and their cognate disciplines, reflects a general problem with the way social science fetishizes eviction (and displacement) as a *particular act*; As something we can effectively count, as a process we may say is happening *here*, but not *there*; And, ultimately as a problem that will go away with the right configuration of policy and legislation.

On the face of it, Desmond and others are not wrong about eviction's acceleration in the context of our current tenant's rights crisis. As an academic and an organizer who pays close attention to the processes, extent and incidence of eviction, I am well aware of how bad this problem is, and of the urgent need for better data, material forms of harm reduction, tenant organizing and ultimately, legislation to meaningfully address it. These are key goals of the movement, and their full and just attainment would *save lives*. But this tendency to ascribe

evictions a status of *new* or *unprecedented,* risks leaving us with ahistorical accounts. And ultimately, ahistorical accounts misshape our theory and misdiagnose the problems of our time.

1.2 Argument and Research Questions

While there is no doubt that the accelerating dispossessive drives of racial capitalism (Robinson, 1983) are shaping our housing crisis in novel and complex ways, this research aims to intervene in renderings of eviction that fail to account for its inherent colonial and racial features constitutive of the project of private property. This dissertation posits that evictions are not new, and that they must be understood through the historical and structural lens of capitalist land relations: A lens that must take as its central tenet that capitalism is co-constituted by organizing logics of dispossession (banishment), race (difference), genocide (extinguishment), and ghettoization (confinement). If evictions are widely accelerating in our current conjuncture, then it would seem that a more discerning accounting of what is *not new*, and what *is new*, matters for theorizing them, and more broadly for how we theorize the urban.

Toward this end, I turn to Edward Said's (1993) foundational work in tracing connections across histories and geographies to demonstrate our *past's presence*. His approach involved an archival excavating to show the ways the past is falsely perceived as such. Said argued that we should not focus on the "pastness of the past, but of its presence" (1993, p. 4). Accomplishing an analysis of the past's presence in evictions means getting at a deeper understanding of precisely how they function today, and in what ways (or not) those processes connect to their historical antecedents. Detailed, ethnographic or 'experience-near' (Fairbanks, 2012) accounts are central to this goal, but they are far less effective as methods when they do not take as their object of

analysis the power relations at stake, and most importantly, the specific historical contexts for those power relations.

In centering the antecedent and persistent processes of racialized dispossession, I argue that we cannot understand evictions without an account of the specific historical and ongoing structures of power that produce race and property through the settler-colonial encounter, which ultimately shape the *emergence* and the *residual* expansion and mutations of the eviction assemblage over time (Williams, 1977). To do this, I examine practices of land surveying and conveyance through land lotteries, pre-emption, and colonial crown grants as foundational for the power relations of racialized dispossession and the material, epistemic grid upon which today's evictions play out. I trace the lease, the warrant, and the writ as time-bound record keeping technologies that delimit the contractual relations that both prefigure and enact evictions. Likewise, the socio-legal codification of the landlord-tenant relationship, dictated by the writing, rewriting, and citational structures of colonial law, that become actualized by juridical practices of notice, adjudication, and spectacle that attend eviction. All of these are core elements of racialized dispossession and its contemporary afterlife. A central claim of this work is that by not being attentive to these power relations, we miss understanding evictions as having a specifically colonial genealogy - one which reveals them to be foundational to our society, even *if* and *as* they are accelerating within advanced stages of racialized capitalist urban dispossession.

This dissertation builds on nearly five years of fieldwork in Atlanta and Vancouver working to understand how contemporary evictions unfold in these two sites, an encounter shaped by my practice as a community organizer and an academic researcher. At the same time, I draw from comparative postcolonial traditions of historical and geographical inquiry to read

across the socio-legal archives of racialized dispossession, tracing eviction's genealogy over time (Said, 1993; McClintock, 1995; Lowe, 2015). In this sense, this research aims to use evictions as a lens to think through the broader historical processes of race and coloniality, while recognizing the importance of these theories to interpreting evictions *as* racialized dispossession on the ground. The central question of this work asks **how have processes of eviction been shaped by the historic and contemporary propertied power relations of racialized capitalist dispossession?** I deploy the concept of racialized capitalist dispossession here because it captures the constitutive power relations I believe attend eviction: racialism, coloniality, and accumulation, while not attempting to collapse any one organizing logic into the other.

My inquiry is oriented by the recognition that ongoing settler colonialism and racial capitalism while both relying on racial grammars and specific logics of property-making practices (extinguishment, enslavement, confinement, banishment), are not historically or culturally assimilate (Day, 2015). The drives to dispossess and construct social difference are structuring logics of capitalism, and I rely on theorists of racial capitalism in this understanding (Robinson, 1983; Woods, 1998; Gilmore, 2002; McKittrick, 2011; Pulido, 2017, Lowe, 2015; Day, 2015). Building on the work of Robinson (1983) and others, Laura Pulido (2017) argues that racial capitalism functions through three central pathways, by producing social difference for the creation of value, through the simultaneous *devaluation* of non-white life worlds to be incorporated into economic processes (uneven development), and through the role of the state to ultimately sanction racial violence in the name of capitalism (p. 525). She also points to the necessity of understanding colonization in conjunction with racial ideologies, as an economic (and administrative) system that likewise constructed difference as less than human.

One of my aims with this work is to be attentive to the important overlaps and connectivity transmitted between colonization and racialism, as theorized by scholars of settler colonialism and racial capitalism. Being attentive to this is crucial to an inquiry of dispossession's past and present. My use of the phrase racialized capitalist dispossession[1] then, aims to multiply reference the specific historical and ongoing structures of stolen land, group differentiation, and accumulation, as interlocking regimes by which a state of dispossession and practices of eviction become established and are maintained.

In order to link up eviction's past with its present, it is further necessary to examine the power relations endemic to evictions today. To this end, two secondary research questions also guide this work: **Which actors, practices and mechanisms drive the myriad processes of contemporary eviction?** and **Through what practices and strategies do tenants contest and respond to eviction?** I ask these questions because I do not believe they have been adequately answered, even within a strictly contemporary framing. While the central question above provides an opening to explore the historical and structural aspects of eviction related to coloniality and race, these secondary questions zero in on the specificities of the process by identifying actors, practices, mechanisms to get at the various modes of landlord-tenant governance whether they are considered legal, illegal or extra-legal in their effects (Delaney, 2015; Blomley, 2019). Further, paying close attention to the ways tenant responses both reflect *and shape* these power relations is always a necessary element to understanding domination and resistance.

[1] I develop this corollary from Iko Day (2015), who describes 'settler colonial racial capitalism'. Both these framings highlight the constitutive and bound nature of these three formations, though my rendering of it here places an emphasis on the foundational evictive *feature* at the root of 'settler colonial racial capitalism' (as it relates to contemporary displacements) which is dispossession.

The animus for this research is framed then by two related problematics which underwrite the above questions. First, I am responding to the now widespread claim that today's evictions are an emergent crisis. To be clear, I am not arguing that evictions have not become more frequent, nor that they do not exhibit new mechanisms and technologies that are characteristic of an advanced stage of racialized capitalist dispossession, and in urgent need of study. With respect to evictions, I do believe that we have arrived at an inflection point. However, this work aims to situate this moment within a larger trajectory, to articulate a deeper understanding of eviction's continuities and discontinuities over time, while examining how capitalist social relations regarding property are fundamentally racial and colonial in their function and effects. Ultimately, the way the social sciences have vastly underrepresented evictions as a phenomenon, and likewise how Marxian theorists have understood them as solely accumulative in their drive, has had significant consequences for how scholars theorize the urban.

The second animus for this work relates to the admittedly panoramic theoretical framework I am engaging across post colonial, critical race, black, ethnic and settler colonial studies that when brought into conversation articulate a *relational* theory of colonialism as ongoing (Said, 1993; Wolfe, 2006; Tuck & Yang, 2012; Smith, 2012; Simpson, 2014; Coulthard, 2014) and capitalism as racial (Robinson, 1983; Hall, 1980; Gilmore, 2002, Pulido, 2017; Melamed, 2015; Bledsoe & Wright, 2019). Work from these traditions has highlighted the need to more deeply explore the relationships and analytical differences between initial dispossessions, their continued status amid repeated cycles of removal and displacement, and a more specific account of the role of coloniality, and its constitutive gendered and racialized relations. At the same time, community-based organizers and scholars have been articulating

Figs 1.1 and 1.2 Protest Banners in Vancouver and Atlanta. Photos by author.

colonial-racial (McKittrick, 2011) relations as central to urban inequalities for a long time. The claim that "gentrification is colonization" and that we resist and refuse "evictions on stolen native land" is a key element of the discursive and material resistance to injustice (see **Figures 1.1** and **1.2**).

So when evictions are scripted as predicated on a colonial-racial ordering - what, precisely, do we mean by that? What is the specificity of accounting for the everyday mechanisms by which a racial coloniality of power continues through the violence of private property relations today? To this end, my aim is to capture a more enduring set of socio-spatial relations, that demonstrably link evictions to a white supremacist settler colonial power structure, and to be attentive to the persistence of those relations into the present. At the same time, I want to be cautious to not reproduce a totalizing understanding of colonialism or racialization. Instead this work aims to examine those power relations as highly differentiated and uneven, though deeply networked *and* trans locational in their effects, even if still incomplete as a project.

1.3 Analytics and Terminology

There exist many analytical terms and categories that relate to studying the intersection of socio-spatial displacement and dispossession, and some basic definitions for them are necessary to outline at the outset of this work. Socio-spatial displacement refers to a social scientific term that has been adopted by scholars of urbanization and housing to refer to generalized processes and experiences of displacement that inherently encompass social and spatial aspects (Lees, et. al., 2008; Davidson, 2009). It is a broad way of naming the phenomena, which can include many different drivers, forms and effects of displacement, such as speculation-led displacement in gentrifying contexts or debt-led displacement across the uneven development spectrum of the

city. Overall, I use this term when referring to social scientific renderings of displacement, meant to capture the contemporary experience of private property relations and their churning.

Eviction is one form of socio-spatial displacement, and though it can and does regularly occur through illegal or extra-legal means, eviction is a socio-legal term originating from the law that implies a displacement enacted through judicial means. It entails the wielding of juridical or customary power of the state on the part of the ownership-class to physically remove a tenant or dweller from a specified space. It is necessary to note as well what I mean by legal, illegal and extra-legal. 'Legal' and 'illegal' refer to specific practices that are authored by the law itself and operate within what we perceive to be its bounds, whether it is being followed or 'broken'. Extra-legal instead suggests practices which are 'outside' the law, behaviors and objects which are not governed by it, and which in this case may be exploited for eviction effects. Crucially, illegality and extra-legality are not exceptional or aberrant modalities, but intrinsic to the law itself (Roy, 2009; Blomley, 2019). I take up an extended discussion of this in Chapter 7.

While it is not a goal of this research to tease apart the tedious definitional debates relating to displacement, defining displacement and eviction is important insofar as we must understand them to be outcomes of the private property relations that attend the broader systemic formation of dispossession. Drawing from a wide legacy of critical postcolonial and settler colonial studies scholarship, critical Indigenous studies scholars have written about the differences between dispossession and displacement as it relates to the urban (Fabris, 2018; Knight, 2018). Michael Fabris (2018) in particular describes dispossession as a systemic rupture or reconfiguration of Indigenous relationships to land that occurs through the colonial encounter *and* exists as the ontological (and epistemological) field upon which private property relations play out. Displacement, on the other hand, must be understood as the systematized and cyclical

outcomes of that rupture, most acute or concentrated in urban areas, though clearly identifiable far beyond them (See also Blomley, 2004).

Taking a theoretical framework of racialized dispossession seriously means threading through such definitional differences with care. Displacement and eviction simply *are not the same* as dispossession, and they cannot be collapsed together as some of our analytical sloppiness has tended to do. Though they are intimately related, and I argue evictions should be thought of as a key part of the colonial-racial assemblage of private property relations that are emergent from and remain constitutive of dispossession. Scholars of urban political economy and housing inequality alike must attend more closely to such key analytical distinctions.

To this end, and in my attempt to trace the genealogy of eviction as racialized capitalist dispossession, I want to briefly outline the four mechanisms of power where I have encountered them in my research. These provide some much needed symmetry across the temporal (19th century - present) and spatial (Atlanta - Vancouver) boundaries of this study, and are helpful for locating a coloniality of power relations, while grounding theories of racialized dispossession at the same time. I say mechanisms, because these elements function together as a system though which power becomes exerted (or not) in order to achieve a displacement *effect*, and they are how I have come to understand the processes that enforce regimes of rent and debt that are the basis of landlord profit *and* control. **First**, I identify **the law** as a key site for understanding and witnessing how power operates with respect to eviction. Landlord-tenant law, specifically, exists as the body of **authoritative** statutes that govern the rights and responsibilities of landlords and tenants, it both enacts a legal regime that codifies 'tenant' and 'landlord' as subject positions, and regulates the relationship through contract - ultimately, the lease. In the context of Georgia and British Columbia, these socio-legal regimes are rooted in British common law, which continues

to exist in the DNA of landlord-tenant acts and statues in much of Canada and the U.S. as a result of the settler-colonial encounter. They dictate the uniquely unequal, contractual and ultimately exploitative obligations regulated by the lease, an authoritative document which not only establishes and dictates the relationship, but also becomes the means by which it makes tenants and landlords legible as legal actors.

Second, are the **textual technologies** of eviction present in the role of records and reporting via the papered and digital knowledge production that makes up its administrative governance. This includes the lease (as a material object in this case, though I isolate it as a central *relation* above), the demand for possession, dispossessory warrants or eviction notices themselves, the tenant 'answer', tenant submissions or evidence packages, monetary orders, writs of possession, arbitration decisions and judgments. They are the technological means through which private property relations become concretized, contingent, or dissolved, the principle means by which tenants are inculcated into power relations, and so frequently the primary site for evasion, subterfuge and resistance to them. I use the term textual to include both written and digital technology, as the systems of lease, rent, and debt that make up the landlord-tenant relationship are often mediated through the digital platforms and portals of corporatized landlords and increasingly semi-privatized court systems.

A **third** and crucial mechanism of eviction's power relations are their **legal infrastructure**, specifically manifested as **spaces of adjudication**, where the juridical becomes peopled and spatialized. These are the historically and geographically specific realms of the court house, the court clerk’s office, the court room itself, the institutional space of the arbitration phone call in British Columbia, or the side rooms designated for mediation in the housing court system of Fulton County. All of these make up the internal, spatial, and experiential organization

of landlord-tenant relations vis-a-vis the law, and are central to how evictions are initiated, adjudicated, authorized and resisted.

Fourth, and related to the third, is the role of **public notice and spectacle**. I identify the role of the spectacled violence of the eviction notice, mediated by rules of service such as tack and mail, as well as the moment of eviction itself. These are practices that span a wide spectrum of legal and illegal, from issuing a verbal or written demand for possession, hiring Marshalls to carry out dispossessory notices, delivering evidence packages, written warnings in public tenant spaces, to practices of intimidation like removing the doors of a tenant's home. Practices of notice and spectacle are mechanisms that both initiate, realize, and actualize eviction's violence, while also serving as a generalized mode of rule via their public mediation in that they have the potential to be more publically 'witnessed' than other mechanisms that are more obscured or abstracted. While we may have a tendency to not see them as such, each of these mechanisms are intimately related, co-inscribing and co-producing of each other. Not unlike any other analytical categories, we separate them to aid in our understanding, but the way I am arguing we need to think about eviction forces us to grapple with their co-constituted nature. My hope in delineating them here is that they can provide some analytical scaffolding by which to connect the vast temporal and spatial geographies of eviction this project attempts to travel.

1.4 Overview of the Dissertation

This dissertation has eight chapters. Together they work to build my above argument to trace the colonial genealogy of racialized dispossession in eviction. **Chapter 2** introduces my theoretical framework. I survey our existing knowledge of eviction - and socio-spatial displacement - through the literature pathways of urban geography, urban sociology and urban

political economy to further examine the analytical and definitional issues that persist amid a lack of theorizing of race and dispossession with capitalism. I then situate how my work relies on interdisciplinary literatures of post colonialism, settler colonial studies, critical race and critical ethnic studies, and black geographies to articulate a relational theory of colonialism, capitalism and racialism. In **Chapter 3**, I work to contextualize my empirical sites, Atlanta and Vancouver, situating them as historically linked through the project of settler colonialism, though possessing divergent histories of racialized dispossession. There, I also set up the contexts for how their evictions are experienced, and how the two community-based organizations I work with, the *Housing Justice League* and the *SRO Collaborative*, have emerged in response to eviction and the tenant's rights crisis more broadly. **Chapter 4** expands on my method of genealogy and postcolonial comparativism as central lenses through how I approach the phenomena of eviction across two sites. I discuss key debates that have emerged from critical urban ethnography that shape how I engage 'experience-near' accounts, and my practice of moving between theory, empirics, and back again. This is followed by a detailed outline of my mixed methodology approach to observing and locating evictions, closing with a brief discussion of positionality and the necessary political commitments of movement aligned scholarship on housing justice issues.

The remainder of the thesis contains three core empirical chapters that explore dispossession and eviction from three epistemic vantage points, the historical colonial record in *Dispossessions Emergence* (**Chapter 5**); the contemporary juridical infrastructure of evictions using examples from Vancouver and Atlanta in *Dispossessions Afterlife* (**Chapter 6**); and, in *Dispossessions 'Other Life'* (**Chapter 7**), the 'illegal' and 'extra-legal' social relations of eviction that are more visible in the intimate worlds of tenant organizing, with a focus on Vancouver's Downtown Eastside. In **Chapter 5**, I explore eviction through the practices of survey and land

granting in the settler colonial encounter, as well as the development of landlord-tenant law and its textual technologies throughout the 1800s, to elucidate how they are foundational in establishing the racial and dispossessive logics of property-marking practices (extinguishment, enslavement, confinement, banishment). Across **Chapters 6** and **7**, I trace the lease, the warrant and the writ of possession as key textual technologies that delimit the contractual relations that prefigure and ultimately enact eviction. As authorizing documents, they travel tenants through multiple spaces of adjudication, ensnared through unequal power relations of specific actors whose enactments belie categories of 'legal' or illegal'. Those same actors work to institute rent and debt, not only as a mode of accumulation, but a relationship of deterritorializing control that is explicitly colonial and racial in it's effects. Throughout, I consider tenant responses to eviction, as a symptomatic reading of how futurities are foreclosed and prefigured by private property, of which evictions are ultimately a symptom - a means to property's end. I conclude this dissertation (**Chapter 8**) with a discussion of the necessity of the analytics of race and coloniality in 'reading' evictions in our past and present, and what the implications are for a renewed theory of urban political economy that develops a more serious and sustained engagement with those analytics.

CHAPTER 2

FOUNDATIONS AND PROVOCATIONS

2.1 Chapter Overview

In order to clarify a renewed theory of socio-spatial displacement through the lens of eviction, this work brings together what I argue are three crucial analytical lenses to understand them: capitalism, race, and colonialism. I will begin this chapter by giving a short overview of the contemporary literature on socio-spatial displacement across what are arguably its most prominent traditions within modern social science: urban sociology and urban geography. I survey this work because much of it is crucial to understanding how evictions play out in our present-day, but also to trouble what I believe are analyses that overly construe displacement as *exceptional* and *contemporary* in character.

The second half of this chapter places a focus on theoretical traditions that attend to the analytic of dispossession, whether through the lens of capitalism, colonialism, or race. Those traditions are expansive and overlap in multiple ways, and the task of providing an overview that is attentive to disciplinary differences, epistemological tensions, and productive fusings across them is challenging. I first focus my reading on theories of capitalism that are explicitly oriented to the urban: Urban political economy (UPE). A frequently used theoretical foundation for work on displacement, particularly within Geography, UPE has long dominated our understanding of capitalist social relations, accumulation and dispossession in cities. While critiques of UPE that highlight its inattentiveness to race and colonialism have left an open question about the consequences of this for our theorizing of the urban, UPEs contributions have their greatest

potential when put to work together with approaches that reject coloniality and racialization as being epiphenomenal to property relations within capitalism.

Second, I bring in work on colonialism and race that has explicitly aimed to theorize dispossession. To do this, I read across the multi-disciplinary literatures of post colonial, settler colonial, critical race, black and critical ethnic studies to understand how those traditions have theorized dispossession vis-a-vis race. I also include in this grouping scholars of the urban who explicitly draw from an anti-colonial and anti-racist framing to root contemporary space in subaltern, non-Anglo histories. Across these literatures, I am especially attentive to work that centers the interlocking roles of property and race and likewise settler colonialism and racial capitalism. Lastly, I sketch the importance of scholarship on legal geography and socio-legal studies, loosely defined, to tracing the spatial contours of landlord-tenant relations across our 'past's presence'. Though legal geographies were not an explicit theoretical framework I drew from at the outset of this project, it has become an important guide for a research project that over time developed a strong engagement with socio-legal governance through the lens of landlord-tenant relations.

2.2 Evictions and Socio-spatial displacement

The category of socio-spatial displacement is among one of the most debated yet under theorized concepts in urban and geographical research of the last forty years. As geographers, sociologists and urbanists alike have attempted to explain processes at neighborhood and metropolitan scales, their research agenda has frequently centered on questions of socio-spatial claims: *who lives where*, *who moves where*, *why* and *with what consequences*? Across studies of residential mobility and instability (Rossi, 1955; Desmond, Gershon & Kivat, 2015),

gentrification (Marcuse, 1986; Smith, 1996; Hamnett, 1991; Freeman, 2006; Newman & Wyly, 2006; Slater, 2009), accumulation by dispossession (Ghertner, 2014; Roy, 2015), or contemporary residential evictions themselves (Olds, 1998; Purser, 2016; Desmond, 2016; Hartman & Robinson, 2003; Raymond, et. al., 2016; Immergluck), scholarly engagements with displacement have been just as diverse as they have been shaped by historico-geographical difference, while simultaneously roped off by their academic silos. Since as early as the mid 1950s, scholars interested in socio-spatial claims to space across a wide-rang of sub-disciplines and theoretical orientations have used an ever expanding list of categories such as displacement, involuntary moves, expropriation, dispossession, and evictions.

Early literature on residential mobility gave us insights into the processes and factors related to residential instability, highlighting that the vast majority of relocation patterns have historically been jurisdictional, within small geographic areas (Rossi, 1955; Rossi & Shlay, 1982; Shumaker & Stokols, 1982). Further research in this tradition linked these patterns to increasing racial and class segregation of neighborhoods (Morris & Winter, 1978; Fairchild & Tucker, 1982). Later, addressing the production of racial segregation vis-a-vis the ghetto as a key institutional form driving processes of socio-spatial containment, this body of literature worked to complicate the received assumptions about 'stability' and 'residential satisfaction' prevalent in urban housing studies (Wilson, 1987; Massey & Denton, 1993). Examining racial and residential patterns in the context of segregation (Kushner, 1980; Loo & Mar, 1982), amid simultaneous processes of urban renewal and slum demolitions in majority black communities (Ford & Griffin, 1979), provided for key insights into the contradictory dynamics of mobility and containment. In their attention to family dynamics, neighborhood and landlord characteristics, education levels, among other empirical factors, numerous scholars of contemporary eviction within urban

sociology and urban studies generally draw heavily from the empiricist legacy of the residential mobilities literature today.

Throughout the last five decades, while segments of urban sociology placed a thorough focus on racial segregation and 'the ghetto' in relation to urban land and housing dynamics, the gentrification literature within Anglophone urban studies, urban geography and sociology emerged as the most prominent contributor to displacement debates (Sumka, 1979; Marcuse, 1986; Smith, 1996; Freeman & Braconi, 2004; Slater, 2006). With a research agenda directed at understanding the class-transformation of the central city at neighborhood and metropolitian scales, scholars of gentrification have also identified it as a key force of global urban restructuring that has its origins in multiple post-crisis cycles since the 1970s and continues to transform itself to this day (Harvey, 1978; 1985; 1990; Smith, 1996; 2002; Lees, et. al, 2008). Explaining the prevalence of socio-spatial displacement outcomes of gentrification, however, has not been straightforward. Significant empirical and methodological difficulties have attended the problem of acquiring quantitative data, in large part supposedly due to the geographical constraints of seeking study subjects who are no longer in the census tracts of their origin, but also the manner by which existing statistical data invisibilizes mobility patterns through inadequate tabulation and inconsistent definitions for 'eviction' (Atkinson, 2000; Newman &Wyly, 2006). Scholarship moved increasingly toward what Wyly and Hammel (2003) call "component" analysis, examining large-scale changes in housing units, population, in-migration, homeless population data, racial segregation, vacancy rates, and homeownership rates, among many other empirical indicators of displacement effects.

Despite these inroads, researchers continued to struggle in reaching consensus on the links between mobility patterns, verifiable involuntary displacement, and gentrification per se.

For years, a great deal of the social scientific debates on displacement seemed to be in a closed-loop over long-standing disagreements about whether gentrification is 'good' or 'bad' (Freeman & Braconi, 2004; Freeman, 2005; Lees, et. al, 2008), if it could be understood 'impressionistically' through qualitative evidence (Sumka, 1979), and whether the supposed prevalence of displacement went unsupported by 'hard evidence' (Grier & Grier, 1978; Vigdor, 2002). Studies were plagued with temporal and selection bias (Newman & Wyly, 2006), and persistent disagreement about what constitutes people's reasons for moving in terms of defining 'forced displacement' on the "ambiguous continuum between free choice and no choice" (Wyly, et. al, 2010, p. 2603). Some argued their quantitative tabulations demonstrated that residents in gentrifying areas had higher rates of staying, choosing to accept increasing hardship for the sake of improved amenities (Freeman & Braconi, 2004; Vigdor, 2002). Others responded to this with calls for nuancing our ideas of displacement beyond its dominant definition of one-for-one replacement of a household toward 'exclusionary' and 'pressure' forms that better account for how it is experienced (Slater, 2009; see also Harman, Keating & LeGates, 1982; Marcuse, 1986). These types of definitional and empirical debates persisted for years. Despite major contributions by subgroups of gentrification scholars whose work advances a Marxian theory of land and accumulation to understand socio-spatial claims within capitalism (which I take up in the UPE section of this chapter), these empiricist dilemmas persisted unmoored by deeper theoretical framings through which to understand private property relations, and this has left an enduring mark on the mainstream discourses of gentrification.

On the heels of the gentrification and displacement debates, a number of community-based mapping and research projects have taken on speculation and development-led evictions in their housing justice work. The work of groups like the Anti Eviction Mapping Project (AEMP,

2013) and Boston's Displacement Mapping Project (conference presentation, 2016) have been especially notable for their tireless work in mapping quantitative and qualitative narratives of eviction. I highlight their work here because while their findings trace the context specific trends of displacement in their respective cities, grassroots data and knowledge production on debt or speculation led evictions has also been a central force in pointing our attention to the various accelerations of this phenomena, and likewise its racialized and gendered dynamics.

If the literature on gentrification placed its focus largely on speculation or development-led displacement, much more recent research on evictions has expanded this toward new understandings of debt-led displacement. The long standing data (and generalizability) problems that plagued gentrification researchers have also hampered scholarship on eviction. Historically, national census and housing surveys in Canada and the U.S. have not included questions on involuntary moves or tenure characteristics for renters (Desmond, Gershenson & Kiviat, 2015; Carliner & Marya, 2016). As a result, data on either formal or informal evictions has been entirely contingent on the collection practices of tenant advocacy groups, rental boards, general civil courts or housing courts across many jurisdictions, as well as county, city and state (provincial) scales. Certainly, this is a major factor in why earlier studies that use the language of 'eviction' focused on the more spectacular and larger-scale instances of mass eviction, such as those linked to 'hallmark' or 'mega' events tied to urban restructuring across the global North and South (COHRE, 1994; Audefroy, 1994; Olds, 1998). Indeed, this tendency of researchers throughout this time period to focus on spectacular evictions, rather than their everyday systemic 'churnings' was indicative of the basic institutional dilemma regarding how and when housing courts or tenancy boards in the US and Canada were established to adjudicate landlord-tenant relationships and further when they began processes of record keeping, if at all.

One of the earliest known attempts at a comprehensive survey of residential evictions in the U.S. (Hartman & Robinson, 2003) traced trends across the court records of municipal jurisdictions, such as Philadelphia, Baltimore, New York, Chicago and Los Angeles, finding that minority and low income neighborhoods experienced eviction at alarmingly high rates. Racialized evictees in housing courts frequently accounted for upwards of 80% of cases, and women of color in particular were highly overrepresented. Yet it was not until Desmond's (2012) work, followed by his 2016 book *Evicted* that urban sociologists and geographers alike increasingly took note of what has been termed the 'hidden' housing crisis facing so many tenants and racialized people everyday. Since then, quantitative and qualitative work on evictions has proliferated.

Work on debt-led displacement characterizes it as being broadly rooted in twin processes of wage stagnation and increasing rent-burden among renter households, particularly in the post-crisis period (Raymond, et. al, 2016; Pitingolo, 2015; Desmond, 2018). Raymond and authors (2016) in particular have illustrated how increasing evictions in the U.S. South are tied to a broader trend of institutional change in U.S. housing markets, characterized by lower rates of homeownership, and an increase in large corporate landlords whose rise was predicated on post-crisis property acquisition (see also Molina, 2016). Newer work also impressively highlights the increasing integration of renters into the financial system, through the growth of new forms of digital technology and property portfolio management, and exploitative rent and credit mechanisms within the post-crisis accumulation landscape (Raymond, et. al, 2016; Soederberg, 2017; Fields, 2019). This research is also complimented by recent scholarly attention on the phenomena of serial filing in the corporatized landlord landscape, as a method of using state-backed power to not only compel rent from non-paying tenants, but also extract *additional* rent

money in the form of court and administrative costs (Raymond, at. al, 2016; Garboden & Rosen, 2019; Immergluck, Ernsthausen, Earl & Powell, 2019).

Across the contemporary work on eviction, findings consistently demonstrate that outside of major coastal urban centers (such as well-studied cities like San Francisco, or New York) housing 'dispossession' is not really being experienced at acute levels in inner-city gentrifying neighborhoods, but much more persistently in impoverished, and *segregated* "inner-ring suburbs" (Desmond, 2012; Raymond, et. al, 2016; Shelton, 2018). The question of race that this more recent research puts forward is not one explained by class or income. In a recent forum on evictions in Atlanta, Elora Raymond explained that even after controlling for common statistical indices such as income or educational attainment, that the racial inequality seen in eviction data remains (see also Immergluck, et. al, 2019; Teresa, 2018).

The insights put forward by this expanded understanding of eviction have provided a crucial grounding in complicating what were in retrospect much more narrow debates about displacement within the literature for some time. Reflecting on how displacement research has unfolded in this way is a moment for all scholars of urban inequality, engaged in gentrification debates or not, to really take pause. Following decades of discussion about the attendant difficulty in tracking and accounting for 'hard data' on displacement in contexts of gentrification, researchers turned scant attention to the every-day spaces and data registers of housing court as a site of inquiry regarding eviction dynamics in cities. Even among the exceptions (see Wyly, et. al., 2010), which pointed to court and city record keeping practices as imposing a severe limit on what we can know quantitatively about evictions, there was a pattern of entirely focusing analysis on speculative and development-led drivers of eviction, shaped by gentrification research frameworks. In our focus on the speculative drivers of urban renewal, what were we

missing from our analysis and definitions of 'displacement' that caused us to ignore the everyday low income rental tenure dynamics of eviction? And further still, the statistically significant effect on black communities that could not be explained by other factors? Placing the insights of this relatively recent research on evictions upon the backdrop of nearly four decades of socio-spatial displacement research suggests that modern social science has significantly under-represented the phenomena.

In spite of these moves that broaden our understanding of the basic drivers of displacement, there remains a tendency across the displacement and eviction literatures toward an inattention to social theory. By this, I mean a grounding in a Marxian analyses of urban political economy, which has focused on the intertwining roles of capital, the state, and the landlord class in processes servicing the imperative of accumulation that we witness in the urban. There are notable exceptions to this which I take up in the following section on UPE, but my specific point here is to suggest that a structural understanding of private property relations is essential in our attempts to theorize the empirical phenomena of eviction. Despite crucial contributions to understand land and rent via capital accumulation (Harvey, 1978; Smith, 1979) a great deal of the gentrification research continued to be mired in definitional debates and "proving" displacement, while ungrounded by a deeper analysis of the power relations of housing tenure that are embedded in the existence of property itself. Not unlike these past misrecognitions, and in spite of its more careful attention to race, much of the work now emerging on evictions has set its attention to demonstrating and quantifying eviction's proliferation across multiple jurisdictions and scales (Desmond, 2018).

In this important shift of our attention toward the evictive dynamics in low income rental tenure, the repeated tendency to be mired in the empirics while unsupported by deep theoretical

engagements continues. In the process of grappling with what very much appears to be a growing and (quantitatively) unprecedented problem in the face of an entrenched housing crisis, it has become increasingly common to describe evictions as something new. Characterizations of "hidden", or historically "rare" have proliferated, particularly in terms of how new research on evictions gets taken up in the broader discourse. Just last year, Susanne Soederberg (2018) described evictions as becoming the "silent social tsunami of our times".

These characterizations are likewise mirrored by recent accounts that gentrification and urban restructuring broadly has extended outward from the 'core' to become global and planetary in scope (Smith, 2002; Merrifield, 2014; Lees, Shin & López-Morales, 2016; Brenner & Schmid, 2017). On one hand, evictions are described as a new phenomenon, and one the other, even among work that enrolls political economic explanations of urban phenomena, evictions are frequently cast as outcomes of the acceleration of post-crisis restructuring and global capitalism (Soederberg, 2018; Slater, 2015). I do not want to suggest that the detailed empirical study of evictions are not absolutely crucial to addressing them. The granularity and statistical attention paid to them has offered much needed context and data that has been essential for informing movement work on the ground. But one of the key questions I pose with this research is what is lacking in our analysis that leads us to fetishize eviction as a particular act or unprecedented phenomena? Likewise, what deeper insights could be gained by accounting for the role of race and coloniality in private property relations beyond its 'statistical significance'? Gaining a deeper understanding of what, precisely, is "new" about present day evictions has serious implications for how we explain and in turn theorize them. Accounting for their acceleration and their racial dimensions requires then a considered engagement with theories of land, accumulation, race, and

dispossession. The remainder of this chapter will outline a broader research framework and agenda to this end.

2.3 Urban Political Economy and Critiques

In his critique of attempts by modern social science to understand displacement, Slater asserts that, "social class simply cannot be reduced to measurement. It is grounded in sets of power relations (domination and exploitation) which are etched onto urban space in the form of inequality" (2009, p. 297). I bring his quote in here to highlight that not all approaches to socio-spatial displacement research have been preoccupied with accounting for its presence, or ungrounded with a theoretical understanding of capitalist social relations. His assertions about spatialized power relations reflect the strong tradition of Marxian approaches to urban geography, explicitly grounded by an analytic of political economy to trace the intertwining roles of the state and capital and the overall imperative of accumulation within the urban. UPE has been a prolific site for theorizing the relationship between urbanization and capitalism since the early 1970s (Lefebvre, 1970; Castells, 1972; Harvey, 1973), building an essential framework for contextualizing the specifically spatial and temporal manifestations associated with the circulation and accumulation of capital in the city - in which urban displacement struggles are directly enmeshed. As a system characterized by cyclical crises, which capital overcomes by finding new markets and sites for circulation, these scholars have drawn heavily from Marx to articulate such processes as fundamentally geographic.

In his elaboration of Marx, Harvey (1982; 1985) argued that development and demolition - investment and disinvestment - were not aberrant moments or outcomes of the city's trajectory but rather endemic to its development and function. While the built form in cities tends to be long lived and costly to alter, their devaluation proceeds over time as a function of capital's need

to be re-establish new basis for renewed accumulation. This drive for the constant spatial reorganization of the urban is driven by the twin forces of the wage labor relation facilitated by the appropriation of land, and that lands entry into the circulation process as a commodity itself. Indeed, the UPE framework draws from Marx to understand private property (as with rent) as socially necessary under capitalism, performing the key function of separating people from the means of production, while also becoming a form of (fictitious) capital in its own right. This takes on historically and geographical specific significance in the Fordist housing boom, through its parallel and intensive grown of mass production and consumption (Florida & Feldman, 1988). The role of housing, in enrolling land and the built form has been absolutely vital to capitalisms development, and as such urbanization is understood through this lens as the geographical mechanism and outcome of how capitalism spatially reproduces itself.

On questions of 'dispossession', urban political economy has almost exclusively relied on the Marxian concept of primitive accumulation - a 'socially necessary' moment under capitalism that inaugurates the land-based process for the mass proletarianization in post-Feudal relations (Harvey, 1985). This understanding, that removing one's access to land though enclosure, provided for the "original" moment of accumulation, has been taken up by many critical theorists seeking to (re)historicize and advance the intellectual and political purchase of this account for contemporary struggles around land and accumulation (Glassman, 2003; Harvey, 2003). Marxist feminists in particular have been strident in their critique of primitive accumulation as an ongoing and necessary cycle of capital, evident in the appropriation of non-capitalist spheres beyond 'land' for capitals reproduction (Luxembourg, 1913; Mies, 1986; Dalla Costa, 2004; Federici, 2004). Glassman's (2003) work in particular aimed to bring feminist interventions into conversation with more orthodox views, describing accumulation as an "extensive

(geographical)", and an "intensive (social) frontier", encompassing a rang of inward and outward drives that figure across wide geographic expanses as well as the intimacies of our social spheres at the same time (p. 613).

Harvey (2003) later elaborates his work toward a reassessment of primitive accumulation that addresses its persistent role in the longer history of capital, which he does in what he terms "the new imperialism" (2003). This newer orientation to a renewed theory of primitive accumulation however, is not explicitly connected to land. Instead, Harvey outlines an account of the advanced invocations that attempt to expand reproduction, the new imperialism looks like much of what has been attributed to the neoliberalization of capitalism: "free competitive markets and institutional factors such as private ownership, legal individualism, freedom of the contract...[and] a partner state that ensures the means of circulation" (p. 7). Indeed, the now reworked concept of 'accumulation by dispossession' was largely influenced by feminist marxist contributions from decades prior (which go unacknowledged), and the growing literature of neoliberalization that emerges during this time from UPE.

Directed at illustrating the historically specific economic shifts connected to increases in public-private partnerships, the deregulation of housing markets, and the steady erosion of the welfare state, scholars of neoliberalization point to the post-Fordist crisis in the rate of profit as the result of overaccumulation in productive capacities (Brenner, 2001; Peck & Tickell, 2002). Similar to how UPE scholars previously conceptualize urbanization as central to capitalisms reproduction, scholars of neoliberalism argue that we must see cities as key nodes through which neoliberal projects and schema become deployed (Brenner & Theodore, 2002), and are processes relationally constituted between places, and ultimately productive of deeply uneven and contradictory geographies. Though for urban political economists, the story of dispossession is

rooted in the crises dynamics of accumulation under capitalism. More precisely today, amid the shifting geographies of capitalism throughout the 1970s, 80s and 90s, it is the new and expanded forms of accumulation Harvey outlines that require continued, rampant dispossession and expropriation of many spheres. While land and private property relations do not figure prominently in these analyses (though Harvey does cite spectacular instances of enclosure), it is the neoliberal state's moves toward privatization and deregulation, the proliferation of finance with new mechanisms of theft, and the erosion of "social collectivist institutions" which are the new dispossessions within our reshaped urban landscapes (Peck & Tickell, p. 384).

In her work on dispossession in the global South, Gillian Hart (2006) put forward a crucial intervention of Harvey's reconceptualization of "accumulation by dispossession", calling into question his argument that new enclosures were inaugurated with the neoliberal project since the 1970s to become a "major feature within the capitalist logic" (p. 984). Hart is suspicious of this account, in that it fails to grapple with the specific and situated histories of dispossessions in their racialized forms. She points to a central contradiction within Capital Vol 1, where on one hand Marx engages the history of colonial conquest and slavery because he sees it as important to "classic English primitive accumulation", only to set the remainder of his analytical focus on economic and class relations, rather than on the "crude methods of primitive accumulation" (p. 982). Hart surmises that this contradiction has gone on to inform a great deal of neo-Marxian analyses, and it is this lack of historical and geographical context that likewise leaves out a theory of coloniality and race that limits urban political economy as it attempts to make sense of neoliberal forms of capital accumulation. In order to be grasped as an ongoing process, Hart argues that primitive accumulation must, "be rendered historically and

geographically specific, as well as interconnected - and these specificities and connections can do political as well as analytical work" (p. 988).

Given its foundational importance for theorizing life in cities, that urban political economy has spanned such broad conceptions in the project of spatializing Marx's theory of capital accumulation is not surprising. It offers essential Marxian influenced understandings of urban dispossession that have furnished significant analytical and political claims about the production of space under capitalism. Further, the way that scholars of neoliberalism and globalization have worked to carefully pinpoint the resurgent and changing modes of accumulation within urban development have been invaluable for teasing apart the dizzying array of ultra-contemporary types of looting and erasure - particularly for those more seemingly progressive projects of neoliberalism which can be difficult to critique. And yet, against the backdrop of post-colonial and post-structuralist critiques of political economy, there remain open questions about how UPEs historical materialist and economistic framings have relegated complex and mutually reinforcing axes of racial difference and on-going colonial rule as epiphenomenal to a totalizing system of capitalism. These critiques have emerged most prominently from post-colonial scholars (Spivak, 1999; Chakrabarty, 2000), Marxist feminists (Mies, 1986; Federici, 2004; Hart, 2006), and scholars of the black radical tradition (Robinson, 1983; Fanon, 1962; Woods, 1998). While not positing that Marxian theory was not aligned with the broader project of deconstruction (nor unaligned with developing a robust theory of racialized dispossession) their critique was more aimed at the manner in which orthodox Marxist's ignore difference at the peril of sophistication in their explanations.

UPE in particular has perhaps received the most direct critique from post-colonial urbanists, in a similar response to neo-marxist interpretations of cities which have dominated

urban geography. Aiming to critically deconstruct how and where knowledge and theories about cities have historically been produced, these scholars see an overall developmentalist narrative in Western urban theory, which reproduces theories of urbanization as a process strictly dictated by capitalism, thereby privileging urban modernity as Western, reinscribing the South as underdeveloped or the non-Western constitutive other (Robinson, 2006; Roy, 2011; Roy & Ong, 2011; McFarlane, 2010). Further, taking up more recently emerging notions of "planetary urbanism", post-colonial urbanists claim these ideas do the work of eliding the history and relevance of empire, thereby reinscribing 'the West' as a central referent. For them, urban theory is better understood as plural, abiding by no singular urban narratives, and that this has major implications for how we understand capitalism and its colonial histories on a world scale (Derickson, 2014). Indeed, postcolonial and poststructural feminist interventions in the Marxian project of political economy have infused our interpretations of dispossession with more possibility, in terms of their attention to gendered and racialized impulses of enclosure, and the necessity of an historically and geographically specific approach.

Not withstanding the importance of these critiques of 'hegemonic' urban theory, these literatures have remained largely inattentive to the ongoing status of colonization in many of the sites they demonstrate 'hegemonic' urban theory emanates from. This is a central assertion made by numerous theorists multiply situated across settler colonial studies, critical race, black and ethnic studies: that an analysis of dispossession and difference in North America must be crucially centered on an understanding of its colonial geographies (Trask, 2000; Harris, 2004; Smith, 2005; Coulthard, 2014; King, 2013) and its explicitly racial regimes across territory and space (Robinson, 1983; Omi & Winant, 1982; Woods, 1998; Razack, 2002; Goldberg, 2002; Mawani, 2012; Roy, 2017). Critical Indigenous and settler colonial studies scholars on one hand

have articulated a theory of settler colonialism as an explicitly spatial organizing logic that is ongoing in our social and political life, rather than previous treatments that designated it an aberrant or historicized event (Wolfe, 2006; Veracini, 2010; Coulthard, 2014). From this perspective, the settler colonies to be distinct because there is no separation between the metro pole and the colony. In sites such as North America, settlers make Indigenous land their permanent home and their continued source of capital (Tuck & Yang, 2012). Likewise, colonialism possesses structural qualities that are continually reasserted through continuous cycles within contemporary political economic regimes - or what Glen Coulthard has termed a "colonial political economy" (p. 171). These assertions are central to understanding the potential of a renewed theory on primitive accumulation that works to be in meaningful conversation with such interventions, and will be taken up in more detail in the latter half of this chapter.

Critiques of UPE's inattentiveness to difference should not be understood as the need to make additive inclusions in empirical work - but rather the necessity of meaningfully theorizing an account of capital accumulation that intimately enrolls and is predicated on difference in ways that shape the material production of the urban built environment just as forcefully as it is shaped by class struggle. This was a central claim in Cedric Robinson's work in *Black Marxism* (1983), where he introduces the term "racial capitalism" in order to designate the ways that race, as a conception and practice, had already deeply permeated European society prior to and throughout the social upheavals inaugurated by the establishment of capitalist social structures. Rather than the mistaken understanding that race and racial orders were inaugurated by the transatlantic trade, to be enrolled in capitalisms growth through the colonies, Robinson's intervention was crucial in demonstrating that race is internal and constitutive of capitalism's development.

With the framing of racial capitalism, Robinson, and others in the black studies and critical race traditions (see Hall, 1980; Omi & Winant, 1982; Woods, 1998; Goldberg, 2002; Gilmore, 2002; Pulido, 2017) have maintained that race is not an epiphenomenal social formation that simply interacts with capitalism, but that they are co-constituted and must be theorized as such. I draw from Robinson, Hall, and many other scholars of race and empire to consider how their core assertions sit in tension with work on urban political economy that to date has not adequately engaged a theory of difference and dispossession as it pertains to the urban. The tendency to reduce difference to the 'economic level' (Hall, 1980) has specific consequences for interpretations of primitive accumulation (as ongoing or not), private property relations (as economic or 'racial projects'), or accumulation by dispossession (as 'new' enclosures, or a fundamental and cyclical feature of empire). The remainder of this chapter will consider this tension, while surveying the wide ranging contributions to the concept of dispossession and difference from within postcolonial studies, critical race, black, ethnic and settler colonial studies.

2.4 Interdisciplinarity and Racialized Dispossession

The following subsection will explore how multiply situated scholars of colonialism and race have theorized dispossession. Through an intentional survey of work from postcolonial, interdisciplinary critical race, ethnic and black studies, black geographies and settler colonial theory, I aim to examine how their work has scripted dispossession, vis-a-vis an understanding of capitalism which does not reduce race nor coloniality to an epiphenomenal role within it. The contributions of these literatures offer transformative theoretical inroads for understanding the racial and colonial contours of dispossession that exceed (though fruitfully overlap with)

analyses of capitalism and cities to date. A careful and strategic bringing together of the invaluable insights from across these literatures is a core aim of this project as a part of the work of making an intervention in urban political economistic accounts of dispossession.

2.4.1 Postcolonial Studies

Founded on the political project and epistemological strategy of refuting European and Euroamerican hegemony, postcolonial scholarship has posed a complex, vibrant, and invaluable critique of the global project of empire. Here, I consider key contributions (Césaire, 1950; Said, 1993; Hall, 1980; 1996; McClintock, 1995; Quijano, 2000; Mignolo, 2001) for their specific engagement the knowledge/power relations of race and colonialism. In one of the first genuinely comparative analyses, Edward Said delineated the relationships between 'culture' and 'power' as central to the development of colonialism and capitalism. The thesis of his book Culture and Imperialism (1993) centered on the specifically discursive power of culture and texts as they work to produce and are in turn produced by the colonial project. His analysis, among that of numerous other postcolonial scholars (Spivak, 1998; Chakrabarty, 2000) asserts that texts and discourses are not innocuous outcomes, but instead requirements for the organizing logics of colonialism to be codified and actualized. What Said terms a "colonial actuality" (p. 9) is an archival trove at the center of empire that made it legible, technologized, and constructed it just as forcefully as the techniques of outright violence that empire also required.

Across both his foundational texts *Orientalism* (1978) and *Culture and Imperialism* (1993), Said laid important groundwork for an understanding of colonialism as structural that presaged later and more often cited work by settler colonial theorists. Said's approach involved an archival excavating to show how the the "pastness of the past", which entailed temporal and geographical inquiry to make visible the mutually constitutive relationships between them.

Ultimately, Said sought a decompartmentalizing account of the experience of empire to better understand how discursive and ideological modes of power operate through continued colonial relations in spite of the current era of formal (global) decolonization. Building off of such postcolonial theory, though working in the distinct tradition of Latin American subaltern studies, Quijano (2000) and Mignolo (2001) have also put forward the generative concept of "coloniality", as a way to conceptualize the geopolitics of knowledge and power. In their effort to grapple with neocolonial relations in the aftermath and formal end of colonial rule in non-settler states, Quijano (2000) articulated an explicitly socio-historical perspective of the "coloniality of power" as a system of ongoing relations inaugurated through codifications of race and capitalist modes of production, that position Euroamerican modernity as the center of the world system (p. 216). Coloniality, for Quijano and Mignolo (2001, 2007), is comprised then of the matrix of social orders and their knowledge productions that are put to work in consolidating and managing that centrality. Though I do not draw significantly from Latin-American scholars, I bring in their concept of coloniality here because it is useful for making a distinction between colonialism (specific processes and historical stages of coloniality) and the contemporary power relations and socio-technological orders through which it persists today.

In cultural studies, Stuart Hall's (1996, 1980) work on the discursive production of "the west" echoed ideas about the binary oppositions of western and non, as well as the systems of representation - historical and geographical constructs - upon which they were dependent. Among the most important of Hall's contributions was his concept of "articulation" (1980), a connective and relational term which he used to explain how racially structured social formations are made, maintained, ruptured, and also re-articulated into new formations (p. 113). Hall pursued a Marxian interpretation of social relations, subscribing to the notion that all analyses of

class struggle must begin from the specific relations of production at any historical juncture, though he grappled with the tendency of historical materialists to ascribe a secondary role for race. Hall believed it was not possible to abstract race, or any categories of difference from social relations, and argued that racial social formations were never "transhistorical", and nor were the economic relations of production in which they were intimately imbricated (p. 336). In reference to the problematic of 'base-superstructure' analysis, Hall was clear that race, in relation to political economy, must be assigned an autonomous "effectivity, as a distinctive feature" of social structuration (p. 339), that could only be understood as a modality of power in its specific contexts. Put another way, the characteristics that define race as a social formation in any given moment or place are subject to change and transformation, continually shaped by hierarchical social structures were are not static, but contingent.

Drawing from understandings of representations of difference that are defined by those concepts which are their opposites (Said, 1993; McClintock, 1995), postcolonial authors have articulated how notions of difference are bound up in binaristic categories established in the colonial encounter. In their understandings of the category of race, whether it was through Said's (1978) concept of "The Other", or Hall's (1996) and Fanon's (1952) discussion of 'colonizer' and 'native' dualisms, as mentioned above, the postcolonial literature was highly influential in advancing the idea that race is both a social construction but also one built through knowledge constructions of representation with specific power effects. "The Other", for Said, came to be crucially defined as the imaginary figure which stood for everything 'the west' was not: irrational, barbaric, undeveloped, backward, and so on. Social constructions of race in his view, came to be figured through and dependent upon these imaginations of what is understood to be 'Western' and 'whiteness' (Fanon, 1952). Hall points out that these are not merely ideas, or secondary

outcomes of knowledge production, but are rather central organizing logics that shape and reinforce a system of global power relations that have real, material, everyday effects (p. 187). Such ground breaking theory from the postcolonial literature is seen to be reflected in the multiple subdisciplinary literatures that proliferate in the years that follow this work. The following sections will explore three additional overlapping and loosely affiliated areas of work on race and colonialism, much of which is significantly building on these earlier theoretical provocations.

2.4.2 Interdisciplinary Critical Race Studies

The work of critical race scholars has been foundational in advancing our understanding of how racialized social systems (Bonilla-Silva, 1997) and processes of racialization (Omi & Winant, 1986; Delgado, 1995) fundamentally shape our social order. Michael Omi and Howard Winant's (1986 [2015]) widely influential text sought to establish a theory of race beyond the notion of a social construction, but in more processual and relational ways, while remaining attendant to its macro-structural and material dimensions. In their focus on the United States, for the unique role that race plays in its specific social formation, they highlight the process of racialization as an inherently instable and mutable construct, bound up in a dialectical relationship between domination and resistance (p. 3). The importance of resistance in the dynamic of power within racial formation is key, and suggests influences from Fanon, and Césaire, among others. In contrast to 'racialization', Omi & Winant's concept of "racial projects" do the "ideological and practical 'work' of linking the representation of racial identity to the tangible efforts of organizing and altering resource access according to race" (p. 125). It is through these two key aspects of racial signification and practice that make up their account of

racial formation, whereby economic, political and cultural resources are distributed and organized along "racial lines" (p. 125).

Another central concept among scholars of critical race is the concept of the 'racial state' (Omi & Winant, 1986; Goldberg, 2002). David Theo Goldberg's (2002) work emerged partly as a critique of a lack of attention to modern state formation and its co-articulation with race. He is skeptical of the "culturalist turn" in racial theory - an area where he feels a strong emphasis on the discursive aspects of identity politics has lead to a lack of theorizing of the ways, "the state and racial definition...are intimately related" (p. 3). More in line with the foundational approaches of legal scholars with respect to race, Goldberg examines racial subject formation through the legal codifications of space through practices by which states produce systems that legislate segregation, classification, domination and coercion alongside colonial governmentalities, and forms of "amalgamation and assimilation" across differently colonized spaces (such as colonies, versus metropoles, which display different types of racial formations).

Other areas of race theory that have emerged from the legal tradition have been indispensable for understanding processes of institutionalized racism, exploring the deeper contours of how race is constructed through legal frameworks (Crenshaw, 1988; Delany, 1998; Alexander, 2010), particularly in terms of how these are produced through explicit practices of sorting and labelling (Goldberg, 2002; Haney-Lopez, 1997; Hosang, Labennet & Pulido, 2012). In addition to a specialized attention to the law, numerous scholars of critical race have been at the forefront of examining the intersection of race theory and private property relations vis-a-vis the state and legal frameworks that shape housing and land-use dynamics (Harris, 1995; Massey & Denton, 1993; Freund, 2007). While not all of these scholars explicitly engage a theory of race or racialization per se, their efforts to show the state-driven and legal processes which result in

the segregation (Massey & Denton, 1993; Kruse, 2005) and spatial containment (Wacquant, 2007) of racialized peoples, particularly in terms of urban form (Schein, 2013), housing policy (Holloway, 2000; Goetz, 2013), and incarceration (Gilmore, 2007) have added so much to our understanding of the structural manifestations of race, through territorially marked, economically marginalized populations.

Cheryl Harris' (1995) work stands apart in much of this literature as a key examination of the ways in which conceptions and enactments of property were explicitly racialized in their origin. In her elaboration of the idea of 'whiteness as property', such states, "...it was not the concept of race alone that operated to oppress blacks and Indians; rather, it was the interaction between conceptions of race and property which played a critical role in establishing and maintaining racial and economic subordination" (p. 277). Harris explores the distinct and yet interrelated forms of exploitation in the genocidal drive that removes Indigenous life on the one hand, and the hyper-exploitation of black life that renders it as an "object of property" on the other (p. 278). Her insights here suggest that the institution of corporeal property, in the form of enslavement, and 'real (estate) property', in the form of land, are not disconnected in terms of a practice and conception of ownership, humanity, and personhood. Further, Harris' insights on how racial identities - both blackness and whiteness - come to be construed, facilitated and reinforced by real property itself. Not only through the practice of exclusion, but the right to exist which renders certain subjects alienable or inalienable. Later work on the centrality of landscape and geography in producing race, how whiteness and a white supremacist social order becomes enacted through possession, inheritance and wealth consolidations is significantly indebted to Harris' conceptualizations (Lipsitz, 1998; Schein, 2006; Freund, 2007).

The work of scholars invested in critical theorizing's of race, through concepts like racial formation, the racial state, and whiteness as property, has brilliantly traced the centrality of race in producing structural inequalities, with respect to the role of the state, juridical frameworks, and likewise the importance of private property and the landscape in its consolidation. It is important to note that the contributions of this work is explicitly geographical, in terms of its ability to *spatialize* race relations, and that project is likewise contributed to significantly by scholars developed concepts within black geographies, highlighted below. At the same time, while most of this work signals to the moments of modernity and conquest as important to the inauguration of race, scholars like Omi & Winant at times situate this history as a structure in which race is rooted in - rather than a set of complex and interlocking configurations. As mentioned, some theorists of racial formation do place a strong emphasis on its co-constitution with the state, however there these writings have been historically less attentive to dispossession as a more specific and continuous project amid these social relations. As modalities of rule, they are both key considerations for studying any urban processes in North America, though they must be explored in historically and socially variegated ways. This same thread is explored as well by authors within critical ethnic studies, which will be examined following a discussion of indispensable theories of race, coloniality, genocide and territory that have emerged from critical Indigenous and settler colonial studies.

2.4.3 Critical Indigenous and Settler Colonial Studies

Alongside the much wider lens attributed to theories of (post)coloniality and race, scholars of critical Indigenous and settler colonial studies have produced a robust and vibrant literature that explores settler colonialism as modality of rule specific to states which did not

experience decolonization but are instead continued settlement spaces. A frequent beginning point is Patrick Wolfe's (2006) conceptualization of colonialism as structure, rather than event. This does not suggest that colonization has no history, but instead Wolfe argues that it must be understood as a set of organizing logics which are continually reasserted through our political, economic and social regimes everyday. This is an understanding of settler colonialism as having a dual dynamic which employs the "organizing grammar of race", while motivated by the elimination of populations for access to territory: "Territoriality is settler colonialism's specific, irreducible element" (p. 388). What separates a settler colonial state from the wider project of coloniality articulated by postcolonial scholars is the distinction between metropole and colony. In North America, settlers make Indigenous land their home, their source of capital, while engaging in the continued dispossession of land for ongoing state formation (Tuck & Yang, 2012; Alfred & Coulthard, 2012).

Settler colonial theorists have also elaborated the significant connections between colonization and discourses of Indigenous peoples as 'unpropertied' that work to furnish dispossession. Many highlight how a Lockian rationality of property and ownership models were the ideological modes that facilitated the socio-legal mechanisms and justifications for land theft. This link is well described by theorists James Tully (1996) and Barbara Arneil (1996), whose work illustrates the manner by which the appropriation of the commons during colonization relied on logics that script space as 'laid in waste', which may only be properly 'claimed' if that space can be 'improved upon'. Both Tully and Arneil have shown that strategies which destroy socio-spatial claims about 'highest and best' use of land are structural constitutes of settler colonialism, also echoed in the concept of *terra nullius*. As discursive justifications and practical

political techniques, they have guided processes of genocide and land theft throughout colonialisms wider global history (Coulthard, 2001).

Wolfe's articulation of what he terms the "logic of elimination" (p. 387), also described as a drive that "destroys to replace" (p. 390), suggests a theoretical linking between colonialism and the capitalist drive for accumulation. A core feature of modernity, processes of 'pioneering' and land theft are not relegated to the past, but instead are ascribed to the present, shaped by what Audra Simpson (2011) has elsewhere called Europe's "expansionist ontological core" (p. 207). Indeed, the question of land - what Coulthard (2014) has described as an on-going primitive accumulation - is central to this literature, suggesting that settler colonial theory is at least party oriented by a historical materialist understanding of coloniality. Engaging with the Marxian conceptions of primitive accumulation has had significant purchase among these scholars, arguing that it requires a disruption of its temporal framing (as a pre-capitalist process) as well as its "*normative developmentalism*" which tends to frame it as a transitional stage toward a higher capitalist mode of development (emphasis in original, Coulthard, 2014, p. 9). Echoing Federici (2004), Coulthard argues this requires a deliberate analytical shift toward understanding the subject position, "...of the colonized vis-a-vis the effects of colonial dispossession, rather than from the primary position of the waged male proletariat", ostensibly resulting from the initiation of capital accumulation (2014, p. 11). In a similar vein, Robert Nichols (2015) insists that we must "disaggregate" the component aspects of primitive accumulation as they were theorized by Marx, to make openings for alternative relations between its elements. He suggests that the assumed relationship between the violence of dispossession, with proletarianization and market formation has led to the limitations we encounter in theorizing its ontological (and contemporary) significance. Elsewhere, he argues that we must invest in an understanding of the

"recursive logics" of dispossession, whereby both theft and property are enrolled in a cyclical, rather than "unilinear manner" (2018, p. 1).

The above contributions highlight some fundamental limitations to political economic accounts of dispossession, and though they do not explicitly discuss difference, ultimately compliment work on racialized dispossession in useful ways. Though it is perhaps Indigenous feminist scholars, mirroring marxist feminist interventions in the primitive accumulation debates, who more carefully articulate the intimate relationship between conquest, gendered violence, social reproduction, and the land (Trask, 1996; Smith, 2005; Simpson, 2013; Hunt, 2018; Knight, 2018). Though they root their analyses in the colonizers violence against the body and the land, connecting these two modes of domination not through metaphor, but through an epistemic understanding of how native women and native land come to be deemed "violable" in deep relationship with each other (Smith, 2005, p. 55). This particular insight suggests a gendered and racialized feature to dispossession that is not adequately examined through neo-marxist nor marxist feminist accounts of accumulation by dispossession - though likewise reflected in the work of black feminists (King, 2013).

In an interesting contrast to critical race scholars understanding of racial regimes as a relatively unstable and contestable mode of rule, settler colonial theorists place an emphasis on the way in which colonial rule over time has been consolidated into: "...a relatively secure or sedimented set of hierarchical social relations that continue to facilitate the dispossession of Indigenous peoples..." (Coulthard, 2014, p. 7). Similarly, Audra Simpson (2011) makes the crucial point that settlement maintains itself through the ongoing nature of military force and the rule of law. These are material modalities of rule that are understood in relationship to racial regimes, though understanding the relational processes through which Indigenous and non-

Indigenous peoples are differently racialized. As Tuck, Yang and Wolfe point out, formulations of the 'one-drop rule' on the one hand are distinct from regimes of 'blood quantum'; One articulates a process of containment, whereas the other a process of erasure (Wolfe, p. 388). Further they discuss the differential racialization of the 'enslaved African', the 'expropriated Aboriginal', and the 'indentured Asian' as all modern figures which "attended the event" of modernity (Tuck & Yang, 2012). Such differently positioned regimes of racial erasure and hyper-exploitation are nevertheless bound up in the continued denial of Indigenous life and sovereignty.

Elaborating on the relational processes of racialization, Jodi Byrd's (2011) analysis in The Transit of Empire pushes us to think critically about the ways co-processes of racialization and colonization have tended to be conflated within understandings of empire - too often resulting in their interchangeable use. Instead, Byrd emphasizes that they must be understood as two systems of domination which have worked simultaneously, "...as concomitant global systems that secure white dominance through time, property, and notions of self" (p. xxiii). Byrd insists we must strive for a more precise reading of the entanglements of racialization and colonization as shaped by the collision of, "competing histories of slavery, colonialism, arrival, and Indigeneity" (p. xxvi). This is not just an analytical correction, but a claim containing political stakes which have also been described by others who highlight tensions around antiracism discourses that remain complicit in the ongoing colonial project of the state (Lawrence & Dua, 2005, see also Sharma & Wright, 2008). This context of ongoing colonial rule which has and continues to shape private property relations, and ideologically strives to erase Indigenous peoples - and their claims to space - is not just a historical one but a structural configuration through which that power operates.

2.4.4 Critical Ethnic Studies

In the following two sections I review the contributions of Critical Ethnic Studies and Black Geographies. Though I give them separate treatment with these headings, I want to emphasize that they are linked by their analysis of the deeply relational nature of dispossession and racial corporeality, while putting forward an explicitly spatialized theory of race, often in reference to regimes of property, but also though a strong emphasis on geographically specific analyses that reject totalizing theories of either race or colonialism. When they are read together, these two bodies of work powerfully address race, capital and coloniality as mututally reinforcing logics through the analytic of racial capitalism (Robinson, 1983), or as Iko Day (2015) has recently termed, a "settler colonial racial capitalism". Indebted to postcolonial scholarship, they tend to be deeply relational or comparative in their methodology, and as such, offer some of the most astute research that brings together analytics of race, colonialism, and capitalism in compelling and enriching ways.

Working to expand our understandings of inter-raciality and coloniality, critical ethnic studies scholars have recently brought a much more dialectical and relational methodology to the fore in theorizing race and coloniality (Pulido, 2016; Miles, 2015; Lowe, 2015; Day, 2016). These inquiries are essential in informing deeper understandings of how racialized dispossession is constituted of multiple modes of rule and forms of racialism that exceed hierarchical or binaristic understandings of them. On the differential questions of Indigeneity and race, Iyko Day (2015) suggests that our tendency toward rigidly binaristic analyses of territoriality on the one hand, or corporeal integrity on the other, have obscured deeper understandings of how racialized corporeal existence relates to land (p. 112). She purposefully does not ascribe either

racial slavery (conceptualized here as on-going) nor colonial dispossession a hierarchical role, instead articulating a "settler colonial racial capitalism" as a dialectic, and later, "an ecology of power relations [rather] than a linear chain of events" (p. 113; see also Jodi Byrd (2011)). Day critiques other literatures on colonialism and race of attempting to assert one or the other as the 'base' in relation to other 'super-structural' categories. Pointing out that the economic reductionist tendencies of orthodox Marxism were discredited for the very same false analytical trap, she argues that any framings of either racial slavery or colonial dispossession as an ascendant or irreducible element to social relations, "fail to take into account the dialectics of settler colonial racial capitalism" (p. 112). A dialectic view here means that Indigenous and enslaved peoples are enrolled in colonialism's dual logics, "...one logic does not cause the other; rather they work together to serve a unitary end in increasing white settler property in the form of land and an enslaved labor force" (p. 113).

Day's claims are writing to an analytic that others have termed "racial comparativism" (Medak-Saltzman & Tiongson, 2015). Reflecting not merely parallel instances of similarity and difference across racial groups, but an attempt to understand the relational constitution of colonial-racial formations. Laura Pulido's (2006) work on differential racialization across the categories Black, Latinx, and Asian, similarly show them to be co-constitutive, while also producing of racial hierarchies that have geographically specific effects. Similarly, Renisa Mawani (2007) has shown in her analysis of population management and cross-racial encounters in colonial British Columbia, that, "...by contrasting migrants from China, with Aboriginal peoples and with African Americans south of the border, colonial authorities produced racial differences through a matrix of uneven knowledges, including common sense, criminal statistics and legal truths" (p. 143). Her work echoes both Lowe (2015) and Day (2016), who chart the

connections between enslavement, indenture, and a "racialized division of labor" in her attention to the role of the Chinese indentured laborer, a figure commonly excluded from the land/slave dialectic. Employing a dialectical method, Day's work in particular complicates dominant framings of Asian racialization via its ostensibly two distinct phases of "yellow peril" and "model minority" to argue that the Asian subject is constructed instead through ideologies of value formation, and personified capital (p. 7). Rather than understanding Asian racialization as having moved across a continuum policed in its degrees from whiteness upon a foundation of 'anti-Black', Day suggests that this constrains our ability to theorize Asian as "alien", a category constructed in relation to "abstract processes of value formation anchored by labor", through which a settler colonial racial capitalism is constituted.

Day's analysis is grounded in the histories of Chinese railroad construction and maritime labor, Japanese internment, and contemporary discourses of fear, finance, and foreign investment that charts a much more complex story of the category "alien" in relation to race and territory. Such accounts are indispensable in thinking through the role of differential racialization in urban land and property relations, particularly in a pacific rim city like Vancouver, but likewise in the context of dispossession and enslavement paradigms in the U.S. South. Day's insights especially show how enriching an analysis of race and colonization can be when linked to Marxian analysis of labor and value within capital accumulation.

2.4.5 Black Geographies

Alongside the work of critical ethnic studies scholars, emergent and critical theorizations of black geographies have likewise afforded some of the most fruitful theoretical openings for deepening theories of race with an emphasis on black-oriented epistemologies (Woods, 1998;

2017). As I discuss above, Cedric Robinson's concept of *racial capitalism* has been a central for scholars theorizing the role of race as internal and constitutive to capitalism's development (Woods, 1998; Gilmore, 2002; Pulido, 2016; McKittrick, 2011; Lowe, 2015; Melamed, 2015; Pulido, 2016; Day, 2015; Bledsoe & Wright, 2018). Key writings from scholars of the black radical tradition have been immeasurable in their contribution to building a geographical understanding of how racial regimes are explicitly spatialized (Woods, 1998; McKittrick, 2006). Clyde Woods (1998) argued that the institution of slavery, spatialized by the plantation, was a central site for the production of capitalism and modernity and a crucial framing to understand settlement and dispossession in the Americas - particularly in the U.S. South. Building on the legacy of the black radical tradition and critical race theory, scholars of black geographies examine race and coloniality not as constituted by identity per se, but by one's relation to a socio-spatial ordering that enrolls difference alongside power into "fatal couplings" (Gilmore, 2002; Hall, 1992) resulting in violence and its frequent outcome: premature death (Gilmore, 2002). This framing especially eschews a monolithic or essentialist understanding of race, toward elucidating its power differentials and spatialization through institutional forms.

Building on this work, Katherine McKittrick (2006; 2011; 2013) examines black people's relationship to space and geography, highlighting those spatialities as not marked permanently by dispossession, or pre-mature death, but likewise as, "integral to the production of space" (2006, p. xiv). She later draws again from Woods (1998) to articulate the plantation as an "uneven colonial-racial economy", traceable (mappable) across multiple scales and institutional forms, from the auction block, the market, the big house, the boundaries of the plantation itself, through to the contemporary spaces of exploitation and anti-black violence visible in the prison, deportation, displacement, etc. (p. 948, 2011). McKittrick is cautious to not equate these

differential geographies, but to suggest that the plantation is a "meaningful geographic prototype" for understanding and (re)interpreting racialized violence and its resistance. Her articulation of a "black sense of place", made up not only of violence and subjection but also diverse practices of liberation, has been generative of new and exciting areas of work within black geographies on fugitivity, maroonage, and resistance (Bledsoe, 2017; Eaves, 2017).

Later, as McKittrick (2013) writes about the history of enslavement in the building of U.S. cities and the conceptual purchase of the continued status of the 'plantation' as an institutional form in the prison, or inner-city ghetto, McKittrick's work shows us that one cannot delink the urban from anti-blackness. Indeed, these contributions are already visible in some of the best current work on dispossession and the urban, such as Ananya Roy's (2017) discussion of "racial banishment" (p. 6), to understand the process of accumulation as attended by contradictory logics of difference, erasure, removal, containment, and segregation. These explicitly spatial and racial understandings of how dispossession under contemporary capitalism operates pose a crucial intervention in the narrative and analytics of dispossession that have emerged from urban political economy. The contributions made by the literature on black geographies orients our thinking toward an explicitly racial understanding of spatialities within capitalism, and the uniquely political practices and knowledges present in racialized experiences and life-worlds (Bledsoe, Eaves, Williams, 2017; Wright, 2018).

2.5 Socio-Legal studies and Legal Geographies

This final subsection brings together theorists across socio-legal studies and legal geography to consider the role of the law in the constitution of coloniality and space. While the longer legal tradition of Critical Race Theory explicates the laws role in the social construction

and spatialities of race (briefly discussed above), scholars theorizing socio-legal geographies have added a great deal to our understandings of the material space-making and socially constructive practices of the law (Blomley, 1994; Delaney, 1998; Blomley, 2008; Blandy & Sibley, 2010; Valverde, 2013; Blomley & Labove, 2015). These insights have been exceptionally useful in theorizing the mechanisms of eviction explored in this research, as well the subject-making powers of landlord-tenant law and its actors. Legal scholars have long identified the law as not a 'thing' per se, but a "dynamic, shifting, often contradictory, multi-point process" associated largely with (though not limited to) statist institutions such as legislatures, courts, policing, etc. (Delaney, 2015, p. 99). In a recent review, Delaney (2015) identifies a trend across legal scholarship examining the laws "constitutivities", meaning, the power of the law to "call into being or modify [the] social significance [of] through distinctive practices of naming, classifying, ruling, governing, or ordering" (p. 98). This effect of calling into being leads to an understanding of the *constitutive outside* of the law, in that it determines social worlds through by what it allows to come into existence through a practice of exclusion (Blomley & Bakan, 1992; Blomley, 2003). Blomley (2003) argues that the laws constitutive outside, while seemingly set apart from it, is instead deeply embedded and within it. The law, for example, reads land as *property*, and scripts property (realty) as *whiteness*. Further, it understands relationship as *contract* and invests those relations with all manner of behaviours as sanctioned or unsanctioned. At the same time, those alternative forms of relations that it excludes (land, property, and relationships understood any other way) become a part of law, in that they are violently disavowed and submerged. Blomley explains that in so far as the law constructs our socio-spatial worlds via those 'outsides' against which they are defined, violence is absolutely central to this enactment: "Violence [is] not only an *outcome* of law, but its *realization*" (2003, p. 123).

The tradition of legal geography then, should not only compel us to think about how the law produces space, but that we see them as co-constitutive. The law, on one hand, draws and assigns legal meanings to boundaries, and "attaches legal consequences to crossing them" (Delaney, 2015), it also draws on the spatialities *and* temporalities of places as instrumental containers for the writing, adjudication and enforcement of the law. The spatial/temporal demarcations of the court room, mediation, an hour-long arbitration phone call, rules of service, the movement of people and objects from domicile to its outside, all of these practices of the law rely on spatial designations which in turn *produce* or *actualize* the law. In his discussion of the conspicuous absence of the law in work on political economy, Barkan (2011) points out the way, "the law works as a discourse and practice that not only bounds itself, through practices of legal 'closure', but also polices the spheres of politics and the economy while mediating their interrelationship" (p. 603). At the same time, legal scholars emphasize that the law is not an all powerful or omnipresent force, but is a mode of rule enacted, applied or withdrawn through the practices of individuals - arbitrators, attorneys, judges, bailiffs, Sheriffs, court clerks - those who are ostensibly charged with its writing, its interpretation, and its enforcement. It is for this reason, that socio-legal scholar Marianna Valverde (2009) argues we must reclaim "the technicalities" of the law in our theorizing. She highlights the essential role of legal 'technicalities', as a key mode of power through which existing divisions "of knowledges and powers are produced and reproduced", extant in the peopled contexts to which the law confers power (p. 154). In this sense, the technical practices, often assumed to be neutral, require greater attention and are key sites to theorize socio-legal power relations.

Legal geographers have likewise contributed a great deal to the discussion of colonial discourses enrolled in dispossession, while more rigorously focusing on the interrelationship

between the discursive and material practices around the legal and representational role of property as a technology in the enactment and management of dispossession (Blomley, 1997; Harris, 2004; Bhandar, 2018). Echoing scholars of settler colonial studies in the ideological construction of property using Euroamerican notions of cultivation and improvement, Blomley writes about the construction of property vis-à-vis law as very much relying on racist constructions of the 'savage' or 'other', "imagined as incapable of an appreciation of legal rights and duties, including property, the savage is deemed prepolitical and thus set irrevocably apart from the West" (Blomley, 2003, p. 124). Indeed, the frontier itself as both a place *and* imaginary takes on legally specific meanings in this context as "a constitutive outside to property" (p. 125).

Similar work has been focused on identifying the relationship between the ideological assumptions and justifications for conquest, while also accounting for the disciplinary technologies that spatialize dispossession, through corporeal violence, and socio-legal practices of surveying, mapping, demographic accounting, among other governance strategies (Driver, 1992; Brealey, 2995; Blomley, 2003; Harris, 2004). Harris' work in particular highlights how the spatial strategies of dispossession in colonial British Columbia rested on population management and land allocation through the legal legibility of the survey and cadastral map (p. 174). Blomley (2003) also outlines these practices, through what he calls the geography of violence inherent in "the frontier, the survey, and the grid", arguing that such technologies, and the physical violence that reinforces them ("whether realized or implied") are fundamental features of contemporary property regimes in an ongoing way.

Work by Sherene Razack (2002), Renisa Mawani (2003; 2007) and Penelope Edmonds (2010), though differently situated as legal and urban scholars, all carefully explicate the function of spatial strategies for exclusion within European colonial projects and how these

practices - tied as they are to dispossession - involve the formation, occasional rupture and reformation of racialized identities which are produced in the making of colonial life. In her brilliant and detailed reconstruction of the dispossession of the Songhees reserve in Victoria, BC in the late 19th century, Mawani (2003) tells a story of a multiply repurposed, improvisational, and differently justified legal displacement strategies, which occurred in a recursive, even iterative manner on the part of colonial authorities. She highlights how such processes were intertwined with shifting racial classifications applied to distinct racial groups (Aboriginal, Chinese) resulting in differential racial (Pulido, 2006) constructions as they applied to notions of property and its 'subjects'.

Elsewhere, for Mawani (2012) the law is both a highly discursive and improvisational tool, which she crucially conceptualizes as *an archive* in its own right, as she describes the vast textual production of written law inextricably linked the what we understand as 'the archive': "It's constitutive relations and self-generating qualities are clearly manifest in law's citational and organizational structure of command. Its mutuality and mutability are evidenced in the ways that law conceives of, appropriates, and assimilates some knowledges as pertinent to legality while dismissing others as extraneous and non-existent. As a self-referential system mandating recall, reference, and repetition, while also drawing selectively from other domains of knowledge, law generates documents and renders them potentially (ir)relevant" (p. 340). In a research project that aims to trace the emergence of landlord-tenant legal relations in two sites that, to varying degrees, adopt colonial legal regimes from the same metropole, and whose subsequent legal constructions are so textually demarcated, Mawani's insights here are especially helpful. The contributions of socio-legal and legal geographies scholars certainly share connective overlaps with scholars of race and coloniality, and are likewise central to a study of private property

relations as racial-colonial in their makeup. In the concluding section below, I return to the state of urban political economy, which has enjoyed considerable prominence as an authority on the urban, to ask what ontological tensions exist in reading across all of these theoretical contributions, where they may be remedied, and what challenges accompany the necessary project of urban theory's reformulation.

2.6 Conclusion

This chapter has outlined some of the core epistemological and ontological interventions across theories of race and colonialism advanced toward the historical dominance of economistic interpretations of capitalism. As many of these key critiques have shown (Robinson, 1983; Hall, 1980; Woods, 1993; Harris, 1995; Goldberg, 2002; Smith, 2012; Coulthard, 2014; Roy, 2015; Day, 2016; Nichols, 2018), practices of genocidal land theft, constructions of difference, and a coloniality of power are not merely anecdotal outcomes that become enrolled for processes of capital accumulation, but instead have significant implications as antecedent and present structurings of land and social relations in the city. With some notable exceptions (Jacobs, 1996; Yiftachel, 1998; Blomley, 2004; Kipfer & Goonewardena, 2007; Edmonds, 2010; King, 2010; Inwood, 2010; Schein, 2013; Derickson, 2014; Safransky, 2014; Toews, 2015; Shabazz, 2015; Porter, 2016; Roy, 2017; Fabris, 2018; Knight, 2018; McClintock, 2018; Dorries, Hugill & Tomiak, 2019), a deeper, attentive and consistent theorization of this is largely lacking from the bulk of urban political economic interpretations. The theoretical work of understanding how eviction ultimately emerges from and is fully embedded in racial-colonial constructions of subjection and property is demanding. It is a formation so complex and dynamic, it cannot be

reduced to any one process, signification, structure, nor analytic. It is necessary to pull into view multiples of these, as this chapter has aimed to do.

Internal logics of the racialized (and gendered) subjection of ongoing dispossession must be better synthesized with a historical materialist approach, and this ultimately requires a reformulation of urban political economy so that its crucial Marxian insights are brought into an active dialectic with race and coloniality. The work UPE has accomplished thus far in offering us deep explanations of the relationship between urbanization and capitalism has been undeniably important, though its persistent inattentiveness to the colonial-racial nature of private property relations in North America presents some tensions in an effort to bring these analytics together.

A key effect of UPEs predominantly economistic analysis is the assumption that the system of capital circulation is the defining characteristic of the urban form - the main process lurking in the background of any instance of dispossession or displacement. Ultimately, UPE encounters the landlord-tenant relationship as having its *end* in accumulation. The influence of this view is seen across a great deal of the urban literature and it opens up an important and central question. If the landlord-tenant relationship as encountered through Marxism scripts its end as the accumulation of capital, then how do we understand that end to be modified or at all different when theorizing colonial-racial logics as endemic to capitalism? The dispossessive rupture of 'precontact' land relations into Euroamerican ownership, the construction of racial difference as both a key signification and accumulation site to reproduce that as private property, the necessity of institutions of enslavement, indenture, and confinement as settlement strategies foundational to processes of uneven (urban) development, and which in many ways *continue* - all of these social formations require us to think through the multi-constitutive nature of colonialism, race and capitalism while maintaining attention to the specificity of place.

Stuart Hall (1980) reminds us that the two constitutive premises about capitalism that underlie Marx's method were an understanding of the *material conditions* of existence, and the importance of grounding those conditions in *historically precise* analyses (p. 322). With this point, Hall is urging the importance of not misreading Marx's central premise, even if he may not take up a theory of difference and coloniality in his work. The essence of historical materialism that Hall points to suggests that not only do we have a responsibility to rework our understanding of our material conditions as they relate to racialism and coloniality, but we must also resist the constant drive to assert new conditions and theorize new analytical resources without grounding our work in a careful account of our historical (and geographically specific) social relations. Viewing eviction as new phenomena - a new object of study - requires one to entirely overlook the broader historical processes within which they are embedded. Indeed, it also enlists a deep inattention to long standing material conditions of social existence as centrally bound up with modes of racial and colonial power that continue to shape our present - an argument compellingly made by theorists of settler colonialism and racial capitalism.

This inattention to historical context is not just a flaw of storytelling, rather, economistic accounts of dispossession simply do not match with the explicitly colonial-racial power relations that are described by the scholars I have engaged here. This matters on the basis of two of the most central concepts within geography: *space* and *time*. A spatial approach which understands race and land in a dialectical relation augments accounts of dispossession from urban political economy by remapping a socio-spatial order which is not explained by capitalism alone. Present day evictions in North America are premised on a colonial-racial order that cannot be subverted or "unmapped" (King, 2010) within a specific account of how they function historically and in contemporary ways. In her discussion of the colonial-racial power at work in "one strike

eviction" policies within the "state space" of public housing, Tiffany King (2010) suggests that within a theoretical intervention of race and colonialism there exists the potential to deploy new notions of time because they require us to, "examine the social relations produced by various social formations (colonial, neo-colonial and neo-imperial) over time" (p. 61). She references Jacqui Alexander (2006) who advocates for the adoption of "palimpsestic" frameworks in our analyses of these social relations. This suggests seeing contemporary dispossessions as historically situated, at the same time that they are fundamentally altered and multiple, bearing traces of their previous forms (p. 16). Such an orientation would open up the continued space for the work of accounting for an ontology of racialized dispossession within capitalism - work which has already begun (Robinson, 1983; Hall, 1980; Coulthard, 2014; Smith, 2012).

It is likewise important to exercise caution in not overly ontologizing what Day (2016) terms 'settler colonial racial capitalism' in these efforts. Postcolonial scholars have always been circumspect of the universal, and an account of colonialism and race must be aware of how difference is produced in uneven, relational and contradictory ways. A dialectical view, and likewise a comparative approach, which I take up in more detail in Chapter 4, is an effective framing toward this end. Both Atlanta and Vancouver have been built on stolen land by racialized (indentured, enslaved) labour which has experienced continuous cycles of containment, erasure, subjection, and eviction. Thinking through the specificity of these places requires all of these analytics, and while they may at times place different emphases on corporeality and territoriality, their orientations are not incommensurable - a key point illustrated by the dialectical approach that much of this work signals to (Hall, 1980; Said, 1993; Woods, 1993; Byrd, 2011; Lowe, 2015; Day, 2016).

CHAPTER 3

RESEARCH SITES

3.1 Our Tenant's Rights Crisis on Turtle Island[2]

In a recently published article for *Commune Magazine*, Los Angeles Tenants Union organizer Tracy Rosenthal (2019) lays out an argument for re-diagnosing the "housing crisis" as a *tenant's rights crisis*. Pointing to the constant refrain that seems to emanate from all arenas[3] of housing discussion, Tracy critiques the notion that there is a "housing crisis" as a fundamental disavowal of the systemic nature of inequality in the landlord-tenant relationship, and importantly, a misframing of who becomes ensnared in 'crisis' as an effect of that power:

> "First of all, there is no housing crisis. Housing is not in crisis. Housing needs no trauma counselors. Housing needs no lawyers. Housing needs no comrades or friends. Housing needs no representatives. Housing needs no organizers. When we call this crisis a housing crisis, it benefits the people who design housing, who build housing, who profit from housing, not the people who live in it. It encourages us to think in abstractions, in numbers, in interchangeable "units," and not about people, or about power. We don't have a housing crisis. We have a tenants' rights crisis." (Rosenthal, 2019).

Her re-envisioning of the crisis toward tenants is so necessary because of how it additionally shines attention to a great deal of modern social science's misunderstanding of the problem of socio-spatial displacement. She insists it is not a problem of production, "the so-

[2] Turtle Island is the Indigenous name for North America, which emerges from an Anishinaabek creation story, a nation whose people are widespread throughout the contingent, from the Canadian sub-arctic, across the U.S. and into Mexico (Kurt, 2007). References to Turtle Island have appeared throughout literature (Snyder, 1974; Simpson, 2011), as well as social theory and geographic thought (Simpson, 2014; Miner, 2014; Hunt & Holmes, 2015; Hunt & Stevenson, 2017).

[3] i.e.: the development industry, the landlord lobby, the mainstream media, policy officials, housing scholars in academia, and community-based housing scholars and organizers.

called shortage", but of distribution. A world full of empty-dwellings, from which dwellers are systematically banished. Tracy explains that this reframing allows us to understand why the crisis, "seems to be permanent, a *feature* not a bug since the 1920s, and why what we call solutions - affordability covenants that expire, subsidies like Section 8 that no landlord will accept - seem only to fail" (Para 49, 2019, emphasis mine).

I draw from Tracy's powerful framing to situate the true nature of the empirical context in which evictions unfold on Turtle Island, otherwise known as 'North America', where the tenant's rights crisis is an attribute to its basic formation. This research project is intentionally positioning housing justice struggles in Atlanta and Vancouver as situated in the broader context of settler colonialism and racial capitalism in an effort to better inform how we can know and interpret contemporary evictions as ongoing racialized capitalist dispossession. To do this, we must begin from an understanding of Turtle Island as a white-supremacist settler colony.

In two cities founded on the theft of land from Indigenous peoples, developed and re-developed through enslaved black and imported (indentured) Asian labor, and which continue to display cycles of seemingly permanent displacements, the tenant's rights crisis that we are in is indelibly shaped by those histories. And yet the land laws both places adopt in the colonial encounter are not so much histories, as systemic brandings of British common law upon landlord-tenant relationships into our present. The Euroamerican ownership-class model of private property, integral as it was for the settlement, enslaving and disappearing drives it underwrites, has come to foundationally shape evictions.

Upon that epistemic and ontological field, a whole set of urban geographic circumstances pertaining to contemporary eviction emerge from the difference - banishment - accumulation modalities through which settler racial capitalism (re)produces the urban. In the wider context of

global capitalism, the intensification of cycles of ghettoization, disinvestment, reinvestment and displacement ultimately come to define what the urban is in the U.S. and Canada. Though many have pointed out these processes are global in their extent (Harvey, 2006; Smith, 2006), they become ensnared into the specificity of the colonial-racial atmospheres of Atlanta and Vancouver in particular ways.

As two key sites of divergent racial histories, the black mecca and the pacific-rim city share comparable stories of uneven development, through rapid urban growth, the state-led production of segregation and ghettoization of its racialized communities, their crises of deproletarianization and wage suppression due to global economic restructuring, alongside the systematic erosion of their state provisioned social housing schema. Though these broader trends that shape urban housing life-worlds enroll difference and deterritorialization in unique ways, as cities established by white supremacist settler colonists, their mirrorings are nevertheless intimately linked through global urban processes.

Today, the crisis of housing precarity for tenants has reached a critical state on both sides of the border. Across both academia and grassroots organizing realms, eviction 'labs' and 'observatories' have and continue to be formed to monitor and map evictions (Anti-Eviction Mapping Project, 2013; Observatório de Remoções, 2018; Eviction Lab, 2018). Journalists and researchers scrape data and write exposés highlighting tenant stories to draw attention to the problem (Raymond, et. al., 2016; Immergluck, 2019). As advocates and organizers agitate, policy makers have finally begun to take seriously the potential of harm reducing and systemic measures such as right to counsel, just cause, or rent control policies.

The wider context of wage stagnation and rent increases are the twin forces accelerating the problem. Real wages have remained stagnant since at least the 1970s and are even declining

for low-wage workers today (Mishel, Gould & Bivens, 2015). At the same time, median rents in many metro areas have increased as much as 50% since 2001 (CMHC, 2017; Chew & Treuhaft, 2019). These twin pressures work together to drive the crush of a growing rent burden for tenants everywhere, and today over 20-25% of U.S. and Canadian households spend up to 50% of their income on rent (Pitingolo, 2015; Carliner & Marya, 2016).

That growing affordability crisis has placed an enormous pressure on lower income households to meet their housing needs. As a result, we see thousands of tenants pulled in and out of housing court (or excluded from opt-in quasi-judicial arbitration models in Canada) to face eviction for non-payment in gentrifying and non-gentrifying areas alike (Raymond, 2015; Statistics Canada, 2017; Currier, et. al., 2018; Chew & Treuhaft, 2019). At the same time, developers eye major rent gaps in upscaling neighborhoods and evict vulnerable tenants under the pretense of 'renovations', while slumlords neglect their properties to the point of questionable habitability, which many tenants experience as de-facto evictions (Eagland & Mooney, 2017; Johnson, 2018).

Within the U.S. context, housing court records, fraught as they may be in their 'counting' of eviction, allow scholars of housing to better account for eviction in large part because the court process is mandatory in most jurisdictions. Meanwhile in Vancouver, and its greater metropolitan area, though organizers on the ground are watching evictions accelerate in the speculative housing market, the optional dispute mechanism set up by the Residential Tenancy Branch (RTB) means that the only data available pertains to tenants who have applied for dispute resolution - those resourced enough to fight back.

Indeed, given that the official records do not record all involuntary and forced displacements, the uneven availability and reliability of data generally makes a fulsome

quantitative accounting of evictions challenging if not impossible in both these cities. Nevertheless the significant increase of evictions research emerging from the U.S., especially in the last 7 years has revealed a strong relationship to rent-burden, while also crucially highlighting that evictions have explicitly racialized, classed and gendered dynamics (Desmond, 2012; Maharawal & McElroy, 2018). Whether they are driven by speculation in upscaling areas (AEMP, 2014; Right to the City Alliance, 2016), or a profound rent-burden among low-income renters (Desmond & Kimbro, 2015; Raymond, et. al., 2016; Immergluck, 2019; Teresa, 2018; Shelton, 2019), evictions are becoming more widespread in our current trajectory.

Gender is an especially confounding characteristic to trace within eviction data, because it does not retain the same demonstrably spatial aspects as race does on the urban landscape which is crucial for mapping displacement. In order to bring about his key finding in Milwaukee, that black women are evicted at higher rates than men, Desmond extrapolated first name data for masculine and feminine names to create a statistical reference for "likelihood female". His findings open up a key lens of analysis. If we couple that with important research on the overrepresentation of women of color among groups that experience housing insecurity and poverty, the specifically gendered experiences of eviction are a crucial area of future research (Cawthorne, 2008; Martin & Walia, 2019).

Though evictions fundamentally draw from the same register of power mechanisms that I have outlined at the outset of this work (authoritative, technological, infrastructural, spectacular), their speculation-led and debt-led drivers, alongside their 'legal', 'illegal', and 'extra-legal' means in both sites require some specificity to contextualize the cases that I engage with in the empirical chapters (Chapters 5, 6, and 7) that follow. Ultimately, my reading of eviction in both sites is highly shaped by my fieldwork, and the different contexts of the community

organizations I work with. In the following two sections of this chapter, I will expand on those in more detail.

3.2 Atlanta

As a settler colonial city in the U.S. South, Atlanta's history has been shaped by Indigenous dispossession and racialized labor as two key political economic forces that have facilitated its urban development. Through the violent removal in 1821 of the Creek and Cherokee nations, and the institution of a white slave-owning planter class in the region, slavery and genocide co-locate its origin, and underwrite its essence as a key node for transportation infrastructure that opens up the interior U.S. for continued colonial expansion (Cadle, 1991). Though I expand on this in Chapter 5, the proliferation of secondary land markets that legally instituted white land-ownership and concentrated land into relatively small (corporate) holdings (Weiman, 1991) was a key development in understanding the white supremacist private property relations that were installed early and rapidly in the region after the land had been surveyed.

The growth of the railways as being central to its political economy are reflected in its founding name, "Terminus", not renamed "Atlanta" until 1845. Its antebellum years ensured a city built in the name of whiteness and growth. In a key moment before the end of the civil war, the Battle of Atlanta resulted in an intentional catastrophic fire that destroyed almost half the city, and its rebuilding continues to be emblematic of its boosterish resilience throughout the 20th century. In the years that followed the civil war, and the legal abolition of slavery, many freed blacks relocated to the city during the Great Migration, transforming its racial and class makeup (Rutheiser, 1996).

The era of reconstruction lead to significant population growth, and despite the legislation of new forms of racial exclusion through Jim Crown laws throughout the U.S. South, led by the white ownership-class, black life-worlds in the city of Atlanta were an active participant in its growth and transformations throughout this time (DuBois, 1935 [2014]). The segregation that came to become entrenched throughout the 20th century unfolded relatively slowly at first, as black Atlantans settled into both majority black 'shantytowns' like Beaverslide and Buttermilk Bottoms, and white neighborhoods. Though as the 1800s concluded, legal segregation instituted by Jim Crow laws increasingly dictated spatialized separations among blacks and whites. A race riot in 1906 that lasted three days reflected the growing racial tensions of the early Jim Crow era, and ultimately deepened divisions, racially and spatially. Slums increasingly became the ire of local white officials, and early razings were already occurring by the 1930s in the name of 'safety' and 'public health' (Ruechel, 1997; Schank, 2016).

Throughout the first half of the 1900s, white supremacy was carefully spatialized through practices of neighborhood covenants and legally instituted redlining that systematically denied the self-determination of black communities and restricted life along racial lines. The intersection of race and class was likewise a central pivot point, as black elites who settled in key areas of commerce compromised with whites to establish a power structure that prioritized business and growth above all else (Hunter, 1953; Keating, 2001). As the black population became increasingly fissured along class, low income black Atlantans underwent numerous cycles of disinvestment and displacement throughout this period.

With the institution of legal desegregation on the heels of a vibrant Civil Rights movement, processes of white flight and the continued growth of a black elite transformed the demographic makeup, and by the 1970s the city of Atlanta was majority black (Bullard, et. al,

2000; Kruse, 2013). Known as the "black mecca" during this era, and over the next few decades' urban development projects and restructuring into the post-industrial era fostered periods of continued growth and ruptures. This era saw significant destruction of 'slums' for the construction of Atlanta's freeway system, resulting in more cycles of displacement.

By the 1990s, Atlanta had become the epitome of an urban and suburban sprawl that enrolled racial difference and capital accumulation in its making. Increasingly drawn into streams of global capitalism, urban redevelopment through mega project construction in the lead up to the Olympics fostered continued upheavals for low income black Atlantans. Notably, following numerous phases of construction throughout the 1930s, 50s, and 60s, Atlanta's public housing complexes were slowly destroyed through the federal governments HOPEVI program in anticipation of the Olympics (Bayor, 1996; Boston, 2005).

In its most recent era of continued growth and gentrification since the 1990s, new modes of race-class spatial inequalities have developed through the suburbanization of poverty and the increasing shifts of black residents toward historically white suburbs (Hankins & Holloway, 2017; Shannon et. al., 2018). The seismic shifts introduced to the homeownership landscape by the subprime mortgage crisis in 2008 has especially had an effect on the growth of single family rentals and a deeper consolidation of the corporate landlord landscape in Atlanta (Raymond, et. al, 2016; Immergluck, 2019). With the establishment of the new Beltline in 2005, historically black communities, such as Peoplestown, Pittsburgh, Mechanicsville, South Atlanta, and Adair Park, on the south side of the city are having to contend with yet another cycle of upscaling that threatens to displacement them (Johnson, et. al., 2017).

This historic context is important for understanding how race and class have unfolded in the post plantation capitalism world of this region, and the city of Atlanta in particular. The

manner by which dynamics of investment and disinvestment enroll race and class difference to produce cycles of displacement that are inaugurated through the moment of dispossession is a fundamental way racial capitalism operates - and this is visible in Vancouver's history too. And yet, the *juridical* eviction landscape we see in Atlanta today, while related indirectly to processes of upscaling and gentrification, is largely a process of debt-led displacement. The vast majority of evictions filed in Fulton County's Magistrate Court (FCMC) are for non-payment of rent. Recent research based on those court filings shows that they are much more likely to occur in buildings owned by corporate landlords with large landholdings, and that they are aimed less at removing tenants, and more for the purpose of disciplining and compelling them to pay (Immergluck, et. al., 2019). At the same time, findings revealed that corporate landlords use evictions as a business model to extract additional rent money in the form of filings and late fees, and administrative costs. They are a decidedly accumulative and controlling strategy of private property's power.

In the state of Georgia, where landlords must use the court to evict a tenant, and the court compels a hearing by law, tenants are inculcated into the system of debt and displacement once they have an eviction record. This leads low income black residents into further cycles of poverty by constraining their housing choices after eviction, in addition to the significant loss of wealth people experience if they are evicted under circumstances whereby they cannot relocate their belongings. The legal process moves fast, and it is especially expedited if a tenant does not have a legal response to their landlord's lawsuit. People can be evicted in as little as fourteen days after receiving the first notice, the landlord's demand for possession. Fulton County Magistrate Court processes approximately 800 filings a week, almost half of which go unanswered (and

entered into the expedited JOP[4] calendar). Nearly 45,000 filings occur every year in Fulton County and Atlanta has among one of the higher eviction rates in the U.S. (Raymond, et. al., 2016).

It is in this context that the *Housing Justice League* is currently developing its eviction defense work. A member-led grassroots community organization with a base across Atlanta's historically black in-town neighborhoods, HJL is focused on empowering renters and other long term residents to self organize and defend their rights to housing. As one of the only grassroots member-led organizations with an explicit tenant organizing mandate in the city, its roots reside in the 2008 foreclosure crisis when local organizers occupied homes alongside those owners who were being displaced by the banks. Since those days, HJL has grown to develop a diverse organizing strategy that supports black homeowners and black renters in historically disinvested neighborhoods alike.

With the development of the *Eviction Defense Manual*, written over the last two years by myself and two other HJL members, we aim to shift the housing conversation in Atlanta which has been partly dominated by gentrification via the Beltline, toward the chronic cycles of eviction happening in relatively lower income black neighborhoods beyond the upscaling core. The manual is both a tool of harm reduction to combat the widespread lack of knowledge of tenant's rights, but it is also, importantly, an organizing tool. The hope is that tenants will see the power in their numbers and feel less isolated by the stigma of eviction by working together with their neighbors, especially in buildings that experience serial filings. The fieldwork I conducted in Atlanta has been largely shaped by the research needs of the manual, and the hyper-visibility

[4] "Justice on the Pleadings", where a judge has found for the landlord beforehand, and groups of up to 85 tenants will be evicted en masse.

of eviction through the housing court process. This is contrasted by how I observe eviction in Vancouver, which I detail in this last section to follow before moving on to Chapter 4.

3.3 Vancouver

The Downtown Eastside of Vancouver where my organizing and research has been based was stolen from the Sḵwx̱wú7mesh (Squamish), xʷməθkʷəy̓əm (Musqueam), and səl̓ilwətaʔɬ (Tsleil-waututh) nations upon the founding of British Columbia in 1858. Due to its relative isolation on the West Coast, Indigenous dispossession proceeded in a recursive manner through a series of confining processes that used Indian Reserves to extinguish native title over the course of many years. Though I take up the processes of land granting in colonial BC in more detail in Chapter 5, unlike Georgia's land lotteries that were highly systematized in their taking, surveying and granting land to settlers of BC was more of an improvisational enterprise. Its location as a port city on the pacific rim is important for understanding its multi-racial encounters during the era of settlement in the mid 1800s. As more and more arrivant cultures, primarily Chinese and Japanese, settled across urban spaces in a growing colonial frontier, the establishment of the City of Vancouver, first as the Hastings Townsite, was decidedly multi-racial and global in its makings.

With its land granted by the British Crown in an 1865 certificate (Chapter 5, **Figure 5.3**) to a Sawmill corporation, the political economic future of the city was sealed as a transportation and resource extraction industry in lumber, fisheries and mining. In a strikingly similar historic moment to Atlanta, a massive fire destroyed much of the fledging township in 1886. Though it would continue to grow and boom through resource industry, highlighted by the building of Ross House SRO (Chapter 6, **Figure 6.1**) only three years after the fire, by a prominent Japanese-

Canadian immigrant (Kobayashi, 2018, see also Jackson & Kobayashi, 1994), and by the arrival of the first train along the Canadian Pacific Railway in 1887. By the turn of the 19th century, the gold rush and resource boom saw massive growth in both Granville and Hastings town sites which would eventually become 'Downtown' and the 'Downtown Eastside'.

The transient workers employed in the mill and in the rest of the resource economy shaped the built form in their demand for housing, as Single Room Occupancy (SRO) hotels emerged to provide the basic housing and services to care for the needs of this population (Linden et. al, 2012; Sommers, 1998). As white settlers increasingly tried to confine Indigenous and multi-racial groups to certain areas of the city through exclusionary development and neighborhood policies, the Downtown Eastside became synonymous with 'unsavory' elements of transient work, miscegenation, and the designation of 'slum' (Barman, 2005; Anderson, 1991). Outright excluded from settling and acquiring land in other areas, Indigenous and Asian-Canadian and other racialized groups were ghettoized in this neighborhood (Mawani, 2007).

In another striking resemblance across their colonial-racial histories, anti-Asian racism in Vancouver irrupted in a series of Chinatown and Japantown Riots over three days in 1907, almost exactly a year to the month after the riots in Atlanta (Barnholden, 1997; Crompton, 2012). They were one symptom highlighting the deep tensions and racist fears embedded in the white imaginary of settlers in this frontier city. With the final "extinguishment" of Indigenous title to the Downtown core to make way for urban development, one of the only Indian Reserves (notated "I.R." in **Figure 5.2**) left in the city would be permanently displaced in a violent spectacle, as an estimated eleven families of the Squamish nation were paid nominal sums of money, placed on a barge and shipped up Howe Sound to resettle elsewhere (Rivers, 2012;

Wallstam & Crompton, 2013). Attorney General W.J. Bowser remarked that it was, "one of the best real estate transactions ever carried out in the province" (Barman, 2007, p. 10).

With the 'final' removal of the Kitsilano reserve in 1913, the built form continues to expand through resource accumulation, and through the 20th century, not unlike the City of Atlanta, Vancouver experienced multiple cycles of accumulations, destructions and displacements within its Downtown Eastside. Through the state-sanctioned exclusion and persecution of Chinese-Canadians through racist immigration policies like the head-tax from 1889-1930 (Cho, 2002), the forced expulsion of Japanese-Canadians from their homes and businesses by internment during the Second World War (Jackson & Kobayshi, 1994; Masuda, et. al, 2019), and later the destruction of Hogan's Alley, Vancouver's only black neighborhood, to make way for the Georgia Viaduct in 1970, cycles of racialized displacement predicated on Indigenous dispossession continued. Such displacements were not a matter of just theft and bulldozing, but were ensconced in a racist and classist state-led discourse identifying the Downtown Eastside as an 'urban blight' needing to be 'rehabilitated' (Scott, 2013).

Following a period of accelerating capitalism, through its post-industrial shifts since the 1980s, Vancouver's resource-based economy was transformed into a knowledge, services, and real-estate property market relying on tourism, and the same urban reinvestment schemes replicated many times elsewhere via the waterfront development, stadia, and expansion of port shipping infrastructure that defines it today. For the Downtown Eastside, having endured decades of state-led ghettoization and disinvestment, this has meant routine upheavals of daily life in the fast gentrifying community.

Following the deinstitutionalization of the mentally ill, and the consistent erosion of state supports like social housing, homelessness in Vancouver has become a persistent crisis created

throughout the last two decades, and due to the social services in many ways hardwired through the community, it is hyper visible in the Downtown Eastside. The illicit drug trade has also given rise to high rates of health and social issues, in particular the opioid overdose crisis[5] which has gripped the neighborhood (and Canadian cities more broadly) in untold cycles of death through a drug supply poisoned by Fentanyl (Fleming, et. al., 2019; Martin & Walia, 2019). What began as a low income and racialized community is today more cleaved and marginalized by institutionalized poverty, mental health, and state-facilitated[6] drug poisoning than possibly any other place in Canada (Swanson & Herman, 2014).

Just under three-quarters of its population is below the poverty line, Indigenous people and seniors are highly-overrepresented in the community, and over 800 people are homeless on any given night. Holding almost 5000 units of SRO housing stock, which are home to mostly low income, frequently racialized and Indigenous tenants, the Downtown Eastside is a crucible for housing inequality in the city. Today, urban Indigenous survivors of genocide and the multi-generational oppressions of on-going colonization experience the twin pressures of gentrification and disinvestment as repetitive cycles of dispossession.

Unlike legally court mandated hearings for eviction in much of the U.S., the evictions crisis in BC is, with respect to 'data', largely hidden from view. In a much needed recent study of a small sample of data from the Residential Tenancy Branch (RTB), the majority of evictions were filed for unpaid rent (39%) and these were largely concentrated in Vancouver suburbs (Blomley, Perez & Yan, 2018). Within the city however, evictions were found to be more likely driven by speculation, through a process known as 'renoviction', where a landlord evicts in order

[5] The provincial government declared a public health emergency in 2016. Since 2014, there have been over 3,600 overdose deaths in BC, almost 1,400 of those in Vancouver alone.

[6] State-facilitated due to drug prohibition which pushes illicit networks of drug capitalism underground and contributes directly to the lack of safe supply.

to renovate or for personal use (RHTF, 2018; St. Denis, 2018). Both of these drivers exist in the Downtown Eastside, though evictions in this community tend to be an informal practice committed through violence and coercion, a circumstance facilitated by the legal exclusion of low income, racialized and non-English speakers from the quasi-judicial framework of the RTB for adjudicating landlord-tenant disputes.

If a landlord files for eviction in BC, adjudication is not mandatory. Instead, the tenant must apply for dispute resolution, which requires a $100-dollar filing. While evictions throughout the lower mainland are being driven by the hyper speculation of Vancouver's housing market, evictions in the Downtown Eastside are experienced as a total form of control and extraction through the slumlord landlord-tenant relationship. The now aging and deteriorating private SROs owned by slumlords in the neighborhood have so many safety problems, many tenants experience living in them as a defacto eviction.

The SRO Collaborative, inspired by similar organizing in San Francisco, began in 2015 out of an urgency and great need to secure the SRO housing stock from the double pressures of conversion and gentrification on one hand, or poor habitability and collapse through neglect on the other. In the last five years, the SROC has mounted multiple campaigns in hotels throughout the neighborhood, and built transformational programming around the opioid overdose crisis in hotels by organizing tenants to be first responders through the TORO (Tenant Overdose Response Organizers) project. SROC organizers launched the largest case against a landlord in BC history in the RTB, by submitting a 94-tenant joint claim. As a relatively new organization on the scene, its work has been impactful for low income tenants in the Downtown Eastside, and especially those in private SROs. Though as I explore in Chapter 8, organizing against landlords within the realm of the law has some deep limitations and unintended consequences.

As two settler colonial cities, Vancouver and Atlanta are sites intimately connected by their banishment - difference - accumulation modalities that underlie their social and urban geographic relations. This is reflected in their histories of uneven development, and in the tenant's rights crisis that they both fundamentally experience today, even if those enroll difference and other inequalities through their colonial-racial atmospheres in different ways. In the chapter that follows, I outline in more detail my methodological approach to reading evictions across these two sites, as informed by postcolonial approaches to genealogy and comparativism for uncovering colonization, racialization and capitalism as mutually constitutive processes.

CHAPTER 4

METHODOLOGY

4.1 Chapter Overview

In this chapter, I outline a combined approach using genealogy and ethnography as methods for witnessing, accounting for, and understanding evictions. First, I discuss the potential of evictions as an analytical framing for research on the power relations hemmed by co-processes of colonization and racialization. Drawing from the work of theorists in the postcolonial tradition (Said, 1993; McClintock, 1995; Stoler, 2002; Lowe, 2015; Day, 2016) who deploy the archive as a key site for tracing how colonial power and knowledge are co-produced, I rely on their methodology for locating a coloniality of power (Quijano, 2000) across a broad trajectory of (dis)continuities through to the present day life of eviction. I explore how postcolonial authors have taken up genealogical method alongside the colonial archive, as a non-linear historical technique to understand how sedimented orders of the present are connected to their supposed 'pasts'. Meanwhile, I draw from these and other postcolonial (and urbanist) comparative methodologies to inform the task of studying eviction across two sites: Atlanta and Vancouver. This chapter also situates this work within the tradition of theoretically informed urban ethnographies (Burawoy, 1998; Wacquant, 2002; Fairbanks, 2009) as an important guide for how to move between theory, empirics, and back again, and the need for granularity and "experience-near accounts" in that process (Fairbanks, 2012). With these combined methodologies in mind, I give a more detailed outline and 'accounting' of the mixed qualitative methods and analysis that ultimately produced the data I use to link back to the theory. Lastly, I

conclude this chapter with a discussion of social class and white-settler positionality, and the political commitments that attend work in housing justice that aims to be anti-racist and anti-colonial in its effects.

4.2 Postcolonial Comparativism and Genealogy: Reading eviction in two sites

The most frequent question asked of me with respect to this research centers on the *why* of Atlanta and Vancouver. The immediate answer to that question lies in relationships - which I view as the utmost important conduit for the work of both organizing, and academic research that strives to be 'engaged'. Ultimately, I moved to the U.S. South to pursue a doctorate with little in the way of pretenses beyond some experience in community organizing, a basic grasp of settler colonial theory, and an interest in urban inequality. I began to build relationships in Atlanta, while making new ones in Vancouver. Getting more deeply involved in housing justice work meant I encountered eviction, over and over again. I was struck by how differently evictions manifested in both places, while also noticing the fundamental power relations that linked them. At the same time, I engaged in course readings, community work, and mainstream discourses that exposed me to a wide array of interdisciplinary and critical theories of race - especially as they relate to 'the urban' and racial inequality. Those intellectual engagements were completely transformational in terms of how I even understand private property relations, as they relate to race and white-settler power in the city today. While the string that initially 'binds' these sites is relational - a situated comparativism that is shaped by the various lenses I arrived with and the significant intellectual growth that attends learning through elsewhere - I have come to see the methodological and theoretical value in comparativism as an approach for reading across sites,

their phenomena and archives, in order to see the continuities and discontinuities between their variegated colonial 'pasts' and present.

This work takes up eviction as an object of study, but it also posits eviction as an analytical framing. By this, I mean eviction - and the private property relations from which it emerges - provides us a lens through which we can understand the contemporary socio-historical processes that we alternately name 'racialized dispossession' or 'ongoing colonialism'. Building on the contributions of scholars multiply situated across postcolonial, interdisciplinary critical race, Black, ethnic, Indigenous and settler colonial studies, who provide a foundational theory of the constitutive relationships between genocide and enslavement, land and race, this work aims to use the boundary object of 'eviction' to trace it as a particular form of control and effect of colonial power from its emergence to its present. Contemporary work on our (settler) 'colonial present' (Goldstein, 2014; Veracini, 2015; Lowe, 2015) has expanded our theoretical understanding of how colonial power exists today, as an explicitly spatial *and* racial project that takes on new forms while displaying old tendencies (Razack, 2002; Goldberg, 2002; Barraclough, 2011; Tuck & Yang, 2012; Coulthard, 2014; Simpson, 2014; Day, 2016; Pasternak, 2017; Pulido, 2017). I argue that evictions (and socio-spatial displacement broadly speaking) are an especially compelling phenomena for understanding that contemporary power. The landlord-tenant relationship is one that shapes the everyday life of nearly 50% of the population in North America - a number that is increasing amid post-crisis restructurings of urban land tenure (Cilluffo, et. al., 2017; Raymond, et. al, 2016). While I do not suggest that evictions are a method, I want to show that analytically, the mechanisms (authoritative, technological, infrastructural, spectacular) that produce and reproduce them offer an added methodological

framing for the wider project of accounting for the "past's presence", or a genealogy of racialized dispossession (Said, 1993; Goldstein, 2014).

Being a comparative project with two sites, the potential of this work for understanding evictions as on-going racial-colonial project is greater still. As outlined in Chapter 3, Atlanta and Vancouver possess profoundly different and yet linked geographical and historical contexts of racial and colonial rule. While today's evictions in both these sites are in many ways *qualitatively* and *quantitatively* different, they are simultaneously linked through the socio-legal practices and technologies characteristic of a white-supremacist colonial apparatus that has come to dictate private property relations - even as evictions across them are characterized by significant socio-legal unevenness and contingencies today. This is an argument I arrive at by relying on the work of postcolonial scholars who have carefully delineated the relationships between 'knowledge' and 'power' as central to the development of coloniality and racial difference (Césaire, 1950; Said, 1993; Hall, 1980; 1996; McClintock, 1995). This research draws from the insights of these scholars to look to mechanisms of knowledge production attendant to eviction as a method for recognizing how their power operates. The legacy of postcolonial scholarship is that this practice simultaneously offers a method for tracing the past in our present.

Indebted to the work of Nietzsche (1897 [1989]) and (Foucault (1969; 1975) in their use of genealogy as historical technique, scholars drawing from the postcolonial tradition have taken up this method with an aim to explicate a history of our present (Said, 1978; 1993; Goldstein, 2014; Lowe, 2015). However, this does not mean identifying an origin point for the phenomena we study. Genealogy instead begins with a seemingly sedimented or immutable order of the present, to ask questions about the conditions of emergence for those phenomena and the systems of thought that correspond to them. Lisa Lowe (2015) explains her genealogical

approach in the following way: "By genealogy, I mean that my analysis does not accept given categories and concepts as fixed or constant, but rather takes as its work the inquiry into how those categories become established as given, and with what effects" (p. 3). Similarly, Alyosha Goldstein (2014) locates genealogy as an especially useful method in its emphasis on the analytic of "descent", to understand historical processes which are both past, and yet persistent.

Geographers have also taken up the work of genealogy to study power relations, with an explicit attention to spatiality, rather than privileging the temporal (Wainwright, 2008; Barkan, 2013). Barkan (2013) explains that the role of theory is to expose the frameworks through which our thinking emerges in the first place. These are what lead us to answer questions and produce knowledge about phenomena, and to therefore "misrecognize the objects" we seek to explain (p. 15). In my effort to show that the relations of eviction must be understood as foundational to a white supremacist patriarchal settler society, I aim to go about an analysis that rejects linear or developmentalist understandings of them; to understand their multiple lines of affiliation with what we assume is our past, some of which are broken, but traceable anyhow. Unsettling received ideas about what eviction is then requires that we understand them not just through the lens of history, but that we understand history, not as a transparent container of evidence, but as a delimiting assemblage of knowledge and practices that both demonstrate and conceal many forms of continuities and discontinuities over time.

One of the key challenges of this method is that an inquiry of this type is confronted over and over with the epistemic violence of our historical record. Colonial archives (historically and presently) are not stable repositories of what exists or what 'happened', but are instead a product of a vast state infrastructure for compiling specific knowledges for the administration and governing of populations (Lowe, 2015; Stoler, 2002). For Ann Stoler, archives are not "sites of

knowledge retrieval but of knowledge production" (p. 90). At the same time, they are rife with absences and intended erasures. So while they may reveal instances of a particular practice or phenomena, those must always be read epistemologically, as a telling of what is 'knowable' (against an 'unknowable') in their specific contexts. It is in part due to the way colonial records subsume and demarcate life that a reading across them is necessary for linking phenomena that appear to be unrelated, historically distinct or anachronistic in their appearance. Lisa Lowe (2015) is explicit about the importance of this as she argues that colonial archives do not lend themselves to observing links, "entanglements" or interrelatedness across phenomena, in this case the connections and interdependencies of colonialisms and racial projects (p. 5). Given the nature of historical work to trace a genealogy of contemporary phenomena, this suggests that a 'reading across' or 'comparative approach' provides additional openings for those connections.

For Said in particular, the idea of the past's "presence" is not just a temporal framing, but an explicitly geographical one. In an attempt to disrupt the dichotomies of North and South, East and West, he made visible the intimate and mutually constitutive relationships between the two with a *comparative* methodology he named, "the contrapuntal perspective" (p. 32). Said argued that thinking "contrapuntally" is required in order to "see a connection between coronation rituals in England and the Indian Durbars of the late 19th century. That is, we must be able to think through and interpret together experiences that are discrepant, each with its particular agenda and pace... its own internal formations, its existing and interacting with others" (p. 32). He advocates here for a type of critical inquiry that resists interpreting phenomena that appear to be *different* - as incongruous or delinked - but instead to trace what connection they might have through the power relations, sets of registers, and interactions that shape their fundamental formation.

Many of my peers and mentors have remarked to me that a project 'comparing' processes in Atlanta and Vancouver will prove to be very difficult given how different they are today as cities. Their size, their demographics, their political economies, their histories, housing and land-tenure dynamics, and so on. How will I account for their difference, while saying something meaningful about what connects them? I have replied to this often by insisting that I understand them to both be settler colonial cities, though with very different projects of propertied and racial formation. But it is ultimately Said, and many others who have deployed his methods, that have helped me to understand that we do not 'compare' discrete objects for similarities sake, but instead to read and trace their power relations across space and time, in the hope that this will allow us to better theorize them in their particularity, but also to better theorize the broader macro-structural processes in which they are situated. This requires not just that we think 'contrapuntally', but also in explicitly historical and geographical terms.

In this sense, my object of analyses are not Atlanta or Vancouver, per se, nor am I trying to arrive at a coherent apples-and-oranges justification for their comparison. My object of analyses are the power relations at stake within evictions. What makes the lens of these two cases *cohere* is my method of entering the problem through those power relations, by developing a critical engagement with the wide casting of a particular geography of socio-legal knowledge production, and technologies of order that make up the mutually constitutive logics of race, coloniality, and property. At the same time, I take seriously David Scott's (1995) commentary on colonial governmentality. He argued that too often postcolonial studies has effected a "hasty homogenization of colonialism as a whole", and that we must commit ourselves to a continued research project that differentiates and does not subsume difference into a universal account of colonialism. In this sense, apprehending evictions across the time and space of a highly varied

19th century colonial encounter, through its early, uneven, and archivally absent 20th century discourses, to its present-day assemblage in two differentiated socio-legal geographies of racialized dispossession gives us an opportunity for a window into what that differentiation in present-day colonial life might look like. It is ultimately the comparative nature of the work that allows for more openings in understanding both race and colonialism as variegated, while they draw from a basic set of registers.

There are productive and important overlaps between the comparativism inherent to the postcolonial tradition and the work more recently emerging from postcolonial comparative urbanism as a methodology and theory within urban geography (Robinson, 2006; 2010; 2016; McFarlane, 2010; Roy, 2011; Kantor & Savitch, 2005). With a research agenda aimed at better understanding the role of empire in urbanization (and ultimately decentering the West as dominant referent in 'hegemonic' urban theory), postcolonial urbanists have put forward a compelling case for cross-site theorizing as a method for avoiding universalizing or developmentalist accounts of urban processes. Comparative urbanists argue that generating empirical findings of similar questions from multiple sites has the potential to raise new questions that would otherwise go unasked through a focus on one site alone (Bourne, 2008). Rather than assuming the isolation of specific cases, and therefore a mutual exclusivity to cities, Ward argues that understanding *relationality* as an analytic allows us to see the "territorial and relational histories and geographies that are behind their (re)production" (2010, p. 480). Pickvance (1983) and Robinson (2010) have also suggested that we explore the potential of plural causality, by revealing how *locally-derived* understandings of spatial processes can lead to similar *and* different causal explanations of urban dynamics in different places. Indeed, one can see the legacy of postcolonial theory that has informed the work to come out of postcolonial

urbanism, and the value of examining cross-site phenomena in "situated and contested" ways (McFarlane, 2010). While there are problems within this literature with an inattentiveness to the need to 'decolonize' urban theorizing of settler cities of the global North (Grosfoguel, 2007; Ghertner, 2014), these offerings suggest there are major openings for that project, and hold potential for scholarship on socio-spatial displacement which applies relationally geographical and historical insights for processes that might otherwise appear unprecedented, disparate, or parochial.

These insights have led me to understand that a 'comparative study' of evictions in Atlanta and Vancouver is not really about the *why* of those two sites specifically, but is instead aimed at the theoretical and practical potential of a jurisdictional, contextual, differentiated understanding of the land, race, and class relations of eviction. This means on one hand producing an account of eviction's difference, by tracing its mirrorings and resemblances in contrast to its divergences and ruptures; and secondly, and most importantly, using this as a method to articulate its relation to a highly uneven, shifting, and transforming project of empire. Being able to meaningfully understand that is crucial to the everyday relations, strategies of resistance and survival for low income, non-white and non-propertied people.

4.3 A Theoretically Informed Critical Urban Ethnography

Against the backdrop of postcolonial genealogical methods, this research is also informed by contemporary work on critical urban ethnography. If evictions are a lens through which to think through the broader historical processes of colonialism and race, the theories we arrive to the field with are also central to interpreting how evictions function and are experienced 'on the ground', at the same time that granular and 'experience-near' accounts are necessary for the

construction and re-theorizing of those categories of analyses. An embedded approach is what ultimately best describes my situatedness in community organizing, and from the perspective of engaged academic research, is valuable in its effectiveness for facilitating a fine-grained analysis of the broader abstractions inherent to social theory. Though ethnographic approaches originate from cognate social sciences, namely Anthropology and Sociology, geographers also have a strong legacy of grounding our theoretical work even if it is not always considered to be traditionally 'ethnographic' in nature (Katz, 1994; Marcus, 1995; Wright, 1997; Herbert, 2000; Pratt, 2004; Nagar, 2014). This is a necessary step, according to Katz (1991) for illuminating how macro-structural phenomena are "constructed, reproduced, and resisted" (p. 554, Herbert, 2000). In his work on critical urban ethnography, Robert Fairbanks (2012) argues that by paying close attention to the micro-level practices and experiences of urban life, we can better elucidate the broader (macro) contexts of political-economic change that affect our lives. He terms these "experience-near accounts", making a compelling case for how they are necessary to address the major crisis-driven urban restructuring shifts we have seen in cities in recent decades, which have, "induced a burgeoning of urban-poverty survival, management, and governance strategies that are new and in urgent need of study" (p. 546). Indeed, the 'street', or any sites where such survival and governance strategies become 'grounded', are important for understanding the substance and impact of these shifts. While I did not necessarily begin my work with this impetus, and in some ways I cannot claim this research across both sites to be traditionally ethnographic, the contributions of critical urban ethnography have informed how I understand the importance of *groundedness* in relation to *theory* as an approach to studying urban inequality.

Present day approaches to critical urban ethnography are best contextualized by the longer history of the crisis of representation and grounded-theory debates from within

Anthropology and Sociology (Fabian, 1983; Clifford & Marcus, 1986; Wacquant, 1997; Burawoy, 1998; Tavory & Timmermans, 2009). These explored questions of the central role of ethnographic practice in the wider colonial project, as it relates to the problematic of the researcher 'representing the other', questions about whether ethnography records and interprets renderings of the world as 'objective truths', and how it positions itself as an authority to speak on behalf of others. These same crises have been present in ethnographic work that emerged from urban sociology, reflected in critiques (Wacquant, 2012; Fairbanks, 2012) of pathologizing or moralizing accounts of urban inequality as researchers embedded themselves in urban environments to ostensibly understand poverty (Anderson, 1999), ghettoization (Venkatesh, 2002), informality in street life (Duniere & Carter, 1999), the working poor (Newman, 1999) and so on. Some of the asserted problems with such ethnographic approaches lies in their valorization of the so-called 'folk' concepts or analytical categories researchers are liable to base their theorizing from in the absence of robust theoretical frameworks to interpret phenomena they encounter. While the tradition of ethnography has been defined by its characteristic granular view through extensive emplacement in the field, recent attempts to develop a critical approach to this work have emphasized the importance of an iterative approach to 'theory building' which forces researchers to engage in self-reflexive and critical understandings of what predispositions they enter the field with, and how to interpret the granular and grounded empirics in relation to theoretical abstractions (Burawoy 1998; Herbert, 2000). These debates have brought forward fundamental questions about how to theorize what we "see" in the field, verses how to be attentive to predisposed notions we already have about the field, and being aware that we enter it with ideas about what we will "find", and that this shapes our choices, framings, interpretations, and conclusions.

Critical approaches to urban ethnography have more recently eschewed the straight forward empiricisms of "grounded" theory, or a "diagnostic" ethnography, and argue that our ethnographies must be theoretically informed (Burawoy, 1991; Wacquant, 1997; 2002; Fairbanks, 2012; Tavory & Timmermans, 20009). For these scholars, it is too often that ethnographers conceive of their craft as consisting of a straight forward empiricism, a tally of observational accounts, that result in little or no relationship to theory to support a projects original framing, nor the conclusions it draws from the data it produces. In his introduction to *Urban Outcasts* (2008), Loic Wacquant elaborates on the importance of enframing in our research design. He asserts that when we study urban processes we are obligated to *place them* in a few important ways: Firmly and thoughtfully in the historical circumstances of their development; In the broader contextual nesting of the multiple forces at play within them which (often) have their source *elsewhere*; And through the material and social symbolic positioning and "function" of communities in the wider hierarchy of the urban systems around them. His critiques echo those of others who have pointed to the trap of an overly grounded approach, which forces researchers to make inductive discoveries without developing their theoretical understandings first (Burawoy, 1991). (Wacquant also calls this the "I-began-to-get-ideas-from-the-things-I-was-seeing-and-hearing-on-the-street-approach" (2002, p. 1481)).

These debates from within the interdisciplinary literature on ethnography have been hugely influential in my approach to how I frame, witness, understand and subsequently theorize forms of socio-spatial displacement in urban contexts. On one hand, I would not necessarily label my research as "ethnographic" in nature. Moving iteratively between two sites for an engaged, yet intermittent presence across four years places significant limitations on the depth, consistency, and necessary trust and relationship building for research to be meaningfully

ethnographic in extent and scope. However, I have drawn from ethnography's contemporary insights into the importance of experience-near accounts, how to be attentive to the manner by which I *produce* empirics, the inevitable proto-models of theory I bring with me to any place and its events, the development of a stronger theoretical framework over time, and the deeply iterative nature of moving between theory and empirics to develop categories and draw conclusions about what I see. The following three subsections outline the specifics of the empirical data I produced through an engaged community-based approach to studying eviction. Here, I aim to account for the choices made in pursuing particular spaces, moments and objects for inquiry, followed by a short discussion on positionality to situate myself within the field.

4.3.1 Participant Observation

Being involved in housing justice work is ultimately how I witnessed landlord-tenant relations vis-a-vis eviction, and much of my practice and experience of community organizing can be understood as the qualitative method of participant observation. Between June 2015, when I first began getting involved with the SRO Collaborative in Vancouver, and December 2015, when I attended my first Occupy Our Homes Atlanta (former name of Housing Justice League) mass meeting through to the present writing of this thesis, I have engaged in countless hours of organizing work which I draw from for this research. It is rather difficult to engage in an accounting of 'research activity', when it is such an integral part of your life, but the summary chart (**Table 4.1**) below gives a basic overview of how I categorize these activities, as well as hours spent, and individuals engaged (when appropriate to note). In Vancouver, I have attended tenant and community meetings, city hall public hearings, meetings with city officials and other community based housing organizations, as well as a number of Residential Tenancy Branch

Table 4.1 Chart Summary of Research Activities

Research approach	Category *(interviews are not broken down by category to protect anonymity)*	Number	Individuals	Hours
Semi-structured Interviews	**Atlanta**			
	Interviews conducted with tenants, tenant leaders, allied community organizers, housing lawyers, and policy specialists.	11	12	15.5
	Vancouver			
	Interviews conducted with tenants, tenant leaders and allied community organizers, housing lawyers, and policy specialists.	12	12	15
	Subtotal	*23*	*24*	*30.5*
Participant Observation	**Atlanta**			
	Courtroom / Mediation / clerks office	25	-	~55
	Tenant and Community meetings	>20	-	>40
	County commission meetings	2	15	2
	Vancouver			
	Residential Tenancy Branch Hearings	6	24	6
	City Hall public hearings	5	-	~15
	Meetings with City officials	3	8	~3
	Tenant and Community meetings	>30	-	-
	Door knocking and outreach	-	-	30+
	Subtotal	*~86*	*47*	*~151*
Secondary Data	**Atlanta**			
	Paperwork i.e. warrants, writs, tenant answer forms, mediation forms, leases	>25		
	Court Mediation recordings	1	6	2
	Tenant Handbooks	3	-	-
	News reports	>20	-	-
	Vancouver			
	Paperwork i.e. eviction notices, evidence packages, arbitrator decisions, leases	9	16	
	Tenant speeches at city hall	5	5	
	Public policy documents	10	-	
	Tenant Handbooks	2	-	
	News reports	>40	-	
Archival	**Atlanta**			
	Georgia Code (1811)	2		
	Emory Newspaper Archives			6
	Georgia National Archives			10+
	Vancouver			
	Landlord Tenant Act of BC (1895)	2		
	City of Vancouver Archives			10+
	Union of BC Indian Chiefs			10+
	BC Provincial Archives			4
	Subtotal	*119*	*27*	*~45*
	TOTAL	~228	98+	~226.5

(RTB) phone hearings with tenants and their advocates (in some cases I was the advocate). Door knocking and tenant outreach in SROs was also a key practice for SROC, particularly in cases of crisis, such as heat or hot water issues, broken elevators, and imminent building sale or closure. Aside from specific tenant meetings, door knocking was something I did with other organizers, though I went just as often alone. The purpose of door knocking, from an organizing perspective, was always to gather and communicate information and strategize with tenants around their needs, and to build trust. And it was often through this practice that I learned the most about the experience of eviction, witnessed moments of eviction themselves, and the often brutal dynamics of the landlord-tenant relationship in the SROs. Door knocking also led to relatively frequent encounters with building managers and owners, many of whom I was able to speak with to better understand the power relations.

Though RTB hearings are held exclusively over the phone, the SROC held nearly all of the hearings it took on in our offices, and I sat in on these at every opportunity. These hearings were not allowed to be recorded, and so I relied on handwritten notes. Preparing for tenant hearings meant also engaging in countless hours of evidence gathering (affidavits, photographs, screenshots, email printing, photocopying) and building detailed evidence packages to submit by the RTB deadlines. Strict rules of service, and the need to ensure proof of service also led us to the post office, ministry of social work offices, landlord offices and homes on many occasions. Indeed, fighting a formal eviction through the RTB is a laborious and bureaucratic affair that relies heavily on literacy, oral communication skills, and access to printing and telephone technology. The whole process of advocacy was so time consuming, SROC had to become much more strategic over time about which cases to pursue, and they became much less frequent over time.

In Atlanta, my work with Housing Justice League (HJL) took on a different role that looked less like community outreach and tenant advocacy, and much more like research for political education and direct action strategy to help build up the work of the Eviction Defense organizing group. When I first joined HJL, much of the work was centered around anti-gentrification efforts related to the effects of the Beltline, the redevelopment of Turner Field Stadium, and a notorious eminent domain case attempted by the city, all of which significantly effected the historically black communities Peoplestown, Summerhill, Mechanicsville, Pittsburg, and Adair Park, among others. Throughout this time period, much of my early participant observation involved attending mass meetings, press conferences, direct action and marches, county commission meetings, and helping to organize the 56-day tent city to protest the Turner Field development in the Spring of 2017. While none of this work was directly related to eviction, these experiences were crucial for relationship building and learning as much as possible about the history and dynamics of housing, race, class and struggle in Atlanta. It was not until learning from local housing lawyers about the eviction crisis in Fulton County that I first began attending magistrate housing court that same spring. I approached Alison Johnson (executive director of HJL) the next fall about doing an eviction defense project, based on newly released data (Raymond, 2016), and soon after the work of the Eviction Defense team was born.

This work has largely involved the development of an Eviction Defense Manual (**Appendix B**) for Fulton County tenants in private housing, to be used both as a tool for harm reduction and organizing in effected neighborhoods (our current focus is on Vine City / English Avenue). Collaborating on the research and writing of the manual has proved to be one of the more rewarding aspects of my work in Atlanta thus far, and it has also led to all sorts of new and important relationships with housing lawyers, advocates, as well as court clerks and staff. As part

of our research on the landlord-tenant mediation process, we were given permission to attend mediation proceedings, which had previously been a closed and mysterious aspect of the eviction process. Working on the manual also led me to spend perhaps far more time in courtroom and clerk's office doing observation than I had originally planned (**Table 4.1**). But the experience of observation in these spaces has proved invaluable to witnessing the incredibly complex, spectacled, and contingent nature of the magistrate court system for handling a vast eviction caseload. Meanwhile, meetings with lawyers and tenants who were active readers and gave crucial feedback for the manual, illuminated far more about the legal process than I could have understood given my lack of legal training.

A central feature of understanding the experience of eviction in both sites was observation in what I have termed their 'spaces of adjudication': the magistrate court room and the RTB phone hearing. I have approached both of these in the socio-legal tradition of courtroom observation, partly drawing from performance and theatre studies (Goffman, 1959), which pays close attention to the relational organization and performativity of legal practices in court room space (Nash, 2000; Labove, 2017), and the centrality of written and spoken legal language, as well as displays of affect and emotion, to how power and control are exerted through courtroom interactions (Wodak, 2009; O'barr, 2014; Dahlberg, 2016). The work of sociologists and legal scholars on the performative practice of adjudication has been invaluable for understanding how difference (social class, language, race, and gender) and comportment (impressions, respectability, and believability) are significant factors in how the law is applied, exerted or withdrawn by different actors in those spaces. Likewise, Leif Dahlerg's (2016) work exploring spaces of adjudication is an especially useful concept for understanding them as a framework for approaching the law as a social phenomenon for 'space making' institutionalized through the

courtroom, at the same time that it produces the court at a "spatial distance from society and politics" as constitutive of the juridical (p. 23). In my participant observation, and subsequent analysis of courtroom and phone hearing practices, analyses of space and subject making of eviction processes was crucial for interpreting adjudication as one of its key modes of power.

4.3.2 Archival Research and Secondary Data

In the very early stages of my work in housing and tenant organizing one thing became almost immediately evident in both sites: the relational politics of private property between landlords and tenants is highly mediated through textual technologies of knowledge production. I encountered these initially in my work with the SROC in Vancouver, and then later in eviction proceedings research in Fulton's magistrate court (FCMC) with HJL. Textual technologies refers to written or digital documentation and materials including eviction notices, dispossessory warrants, tenant answer forms, tenant and landlord evidence packages, formal correspondence between landlord and tenant (texts, letters or emails), mediation instruction forms, consent agreement documents, court and RTB correspondence and decision documents, and lastly and perhaps most important to the landlord-tenant relationship, the lease itself. All together they make up the vast storage and bureaucratic processing infrastructure of eviction in both sites. I include the lease in this category, though the lease contract, unless counted as evidence, is less often a part of the so-called *archive* of eviction's juridical infrastructure, and more an unrecorded aspect that enacts and structures the landlord-tenant relationship, and is therefore just as critical a written document through which eviction's power relations unfold.

I obtained documents in Vancouver by either searching the RTB's online portal for past decisions, generic lease forms, and instructional guides, but most often by photographing or scanning them with a tenant's permission. Documents in Atlanta from the Fulton County

Magistrate Court (FCMC) were publically available from the court clerk's website, the physical downtown office itself, provided by employees of the court's landlord-tenant mediation program, or obtained from tenant lawyers working within the court system. I also selectively downloaded dispossessory proceedings documents from the FCMC website Odyssey (eFileGA) by first obtaining a case file number from the last year, and randomly modifying the last 3 or 4 digits of the case file (increments of hundreds, thousands, and tens of thousands of cases throughout 2018 and 2019) to 'browse' eviction documentation from eviction filings, answer forms, consent agreements, court correspondence and writs of possession. In the past, other researchers have successfully web scraped this data (Raymond, et. al, 2016; Immergluck, et. al, 2019) however in the Winter of 2018 the court installed a bot on the website preventing a systematized process for accessing these materials, so I was forced to opt for a randomized approach. Accessing Odyssey (eFile GA), despite its limitations, proved the best method for viewing otherwise inaccessible materials, such as tenant answers, and writs or executions of possession.

I also drew from a wide array of secondary data in both sites that exists beyond the evictions infrastructure, but that nevertheless provide opportunities to witness the wider extent of landlord-tenant relations. These consist of email communications, tenant presentations at city hall hearings, recordings of mediation hearings, tenant eviction handbooks or toolkits, workshop and tenant education materials, as well as the policy platforms of housing justice organizations or prominent groups within the landlord lobby. Meanwhile, the contemporary legal language that is present within the legal acts and statutes that dictate landlord-tenant law in Georgia and British Columbia have also been important materials for understanding how propertied and non-propertied subjectivities are encoded and circumscribed. Though not a trained legal scholar, I do at times reference these for the purpose of an explicit reading of the law, for example, for

definitions of 'tenant' and 'landlord'. However, my engagements with contemporary landlord-tenant law have largely drawn from secondary data to effect a symptomatic reading of them (Althusser, 2016 [1965]). Althusser used the concept of symptomatic reading to interpret a text not through a straight-forward hermeneutic reading, but by understanding what the text represses due to its own ideological position. I borrow from this to suggest that if we understand the law as a socio-spatial relation, we must pay attention to when the nature and extent of the laws power is explicitly legible in sites outside of the legislation itself, but within the social relations and discourses that are produced as an effect of the law in its conferring of control and power to some over others.

Lastly, various historical archives have been essential to this research. In my effort to examine the history of private property, race and coloniality over time, I sought out specific archives that contained documentation of land theft and allocation during the colonial encounters in both cities. At the Georgia National Archives, I sought out the land lottery plat maps, field notes and grants pertinent to Indigenous land theft practices in what is today the City of Atlanta. At the Union of BC Indian Chiefs (UBCIC), the Provincial Archives and the BC Land Title and Survey office in British Columbia, I drew from the colonial correspondences collection, pre-emption and colonial crown grant records, to locate similar plat maps, field notes and grants produced by colonial authorities at certain moments of dispossession in today's Downtown Eastside of Vancouver. Newspaper and legal archives at Emory University, Georgia State University, University of British Columbia and the University of Victoria were all helpful in tracing what little I could find on the history of eviction. Similarly, I used their digitized holdings to access some of the oldest versions of the Georgia Code (1811, 1860) and the Landlord Tenant Act of BC (1897) I could find. Locating a history of 'evictions' within these collections at times

turned up so little, that I turned my attention to discourses of landlord-tenant which appear also in historic legal journals, various legal treatise written by lawyers and judges during the 19th and 20th centuries, as well as law society reports. I use those documents to help supplement an understanding of how subjectivities of 'landlord' and 'tenant' vis-a-vis property come to be coded in relation to legal practice.

In both my field sites I have engaged historic and contemporary (archival and secondary) documents carefully, though selectively. The bureaucratized and administrative system of dispossession in the first instance, which attends eviction's repeated cycles in the second, produce a seemingly endless ream of correspondences, plat books, field notes, ledgers, grants, forms, writs, warrants, notices, both in print form and via digital pathways. Reading across these for an understanding of the racialized power dynamics of property is challenging. As outlined in my discussion of postcolonial approaches to research, I approach the archives as a colonial repository that gives clues to the knowing, recording, administration, governance and subjection (and resistive) effects of eviction. I regard even present day textual technologies as a part of the colonial infrastructure in this sense, though it may not be widely understood to be 'archive' as such. In this spirit, I have selected documents based on what they can tell us about how actors engage with the system (i.e.: speech and language, forms of answer, presence and absence), as well as for signs of how they are wielded, how they foreclose, exert and / or reproduce landlord-class power in different ways. This means paying close attention to what they enact, what they ban, in what ways they spatialize and temporalize property's violence; And further still, how they enframe, bracket, and subsequently exclude from possibility and life in their power effects. In my reading I was especially attentive to seemingly unusual, improvisational, or contingent uses - a practice that emerges frequently in both informal and formal forms of eviction. While I do not

pretend that present day landlord-tenant socio-legal paperwork is the same as the colonial archive, I do aim to connect the forms of knowledge production and power-effects they reference and replicate. This means reading across them temporally, much in the same way of 'reading across' that Lowe (2015) advocates.

4.3.3 Semi-Structured Interviews

In order to better understand the socio-legal dynamics of contemporary eviction, I conducted twenty three (Atlanta n=11, Vancouver n=12) semi-structured interviews with tenants, tenant leaders, allied community organizers, housing lawyers and policy specialists who have either experienced, are close to the experience of eviction (**Table 4.1**). Ultimately, I conducted far fewer interviews than anticipated, and this is in large part because the majority of instances in my work with tenants - particularly with tenants in the DTES - interviews were frequently inappropriate to a tenant's circumstances. I only interviewed tenants with whom I had developed a stronger relationship, and not at a time when they were experiencing crisis, rather, long after the more immediate experience with the trauma of eviction had passed. Ultimately, participant observation of tenant experiences through tenant organizing was sufficient to get at experiential questions. Further, my object of analysis is not the tenant's experience per se, though understanding that is a key part of understanding eviction. I was instead focused on the power relations attendant to the process. Though I did interview a number of tenants who have experienced eviction (I do not categorize them in **Table 4.1** in order to protect anonymity), the majority of my interviews were conducted with actors who are proximate to eviction, rather than its direct target.

That approach became essential as a method to speak to community organizers, housing lawyers and policy specialists (most of whom are also tenants, though occupying a different

social-class position) in order to better understand the legal practices, the legislation itself, the ins and outs of tenant defense knowledge far exceeding my own, and so on. I chose interview participants based on their proximity to community organizing on one hand (responses to and experiences of eviction) and their proximity to the law and its infrastructure on the other (mechanisms and processes of eviction). All interviews were conducted in a semi-structured, conversational manner, with a general focus on themes of displacement, eviction, private property, landlord-tenant relations, as well as histories and present day aspects of racial inequality and dispossession in Atlanta and Vancouver. During analysis, I paid particular attention to references of regulatory and socio-legal regimes, practices and mechanisms related to informal and formal forms of eviction, narratives of contestation and resistance, as well as broad themes of coloniality, dispossession, race, class, as well as gender.

4.4 Positionality and Commitments

In this final section, I want to make a few brief though important notes regarding researcher positionality, and the political commitments bound up in housing justice work in 'North America'. I came to evictions as an object of study first as a community organizer. My involvement in and relationships to community-based housing justice organizations meant engaging in research (often not my own), tenant advocacy and outreach, grant writing, organizing meetings, direct action, workshops, committees, and 'conference' gatherings for tenant education and rights activation to prevent or slow displacement in historically racialized and low income communities. I did not come to this work with a specific method or even research design in mind, but instead it emerges from years of grounded experience, and more specifically the relationships that grew from that work in Vancouver, and later in Atlanta when I

relocated to Georgia for a PhD program. Navigating the fissures between the academy and the community has been rife with messy understandings of self, responsibility, fraught solidarities and conflicting commitments. The research world of the academy very often expects you to carry out a research project in circumscribed, objective, and systematic in ways which rarely map onto the stretched timelines of trust, accountability, and relationship building, amid the perpetually shifting emergencies and changing needs of any housing justice struggle in its context. At the same time, I have never been interested in 'studying' struggle, as such. I am interested in struggle as it pertains to developing a keen understanding of how power operates for the (ostensible) benefit of the communities I engage with, while also trying to leverage the resources of academic scholarship in material and concrete ways that can hopefully intervene in unequal power relationships. This is ultimately the spirit behind the work I put into the Eviction Defense Manual, tenant advocacy and organizing with SROC, and the same driving my current (imminent) collaborations within the Vancouver Tenants Union on the Real Rent Control campaign and toward establishing an Eviction Observatory.

In her book *Muddying the Waters* (2014), Richa Nagar introduces the concept of "situated solidarities", as a way of grappling with the fundamental differences across scholarship on one hand, and political action on the other. Her work highlights the constant need to attend to the geographical, socioeconomic, and institutional location of those who enter into intellectual and political partnerships. For me, the geographical was an especially constraining feature. The constant moving between Atlanta and Vancouver, bound by the rhythms of the academic calendar resulted in more fragmented engagements and broken promises than I can count. This has not been an easy five years, logistically, relationally, and spiritually. At the same time, the ways I have been personally enriched through these wide ranging solidarities - intellectually,

emotionally, materially, feels impossible to account for. My work with tenants and tenant allies in the SROC and HJL has very much been both an intellectual and political partnership. In this sense, I want to trouble the traditional separations scholars have frequently claimed between scholarship on one hand, and political action on the other. I have long rejected the scholar-activist framework to define the work I do. I feel it forces us into unproductive binaristic framings that do not offer a useful model of engagement between the academy and movements for (housing) justice. This does not mean we aren't forced to deal with the "messiness of solidarity and responsibility", particularly with respect to the real and harmful effects of being resourced by class, whiteness, and institutional elitism in the face of profound inequality and difference. I do not wish to reproduce any romantic notions about community organizing and research, but instead to suggest that even in organizing worlds, being an organizer, in spite of the solidarities you want to enact, does not make you an "insider".

Questions of (settler) whiteness and the need for feminist reflexivity within research have been important to scholars thinking through positionality in general (England, 1994; Shuurman & Pratt, 2002; Faria & Mollett, 2014; Nagar, 2014; Ramirez & Daigle, 2019). As a researcher drawing from a long tradition of Black and Indigenous radical scholarship to theorize eviction, who spends time in predominantly racialized and low income spaces to observe power relations between landlords and tenants, I have been forced to spend a great deal of time thinking about how my whiteness, social class, and gender presentation shapes my thinking, choices, informational access, and general experiences. There is simply no way around these differences and their influence on our work. All we can do is be critically reflexive of them, while also maintaining a strong attentiveness to a long legacy of interventions toward decolonial and anti-racist epistemologies and methodologies that provide a basic guide in our understanding of how

Euroamerican ontologies enframe our work (Tuhiwai-Smith, 1999; Simpson, 2007; Tuck & Yang, 2012; Nagar, 2014; Ramirez and Daigle, 2019). These contributions are an opening to disrupt our colonial world views, and the analytics of generalizability, reliability, and validity which have utterly dominated the epistemologies of most Western scholarship. They take on a deeply important meaning in the context of a theoretical account for race, colonization and urbanization in lower income racialized communities.

I have continued to return to Nagar's (2014) work in discussions about political commitments vis-a-vis academic research, because it is so attentive to power and positionality with respect to story telling: "The telling of stories must continuously resist a desire to reveal the essential and authentic experience of the subject, instead, every act of storytelling must confront ways in which power circulates and constructs the relationalities within and across various social groups" (p. 94). In the spirit of this quote, it is important to state my affinities, and why I believe they are important for future work. They do not align with positivist notions of objective analysis that have framed our research past. I think about who I am writing for, how and why, all the time. My work attends to the unequal power relations of private property, race and coloniality in the city. My hope is that this story telling will not just better elucidate those power relations, but will do the work of connecting and grounding them historically and today in a way that guides more engaged research, and the continued building of both community-based and academy-based scholarship in service to tenant power. I refuse a view of landlords and tenants as two sides to a relation that requires better mediating. Property is theft. And there are no 'good landlords'. The long term project of developing a more movement aligned research field must be better attuned to this deeply empirical and theoretical truth.

CHAPTER 5

DISPOSSESSION AND EMERGENCE

"I ask soberly: 'But what on earth is whiteness that one should so desire it?'
Then always, somehow, some way, silently but clearly,
I am given to understand that whiteness is the ownership of the earth forever and ever, Amen!"

W.E.B. Du Bois, 1920

[...we will know the end of memory & time
will go white & the future, white,
& the past, white, wiped immac-
ulate of fault, all time collapsed
into a single line, all histories
consumed by the official record &]

Vanessa Angélica Villarreal, 2019

This project begins, ostensibly, at the moment of dispossession. From the outset of this research, I wanted to understand the processes by which land in the two places I was studying contemporary eviction came to exist within the ownership model of private property. What was there to find about their spatial and legal histories? Through what processes were they stolen? What are the specific colonial and racial power relations bound up in that taking? And in what ways are those methods of subjection and administration connected to the emergence of today's industrial-complex of real estate, displacement, and the law? Those initial questions led to related ones, most of them bound by the construct of landlord-tenant relations: How do 'landlord' and 'tenant' come be defined and codified in socio-legal discourses? What were the early (emergent) technologies that regulated that relationship? This chapter offers a few beginning points for answering these questions. It is an attempt to trace some of the early power relations of eviction extant in the four mechanisms (authoritative, technological, infrastructural, spectacular)

which I have described. I begin with the grid, the survey, and the grant. Processes that formalized and systematized enclosure and land allocation in many parts of colonial North America throughout the 19th century, that establish a specifically racialized ownership regime, and are the relational and propertied backdrop upon which evictions play out today.

I examine Georgia's land lottery system for providing land grants, and British Columbia's crown grant (and pre-emption) systems for the allocation of land in order to trace the connections between these administrative processes and technologies and the essence of ownership in lessor-lessee contracts. I examine the landlord-tenant relationship through its emergence in the law itself - specifically the 1811 Georgia Code, and the 1895 Landlord and Tenant Act of British Columbia - which have their DNA in British common law, to consider early socio-legal understandings of how this relationship is defined and governed. This same language is traced from legal reports and literature existing prior to and after this time period. Lastly, I look at early signs of eviction knowledge production, spaces and spectacles that appear in the archives, to trouble the idea that they have no history. While I am using a historical approach to understanding eviction, I am by no means attempting a comprehensive history, nor a legal or land use history of Georgia or British Columbia. I have chosen each of these boundary objects because I believe they contain traces of what remains. The power relations transmitted between the authoritative, technological, infrastructural, and spectacular mechanisms of racialized dispossession offer an important framing to link these otherwise seemingly unbound phenomena, particularly given their uneven nascence during this time period.

5.1 The Epistemic Grid

In her work on the history of cross-racial encounters in colonial British Columbia, Renisa Mawani (2007) makes the following connections across processes of racialization: "While British Columbia's prevailing racial field was undoubtedly shaped by local conditions, the epistemic grids that underpinned it were also informed by a transnational and circuitous movement of peoples and ideas. To make sense of the growing Chinese presence, authorities often borrowed racial grammars from the United States and constituted new racial epistemologies and points of comparison in the process" (p. 144). I want to bring her points here into conversation with Nicholas Blomley (2003) and Cole Harris (2004) as they write about the role of the cadastral grid and survey in the management of dispossession, the dominant mode of enclosure and land allocation in the British colonies, whether active or former at the time. While Mawani means 'epistemic grid' here in more of a figurative way (she was not explicitly referencing cadastral maps) her point about knowledge production and the transnational movement of racial grammars is an essential one to bear in mind. Meanwhile, Blomley (2003) and Harris (2004) reflect on the cadastral grid as the "conceptual emptying" of space, a cartographic technology that facilitates the making of land as *possession* which is dependent on racialized dispossession, in the first instance, which Blomley describes as a, "form of organized forgetting" (p. 128). This is an interpretation of the grid as a particular kind of spatialized violence, which erases just as much as it brings into 'being' with its renderings. Tracing the *relationship* then, between property and race, means understanding the making of property as an explicitly racial project (Harris, 1995), through technological, legal and discursive racial registers, as a fundamental way that white settler supremacy works to install itself. The lands in

both Atlanta and Vancouver were inaugurated through this process, in both strikingly similar though different ways.

After its transition from a colony of Britain in 1788, the State of Georgia entered the 1800s unrolling a massive expansion of land capture across its interior through a rapid series of native land cession treaties followed by Land Lotteries between 1803 and 1833 that to this day retain a powerful lore in its historic record (Weiman, 1991; Cadle, 1991). Land previously - and quite recently - occupied by the Creek and Cherokee Indians was 'redistributed' to eligible lottery participants, whom could claim a piece of the grid between 200 to 480 acres depending on the lottery year. The lotteries stand apart in the broader trajectory of North American dispossession as a unique practice of land allocation, their method devised as an anxious response to decades of rampant land fraud and speculation along coastal Georgia during formal British rule under the headright land system[7] (Cadle, 1991). The very first surveys occurred in the lands settled on coastal Georgia, and while British law specified settlers must improve (and occupy) their land, early surveying processes were rife with both unskillful and fraudulent practices that left this legal statute widely open to abuse (p. 34). The buying and selling of land warrants became so widespread, Cadle (1991) explains, in many instances grantees certified their own plats, and while the total actual area of headright land amounted to no more than 11 million acres, historic land records showed that nearly 30 million acres were formally "granted" by the state in headright counties (p. 90). The narrative of fraud throughout historical writing on land systems of Georgia is very much framed through these abuses, and the Land Lottery system, among a

[7] The headright system was a system of land distribution to settlers during the formal colonial era by which 'heads' of households (while male citizens only) could petition the British appointed royal governor for 100 acres of land (plus 50 additional acres for any dependent family member, indentured servant or slave). Approximately 1/3 of Georgia land was allocated using this system, which began along the coast and proceeded inland along the Chattooga River, today's border with South Carolina. The last of the headright land was granted in 1775, 13 years prior to Georgia's independence from Britain (Cadle, 1991; Bettinger, et. al, 2016).

number of other land acts formalizing and restricting conveyance, is held up as a magnanimous state intervention to secure land for the 'common people' while deterring large scale speculative acquisitions.

The eligibility requirements for the land lotteries entailed similar restrictions to white adult males, though were widened to include widows, orphans, 'indigent' veterans, children of convicts, and later on, the "idiot, insane, lunatic, deaf, dumb, or blind" (Graham, 2010, p. 136).[8] They make no mention of Indigenous people, nor free or enslaved blacks, not even in their exclusion requirements. Each of the eight land lotteries across their 30-year span had their specific terms legislated first by an Act, after which the land would be physically surveyed into grid formation, resulting in the production of a plat map, and its associated descriptive field notes in the form of a bound book. Browsing the plat maps and field notes for different lottery years in the digitized Georgia archives reveals a startling uniqueness across them, bearing the specific marks of the cartographic and notation styles of different surveyors and draftsmen, at the same time that they all share a characteristic aesthetic of authority in their enframing. By tracing the shifting boundaries from central Fulton county backward, and through a painstaking process of cross-referencing the notated streams and rivers on the plat maps with present day names in Google, I located Henry County's District 14 plat map of the 1821 Land Lottery (**Figure 5.1**). It displays the original survey for what would today be the bulk of downtown and south-western portions of the City of Atlanta, including the in-town historically black neighborhoods such as Peoplestown, Mechanicsville, Pittsburg, Adair Park, Vine City, and English Avenue.

[8] An extensive list of eligibility appears in both Cadle (1991) and Graham (2010), though to expand on them slightly I include a truncated version here: U.S. citizen, 3 years' residence in Georgia, White male 18 or older, widows husband killed in the Indian Wars or War of 1812, unmarried females, age 18 or older father died in same wars, children of convicts, family of orphans. Among those excluded: Winners in previous lotteries, citizens legally drafted whom refused to serve, convicted felons, and deserters.

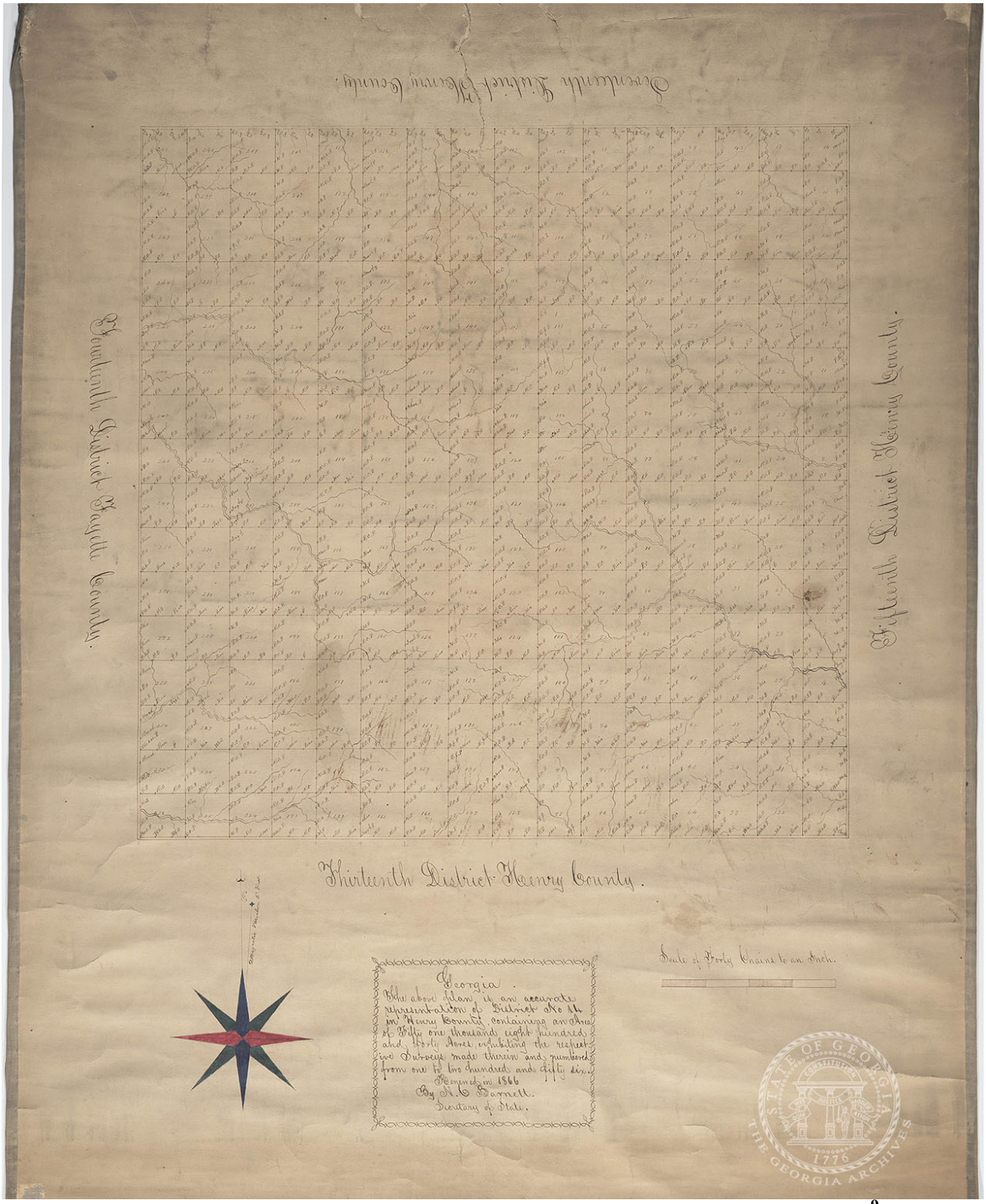

Fig. 5.1 Land lot survey plat map, District 14, Henry County, 1821 Land Lottery.[9]

[9] District Plats of Survey, Survey Records, Surveyor General, RG 3-3-24, Courtesy of the Georgia Archives.

Each of the lots were measured using chains[10] by groups of men, one head surveyor transcribing measurements, others carrying chains and cutting into corner and line trees with lot number and other site specific characteristics - those tree carvings were essential for fortunate drawers to locate and claim their lots (Cadle, p.185). The 1821 surveying of District 14 of Henry County, which would eventually become much of central Fulton, happens after nearly a century of corrupt improvisations, land fraud, and widespread boundary disputes followed by increasing regulation and development of the government infrastructure for land survey. As a result, the subsequent meticulousness and shrewd propriety of the land lotteries as a unique method of settlement are visible in their exquisite textual knowledge production. Viewing the plat maps in person at the Georgia archives especially exposes this. The District 14 plat photographed in Figure 5.1 is surprisingly large, approximately four by three feet. The parchment paper displaying the map with notations, scale, magnetic variation, and the cardinal compass rose has been carefully laminated by adhering a cotton twill backing, likely with animal glue - its sides perfectly seamed shut with densely woven ribbon.[11] These were time consuming in their disposal, reflective of both the necessary instrumentalism in conveying and creating authority, as well as the attendant anxieties with respect to "fraud" that are broadly endemic to the textual technologies of private property.

The angled notations visible within each square of the district grid pertain to trees. Pine, Post Oak, Red Oak, White Oak, Cherry, Hickory, Wahoo Pine, all inscribed again and again, both on the plat map as well on each of the 89 pages of the field notebook that accompanies the

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[10] Surveyor chains were both an imperial unit of measurement and an actual chain used to conduct measurements and delineate boundaries, adopted from British land system practices throughout the U.S. and Canada. One chain is equal 66 feet or 22 yards (p. 49, Cadle, 1991).

[11] I am indebted to the knowledgeable Georgia Archives staff for explaining these details to me.

plat map, trees are meticulously enrolled in the metes and bounds of the district survey. The notebooks themselves, like the plat maps, portray a vast carving of the natural world, with each chain measure and lot enclosed. It is a striking abstraction for its utter absence of social life, and the centuries of pre and post-contact Creek, Cherokee, and African lifeworlds that existed there prior (Miles, 2015; Baptist, 2016) Not unlike the dominant historical and archival narratives that largely sanitize Creek secession as a negotiated treaty process between two equal parties (Inskeep, 2015; also Lumpkin, 1907), the plat map and field notebook effectively erases the complexity and presence of Indigenous social worlds and narrates an abstract space of survey as an organized cadastral infrastructure that awaits ostensible people, 'improvement', development, or 'life'. Blomley (2003) describes the grid as a binary order, in this sense. One that disavows social life against an "inert structure", where space is instead, "marked and divided into places where people are put" (p. 128). But the central element to the lotteries, one that is avoided in historical narratives and ultimately suppressed in the laws that enact them (and their lists of (in)eligibility) is their exclusion of non-whites. They were not just a spatial dividing and demarcation process, the land lotteries established an infrastructure of whiteness on the landscape, a *materiality* of white supremacy in terms of who owned, but more importantly, who could be bestowed with the *capability* of ownership.

Of course, despite the explicitly narrated intentions of preventing fraud, the land lotteries were also ridden with corruption and unexacting claims, so much so the Georgia Archives has a separate record group for fractional, fraudulent, and even unclaimed lots. In his detailed economic historic analysis of the land lotteries, David Weiman (1991) examines the vast spatial scale of the secondary private market for land effectively created by the lottery, which was open to and frequently dominated by nonresident speculators, particularly in the climatic and soil

region preferred by planters that was opened up by the 1821 lottery. Not only did newspapers print the names of local winners, but the legislature produced a detailed register listing name, residence, and the location of the land lot won. These facilitated a secondary market that spanned the entire state: "...lottery drawings spawned a land office business that mediated long-distance transactions between winners and potential settlers. Publishers, surveyors, and cartographers supplied information on the quality and location of the lands and the identity and residence of fortunate drawers...many of the same personnel, along with a host of lawyers and brokers, offered to negotiate deals for buyers and sellers throughout the state, and even speculated in lands on their own account" (Weiman, p. 842). The regional land market Weiman describes was indeed *defined by* speculation, enabling a relatively small number of large slaveholders to amass significant holdings in the newly established grid. An early profile of settlers in the territory of the 1821 lottery reviewed by Weiman found that five years after the lottery, only 21% of those landowners had actually won their lots in the lottery (p. 840).

That the lotteries instituted a mass market in private land is not surprising, nor are Weiman's findings that already wealthy slaveholders had the greatest ability to leverage their already existing resources into consolidating major holdings throughout the region. The abstraction of the cadastral grid, as Brealey (1998) reminds us, first enacts the de-territorialization of Indigenous life and the natural world, and subsequently casts strategies of re-territorialization by producing land *as* and *for* whiteness (Harris, 1993). In the case of Georgia, this means the epistemic grid was both a settlement strategy *and* required for the advancement and rescaling of the plantation. Clyde Woods (1998) and Katherine McKittrick (2011) conceived of the plantation as a specific institutional form through which to theorize the spatialities of enslavement and antiblackness (as well as what McKittrick calls a "black sense of place") as they

persist across temporalities. Though McKittrick is careful in linking them, she describes the plantation as a useful "geographic prototype" to trace the plantation across its multiple scales - from the auction block, the market, to the plantations own site specific divisions (the big house, the slave quarters, the field) - but also its continuities and changes over time: the prison, the ghetto. Reflecting on the idea of the plantation as 'geographic prototype', the cadastral grid of Georgia takes on new meaning, as not simply an inert spatiality "marked and divided into places where people are put" (Blomley, 2003) but an explicitly racial project that enacts the emptying of space, in order to reenact the speculative propertied drives that secure white supremacy and establish the necessary land relations of ownership and confinement in service to plantation capitalism. If the plantation is an institutional form, the epistemic grid is both a settlement strategy and a racialized accumulative strategy - a necessary site for the knowledge and conceptualizations of ownership bound up in its making.

Producing an associated and spatial referencing plat map for a land grant was a common colonial administrative practice, though their contexts of production are highly varied and this is evident in the maps available with the first crown grant issued by colonial authorities in what makes up today's Downtown Eastside of Vancouver. Though I take up the specific practices of land conveyance in colonial British Columbia in the following section, I want to consider Vancouver's cadastral grid (**Figure 5.2**) in order to juxtapose it with the District 14, Henry County plat map (**Figure 5.1**). Specifically, I want to bring Woods' and McKittrick's insights on the plantation into conversation with another institutional form born and representative of the grid: the reserve (Brealey, 1998; Harris, 2004; Belcourt, 2018). **Figure 5.2** was the only map sent to me by the *Land Title and Survey Authority of British Columbia* when I requested any and all documents associated with the crown grant for Lot 196, Group 1 of New Westminster District -

Fig 5.2 New Westminster District Plat Map, 1877 (landscape orientation). Plan 1, Locker W, Surveyor General Vault, Land Title and Survey Authority of British Columbia (LTSA).

the very first crown grant issued for a sawmill claim and consisting of the bulk of the land in the Downtown Eastside. Oddly, the map is dated 1877, though the original crown grant certificate and survey field notes were produced over a decade prior in 1865. This may have resulted from aberrant record keeping practices, though it is just as possible the grant itself was issued prior to any comprehensive cadastral surveying of that specific area. Ken Brealey (1995) makes the important point that settlement was a highly erratic process, despite the seemingly organized serialization of conveyance in Georgia, how settlement unfolds depends on, "the degree to which actors can marshal resources into an organized infrastructural package that determines the overall pace and character of territorial (dis)possession" (p. 149).

The grant then precedes the plat, at times, at least that is the case in Vancouver. This map of New Westminster District, Group 1 that contains the land of Lot 196[12] bears a striking material resemblance to the Georgia version. The high resolution scan reveals a parchment meticulously drawn to form a similar if haphazard cadastral grid, emanating in degrees of completeness and uniformity from the colonial 'center' of the City of New Westminster. The now brittle and decaying parchment received similar if not the same lamination treatment of a cloth backing as the Georgia plat maps. **Figure 5.2** displays a close up of what is today the City of Vancouver[13] though the full extent of the 1877 map displays the much wider space of the Lower Mainland (including other municipalities today), I selected this section for readability, but also to focus in on how it portrays the grid in reference to 'the reserve' in the city. A close reading of the map finds multiple lots in this 1877 cadastral map labeled "I.R.", the acronym for Indian Reserve. While the colonial practice for administering Indian Land policy has a complex history,

[12] By the time this plat map (Figure 5.2) is produced (1877) Lot 196 was already subdivided. It is not notated within the map, rather represented by the grid established and represented by the "Hastings" townsite.

[13] The land of the Downtown Eastside sits immediately south of the word "Burrard", affronting Burrard Inlet.

and was highly uneven in its jurisdiction and effects across Canada, reserves were a legal title on land held by the Crown and stipulated by the Indian Act of 1876 (Fisher, 1971).[14] This population management and extinguishment policy dictated that crown lands were to be set aside for "use" by Indigenous people, opening up all other land for settlement ('improvement', whether for agriculture or resource extraction) often as a first step toward a more complete dispossession of reserves which could be realized at a later date. This is specifically the case for the Kitsilano Reserve[15] depicted in the very bottom left corner of the map, labeled "I.R.", and immediately adjacent to False Creek. A decidedly carceral space (Brealey, 1995) the site of the reserve within the cadastral grid did not just effect the carving up of space, but a contradictory fragmentation and (mis)containment of Indigenous life worlds, in most cases detaching people from "their territorial and genealogical contexts" (p. 141). Indian Act policy instituted strict rules on the coming and going from reserves, which required the express and written permission from an Indian Agent at the time (Bartlett, 1977). Their inherently racist paternalism was not just visible in those specific modes of control, but in the land itself - to this day reserves are not land that confer "ownership" to Indigenous peoples, instead they have their legal title in the Crown.

Cree scholar Billy-Ray Belcourt (2018) writes about the reserve as a, "...site of augured disappearance propped up in the wake of insidiously lawful world-breaking events... the reserve is where life is lived at the edge of the world" (p. 3). In his compelling meditation, he removes the reserve from its grid emplacement to theorize it as an institutional form of subjection that

[14] A racist and sexist piece of legislation regulating Indigenous peoples in Canada, the Indian Act (1876) consolidated a whole host of laws, including but not limited to: creating the reserve system, introducing residential schools, forbidding Indigenous languages and cultural ceremonies (such as the potlatch), it also enacted the full disenfranchisement of Indigenous people, while denying Indigenous women legal status. The social, political, and cultural genocidal effects of this legislation (which has been amended, but is still in effect) are well documented.

[15] The Kitsilano Reserve (also known as the False Creek Indian Reserve), where eleven families of the Squamish Nation resided was later violently displaced by 1913. I take up this example in the final subsection (5.4) of this chapter (Rivers, 2012; Wallstam & Crompton, 2013).

"stows away", that is mandated in the settler-colonial encounter for its containment and disappearing effects, but which possesses an afterlife (literally and figuratively) as a "geography of misery" for Indigenous people, where "being in life feels like falling out of it" (p. 4). Contrasted with McKittrick, who articulates a "black sense of place" to reject a totalizing notion of the plantation geographies, Belcourt is focused on the affect of misery, produced in the first instance through the reserves confining and disappearing drive, and experienced as a non-place through the "biosocial trauma [that partly] makes up Indigeneity's racial terrain" in its afterlife (p. 2). If the plantation in the context of Georgia is at once a settlement and accumulation strategy predicated on racialized subjection, the reserve in British Columbia is predicated on the same, though represents a deterritorializing and disappearance strategy for a surplus population 'in the way' of valuable resources and land (Wolfe, 1999). The epistemic work of the survey and cadastral grid, in this sense, is ultimately in service to the violence of disappearance, subjection, confinement and enslavement, all necessary though at times contradictory modalities for the installment of white supremacist field of capital accumulation in a system of land conveyance that constructs itself as whiteness. While the grid facilitates particular ontological and epistemic realizations of private property, Brealey (1995) suggests that we should not assume a totalizing power here, as he claims, "it was the concept of ownership not its representation that mattered most" (p. 150). In this next section, I explore the documentation of that ownership through the land grant itself.

5.2 The Grant

Consistent attention has been paid to cartography and mapping as a regime of Euro-American knowledge production that (re)orders time and space in the colonial encounter, though

perhaps less has been given to the land grant itself - as a self-validating and authoritative textual technology that is also important to how the colonial-racial project of property is made. If, as Brealey insists, it is the *concept* of ownership that matters most to the process of dispossession, what was the documentation of that ownership? And what types of knowledge-power relationships do they inscribe? Given that the lease in so central to landlord-tenant relations into the present, I want to examine the *land grant* as an analogous proprietary object to the lease. One that authorizes and delimits human and land relations as possession in both a spatial and temporal manner.

At the 'moment' of dispossession, the land in downtown Vancouver which would eventually become the Downtown Eastside, two basic methods for conveying land existed.[16] The primary was conveyance through a colonial crown grant. A unilateral practice on the part of colonial officers, lead by an appointed Chief Commissioner of the *British Columbia Department of Land and Works* who would have land surveyed for resource extraction (such as timber or mining grants) or settlement purposes. Due to its vast geography and often difficult terrain, the survey process proved arduous. Though a team of Royal Engineers sent from Britain began surveying land throughout the 1860s, colonial officers soon found that the costs of their travel and procurement were often far greater than the land they surveyed was worth (Fisher, 1971; Cail, 1974). This led colonial authorities to devise a process of preemption, by which crown land that had not yet been surveyed could be claimed by settlers so long as they 'improved it'. Settlers would fill out a lease application to the crown, draw a representation of the land on the back, pay a portion for said land and it would be surveyed at a later date, and if 'improvements' could be

[16] I want to note that other methods were developed throughout the colonial era, such as homesteading, though all of these occurred later than the period I am focused on as well as elsewhere, in regions beyond what were the colonial outposts (Victoria and Vancouver) and would become its largest urban centers. I exclude them here for a focus on the specificity of land relations where I study contemporary eviction.

ascertained, a final grant would be issued by the crown to complete the process (BC Archives, 2018). I mention preemption here, because outside of the crown grants issued by colonial officers themselves, preemption was the only other available method of entering ownership, and in the early days Victoria's government office issued an act banning preemption on the part of Indigenous people and Chinese settlers exclusively (Cail, 1974; Mawani, 2007). Not unlike the legislative enactments of the Georgia land lotteries, preemption foreclosed property and ownership within a vision and materiality of white supremacy. Crown grants, the form of grant I detail here, were similarly enframed but with paternalism and unilateral type of crown power bestowed to appointed commissioners in the pacific rim outpost.

The very first colonial land grant[17] for today's Downtown Eastside of Vancouver was issued in 1865 by the Chief Commissioner of the *British Columbia Department of Land and Works*, the government office responsible at the time for land management and allocation. This happened during a time of change in BC's already formidable colonial frontier. The central colonial authority of the Governors office on Vancouver Island was well established by now, and this recent era saw the settling of the City of New Westminster (1858) located today 20 kilometers (12 miles) southeast of Vancouver, it was a strategic area for settlement up from the mouth of the Fraser River on the mainland from which the surveying and cadastral incursions emanate west and northward, into the Vancouver peninsula. In the years leading up to the 1865 issuing of Lot 196, the *Department of Land and Works* was headed by Richard Clement Moody, a decorated British colonel who was hand-picked to travel to BC and oversee the continued settlement of New Westminster and the surrounding areas (Ormsby, 1982). Solely responsible

[17] This crown grant is an early instance (if not the first instance) of dispossession for Vancouver's Downtown Eastside. I do want to acknowledge, however, that it is possible pre-emption records exist, though they would have been ultimately super ceded by the crown grant, and I was not able to locate any in the existing pre-emption record group at the BC Archives.

for land surveying and conveyance, he gained name recognition in the historical record for various practices of land fraud which would later emerge in a BC Supreme Court case in the early 1900s (Ormsby, 1982). In particular, he was known for producing crown grants with the power of his office for corporations which he outright owned or had interest in, or in other cases allocating vast tracts of unsurveyed land to himself.[18] While Colonel Moody was not the chief commissioner on the date of the Lot 196 crown grant certificate (according to historical reports he had left BC the winter prior) this context is important for understanding the deeply fraudulent and improvisational nature of the early crown granting process, as well as the fraudulent potential of this particular crown grant.

At the time, the land of what would become the Downtown Eastside was flanked on both sides with the Granville and Hastings town sites (visible on the cadastral map in **Figure 5.2**). The particulars of what "existed" there in the eyes of the administration prior to the grant, however, are concealed in the colonial historical record. Compared with other crown grants for the region of this general era, Lot 196 stands out for its peculiarity. It does not look like similar neighboring grants, and conveys a spontaneous and ad-hoc character. The scan I have shared here (**Figure 5.3**) was also sent by the *Land Title and Survey Authority of BC* and displays a half missing document, seemingly torn from its left border, and later reattached. It is, evidently, the wrong certificate for its purpose, showing "~~*Rural* Lands~~", "~~*Block*~~", and "~~*Section*~~" crossed out, replaced with the handwritten "*County Lands*", "*Group 1*", and "*Lot 196*". Other sections of the crown

[18] This fact emerges through a 1904 court case involving Moody and others regarding land fraud in the BC Supreme Court, where his previous administrative assistant A.R. House testifies against him regarding a fraudulent land claim for a military outpost nearly 40 years prior. I am indebted to the researchers and archivists (Kristina Hannis in particular) at the Union of BC Indian Chiefs for sharing this knowledge and for invaluable assistance in helping me to interpret the Crown grant for Lot 196 and associated documents.

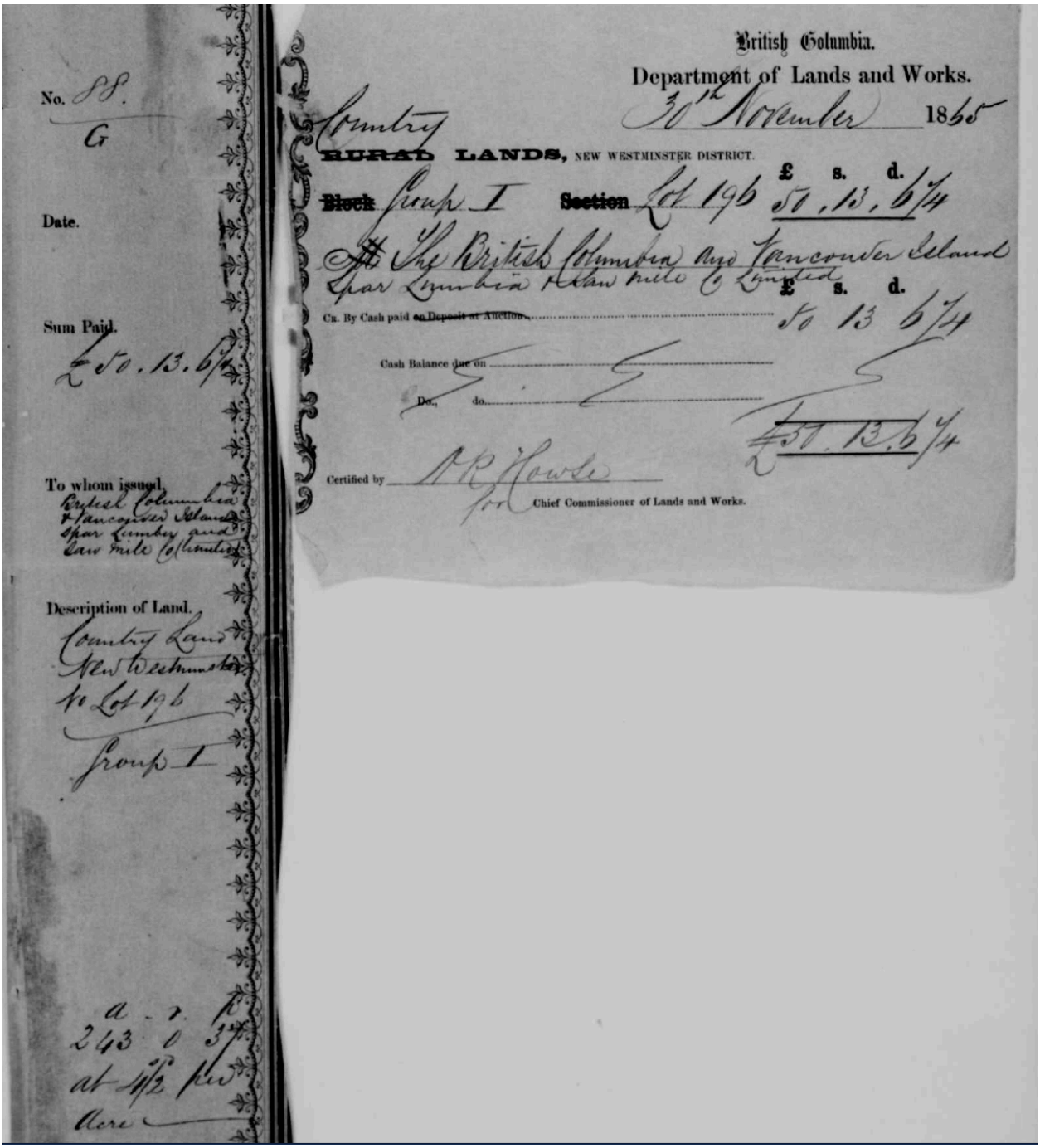


Fig 5.3 Crown Land Grant 1865, Lot 196, Group 1, New Westminster District (GR-3139). Surveyor General Division, Land Title and Survey Authority of British Columbia (LTSA).

grant are also crossed out, the "*cash balance due*" section below the company title, presumably because cash was paid in full: 50 pounds, 13 shilling, and 6 fourpence. Interestingly, the grant also displays three right leaning "∫" shaped strokes, to render the unused portion regarding cash

balance void, so that it could not be altered after the fact. The practice of filling empty space with lines to prevent forgery on deeds and grants was common, and appears repeatedly even on typewritten crown grants throughout the 1900s. The crown grant for Lot 196 is issued to "*The British Columbia and Vancouver Island Spar Lumber & Sawmill Company Limited*", a lumber corporation in which the very recently outgoing chief commissioner Richard Clement Moody had significant purchased interest in. The new chief commissioner, a U.S. surveyor and engineer recommended to the Imperial office by the governor, was named Joseph Trutch. A notorious racist whose arrival would transform Indian land policy in BC throughout this era, especially with respect to the final dispossession of many reserves, Trutch arrived in BC in 1859, and it is highly likely he had many interactions with Moody and his colonial offices on the mainland (Fisher, 1971; Ormsby, 1982).

The most interesting and dubious feature of this crown grant lies in the signing. Apparently issued and certified by A.R. Howse, a primary administrative assistant to the chief commissioner, who worked closely with Moody throughout his administration, as well the incoming Trutch who took over his post in 1864. Researchers at the Union of BC Indian Chiefs have examined past fraudulent land claims (fraudulent because of Moody's conflict of interest as chief commissioner) and discovered that Howse would sign crown grants on Moody's behalf so as to secure the documents validity and obscure any obvious wrongdoing. Why it is that Howse was compelled to sign this particular crown grant on behalf of his current chief commissioner, Trutch, I have not been able to ascertain. It is almost exactly a year to the month that Moody had returned to Britain, and it is hard to say what financial interest Trutch had, if any, in the Sawmill corporation for which nearly 84 acres of today's Downtown Eastside are granted by these officers on behalf of the crown.

The fact of the sawmill claim selected for this particular site will ultimately come to redefine this area of early Vancouver as a space of predominantly transient 'male labor' in service to BC's burgeoning resource extraction industries, intimately connected as they are with the geography of Single Room Occupancy hotels that emerged to meet the housing needs of resource labor (Sommers, 1998; Ley & Dobson, 2008). Though the first train on the Canadian Pacific Railway (CPR) did not arrive until 1887, and the Hastings Sawmill eventually closed in 1928 to be replaced with other port and rail facilitated industry, this 1865 crown grant sets into motion the prerequisite theft from and 'disappearance' of Indigenous life-worlds to make way for the extractive and accumulative engine of the pacific rim city.

As a document then, the grant creates possession as both a spatial and a temporal relation. Lot 196 would eventually become subdivided, auctioned, sold, re-subdivided, re-sold, but only when and insofar as the grantee decides. And the crown remains the original grantor with underlying title, always. Despite its property enframing power, however, the crown grant for Lot 196 as an object betrays the typical character of a grant. The textual technologies of property are ultimately self-authorizing in their production, mediated by their impermanence, colluding between signifier and signified to bring property into being. Generally, the documentation of the land grant aims to be what Blomley (2000), drawing from Carol Rose (1994) refers to as a "persuasive enactment" (p. 87). In its repurposed state, with a large missing bottom half, scratched out sections, barely legible handwriting, and deferred signing mandate, the grant reveals not only how improvisational methods of land theft could be, but a sense of sheer contempt on behalf of the colonial officers for their own administrative bureaucracy. This forging of what appears to be a page from a certificate book for rural land may seem neutral, or a choice made out of necessity in an under resourced colonial outpost, but is instead a reflection of

the deep contradiction inherent to the textual technologies of property. They are produced in order to *authorize out of existence* any non-Western modes or conceptions of inhabiting a place, and *authorize into existence* the concept of property, claiming knowledge of who owns, for how much, what the boundaries are, and so on. While we can understand all of these practices to ultimately constitute the 'theft' of Indigenous land, the manner by which the grant for Lot 196 is produced suggests a more knowingly explicit theft, even on the officer's own administrative and authoritative terms. It is a document not even aiming to be persuasive, it flouts its own conventions and norms, baldly speaking to the dispossessive and accumulative desires of colonial life.

Meanwhile, the Indigenous encampments and homes which were displaced from the edge of Burrard Inlet to make way for industry (Barman, 2007; Wonders, 2008), make no appearance in the confounding field notes that accompany the grant (**Figure 5.4**). There was indeed a large Squamish settlement at the foot of Alexander and Columbia Streets, the area named Luck Luck EE (Grove of Beautiful trees), after an ancient grove of maple trees that grew there (Wonders, 2008). It would have been very nearby the site of the Hastings Sawmill, and certainly within the boundaries of the original survey. The field notebook scanned and released to me by the *Land Title and Survey Authority* is only five pages in length, depicting a crudely hand-drawn map of the sawmill claim area. On the first page is a reference map of the whole claim, while the proceeding pages represent the full map in four closer illustrations, with notations "*See page 2*" and "*See page 3*" and so on, leading the reader to flip the document around while moving from page to page. Orienting oneself between the representation and actual physical space of the land in downtown Vancouver with this field notebook is, I have found, near impossible. While the

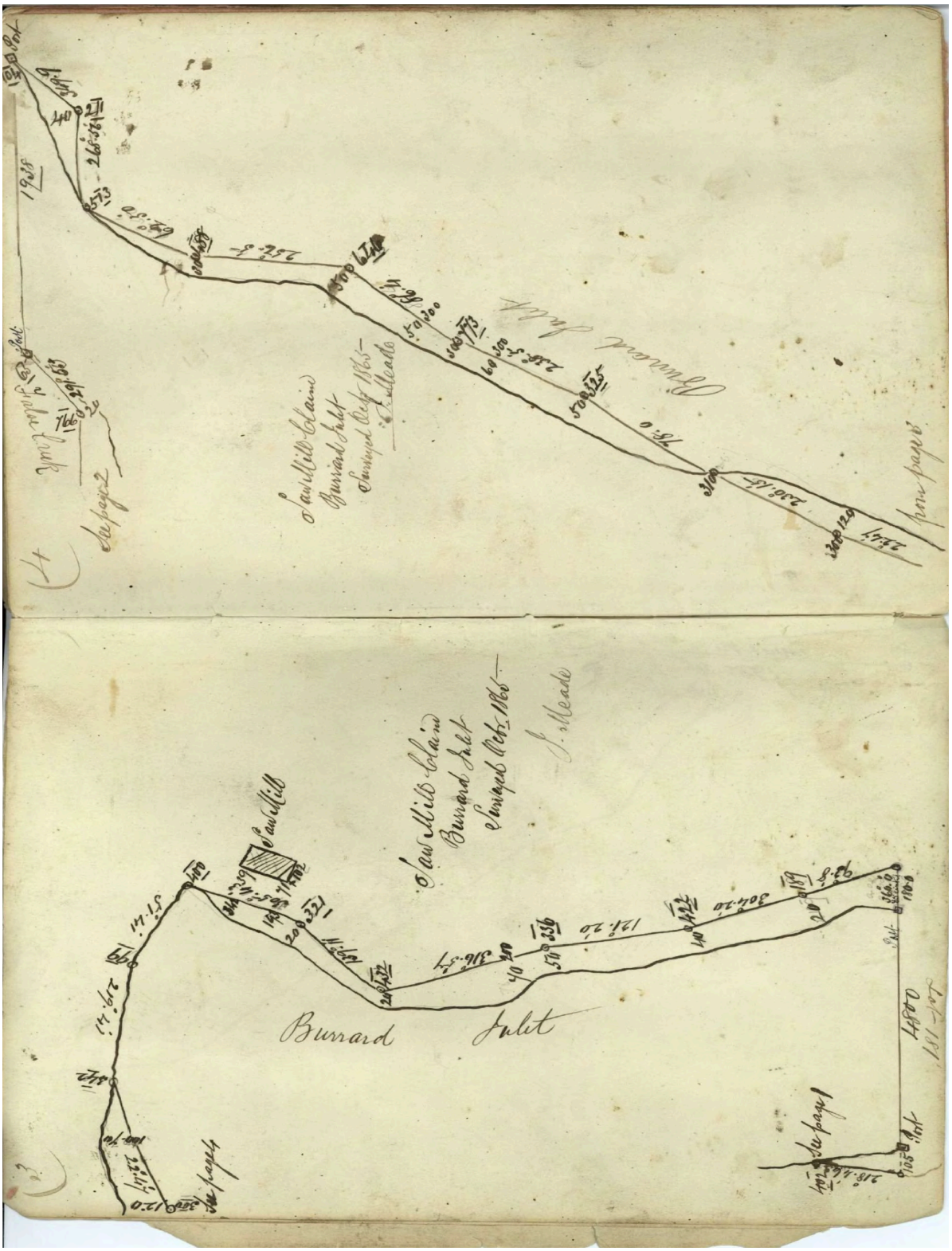


Fig 5.4 Pages 3 and 4 from field notebook of Sawmill Claim, Surveyed October 1865, of Lot 196, FB 90/1884, Pigeon Hole 003, Group 1, New Westminster District, Royal Engineer's FB Vol. 15 A, Surveyor General Vault, Land Title and Survey Authority of British Columbia (LTSA).

water of Burrard Inlet is consistently labeled, and "*true north*" notations appear in three places, one struggles to piece together the meaning and coordinates of its mathematical notations. There is no cadastral grid here, though like any other map, and not unlike the surveys of central Georgia in 1821, it is defined just as much by the social life it maps out, as its fastidious attention to lines, distance, precision and notation. In order for property to come into being, the conceptual emptying of space Blomley (2003) and Harris (2004) reference is epitomized by the grid and the field notebook that both spatialize and co-author the grant.

The racial-colonial ideological register that dispossession draws from to produce property for a white supremacist ownership model is now well described by scholars of critical race (Harris, 1993; Razack, 2002) and settler colonial studies (Tully, 1996; Nichols, 2015; Blomley, 2003). Not unlike the contradictions encountered by officers of colonial administration, the discursive concepts around ownership also have their deep contradictions. *Terra nullius*, was both an ideological script and a political technique that guided the conceptual emptying of space (Coulthard, 2001). Though such attempts to imagine the land as empty could not alone destroy socio-spatial claims to space, as land in North America was in fact not empty. Lockian rationalities of property then worked to script space as 'laid in waste', only to be properly claimed if that space was 'improved upon' (Tully, 1996; Arneil, 1996). This was a regime of rationality that not only relied on 'improvement' (or 'mixing' one's labor with the soil) but a specifically racialized grammar that associated humanity with whiteness, personhood with ownership, and designated non-whiteness as 'savage', alienable, unpropertied, or as the "object of property" (Harris, 1995). This concept of ownership is made material by the grant, and its associated legal textual technologies (cadastral grid, survey notebook) as well as the legal statutes that dictate who can *participate* in proprietary life. That materiality is further enacted in the exclusion of

non-whites from Georgia's land lotteries, the preemption ban on Indigenous people and Chinese settlers, and the total power of colonial officers to confer settlement land in a unilateral manner on behalf of the crown.

These types of racial banishments (Roy, 2017), necessary for creating *value* and accumulative potential in land are both sanctioned *and* operationalized by property's ownership technologies. My focus here on the Vancouver example of the crown grant is deliberate and to a great extent delimited by what is available in the historical colonial record. Plenty of grant documents still exist for Georgia's land lotteries, and while they too communicate an authoritative textuality, they are highly uniform and relatively faithful as "persuasive enactments" (Blomley, 2000). The crown grant for Lot 196 however offers a window into the profoundly ad hoc nature of racialized dispossession, as well as an opportunity to consider how the paternalism and violence of state conveyance (also present in Georgia's land lotteries) is a unilateral project that binds land and people through specifically spatial and temporal technologies profoundly unequal in nature.

I want to circle back to the lease, as the central mode of subjection that defines the landlord-tenant relationship, to suggest that the land grant that inaugurates dispossession in both sites should be thought of in some ways as its lineage instrument. I am not arguing that the land grant is the same thing as the lease that dictates the landlord-tenant relationship today, but rather that we must *understand* and *read* it in the same way that we understand the lease. As a contractual form of subjection that unilaterally establishes a conveyance in property (Lot 196), defines its terms of use (Sawmill claim), and is the epistemic and ontological site of a private property relationality that ultimately delimits how socio-spatial claims for those whom it subjects can be mediated. In this next section, I take up the landlord-tenant relationship in Canada and

U.S. which, when transplanted from British common law, is defined by such forms of legal subjection, and spatial and temporal confinements which have their origins in the racial orderings that become established through the colonial encounter that I have explored in the first two sections of this chapter.

5.3 Landlord, Tenant, and Legal subjection

The role of law in property relations is now well documented as absolutely central to their production and enactments (Blomley, 2000; 2003; Delaney, 2010, Mawani, 2012). Quoting Bentham in his discussion of the role of the grid and the survey in the colonial frontier, Blomley argues that property and law are co-constituted and cannot exist without one another: " 'Before laws were made there was no property; take away the laws, and property ceases' " (2003, p. 124). Elsewhere, Blomley (2000) argues that "violence is integral to, not an adjunct to western property law" (p. 89). Likewise, an analysis of racial capitalism, while relying on the work of critical race theorists, reminds us of the ways that law is a central method by which racial difference is made, and that capital exploits that difference to create value (Pulido, 2017; Lowe, 2015). I bring these points together to emphasize the importance of the law in relation to how the land lotteries and their subsequent speculative land markets are legally defined by whiteness, or the British crown bans non-whites from pre-emption and ultimately bestows itself with legal title in land conveyance. Throughout all of these racial and proprietary geographies, the law assumes a rather central role. While plenty has been written about property law and its centrality to the colonial era (Blomley, 2000; Mawani, 2003; Bhandar, 2018), I want to shift the focus from colonial settlement to a more specific form of private property relations that proceeds from (and relies on) it, in terms of the landlord-tenant relationship.

Landlord-tenant law becomes the authoritative body of statutes that codifies 'tenants' and 'landlords' as explicitly classed (and often racialized) subject positions, and governs the relationship of contract between them. In the context of both Georgia and British Columbia, these are socio-legal regimes that are ultimately rooted in British common law, which becomes legally supplanted in the landlord-tenant acts and statues in much of Canada and the U.S. as a direct result of the colonial encounter (Powell, 1911; Blomley, 2000; Mawani, 2012). For Mawani, the role of common law in colonialism is actually central to processes of racialized dispossession, violently erasing, "the presence of Indigenous peoples, displacing them from their ancestral lands and enabling settler states to narrate the origins of their sovereignty and authority as lawful" (p. 341). Common law is also the body of law that inscribes landlord-tenant relations today with its uniquely unequal and ultimately extractive contractual obligations, regulated by the (residential) lease which dictates the relationship and is also the means by which tenants and landlords materialize as legible actors within the law.

So while Europe's ontology of land settlement presents itself as universal through the colonial encounter (Anghie, 2017), it is necessary to parse the specifics of that 'universality' within the landlord-tenant relationship to understand how it is formed and in what ways this inflects current landlord-tenant relationships with a coloniality of power. In my many conversations with lawyers about landlord-tenant law, I often ask the basic question of how, in their view, the law specifically shapes the landlord-tenant relationship in unequal or imbalanced ways. Of course, the relationship is already *fundamentally* unequal through a race-class subjection, in where one party has a relatively permanent ownership interest in land, and the other party does not. But with respect to how the law furthers this inequality, most of those conversations circle back to the lease contract: It is *the basis* of the relationship which is shaped

by the power of those who are writing the contracts to dictate its terms with respect to socio-spatial and temporal claims.

Legal scholars writing about landlord-tenant law explain that the lease is viewed as a "conveyance" whereby, "the landlord conveys and the tenant receives an ownership interest, albeit a temporary ownership interest" (Humbach, 1983, p. 1218). This fact of 'temporary' ownership interest is a prominent theme throughout much of the legal writing pertaining to landlord and tenant, and indeed is a key defining feature of the contractual relationship. Even in terms of how the 'tenant' is defined, the language relates to the temporary nature of their subject position. Historical legal writing, particularly in the form of treatises, are central sites of the discursive production of law, outside written statutes themselves. Two key pieces on landlord-tenant relations emerge around the turn of the 20th century, one published by a British jurist, Sir Frederick Pollock[19] titled *The Land Laws* (1883), the second by a Baltimore court reporter, Herbert Thorndike Tiffany, titled *A Treatise on the Law of Landlord and Tenant* (1912). There are plenty of much more contemporary writings of the many transformations undergone by landlord-tenant law in the U.S. and Canada over the last century, but I focus on these two for what they tell us about how 'landlord' and 'tenant' come to be defined in relation to one another in the decades following initial dispossessions and the establishment of private property relations.

Pollock's (1883) shorter book narrates the history of British common law, and contains one chapter on landlord and tenant that highlights the origins of tenancy relations as they emerge from its statutes. Tiffany's (1912) treatise on the other hand is a massive tomb of well over 1000 pages that provides excruciating detail on all aspects of landlord-tenant law in the U.S. It

[19] It is worth noting that as a jurist who wrote extensively on the history of British law, Pollock also maintained a lifelong correspondence with U.S. Supreme Court judge Oliver Wendell Holmes, the letters of which are published (Holmes & Pollock, 1961). It may seem a minor anecdote, though it elucidates at least in a small way how colonial knowledge production across vast spaces can be intimately linked, beyond what we assume to be the adoption of legal statutes in the colonial encounter.

possesses a deep citational structure, where many of its pages contain far more legal citations than text, referencing thousands of cases and historical legal treatises across the U.S. and Britain in its efforts to authoritatively outline landlord and tenant. While Pollock (1883) does not define 'tenant' in his writing, he describes a landlord as "a landholder whose land is more than he can occupy", underscoring the accumulative nature of the landlord-class' interest in property (p. 139). Tiffany (1912) on the other hand, devotes a mere few lines to 'landlord', citing numerous early British jurists to conclude that the legal term landlord arose because it is more comprehensive than "lessor", given that landlords are not only the parties that write the leases but have a specific "reversionary interest" in property (p. 4). His use of *reversionary* here is meant to convey that the property ultimately 'reverts' back to the landlord after it is no longer held by the tenant. Tiffany devotes the 18 pages following to defining 'tenant' and all of the qualifying features of what it means to 'hold' possession for a party that does not truly own, and he ultimately concludes that the basic legal definition refers to: "Persons for the time being entitled to the property subject to its future limitation" (p. 26). Reflected by Pollock and Tiffany, the 'future limitations' of tenants, and the 'reversionary interests' of landlords are ultimately describing the socio-legal dynamics that undergird the eviction process. While the lease is first unilaterally granted by the landlord, it is embedded in a life-world of property relations that are entirely defined through a delimited futurity and the express right of reversion.

These legal descriptions may appear somewhat obvious, especially to the reader who is familiar with landlord-tenant relations, but I point to them to illustrate a key point about how the law produces knowledge and meaning both within its written statutes, which are indelibly shaped and constructed through legal precedents, as well as in the systematic expositions of jurists and legal scholars who set about to describe and interpret the law. Renisa Mawani (2012) reflects on

the ultimate violence of this knowledge production as a central feature of coloniality that cannot be ignored: "law's self-generating truth claims are vividly apparent in the recursive, accumulating, and discriminating paper trails of statute and precedent under British common law. By referencing statutes and judgments that came before and by determining which are apposite, law cultivates its meanings and asserts its authority while at the same time concealing and sanctioning its material, originary, and ongoing violence" (p. 342). Mawani's point regarding the concealing and sanctioning of violence within law is especially evident when you trace its truth claims, its seemingly stable categories, to their origin.

In addition to this notion of 'reversionary interest', British common law that underwrites today's landlord-tenant relationship instills the lease contract as exceptional. Unlike much of contract law that regulates relationships between parties, a defining rule called the "doctrine of frustration" does not apply to a landlord-tenant lease (Humbach, 1983; Williams, et. al, 1989). The doctrine of frustration allows for the breaking of a contract, if one of the parties has circumstances that change which render them unable to fulfill the terms of the contract. If a tenant, for example, loses their employment, this pivotal change in their circumstances that allow them to fulfill the contract (paying rent) does not free them from those obligations. Likewise, if they violate (or 'break') the lease relationship, the responsibility to mitigate the damages (non-payment) lies solely with the tenant. Understanding how the lease is an instrument of control, in addition to being supported by the 'reversionary interest' of the landlord is key.

The reversionary interest Tiffany (1912) refers to is elaborated in a second volume (also over 1000 pages) in an entire chapter devoted to the practice of "*distress*", a legal term emerging from British common law that describes the right of a landlord to seize goods (or property) in exchange for money owed in the form of rent. Distress warrants were a central feature of early

eviction practices (persisting as monetary orders, wage garnishments and bank levies today), and they were indeed the only method available to a landlord to secure rent payments when they were otherwise not given. The concept of distress highlights that eviction is not simply a conflict in socio-spatial claims, but an explicitly accumulative subjection that rests on the requirement to secure rent. Pollock's (1896) book in its short chapter regarding landlords and tenants especially places a focus on the history of the *right of distress*: "There is one ancient and peculiar incident in the relation between landlord and tenant that the theory of contract is incapable of explaining. This is the landlord's right of distress. Early records, both of English customs and of those of kindred nations, point to a time when distress was almost the universal form of civil remedy" (p. 145).

Elsewhere he states that it has been a centuries long common practice to insert in leases a provision to put an end to the contract if the tenant fails in payment of rent, and he notes that the power to distress was given to the landlord the British Parliament in 1689. Understanding how 'customary' processes become law in the common law paradigm is illustrative then, of Mawani's broader point. The accumulative drive that underpins enclosure and therefore the landlords right in rent, persists first as custom, and that custom, assumed to contain a certain truth or stability in rationality despite its inherent violence, then becomes sanctioned by the law in a manner that conceals its violence through its truth claims.

I highlight distress here because it appears so readily, even in the very earliest compositions of legal provisions within the Georgia Code and British Columbia Statutes. Well before these various statutes become slowly and meticulously consolidated over time into their later forms as *The Landlord and Tenant Act of BC* or the *Landlord and Tenant* articles of *Title 44*, *Chapter 7* of Georgia's official code today, the legal right to distress for rent on the part of

property owners is bestowed to them by legal proclamations that exist in the colonies as a direct result of British rule. Georgia gains independence from the British crown in 1777, and in the years that follow, establishes its legislative general assembly to begin the process of writing and consolidating legal statutes, much of which are directly adopted from the British statutes that were in place before (Woodfall, 1890). Similarly, common law is inherited by British Columbia upon the official founding of the colony in 1858, and by 1895 many of the provisions in the English statutes are consolidated with the statutes of BC into its Landlord and Tenant Act (Williams, et. al, 1989; Bray, et. al, 1973). To echo Mawani's point about the recursive and accumulating nature of colonial legal knowledge production, there are hundreds if not thousands of pages of statute texts produced and reproduced throughout the late 18th and 19th centuries in Georgia, and this same process begins in 1858 in BC and continues into the early 1900s. Tracing how these vast texts consolidate landlord and tenant as a relationship is challenging, but I want to focus attention to the question of distress for what it can tell us about the narratives of and the priorities in the relations of eviction the law imposes.

Figure 5.5 is an excerpt from the 1811 Digest of Georgia Statutes, outlining the legal specifics of the landlords right to distress for rent. It does not attempt to define what distress is as this has already been established as a received legal truth within common law, instead this statute outlines in detail the processes for conducting distress warrants, the procedures for dealing with a tenant 'holding over', through what means a trial will be held, what counts as a defense against distress (a counter claim on the part of the tenant), and lastly the legal dictates of the writ of possession - a legal document issued by a judge to invest the power of the law in the landlord via the Sheriff to enact distress or ejectment (eviction) itself. This is a striking document, reflecting an already well established infrastructure of land courts, judges, and multi- jurisdictional actors

shall be filled up, the same shall be certified under the hand or hands of the person or persons presiding in the said society, and according to the form of government or discipline practised by the said church or society; which certificate shall express the name of the person appointed to fill the vacancy, and the name of the person in whose place he shall be appointed, and the said certificate being recorded in the office of the Clerk of the Superior Court of the County in which the land lies, the person so appointed to fill such vacancy shall be as fully vested with such trust, as if a party to and named in the original deed.

RENT.

Sec. 1. Distress warrants,
" 2. Claims—trials.
" 3. Lien of Rent.
" 4. Tenants holding over.
" 5. Right of entry.
Sec. 6. Interest—trial.
" 7. Proceedings vs. tenant.
" 8. Defence.
" 9. Writ of possession.

An Act to regulate the collection of Rent.—Assented to Dec. 13, 1810. Vol. II. 629.

[Abolished the process by distress and sale, and allowing bail process before rent was due. Superseded by next Act.]

An Act to point out the mode for the collection of Rents.—Approved Dec. 16, 1811. Vol. III. 737.

Distress warrants under 30 dollars to be levied by a Constable.

1. SEC. I. From and after the passage of this Act, it shall and may be lawful for any person who may hereafter have rent due, where the same does not exceed thirty dollars, to make application to any Justice of the Peace within the district where his, her or their tenant may reside, and obtain from such Justice a distress warrant for the sum claimed to be due, on oath in writing,[1] for the said rent, and the same may be levied by any Constable duly qualified, on any property belonging to the said tenant, who shall advertise and sell the same under the same rules and regulations as other sales under execution; and where any distress shall issue for a sum exceeding thirty dollars, it shall be levied by the Sheriff of said County, advertised and sold as in cases of other executions: *Provided nevertheless*, that the party distrained, shall be entitled to replevy the goods so distrained, by making oath that the sum or some part

If over 30 dollars, to be levied by a Sheriff.

(1.) Oath of agent insufficient. 7 *Ga.* 52.

Fig 5.5 The Digest of Georgia Statutes, 1811, Vol. 1, Page 900.

CHAPTER .

An Act respecting Distress for Rent.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. The right of a landlord to distrain for rent owing to him by his tenant on goods in possession of the tenant, which said goods have been sold to the tenant under a duly filed agreement for hire, contract or conditional sale, shall be limited to three months' rent and payment by the hirer or owner of such goods of three months' rent as aforesaid, or so much thereof as shall be sufficient to satisfy the landlord's claim, shall discharge the claim of the said landlord as against the said goods. 1896, c. 18, s. 2.

Limitation of right to distrain on goods sold to tenant under filed agreement for hire, contract, or conditional sale.

Short Title.

2. This Act may be cited as the "Distress for Rent Act." 1895, c. 17, s. 1.

Short title.

NOTE:—

This Act will be consolidated with the "Landlord and Tenant Act."

VICTORIA, B. C.:
Printed by RICHARD WOLFENDEN, Printer to the Queen's Most Excellent Majesty
1896.

Fig 5.6 Revised Statutes of British Columbia, 1895, No page number

like constables and Sheriffs. Though the 1821 Lottery did not occur for another decade, Georgia would have already carried out the first two of the eight, and its population at the time, though still concentrated coastally, was surging, it had doubled to over 250,000 in the last decade according to early census estimates (Gibson, 1998). That its early statutes devote an entire chapter to the subject of rent and its procurement, prior to any consolidation into an explicitly named Landlord and Tenant law, is deeply reflective of the accumulative drive of property, its fundamentally evictive relations, and the legal priorities of a thoroughly colonial administration in its making. In light of the systemic land frauds that were occurring throughout the region during the headright land system and the lottery system, the hyper codification of distress for rent likewise reflects an anxiety about land conveyance and the securing of its accumulative potential.

In contrast to the Georgia statute, **Figure 5.6** shows an early modification to BC's adopted common law as described by *An Act respecting Distress for Rent* from its 1895 revised statutes. This act is displayed here in its entirety, as it is only one page long, though soon to be consolidated with the *Landlord and Tenant Act of British Columbia*. The *City of Vancouver County Court* had already been established (1871) at the time and would have been adjudicating landlord-tenant cases. Elsewhere in the code distress for rent is well described, though perhaps not with the same minutia as Georgia's earlier codification. This act is instead attempting to restrict the landlords right of distress when it is the case that the goods possessed by the tenant they would be seizing from are under contract or conditional sale on the part of another party. In the longer section elsewhere in the statutes pertaining to distress, it is stated that the sale or transfer of a tenant's possessions does not affect the landlords right to distress. In other words, the law explicitly states that the landlord has the rightful claim to any and all goods in a tenant's possession, even if they are only temporarily in that state through another form of contract. This

additional act is intervening in that claim, to specifically limit a landlord's ability to distress (seize) those third party goods to only the equivalent of three months rent and no more. It would be difficult to ascertain how much of a problem landlords distraining on third party possessions presented during this era, but it nevertheless illuminates the complex property life-world the law wants to delineate and control.

I give these two detailed examples to highlight the intricacies by which the newly established colonial orders work to interpret, revise, and mold the law, at the same time that they indelibly retain their inherently dispossessive and accumulative drive in the interest of the white (at the time) landlord-class. Blomley (2000) and Mawani (2012) both point to the necessity of the law in order for property to exist and be reproduced, and of its capacity to conceal its violence through its evidently self-referential and truth making claims. My aim with this section has been to establish the landlord-tenant relation as one defined fundamentally by legal subjection. Not just on the basis of who owns property and who does not, but through the essence of a specifically European socio-legal ontology that arrives with the colonial encounter. It dictates unilateral property powers in lease relationships, 'reversionary interests' on the part of the landlord, the attempted foreclosure of futurity for tenants, and crucially facilitates and sanctions rent accumulation at all costs, through the well codified, prioritized, and violent acts of distress. In the last section of this chapter, I will briefly examine examples of textual knowledge production related to the writ from legal texts in BC and Georgia at the turn of the 19th century.

5.4 Emergent Evictive Knowledge Production

Taking stock of the numerous legal treatise and reports narrating and co-authoring landlord-tenant relations, through its origins in British common law statutes (some of which date back to the 12th century (Woodfall, 1871)) alongside the extensive transnational and recursive citational development of landlord-tenant law, it is quite difficult to square Matthew Desmond's (2018) account that evictions were a rare occurrence in the past, and today common in the lives of the poor. In some ways, the authoritative mechanisms of eviction we can locate in the law can be thought to provide a symptomatic or gestural reading of them, in lieu of the absence of 'hard' data or rich empirical accounts. At the same time, while the presence of a robust and well defined legal relationship between tenants and landlords does not necessarily mean that evictions were very widespread, we can still further identify their contours by paying close attention to the textual forms of knowledge production that are law adjacent. As the preceding section shows, the law as an authoritative mechanism is itself deeply textual, however, while those specific texts (statutes, treatises, codes) are important for reading the epistemic legal subjection through which evictions persist, they are not texts that specifically *enact* tenant evictions themselves. Those texts are the lease (indirectly), distress or dispossessory warrants, and especially the writs of possession that do the exacting textual and ultimately violent work necessary to evict. Real life examples of those types of documents from the latter half of the 1800s do not exist, but they are nevertheless very present in both legal doctrines and their co-authoring legal treatises.

In a 600 page treatise by Georgia judge Arthur Grey Powell published in 1911, he lays out his vision for the laws and procedures relating to the "preparation and trial of cases of

§ 448.—Writ of Possession.—The following form for the final process[1] is suggested:

WRIT OF POSSESSION.

Georgia, *Early* County.

To any lawful officer to execute and return:

Whereas at the *October term, 1910,* of the Superior Court for said county the plaintiff in the action in ejectment of John Doe on the demises of *Walter Thomas, Robert Lee, and Wade Hampton, against John Jones* and *William Smith,* recovered of the defendants the premises in dispute, viz: *lot of land No. 155 in the 28th District of said county,* and the sum of *$100,* mesne profits, together with costs; and judgment was accordingly entered:

This is to command you, that without delay you deliver to the plaintiffs full and quiet possession of the premises so recovered; and this is to authorize you to evict therefrom said defendants, their landlord, if any, and all persons put in possession by them or claiming under or by virtue of any conveyance from them or either of them since the suit was begun.

You are further commanded, that of the goods and chattels, lands and tenements of said defendants, or either of them, you cause to be made the said sum of *$100,* which the plaintiffs recovered as mesne profits, and the further sum of $....., costs; and have you said sums of money, together with all further costs, before said court on the *first Monday in April, 1911,* to render unto the plaintiffs; and have you then and there this writ.

Witness the *Honorable Wm. C. Worrill,* Judge of said court, this *October 20, 1910.*

J. T. Freeman, Clerk.

[§ 447] 1. Civil Code, 1895, § 5333; Hopk. Code, § 5928.
[§ 448] 1. Cf. §§ 425-6, ante.

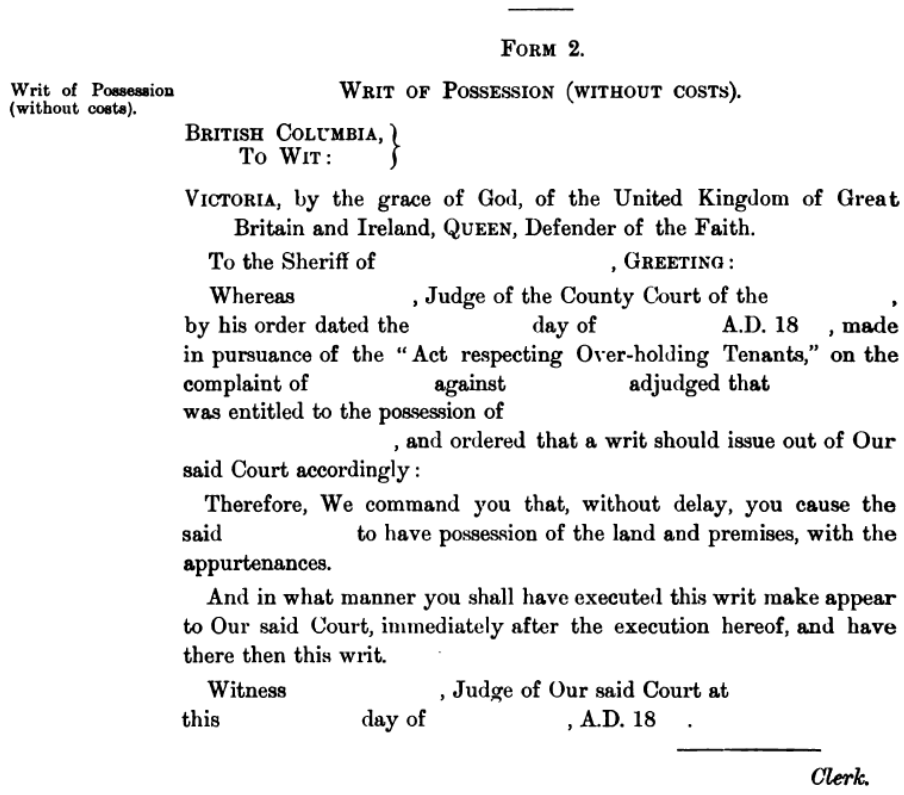
Fig 5.7 Excerpt of Judge Powell's (1911) Writ of Possession exemplar, p. 583.

ejectment and other actions at law respecting titles to land" (Powell, 1911)[20]. Though his book covers land relations well beyond the specifics of landlord and tenant as I am defining them here, it includes also a great deal of legal and contractual information regarding that relation. It is a very difficult read, largely due to the obtuse legal language that was customary of the time, but his book is useful to engage in that he takes as part of his work the essential practice of outlining and dictating the production of the textual aspects of eviction. Committing an entire chapter to

[20] The book's title is worth noting at length here: "*A Practical treatise on the law and procedure involved in the preparation and trial of cases of ejectment and other actions at law respecting titles to land: treating particularly of the pleading, practice and evidence, and in general way, also of the principles of substantive law involved in such actions"* (Powell, 1911).

the writ of possession, Powell adds an appendix for a prototype form to instruct other jurisdictions, adjudicators and law makers on the proper form and disposal of a writ of possession (**Figure 5.7**). It is meant to pose as a representation and exemplar to others. It goes about ensuring the inclusion of key notations such as dates, plaintiffs, defendants, how the tenant can repay, but in particular it aims to enact the recovery of what are termed 'mesne profits': "...You [tenant] are further commanded, that of the goods and chattels, lands and tenements of said defendants, or either of them, you cause to be made the said sum of *$100*, which the plaintiffs recovered as mesne profits, and the further sum of $ . . . . . ., costs" (p. 583). In other words, the plaintiff (tenant) is required to not only turn over possession, plus rent due ($ . . . . . ., costs) but also an amount of $100 dollars in the imagined "profits" the tenant receives in their wrongful possession of the land (Powell, 1911). Mesne profits, a concept of feudal origin dating to a time when tenants earned profits from land in the form of crops, came to eventually inscribe the mere act of *free possession* as an accrual of *value* (Adams, 1840; Pollock, 1896). In this sense, the basis of the rent relation is defined as the *loss of that imagined value* becomes defined as *damages* to which the landlord is legally entitled.

Though the sum of mesne profits in Powell's writ example appears in italics in this template, which suggests that amount is particular to this case, it highlights the true nature of the writ of possession as an inherently extractive and accumulative legal mechanism. Mirrored against the nature of eviction proceedings in Fulton County today, where tenants are subjected to monetary orders to repay their landlord's court and attorney's fees, as well as the nebulously defined "administrative costs" that enters them into chronic cycles of debt and poverty, it is clear that dispossessory proceedings not only have their roots in juridical (colonial) knowledge production, but they are an explicitly colonial-racial instrument for extracting *value* predicated



FORM 2.

Writ of Possession (without costs).

WRIT OF POSSESSION (WITHOUT COSTS).

BRITISH COLUMBIA,
To WIT:

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith.

To the Sheriff of , GREETING:

Whereas , Judge of the County Court of the , by his order dated the day of A.D. 18 , made in pursuance of the "Act respecting Over-holding Tenants," on the complaint of against adjudged that was entitled to the possession of , and ordered that a writ should issue out of Our said Court accordingly:

Therefore, We command you that, without delay, you cause the said to have possession of the land and premises, with the appurtenances.

And in what manner you shall have executed this writ make appear to Our said Court, immediately after the execution hereof, and have there then this writ.

Witness , Judge of Our said Court at this day of , A.D. 18 .

Clerk.

Fig 5.8 Excerpt of Appendix of the 1895 Statutes of BC, Writ of Possession exemplar, p. 239.

on race-class difference, as enacted here by Judge Powell. This example of textual templating in legal documents is not an exception either. Writs of possession exemplars, three in fact, also appear in the appendices of the *1895 Statutes of British Columbia* (**Figure 5.8**). While its unclear where the specific language of these originate, other than their both emerging from common law, they offer an important window into better understanding the laborious and intricate nature of legal knowledge throughout the late 1800s into the 1900s. Their reproduction is ultimately suggestive of how common the enactment of eviction was becoming during this time.

There are many ways to see evictions in our urban geographic histories, especially when we pay attention to colonialism and race. Interpreting the forced removal of Indigenous people as

key historical instances of eviction should be central to our understanding (Wallstam & Crompton, 2013; Mawani, 2012; Compton, 2005). Likewise, the systematic destruction of socio-spatial claims of non-white and black lives in city (Bayor, 1989; Rutheiser, 1996; Compton, 2005; Hankins, et. al, 2015). Understanding all of these as recurrent events and cyclical processes of displacement - within the paradigm of social science - is key to undoing the lack of historical memory present in our current work. While they all signal to the violence of dispossession wrought by a Euro-American ownership model, at the same time they do not illuminate as much about the specifics of the emergent socio-legal infrastructure associated with residential evictions, when we define them as involving the use (or abuse) of landlord-tenant law to eject a tenant. To read evictions in our history, we have to connect the authoritative power of the law and the lease to their textual mechanisms. As instruments that enact the violence of the law, dispossessory warrants, distress warrants, and in the final instance, writs of possession do the actual *work* to evict per se. That they are produced in such a detailed and recursive manner during this era signals that the practices of eviction are well embedded in the project of private property.

5.5 Conclusion

I have aimed with this chapter to make an argument for a broadly symptomatic reading of evictions in our history. In his postcolonial analysis of international law, legal scholar Antony Anghie (2007) makes the important point that while many scholars assume that laws arrived to the colonies fully formed, they were instead created and improvised through the colonial encounter. This is a point well illustrated by the continuities and discontinuities between the systems used to rupture non-Western (and non-white) relationships to land that exist in both

sites. The cadastral grid and the survey, which establish a template for the violence of genocide, enslavement, confinement and disappearance. By enrolling racial difference to construct property as whiteness and foreclose non-white ownership, methods of land granting produce exploitative race-class relations thereby foreclosing tenant futurity in the relative permanence of enclosure, and subsequently using that system of power relations to create and extract value (rent) from non-white, non-propertied people. This is the ontological and epistemic field upon which evictions play out, and to understand how domination proceeds from this, we must work to read its power relations across a complex set of overlapping and constitutive practices (authoritative, technological, infrastructural, spectacular).

I have titled this chapter "*Dispossessions Emergence*" to pose an argument about the racialized and dispossessive organizing logics that are foundational to today's evictions. Emergence, is a key way to understand the sets of social relations inaugurated by racial-colonial settlement. Raymond Williams (1977) defines an emergent social formation as one in which new meanings, practices and relationships are actively being created that are substantially oppositional to those that came before it. He juxtaposes emergence with the notion of residual, as a way to describe elements of a social formation that have, "been effectively formed in the past, but [are] still active in the cultural process, not only and often not at all as an element of the past, but as an effective element of the present" (p. 122). Williams' distinction here is a crucial one, because it allows for a better understanding of the social violences and ruptures necessary to establish evictions as a private property relation, while also pointing to how we can understand the past be continuous in our present. In the two remaining chapters of this dissertation, I will examine contemporary evictions to consider what is residual within them from the time and processes of their emergence.

CHAPTER 6

DISPOSSESSION'S 'AFTERLIFE'

"The primary issue is that we have these fixed leases
that we are forced to sign from the outset, thereby
agreeing to our eviction from the very beginning"

Ross House Tenant, Vancouver BC, December 2016.

[Time
was never a line, but a field & you
are occurring alongside the past]

Vanessa Angélica Villareal, 2019

There may be no better method for a symptomatic reading of the law regulating the landlord-tenant relationship than paying close attention to the landlord lobby discourse in relation to the housing justice movement. This insight was posed to me by an attorney and tenant advocate in our discussion of the *Rental Housing Task Force* (RHTF) convened by the newly elected progressive NDP provincial government in the summer of 2018. Intended to confront the profound 'housing crisis' facing BC residents, the RHTF travelled across eleven cities in two weeks, bringing together tenants and landlords in a consultation process expressly geared toward the landlord-tenant relationship in order to better understand how the *Residential Tenancy Act* (RTA) and its adjudicating body (*Residential Tenancy Board* (RTB)) might be improved in order to address the crisis. The task force also accepted written (64) and email submissions (368), from the general public, tenant advocacy and landlord lobby groups (RHTF, 2019).

In July of 2018, I attended one of the twenty-four charrette consultation exercises held across BC at a downtown Vancouver hotel with SROC board member and Downtown Eastside

tenant leader Tom deGrey. We were immediately struck by the bizarre organizational nature of the meeting, an entire ballroom divided down the middle with large table signs labeled "*Landlords & Property Managers*" and "*Renters*" on either side, covered in charrette materials like Post-its, stickers and markers, both sides separated by a massive elongated buffet table presenting finger sandwiches, salads and petit fours. The discourse of the RHTF facilitators at this gathering was that landlords and tenants are two sides to a relationship who can and should come together to find solutions to housing issues. Both sides brainstormed ideas for improvements to the landlord-tenant relationship, prompted by the question "What are potential solutions?″ The fielding of these was broken down temporally, and displayed on large boards: 'BEGINNING THE TENANCY', 'MAINTAINING THE TENANCY', and 'ENDING THE TENANCY'.

The landlord Post-it contributions to the charrette in **Figure 6.1** are revealing because of what they reference, rather than the 'solutions' they propose. The two examples here explicitly attack key goals and claims of the housing justice movement: housing as a human right and rent control. A local attorney explained this defensive stance was also noticeable in other materials submitted by lobby groups in official submissions to the task force:

> "If you want to see who the existing legislation really benefits, look at the *Landlord BC* submission to the *Rental Housing Task Force*. They are proposing to change nothing. They aren't even asking for more things, because they already have everything they need. They just attacked popular change, things on our agenda, like freezing rent. A lot of the criticism [of the law] that comes from smaller landlords is because they don't understand how to use their existing rights properly. If you are a landlord, the act is really really effective" (Michael[21], August 2018).

[21] Name has been changed to maintain anonymity.

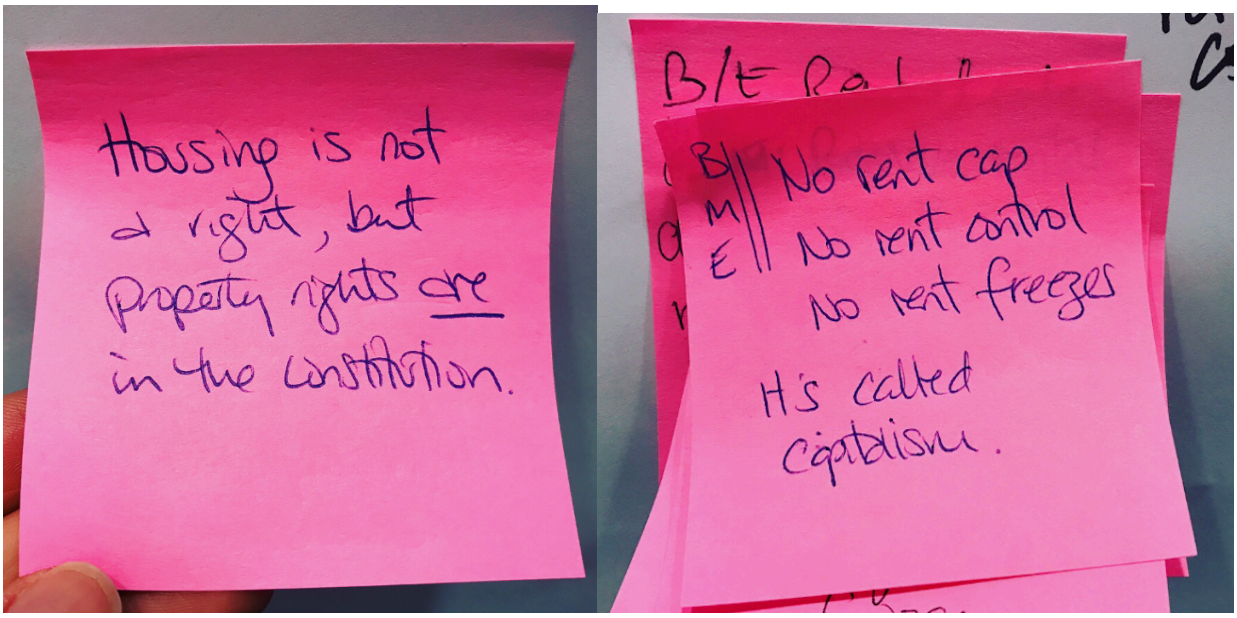


Fig 6.1 Landlord notes from Rental Housing Task Force charrette, July 2018. Photos by author.

Since the current legislation was introduced in 2001, BC's rent control places a limit on increases to 2% plus inflation yearly, except in the case of lease turn over.[22] This was a hard won and long struggled over change in the law that protects a great deal of tenants from runaway rent increases. At the same time, it is a legislative change that has paradoxically ushered in the 'renovictions' crisis facing tenants in so many municipalities. With no other method of increasing rents to their maximum potential, the shift in the law has spawned a cottage industry of real estate and legal specialists who provide their services to corporate property owners seeking the highest rent prices the market demands. Indeed, changes in the law frequently give rise to the proliferation of new means and practices for subverting it. Even though the law is largely beneficial to landlords, as Michael described, the few protections that tenants do have are frequently skirted through loopholes, ambiguities, or outright misuses of the law itself. I put

[22] While the existing rent control legislation means that tenants have these yearly protections, they do not apply when a rental contract ends and a new one begins. In between tenancies, there is no limit to how much landlords can increase rent. This is why advocates are calling for a form of rent control called "Vacancy Control", in order to protect affordability in the housing stock overall (Boothby & MacMahon (2019)).

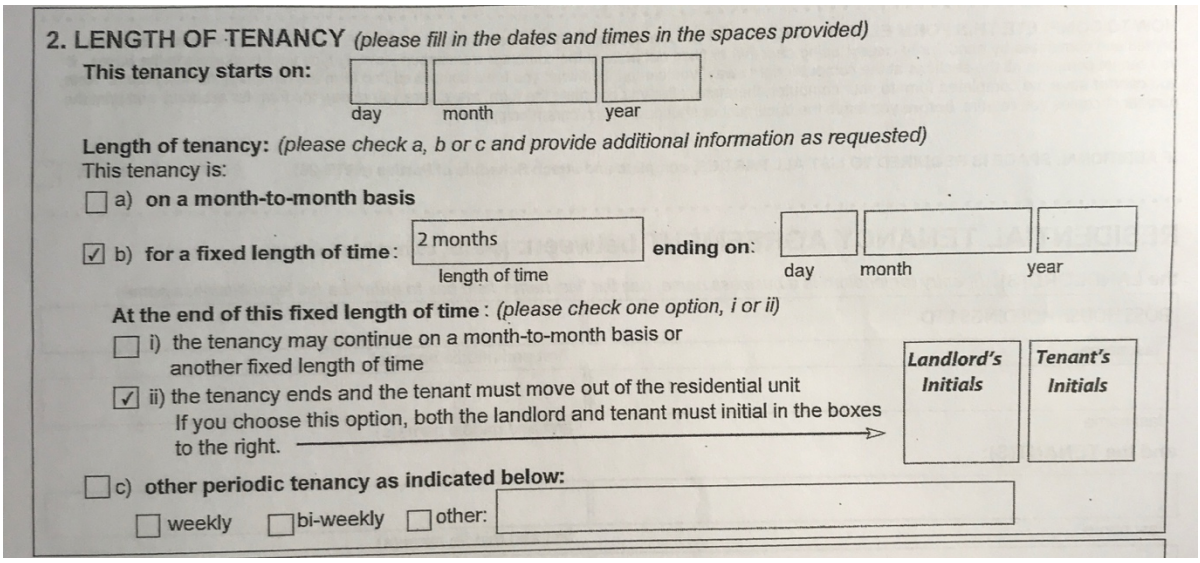
forward these examples here to illustrate a central point, that landlord-tenant relations are a deeply dialectical relation of oppression and resistance. A great deal of the protections that do exist in the law for tenants, though they seem authored by legislators, have their roots in struggle and are the final product of the extensive work of a housing justice movement pushing for change (Indritz, 1971).

In spite of the achievements of those struggles, a symptomatic reading of the law highlights the profound ways the landlord-tenant relationship is defined by domination. While we can understand the basic premise of how private property is a colonial-racial ontology constitutive of race-class inequality, tracing the specifics of its mechanisms through the lens of eviction is important for understanding those power relations. Using the eviction mechanisms I outline as a guide (authoritative, technological, infrastructural, spectacular) this chapter aims to examine those processes and power relations within the explicitly *legal* realms through which they travel tenants. From the residential tenancy lease, authorized by legal statutes and weaponized by landlords, the endless textual knowledge productions of evidence packages, warrants, and writs, to which tenants are subjected in disputes, the adjudication of eviction by both judges and deputized lay people, to the spectacled processes of service, notice and enforcement - the power relations of eviction reveal a great deal about the colonial-racial present in them today. Its legal categories of people, vigorous record keeping and adjudication and ejecting violence persists as an ongoing project of classification, management, and extraction of value, upheld by and predicated on organizing logics of difference (race), extinguishment (genocide), confinement (the ghetto) and banishment (disappearance).

6.1 Authorship and the Lease

The most predominant theme in each interview I conducted with housing attorneys and advocates is the admission that the law in Georgia and BC is strongly in favor of landlords, and that this inequality is most evident in the lease contract, which forms the basis of most parts of the landlord-tenant relationship. Though the laws in both sites are ultimately rooted in British common law, they develop differently in terms of what types of legislation and statutes exist regarding a tenant's right to possess in relation to a leases term. In Georgia, landlords have few limits in their freedom of contract, and there are no statutory provisions outlining a tenants right of possession after a lease expires. If the landlord does not formally renew and continues to accept rent after expiry, a tenancy-at-will is created, though the landlord can terminate it with 60-days notice (Georgia Landlord Tenant Handbook, 2011). Ultimately, whether a tenant can stay, from year after year, is completely up to the landlord.

In BC, however, when a lease term expires the tenant enters into month-to-month tenancy which can only be ended under specific circumstances. As long as the tenant does not violate a material term (such as non-payment, or significantly interfere with or put a landlord's property at risk) the landlord can only end the tenancy if they or a close family member intends to use the property or conduct major works in construction and repair. While such rules are ostensibly intended to be tenant protections, the leasing forms prescribed by the RTA and made by the RTB which most landlords use seriously subverted these protections by creating a loophole in the "*Length of Tenancy*" section, allowing for a fixed term agreement that also included a vacate clause (**Figure 6.2**). These became known as *Fixed Term Tenancy Agreements* (FTTA) and offered landlords a clear pathway for securing their freedom of contract, both to control and



2. LENGTH OF TENANCY *(please fill in the dates and times in the spaces provided)*

This tenancy starts on: day | month | year

Length of tenancy: *(please check a, b or c and provide additional information as requested)*

This tenancy is:

☐ a) **on a month-to-month basis**

☑ b) **for a fixed length of time**: 2 months (length of time) **ending on**: day | month | year

At the end of this fixed length of time : *(please check one option, i or ii)*

☐ i) the tenancy may continue on a month-to-month basis or another fixed length of time

☑ ii) the tenancy ends and the tenant must move out of the residential unit
If you choose this option, both the landlord and tenant must initial in the boxes to the right. →

Landlord's Initials	*Tenant's Initials*

☐ c) **other periodic tenancy as indicated below:**

☐ weekly ☐ bi-weekly ☐ other:

Fig 6.2 Section 2, Residential Tenancy Agreement, RTA template, 2017. Photo by author.

remove tenants they deem unsatisfactory, and most importantly, to have the power to author a lease's end date in order to avoid rent control.

In the nearly two decades since the introduction of a cap on annual rent increases, skyrocketing property values in Vancouver have put significant upward pressure on rents, while they have also introduced wide-spread abuses of the protections on ending tenancy in the RTA on the part of landlords. The RTA essentially generated significant legal loopholes for the accumulative interests of property owners, and they found numerous ways to skirt existing laws by abusing the fixed term clause (as well as the rules of termination for a landlords use of property). Indeed, the existence of basic rent control laws resulted in landlords needing to find new ways to extract maximum rents, and this was nowhere more evident than in the fixed term lease.

In the Downtown Eastside, the fixed term clause in the RTA also offered a new method of control for landlords operating privately-held SROs. In mid-December of 2016, the SRO Collaborative received word from another community member that a number of tenants at an

SRO on Alexander Street, Ross House had received eviction notices for Dec 31st. A 24-unit SRO building sitting near the foot of Gore Avenue on the edge of the Downtown Eastside's Oppenheimer district. A beautiful historic SRO, Ross House is notably in excellent condition, having undergone numerous restorations by the landlord since 2006. It was originally built to be a boarding house by Yonekichi Aoki, a Japanese Canadian foreman at Hastings Sawmill in 1889, only 33 years after the issuing of the crown grant for Lot 196 (**Figure 5.3**), and sits one block from the original site of the mill (Kobayashi, 2018). Its legal description in property records today bares the traces of its first theft, and the subsequent notations of 154 years' worth of subdivision, sale, reversion, and resale: "Lot 3 Block 39 Plan VAP196 District Lot 196". The building would later be repossessed by the government ('reverted' to the crown) during the era of Japanese internment beginning in 1942. Today, Ross House is home to a mix of low income tenants, most of whom are on social assistance and have significant barriers in entering the wider market of private rentals.

After getting word about the eviction notices at Ross House from the coordinator at SROC (Wendy Pedersen), I began door-knocking to reach out to tenants for support and try to get to the bottom of the issue. Though the building was key entry only, I waited around one late evening and eventually found Aurora, a young Indigenous woman living on the third floor with her boyfriend. We spoke for a long time, as Aurora, living in the building for two years at that point, narrated to me what had been going on with the landlord. While she said she had felt more or less secure in her housing throughout her time there, the landlord had been in the regular practice of getting tenants to sign FTTAs for variable lengths of time, depending on the tenant. Showing me her expired lease, Aurora explained that she had actually gone much of the summer without a lease after a previous one expired until the landlord's manager approached her in late

October with a fresh one, for a two-month term (**Figure 6.2**). She was asked to initial the vacate clause though the manager reassured her she would be able to stay, making the lease seem to be a formality. Aurora said she felt pressured to sign, and was afraid of losing her housing altogether:

> "I didn't understand what I was signing, she didn't explain it. It's a 7-page document, I couldn't read it all in the two minutes she was at my door. I was afraid I wouldn't get to keep the place if I didn't sign. I think I signed four different agreements with different fixed dates over the last year, but she never gave me any copies" (Aurora, media notes for press conference, Dec 2016).

Over the course of the next few weeks, myself, Wendy, other SROC volunteers and members of the Carnegie Community Action Project (CCAP) continued to door-knock, and held multiple meetings with tenants. The pattern of behavior Aurora described had been happening for nearly everyone. Some had been living there for more than 10 years, and though they had various lease terms over that time, were only now getting approached to sign to a fixed-term. A few of the tenants refused to sign, and at least one knew they had rights protecting their existing month-to-month tenancy under the RTA, so long as they did not agree to sign a new lease for a fixed-term and initial the vacate clause. But the pressure to sign was strong, especially in cases where tenants did not understand their rights. Many assumed that they had to sign anything their landlord gave them. Others just wanted to stay on good terms and not be seen as a nuisance. In the case of two tenants who did not speak any English, one of whom recently had a stroke, both signed without having any idea of what the lease contained, or what it meant for their tenancy. A neighboring tenant reported hearing the manager tell them: "*Sign here, I'll fill in the rest*".

Tim[23], a tenant living at Ross House for one year at that point, had signed an FTTA in the spring because he was afraid of being made homeless. His rent when moving in was $500 CDN for his single room[24] which he was barely able to afford with his assistance cheque ($610 CDN per month).[25] Once the lease expired, the manager offered him the opportunity to re-lease, this time at $660 per month: "We were pretty much stuck paying it or moving out. There is a really bad homeless situation in Vancouver already and there is no where to go. I filled out the paper work for welfare and I still owe the landlord 50 dollars" (Ross House press conference notes, January 2017). Now that his new rent swallowed the entirety of his social assistance cheque, Tim had to find other means to come up with the remaining $50, as well as money for all other living expenses including food. The earning exemptions for a single person is only $400 per month, so he could not earn more than that, or risk being ineligible for welfare.

As we worked to quickly organize the building, we learned that most of the tenants being targeted with the FTTA leases had already signed and initialed the vacate clause. Having agreed to move out when their lease expired there was little *legal* recourse, unless we gathered tenants who wanted to fight the eviction to make a joint application for dispute resolution with the RTB, forcing the landlord to suspend eviction the process until the dispute was resolved - a method of buying time. Though Wendy also thought we could use an estoppel[26] argument to prove the

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[23] Name and some details changed to maintain anonymity.

[24] The average size of the rooms at Ross House are approximately 200 sq. feet. A kitchen for communal use sits on the ground floor, while a communal shower and toilet are on each floor. A manager's suite at the front of the building is self-contained, though the landlord rented this unit out to tourists on Airbnb.

[25] The BC Liberal government froze social assistance rates in 2007, though the newly elected NDP government increased the rates to $710 CDN per month in July of 2017. In the months following the institution of increase on Sept 1, 2017, Downtown Eastside tenants reported widespread rent increases. Highlighting that without rent control, any increases in rent subsidies will be ultimately extracted by property owners.

[26] Estoppel is a principle of common law that precludes a party to a contract from alleging or asserting a fact that goes contrary to their previous claims or actions. It is not written in the RTA legislation, but can be invoked as an argument against landlords when they aim to end the contract using terms that contradict their prior behavior. It is the same reason that a landlord cannot file for eviction for non-payment, and continue to accept rent for the month following.

landlord had repeatedly abused the FTTA in a manner they were not intended for. While people signed out of fear, they also signed in part based on reasoning that the landlord had set a precedent of re-signing again and again, rather than enforcing the vacate clause. Based on the landlords past behavior, many of them assumed they would be allowed to maintain their tenancy regardless of formally agreeing to its termination in the lease. In addition to this there was an argument to be made that many tenants did not legitimately understand what it was they signed (especially in the case of speakers of other languages). But the fact that Ross House tenants *had* signed the document made this a difficult case to build, because proving its abuse would require having copies of all previous leases, and most tenants had none.

After a great deal of strategizing, the tenants and advocates decided to launch an action on New Years Day to call attention to what was happening at Ross House in the hopes that public shaming would compel the landlord to stop the evictions. We had planned to go the legal route, but it was such an urgent circumstance that people felt direct action was necessary. Writing a press release titled "*Happy New Year! You're evicted*", together with SROC and CCAP the tenants held a press conference in front of the building at noon on January 1st, 2017 (**Figure 6.3**). In response, the landlord released a four-page statement in the days following to explain his side. In it, he tells of his rescuing of the building from a previous slumlord owner, and details the operational and logistical 'costs' of being a private provider of SRO rooms to "hard to house" residents in the Downtown Eastside. Claiming that Ross House is not a social housing service, and that they do not receive funding for housing low income people, they cannot continue to subsidize the cost of operating the building at the same rents any longer. Later in the same statement, he contradicts this explanation by defending his abuse of the FTTA's as a necessary mechanism of control of being a landlord of very low income tenants:

Fig. 6.3 Ross House tenants and advocates gather for press conference, January 1, 2017. Photo by the Carnegie Community Action Project.

> "The method we use to try to control the tenants who cause trouble for the other tenants and who are destructive to our property (the building and the amenities) is the fixed term residential tenancy agreement which is provided for in the Residential Tenancy Act. It is not about raising rents, its about the tenants themselves" (Ross House Holdings Ltd. statement, January 3, 2017).

His bald admission that he explicitly uses the lease as a method of punitive subjection surprised me at first, especially given the evidence file we were trying build for our application to the RTB, but reading the statement closely is revealing in his gesturing to the law as providing him of this mechanism to secure his freedom of contract. He did not seem to care about what his method of control implied (an improper use of the fixed term agreement, never mind its more basic unethical implications) because it was *enshrined* for him, and he assumed the law neutrally and authoritatively defined straightforward knowledge about the 'rights' of landlords versus the 'rights' of tenants. His was a form of legal subjection that relied on the landlord's authorship, and

effectively weaponized the lease as a defacto eviction. This was perfectly stated by a Ross House tenant in the epigraph opening this chapter - they had all been forced to agree to their eviction from the beginning.

The lease, not unlike the grant is already an inherently unequal relationship because of who has the unilateral power to author and enact it. Landlords may choose whether to enter the contract (lease their land / rent their units) and dictate its terms, to which a tenant agrees or disagrees. The difference between them is one party owns land whose value[27] is determined by its rent *potential* who seeks to *secure* that potential, and the other party needs a home in order to survive. While the building had been providing of a relatively secure cash flow in the form government subsidy paid to low income people on social assistance, its lease relations depicted a desire on the part of the landlord to 'manage' a class of extremely low income tenants he deemed unruly, at the same time that he claims he can no longer afford to maintain the lower rents. The reality was that the building, sitting on prime downtown waterfront land would be worth more empty than full, in order to realize its maximum (rent) potential.

Ross House sits empty today. Its assessed value has climbed from 1.6 to 2 million since our 2017 protest. Beyond its front entrance, looking east down Alexander Street toward the original site of Hastings Sawmill, everyday one sees tent after tent abutting the sidewalk. The same tents that worried Tim and other tenants, and which can be seen in the background of our press conference (**Figure 6.3**). Not only is the lease an inherently unequal instrument for subverting socio-spatial claims, and Ross House illustrates this basic subjection, the FTTA's also reveal the explicit ways the law inherently delimits tenant protections by providing openings

[27] In the lead up to the protest we researched the assessed value of Ross House (land and buildings), which was 1.6 million at the time. It's 2019 assessment value climbed to 2 million and is likely to be assessed even higher when the BC Assessment Authority (a crown corporation) releases their new report in January, 2020. Especially now that the building has been emptied of tenants.

which eliminate barriers for the extraction of rent. Though FTTA's are an extreme example of the lease being weaponized as an eviction notice, they signal to the role of the lease relationship as an inherently extractive mechanism. The following section explores the textual knowledge production of eviction in Georgia, to further connect the intimate relation between extraction and dispossession.

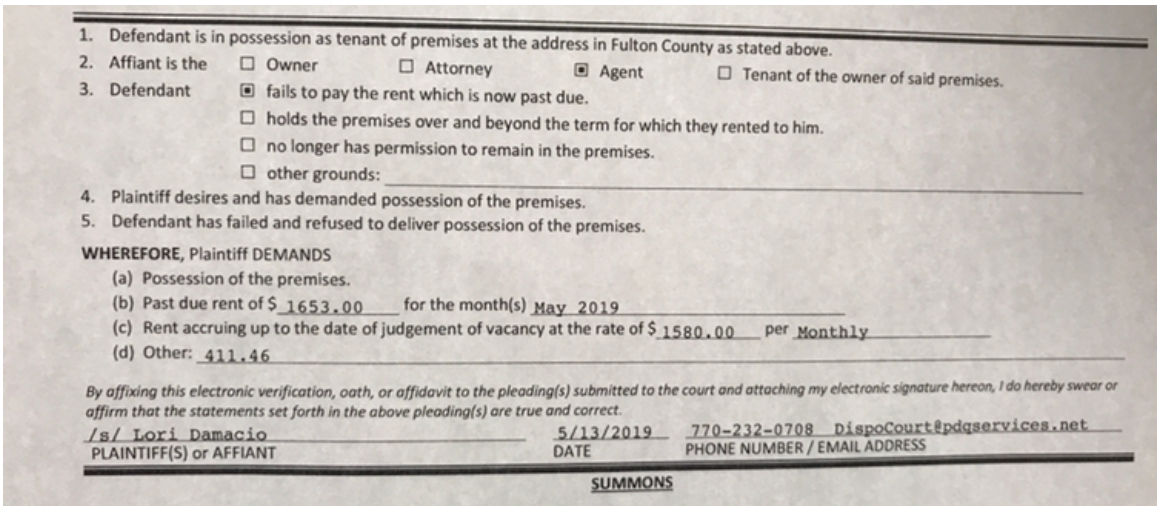
6.2 Textual Tracings and Tenant Responses

Though the legal subjection of the lease relationship bestows a great deal of power on the part of those who own property, tracing how this is enacted and mediated textually is important because those texts produce the knowledge necessary to ultimately spatialize and temporalize the violence of property generally, and their power effects of eviction. The bureaucratized and administrative system of eviction in both BC and Georgia produces a seemingly endless ream of correspondence between legal actors in the form of the dispossessory warrants, answer forms, dispute resolution filings, evidence packages, writs, consent agreements, and the enactment of eviction in the final instance: the writ of possession. In Georgia, where evictions must be adjudicated through its complex juridical infrastructure, the textuality of eviction is especially pronounced for how *much* of it is produced by the court, but also how it brackets legal actors and the field of possible responses. Exhibited in print form, they also travel myriad digital pathways, that begin with (corporate) landlord filings, moving through court clerk desks into court databases, into judge’s chambers, attorney laptops, police (enforcement) database systems, and eventually the third party data collection corporations which gather tenant eviction data for landlord use.

What these documents tell us about eviction is central to understanding the power relationships they inscribe, and what effects those have. To read their connection to colonial-racial modes of subjection, we must understand how speech, language, and forms of answer are necessary to achieve legal legibility and possibility for some, and become the method of foreclosure of claims and futurities for many others. Not unlike their predecessors, improvised and emergent in the colonial encounter, textual technologies of eviction exploit a race-class difference to exclude, and write out non-white and non-propertied lives from legitimate legal and possessive claims to space. In their discussion of legal knowledge production, Blomley (2014) and Labove (2017) point to bracketing, as a key practice legal actors use to organize information which governs what can be included within a particular setting, and therefore "defines a field of possible action" (p. xv). The textual practices of eviction are very much faithful to this reality, in terms of what they foreclose or open, and how those have potential to be wielded by landlords or tenants in different ways.

Drawing from paperwork found in the FCMC Odyssey (eFile GA) database, I want to trace the textual practice of an eviction from start to finish to illustrate how they are administered, and what bracketing and authorizing practices shape their textual enactments. In the state of Georgia, a landlord must use the courts to evict a tenant. This begins with the demand for possession, which requires they communicate the intent to evict, and give the tenant a three-day opportunity to "cure" before filing an affidavit in civil court to open the lawsuit. The landlord pays $85 dollars to file[28], and may use the court appointed marshals or pay for a private process server to serve the dispossessory warrant. **Figure 6.4** shows a portion of a sample warrant obtained from Odyssey that lists the plaintiff demands associated with the eviction: (a)

[28] This cost has increased from $20 only 3 years ago.



1. Defendant is in possession as tenant of premises at the address in Fulton County as stated above.
2. Affiant is the ☐ Owner ☐ Attorney ☒ Agent ☐ Tenant of the owner of said premises.
3. Defendant ☒ fails to pay the rent which is now past due.
   ☐ holds the premises over and beyond the term for which they rented to him.
   ☐ no longer has permission to remain in the premises.
   ☐ other grounds: _____
4. Plaintiff desires and has demanded possession of the premises.
5. Defendant has failed and refused to deliver possession of the premises.

WHEREFORE, Plaintiff DEMANDS
(a) Possession of the premises.
(b) Past due rent of $ 1653.00 for the month(s) May 2019
(c) Rent accruing up to the date of judgement of vacancy at the rate of $ 1580.00 per Monthly
(d) Other: 411.46

By affixing this electronic verification, oath, or affidavit to the pleading(s) submitted to the court and attaching my electronic signature hereon, I do hereby swear or affirm that the statements set forth in the above pleading(s) are true and correct.

/s/ Lori Damacio — PLAINTIFF(S) or AFFIANT
5/13/2019 — DATE
770-232-0708 DispoCourt@pdqservices.net — PHONE NUMBER / EMAIL ADDRESS

SUMMONS

Fig 6.4 Dispossessory Warrant, Magistrate Court of Fulton County, State of Georgia, May 2019.

Possession of the premises; (b) Past due rent of $1653.00 for May 2019; (c) Rent accruing up to the date of judgment of vacancy $1580.00; (d) Other: $411.45. The costs that make up 'other' in this case are fees for late rent, the cost of filing the warrant ($85), as well as administrative costs. In other words, the business costs the landlord can claim for having to carry out the eviction itself.

Late fees and administrative costs are a very grey area in Georgia landlord-tenant law, in that there are no statute provisions that place a cap on them. The law instead suggests that they cannot amount to what could be considered a 'penalty', and only meant to cover the landlord costs associated with administering the eviction.[29] Since late fees by definition are a penalty, landlords must write a clause about late fees into their leases so that the tenant has agreed to this encumbrance beforehand in order for it to be legal. Not unlike the concept of mesne profits that appears in Judge Powell's writ of possession (**Figure 5.7**), late fees and administrative costs are ultimately a legal fiction created to furnish landlord profits. Research (Raymond, et. al, 2015; Immergluck, et. al, 2019) and investigative journalism (AJC, 2016) has argued that up to 30% of

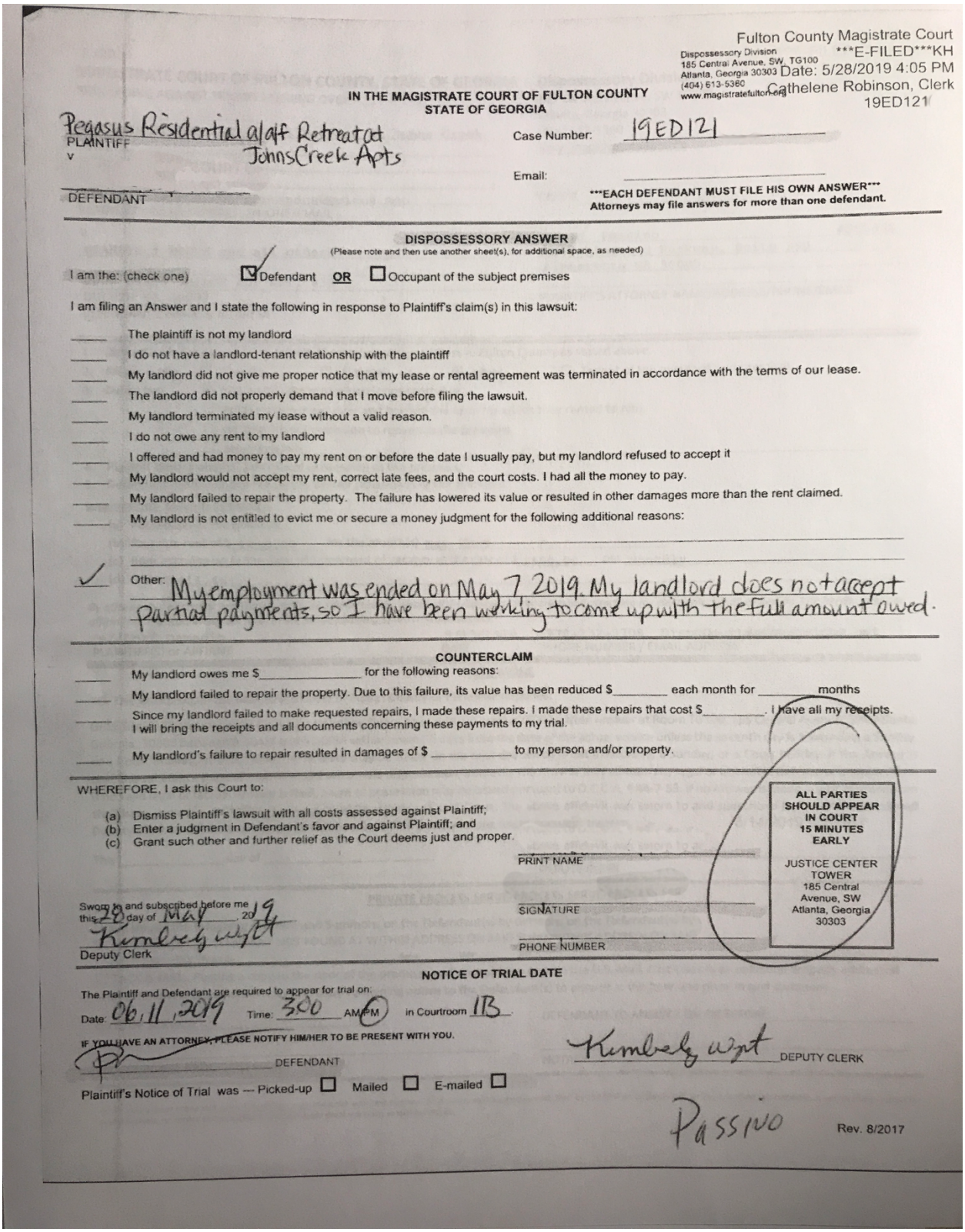
[29] Whether an amount is no longer a cost and constitutes an unfair penalty is subject to interpretation by the magistrate judge.

corporate landlords in Fulton County do not file with the intent to removing a tenant, but instead have developed a robust business model for serial filing in order to extract additional rent in the form of fees. Given that in the short span of four weeks the tenant subject to the warrant in **Figure 6.4** has accrued a debt of $3644.46, one can see how lucrative this model could be for a landlord with significant holdings and administrative capacity to serialize filings.

In addition to being a relation of extraction, the eviction process in Fulton County moves fast. If a tenancy is defined by possession subject to its 'future limitation', filing a dispossessory warrant with the court is a moment for accelerating and finalizing that fact. The warrant itself is generated at the court, it travels digitally to the Marshal's office, where a court appointed professional process server (*PDQ Services* in this case) delivers it to the tenant, and then certifies the "Affidavit of Service" at the very bottom of the warrant with a notary stamp. The tenant is served by "Tack & Mail", a method of posting the notice to the door of the premises, and mailing a second copy on the same day to be viable. In order for a tenant to avoid being placed in the JOP[30] (Judgment on the Pleadings) calendar, they must file an answer of some kind. At minimum, answering the warrant in any way will buy them seven additional days before a landlord can apply for a writ of possession by law, enabling them to at least slow down their eviction. Though not all tenants know this, they often learn this basic fact through the online portal or when visiting the court clerk's office downtown.

Under Georgia law, tenants can be evicted if they do not pay rent or violate a material term of their lease in some way. Statutory provisions in the law outline the legal reasons a tenant

[30] There are three types of calendars at FCMC. Pro Se and Represented hearings, where a tenant has filed a legal defense and is entitled to mediation and/or going before a judge. Pro Se hearings are reserved for when either the landlord or the tenant is representing themselves. The third type, Judgment on the Pleadings (JOP) is a mass hearing reserved for filings which were not answered at all, or not answered with a proper legal defense. In these, the judge finds for the landlord automatically on this basis, and large groups of tenants are evicted en masse.



Fulton County Magistrate Court
Dispossessory Division
185 Central Avenue, SW, TG100
Atlanta, Georgia 30303
(404) 613-5360
www.magistratefulton.org
E-FILEDKH
Date: 5/28/2019 4:05 PM
Cathelene Robinson, Clerk
19ED121

IN THE MAGISTRATE COURT OF FULTON COUNTY
STATE OF GEORGIA

Pegasus Residential a/k/a Retreat at Johns Creek Apts
PLAINTIFF
v

Case Number: 19ED121

Email:

DEFENDANT

EACH DEFENDANT MUST FILE HIS OWN ANSWER
Attorneys may file answers for more than one defendant.

DISPOSSESSORY ANSWER
(Please note and then use another sheet(s), for additional space, as needed)

I am the: (check one) ☑ Defendant OR ☐ Occupant of the subject premises

I am filing an Answer and I state the following in response to Plaintiff's claim(s) in this lawsuit:

_____ The plaintiff is not my landlord
_____ I do not have a landlord-tenant relationship with the plaintiff
_____ My landlord did not give me proper notice that my lease or rental agreement was terminated in accordance with the terms of our lease.
_____ The landlord did not properly demand that I move before filing the lawsuit.
_____ My landlord terminated my lease without a valid reason.
_____ I do not owe any rent to my landlord
_____ I offered and had money to pay my rent on or before the date I usually pay, but my landlord refused to accept it
_____ My landlord would not accept my rent, correct late fees, and the court costs. I had all the money to pay.
_____ My landlord failed to repair the property. The failure has lowered its value or resulted in other damages more than the rent claimed.
_____ My landlord is not entitled to evict me or secure a money judgment for the following additional reasons:

✓ Other: My employment was ended on May 7 2019. My landlord does not accept partial payments, so I have been working to come up with the full amount owed.

COUNTERCLAIM

_____ My landlord owes me $_____ for the following reasons:
_____ My landlord failed to repair the property. Due to this failure, its value has been reduced $_____ each month for _____ months
_____ Since my landlord failed to make requested repairs, I made these repairs. I made these repairs that cost $_____. I have all my receipts. I will bring the receipts and all documents concerning these payments to my trial.
_____ My landlord's failure to repair resulted in damages of $ _____ to my person and/or property.

WHEREFORE, I ask this Court to:

(a) Dismiss Plaintiff's lawsuit with all costs assessed against Plaintiff;
(b) Enter a judgment in Defendant's favor and against Plaintiff; and
(c) Grant such other and further relief as the Court deems just and proper.

PRINT NAME

SIGNATURE

PHONE NUMBER

Sworn to and subscribed before me this 28 day of May, 2019
Kimberly Wyatt
Deputy Clerk

ALL PARTIES SHOULD APPEAR IN COURT 15 MINUTES EARLY
JUSTICE CENTER TOWER
185 Central Avenue, SW
Atlanta, Georgia 30303

NOTICE OF TRIAL DATE

The Plaintiff and Defendant are required to appear for trial on:
Date: 06/11/2019 Time: 300 AM/PM in Courtroom 1B

IF YOU HAVE AN ATTORNEY, PLEASE NOTIFY HIM/HER TO BE PRESENT WITH YOU.

DEFENDANT

Kimberly Wyatt DEPUTY CLERK

Plaintiff's Notice of Trial was --- Picked-up ☐ Mailed ☐ E-mailed ☐

Passivo

Rev. 8/2017

Fig 6.5 Tenant Answer to Dispossessory Warrant, Fulton County, May 2019.

may respond to the claim of non-payment or lease violation. Those are limited to specific circumstances.[31] All of these provisions are outlined in the Dispossessory Answer form provided by the magistrate court (FCMC), in addition to two options which deny the landlord-tenant relationship between the plaintiff and defendant exists, and the option listed as "Other" (**Figure 6.5**).

In the process of writing the *Eviction Defense Manual* (**Appendix B**) for the *Housing Justice League*, understanding the answer form became pivotal to learning how to communicate in plain (non-specialist) language how tenants should navigate it. Ultimately, the type of answer a tenant provides decides their fate, in terms of whether they will get the opportunity for mediation or end up in the expedited JOP calendar. Meanwhile, a close reading of the answer form is challenging. The form does not describe what constitutes a "legal" claim in response to the eviction suit, instead it brackets and re-brackets numerous circumstances which may or may not apply to any given tenant. At the same time, it includes the "Other" option, to include a defense that is not captured by the pre-written sections of the form. This is a space where many tenants voice their claims, but if they do not constitute a legal response, they are not 'heard'.

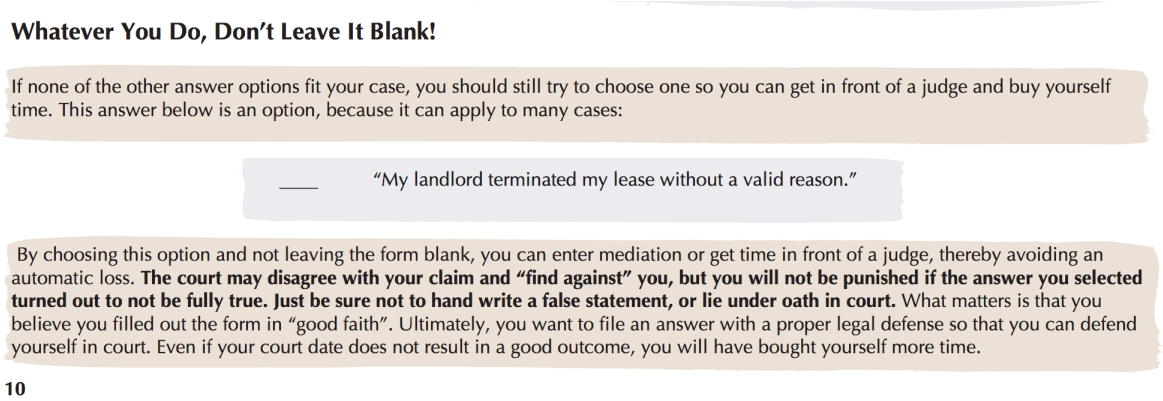
The reasons tenants have for not paying their rent relate to the myriad pressures placed on their finances by the cost of living, and are often the result of crises such as job loss, large medical bills, or the more ongoing problems of food insecurity, etc. These are all very legitimate explanations for not paying rent, but they do not bestow the tenant with a *legal* explanation, meaning, they are not a legal cure to the landlords right to their rent money. When tenants provide non-legal responses that land them in the JOP calendar, one of the most common reasons

[31] These are: a) the landlord's failure to repair (which in turn lowers the value, and therefore the alleged rent owed enabling the tenant to file a counterclaim); b) if there are terms in the lease related to termination the landlord is not following; c) if the landlord did not properly demand possession prior to filing the lawsuit; d) or if the tenant attempted to cure by paying rent, late fees, plus court costs in full and the landlord refused to accept.

they write down relate to having lost their jobs, and dealing with family emergencies. **Figure 6.5**, depicts exactly this circumstance. Though this tenant provided a response which is not legal, it is stamped by the Deputy Clerk and submitted to the system. This is because clerks in the FCMC office are not able to provide any type of legal advice to tenants who come to file their answer. Tenant attorney, who runs the Housing Court Assistance Center (HCAC) of Fulton County describes how difficult the answer process is to navigate for the majority of tenants who have no representation and often no knowledge of the law:

> "Most [tenants] aren't represented. So not only are you [the tenant] trying to navigate your case, but there are all these other procedural rules. You have to know which office to go to or which website to use. And to know those things you need to know where to look first. Then you've got to worry about the merits of your case. And a lot of these folks [tenants], they call the clerks, or maybe they call the Judge's chambers or the Marshals, whatever numbers they can find on the notices and summons trying to figure out what do I do. But none of those people are permitted to give legal advice. They could say, you need to go consult the Georgia code, you know, but they can't say, 'Go to code section 40-4-96' or they can't say, 'You need to do x, y and z'" (Andrew Thompson, May, 2019).

Learning about how arduous the answer process is for tenants through the process of writing the *Eviction Defense Manual*, we set out to write it in a way that focuses on harm reduction, to attempt to help tenants slow the process down by avoiding the JOP calendar, and perhaps getting an opportunity to defend their case in mediation or before a judge. Tenants very frequently will sign their forms (which constitutes an 'answer', but not a legal one) but leave them blank because they do not understand how any of the written options apply to them. Drawing off advice from housing attorneys, our *Eviction Defense Manual* instructs tenants that if none of the prescribed answers fit their case, but they want to avoid the JOP calendar, the best answer to check is "My landlord terminated my lease without a valid reason" (**Figure 6.6**). This is a legal option, because even if it turns out to *not be true*, it is not illegal to have selected it because the tenant can claim they filled out the form in "good faith" believing it to be true at the



Whatever You Do, Don't Leave It Blank!

If none of the other answer options fit your case, you should still try to choose one so you can get in front of a judge and buy yourself time. This answer below is an option, because it can apply to many cases:

____ "My landlord terminated my lease without a valid reason."

By choosing this option and not leaving the form blank, you can enter mediation or get time in front of a judge, thereby avoiding an automatic loss. **The court may disagree with your claim and "find against" you, but you will not be punished if the answer you selected turned out to not be fully true. Just be sure not to hand write a false statement, or lie under oath in court.** What matters is that you believe you filled out the form in "good faith". Ultimately, you want to file an answer with a proper legal defense so that you can defend yourself in court. Even if your court date does not result in a good outcome, you will have bought yourself more time.

10

Fig 6.6 Excerpt from Housing Justice League's Eviction Defense Manual, p. 10.

time. The reason this grey area of the law works in the tenant's favor is because *checking off an answer* is not the same thing as *making a false statement* either written on the form or under oath in the court room. Making a false statement, according to Title 44, Chapter 7, Article 3 of the Georgia Code is actually a misdemeanor.

In order to navigate the system in their favor, tenants must be exacting in selecting a legal response to avoid the JOP calendar, particularly when it is the case that the vast majority of tenants being evicted for non-payment do not have a *legal* reason for doing so. The work the manual accomplishes in assisting tenants through such legal complexities is important, and does suggest there are opportunities for tenants to 'skirt' the law which is so heavily skewed against them. It also highlights the intricacies and demands of advocacy work, as organizers are forced to become self-taught specialists, learning the minutia of the law in order to translate it clearly for the goals of tenant protection and political education more broadly. Our fear, however, is that putting this information out into the world will expose the answer form as inherently 'flawed' from a legal perspective, and result in the courts modifying their paperwork to prevent such unintended uses. Not unconnected to the chronic modifications and reinventions of private

property's epistemic past (Chapter 5), organizers today know from experience that these kinds of "suturings" in spaces of hegemonic power are central to how the dynamic of oppression and resistance unfolds. The FCMC dispossessory system is already handling a massive caseload designed to work quickly, and any shifts in tenant power that could slow down that system would be most unwelcome.

If the lease and the dispossessory warrant are two key mechanisms of power which tenants experience as eviction, the answer form (or the written tenant submissions I take up in Chapter 7) are the central site of how tenants may respond to and resist the whole process. As a site of resistance though, they are a deeply racist and classist in how they exclude meaningful participation. Those that can effectively defend their eviction must be able to make themselves legible and translatable in the eyes of the law. For tenants not resourced by whiteness and social-class, specifically the ability to remove from work or childcare, access to computers and basic knowledge of online software platforms, significantly advanced literacy skills, knowledge of the law, as well as the will to overcome the fear of landlord retaliation and fight their eviction, the burden of navigating its textuality forecloses far more life-worlds and possibilities than the paperwork can even narrate to us. From start to finish, the textual aspects of eviction mediate tenant's live through the lens of an explicitly colonial-racial knowledge production that authorizes itself with the power to classify, manage, extract value, exploit difference, and ultimately extinguish socio-spatial claims.

6.3 Juridical Infrastructure

The obvious spatial worlds of eviction's adjudication in Fulton County are made up of multiple interrelated places all in the same building: the court clerk's office, the court room, and the landlord-tenant mediation rooms. At the same time, evictions as they are *experienced* by tenants, spatially and temporally, also stretch beyond the downtown magistrate court house on Martin Luther King Avenue into the mundane and tiresome spatialities of deferral, rescheduling, and transit. Blomley (2003), citing Cover (1986) describes: "the pyramid of violence that characterizes legal enforcement, so that a command to do violence... works its way through complicated hierarchies of legal personnel in such a way that it appears to emanate from everywhere and nowhere at the same time" (p. 72). This commentary is relevant to the experience of being 'adjudicated' as a tenant. As a peopled and punitive atmosphere, the laws modes of classification, control and bracketing are made an explicit reality in terms of how they 'hear' or foreclose tenant life-worlds. The contingent nature of judicial decisions and spectacled circumstances of court spaces, coupled with the textual practices of eviction resonate with Blomley's point that the laws commands emanate in an omnipresent way. They are not totalizing, but they are experienced intimately, and force intimate collisions between otherwise disparate actors.

Following the case files from the same *Dispossessory Warrant* (**Figure 6.4**) and *Answer* (**Figure 6.5**) I examine above, I want to show how they travel through the spaces of adjudication this tenant had to contend with. They lived a forty-five minute drive (without traffic) from the court house, and Odessey case files show, in addition to 1) the *original* warrant; 2) a copy of the warrant with the affidavit of service; 3) the original answer; 4) a copy of the answer with notice

of trial date, the case file also contains four copies[32] of an *Amended Notice of Hearing* letter written by the Deputy court clerk and dated for the original court date. This would have meant that both the tenant and landlord's agent appeared in court on the first assigned date, and the case was reset for two weeks later. Though the reasons for the judge's decision are not visible in the notices, these kinds of deferrals are very common and place a burden on tenants who often must take time away from work or other survival related obligations to attend their court dates. Resets do buy time, and while time can be helpful to some to begin planning for the costs and effort of imminent relocation, time in this sense can also be experienced as anxious deferral of the final outcome and the burden of additional time-bound accommodations such as travel and scheduling.

When tenants arrive at the court house, they have to navigate a series of entrances, finding the court clerks office (in the basement), or court rooms 1A and 1B, each nearly identical in their interior appearance, with double sets of doors abutting each other. Tenants frequently end up in the wrong court room. The building is confusing to navigate and the signage is not obvious. Arriving to the courthouse can be an intimidating experience. It is, on the whole, a decidedly carceral space that communicates its power not just through the law but also its built form. Every person must go through a quasi-airport style security to have their belongings and person scanned under the supervision of Marshalls. The *Eviction Defense Manual* dedicates explicit instructions for what to expect when arriving to the courthouse for this reason. The court clerk's office is an especially uneasy space, and has a reputation among lawyers, tenants and even the clerks that work in the superior court (housed in the same building) as giving of an experience of hostility toward its users. One superior court clerk explained to me that the employee turnover in

[32] One copy for the court file, one for the plaintiff (landlord), one for the defendant (tenant), and one address to "All others, No known address".

the magistrate clerk's office is extremely high. Due to the pressurized working conditions caused by the volume of the caseload the magistrate processes, she explained most people leave in frustration after a few months, which results in problems with training and continuity.

The practice of the court clerks is interesting for how they become important gatekeepers in the overall process. Recall the *Dispossessory Answer* in **Figure 6.5**, where the tenant filed an answer that a clerk would have reviewed and accepted, knowing that it did not qualify as a legitimate *legal* response. Indeed, they are not allowed to give legal advice, as per the law, and yet they make legal decisions all of the time. The clerk is responsible for adjudicating many of the judicial procedures relevant to eviction. They have the power to stamp answers as late (or not), and to accept or reject certain types of forms within the online portal system. In many ways, they become deputized as the first line of defense in adjudication for a court system that handles close to 800 dispossessory filings a week. This doesn't include the remaining civil caseload they manage for foreclosure, garnishments, personal property and vehicles, and small claims. A long-time housing attorney in Atlanta, Elaine described the chronic problem with clerks "kicking back" documentation for the cases she handles, meaning, they electronically reject the filing on their end based on a technicality they interpret, but in an unpredictable and contingent way:

> "Well, my frustration there is that in a lot of cases where things get kicked back it's ultimately a judge's decision. Right? Why is the clerk making this decision? I mean, it's a judicial economy is really what it is. The judges are busy. So they let the clerks be the gatekeepers in some instances when they shouldn't." (Elaine, June 2018).

If the court clerks at times operate as important gate keepers, magistrate judges themselves have the ultimate latitude in the work of bracketing through the law, deciding what to include, how it is relevant, and which tenants will be heard from case to case. When answers are filed after midnight on the seventh day, they are considered no longer admissible. Answers are

filed late all the time, though the outcomes of their acceptance or rejection is entirely unpredictable. Andrew Thompson relayed a story to me of one tenant who he advised on a significant counter claim for her eviction. She had a very good case, he said, and spent a lot time outlining the details of her terrible living conditions in the answer. Typing the answer up in the online portal before midnight, she did not click submit on time, and her answer was stamped for exactly 12:00:00 on the following day. It was rejected by the judge. The same week, Andrew met another client who came to get legal advice on the merits of his case for a court date later that month who had submitted a hand written answer that said simply: "*Landlord didn't fix*". It was 5 days after the deadline, and still accepted. Andrew took the time to help the woman file a special letter to the judge, given the answer was technically only one second late, and it too was denied, and her case slotted for the JOP calendar.

Elaine explains this happens due to differences between some judges who are sympathetic to tenant issues, and others who are trying to be exacting in their decision making:

> "Late answers go into the queue, and the judge who is presiding that day will decide whether to accept it. They see the time stamp, it's all visible. And sometimes you have a sympathetic judge who wants to give that person a hearing. Other times you get someone who is a major stickler for the rules. However you feel about giving people a chance after the filing deadline, for me what is crazy making is how much it varies. There is just no way to know the outcome." (Elaine, June 2018).

In a civil court room that does not have the same evidentiary constraints as criminal proceedings, such as processes for discovery and equal access to evidence, the judge's discretion for what can be included varies widely as well. Some judges allow cellphones to be admitted for their content, whereas others refuse. Cellphones as evidence are helpful to tenants who do not understand the need for meticulously gathering time stamped documentation of their communication with landlords, or who do not have the resources for printing and labelling their

evidence. If a tenant brings an in-person witness to speak to their circumstances, some judges will not hear that witness unless the tenant filed a subpoena for their appearance on the same date they filed their answer. The contingency Elaine describes comes to bear on practically every stage and feature of evictions adjudication.

Given that the vast majority of tenants are unrepresented, and most landlords have representation, the power relation of who can obtain and afford an attorney also has bearing on the outcome of the case. For someone who is unfamiliar with the procedures, rhythms, and expectations of even civil court proceedings, the courtroom is an intimidating space. There are a relatively small number of law firms that handle dispossessory cases, and in the many hours I spent observing all three types of calendars, I saw the same lawyers again and again. Some of them spend their entire day in housing court. Andrew told me a story of the lawyer for a tenant he was representing approaching him to settle the case in the hallway, because he was confused about whether his client (the landlord) was the plaintiff or the defendant in that case. Andrew explained that the lawyers for the landlords have such large caseloads, representing many individual landlords but mostly corporations, that they often do not know the details of a case until they are reviewing them immediately prior to a hearing.

At the same time, landlord lawyers are comfortable in the courtroom. They know all the mediators, judges, and bailiffs, and whether it is intended or not, that familiarity becomes performed in subtle ways. Their specialist knowledge and ability to conform to legal convention empowers the landlords they represent, and leaves tenants in a weakened position if they are unprepared and unfamiliar with the expectations. At the same time, judges are often forced to pull information out of tenants with respect to the merits of their case, because tenants often are

not fully aware of what information is relevant or even allowable. Whether a judge wants to put in that effort ultimately depends on how sympathetic they are toward the tenant.

When I once asked about the potential for a right to counsel campaign in Georgia at a *Housing Justice League* meeting, an attorney in attendance with the *Atlanta Volunteer Lawyers Foundation* (AVLF) explained that real estate and landlord groups in Georgia have lobbied hard over the years to maintain dispossessory proceedings the way they are, so that they do not require representation on both sides. Given the immense barriers to meaningful participation in the legal process for tenants who do not understand their rights, or are not resourced by class, whiteness, and other axis of difference that shape one's ability for self-defence, that the landlord lobby would commit significant resources to maintaining that inequality is not surprising.

I want to conclude this discussion on adjudication in landlord-tenant law by reflecting on an exchange I witnessed in the FCMC courtroom only two months ago. I was not planning on sitting in court on this day, but dropped in to visit Andrew at the HCAC, and decided to sit in on the last half hour of Pro Se mediation for the afternoon. The court room was quiet, it seemed most cases on the calendar were in mediation or had already been dealt with. The bailiffs were chatting in the corner, the judge sat on the bench working on her computer and a landlord lawyer, waiting on a reset hearing, sat looking at his phone. Long periods of uneventful quiet work and waiting time like this are common, especially during Pro Se hearings. Two black women emerged, from a side room for mediation, one significantly older than the other, and filed into the pews to wait for the judge to call them. A mediator and a lawyer come out after them and head out the courtroom door. The two women waited another 10 minutes, and are finally called by the judge.

I gather from the first minute of their exchange, that the plaintiff (the elder) is well into her 70s, and is accompanied by her daughter. They have just been through mediation proceedings with the landlord's agent and have come to a consent agreement that must be verified and signed off on by the judge. The judge reviews the consent agreement, and summarizes its content to the defendant. It details a payment plan for two months of back rent owed, in addition to late fees, and the cost of filing to the tune of over $3000. The judge needs to know if the tenant understands the consent agreement before she can sign off on it. She asks a question to this effect, and rather than answer the elder begins to share the details of her case. She explains why she feels the circumstances are not fair, and that the landlord has many advantages over her since she is on a fixed income and unable to afford a lawyer.

The judge smiles sympathetically, and repeats the question: "Yes, I understand. What I need to know right now is if *you* understand the terms of this agreement." The elder answers, "I understand them, but I don't accept them." The judge then asks if it is in fact her signature on the consent agreement. The elder says: "Yes, I signed it. But I don't feel this is fair." The judge states one last time: "So you have read the terms of the consent agreement and you swear under oath that this is your signature?" She answers: "Yes." With that, the judge electronically files a consent agreement that details the payment plan and vacate date to which the plaintiff is bound and its legally not allowed to appeal. The judge smiles again, and repeats that she 'understands' and the elder says: "Thank you for listening. Have a blessed day."

The manner by which this elder aimed to 'speak' her truth into the legal assemblage was devastating for what it reveals about how tenant-life worlds become foreclosed in legal spaces that bracket what is included, admissible, and relevant. She had already gone through mediation and actually *signed* the agreement with the landlord. While the judge ultimately does have to

sign off on a consent agreement, this was not an opportunity for the tenant to have the merits of her case heard because she had already opted to settle. Their exchange was bizarre and heartbreaking in its obvious dissonance and in the tenant's inability to be actually be heard by the court, even if the judge repeated that she 'understood' out of sympathy. It demonstrates the epitome of what the law precludes and cannot interpret based on its own premises of bracketing out non-propertied (and non-white) life. Tracing our *Dispossessory Warrant* (**Figure 6.4**) through to the moment of eviction, I shift in this last section to examine the processes of notice, spectacle and enforcement that attend the final enactments of eviction.

6.4 Notice, Judgement, and Spectacle

The executive director of the *Housing Justice League* (HJL) Alison Johnson has been living in Peoplestown, and its nearby neighborhoods, her whole life. Her personal experiences with housing precarity very much inform her organizing work and that of her mother, May Helen Johnson who regularly supports the work of the HJL with her time and labor. In relaying to me her first experience with eviction as a young child, Alison highlights what it is like to be put on notice of imminent displacement:

> "My first experience with eviction happened when I was eight. Back in that time [30 years ago] the whole convoluted system of tenant and landlord was even more aggressive and horrible than it is today. I can remember that my parents calling around to their siblings trying to borrow money so they could pay the landlord back, because back in the day landlords would come know on your door to collect the rent. And I could remember the landlord knocking on our apartment door every day of the week. And as a child, you sense things. Something's wrong, because I never see this person more than once a month. During the time this person was visiting us like every day of the week. His tone had changed. The way he greeted us had changed, the way he talked to my parents had changed. And I could hear you know, there was a lot of back and forth and aggressive conversation. And I just remember being very frightened during that time, and I knew it was something was up related to our living situation. My mother spent a lot of time packing, and then the next week, we didn't come home to find our belongings on the street,

> but we came home to find my mother waiting for us on the sidewalk. We walked into my grandmother's house and saw all our belongings on the porch and in the living room. And I just remember, you know, all of that sense of security as a little girl had vanished. That was the first time I felt really unsecured in terms of understanding my place, in this family, understanding what a house, which was your home, truly was. I was a horrible experience in a way." (Alison Johnson, September 2018).

The sense she had as a child of the anxious anticipation of the landlord's return, the new tensions in the relationship, and how that tension radiates across the household in preparation for what is imminent highlights the overall experience of stress and precarity for tenants going through eviction. In sharing this memory, Alison also describes the *experience* of the demand for possession. The first step that landlords must legally take to begin the eviction process in Georgia. It is also known a the 'notice to quit', or the '3-day notice'. Not only does the demand for possession initiate the stressful process for tenants, it is also a grey legal area due to the lack of statutes defining what counts as demanding possession. The notice can be written or verbal, in other words, there need not be an official record of it. How it becomes understood legally is interpreted by the courts, and ultimately at the discretion of a judge if a case is actually filed *and* the tenant claims they did not receive proper notice. Elaine explained to us when we were writing the *Eviction Defense Manual* that the demand for possession does not even need to contain information about how the lease has been violated, or how much rent is due, and she cited an example where a landlord wrote "Get Out" on a piece of paper tacked to a tenant's door and a FCMC judge ruled this was proper notice.

The principal problem of the demand for possession comes down to tenants not understanding their rights. Though it is the law in Georgia that landlords must go through the courts to evict, many people mistake the demand for possession for an actual eviction notice, especially if it is an official looking typed letter. Even if they know the letter itself is not an eviction notice, it is common for people who do not know their rights to believe that receiving it

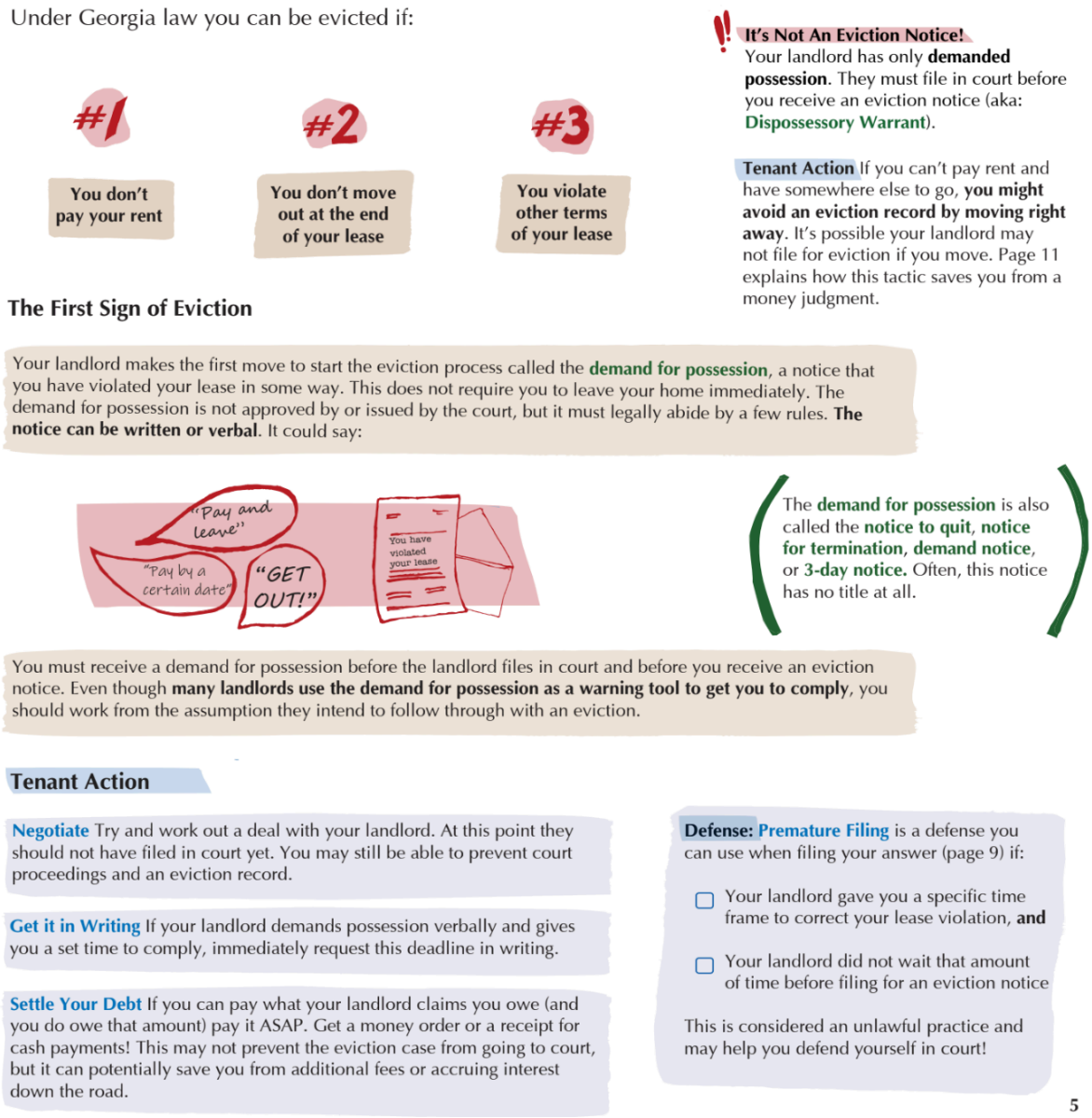


Fig 6.7 Demand for Possession excerpt, *Eviction Defense Manual*, Housing Justice League, p. 5.

means they must leave their home immediately. Our manual devotes an entire page to unpacking how the demand for possession works and what action tenants can take at that crucial time because a dispossessory affidavit has not yet been filed (**See Figure 6.7**). Alison points out in my interview with her that the mindset among tenants that they must leave when the landlord asks them to is particularly common among older generations and low income people of color:

> "I don't think that people, particularly poor black people, are really knowledgeable about their rights in this way. Even back in the day, it was just a matter of force between the landlord and the tenant. If the landlord said you had to go, you had to go. I feel like there are a lot of folks who are a bit older who are very much of that mindset, especially when they get the demand for possession, [they believe] it means they have to leave." (Alison Johnson, Sept, 2018).

Landlords are required to wait three days before filing for an eviction after demanding possession before filing at the court, but there is little enforcement of this and since most tenants do not know it is a rule, landlords file early all the time. Once they do file, involving the courts into landlord-tenant relationship by opening a lawsuit, the rules of notice become much stricter and offer up some interesting avenues for tenant resistance. The dispossessory warrant itself, once issued by the court cannot be served by the landlord, and must be served instead by a court appointed official or a deputized private process server. It can be served in person (to someone over the age of 18 living at the address) or by tack and mail, where it is posted quasi-publically on the door and then required to be also mailed on the same business day.

While in our manual we emphasize that tenants must file an answer in order to avoid the expedited JOP calendar, we outline one exception to this rule on Page 11 for cases where it may be more beneficial for a tenant to avoid a money judgement if they have great back owings in rent and will potentially be subject to significant debt when late fees, filing and administrative costs are added. If the tenant has not been served the warrant in person, and it a feasible for them to relocate to an address their landlord does not know, they might be better off moving and handing over possession immediately. The court has such strict rules of service because it must be able to ascertain that the tenant has knowledge of the warrant. In the case of tack and mail, the only fact the court can prove for certain is that the warrant was left at the property, and this is not enough to bring the tenant into the purview of the court. If the court does not receive an answer

from the tenant, a judge can only grant possession back to the landlord, they cannot issue the *money judgement* necessary for legally compelling the tenant to repay.[33]

Money judgements are also a requirement for the courts to issue wage garnishments and bank levies for tenants who do not comply with the money judgement in the first place. Atlanta attorney, Elaine explains that when she has clients with significant back owings, and they satisfy the tack and mail requirement, she gives them the advice of leaving, what members of HJL have termed "ghosting". Ghosting in this way can help tenants avoid deeper cycles of debt and poverty, though it does not preclude them from winding up with an eviction record. All the landlord has to do is file for eviction, and even if it is not answered, it will stay on a tenant's civil case file for seven years in Georgia.

Tracing the Dispossessory Answer from **Figure 6.4**, as it travels from the court clerk's office, where it is filed and stamped, assigned a trial date in the JOP calendar, and then reset, the final textual object in this tenant's case is the writ of possession (**Figure 6.8**). Since the tenant did formally answer the eviction, the judge is required by law to give them seven additional days from the day of judgement before the landlord can apply for the writ. The writ itself when issued travels digitally from the judge's chambers, it is stamped by the Deputy Clerk in the clerk's office, and then submitted electronically to the Marshalls system, commanding the police to carry it out. Because the police do not schedule evictions, and they have a vast area across all of Fulton County for enforcement, when the Marshalls are coming can vary anywhere from the same day (in the case of a writ instanter[34]) to several weeks.

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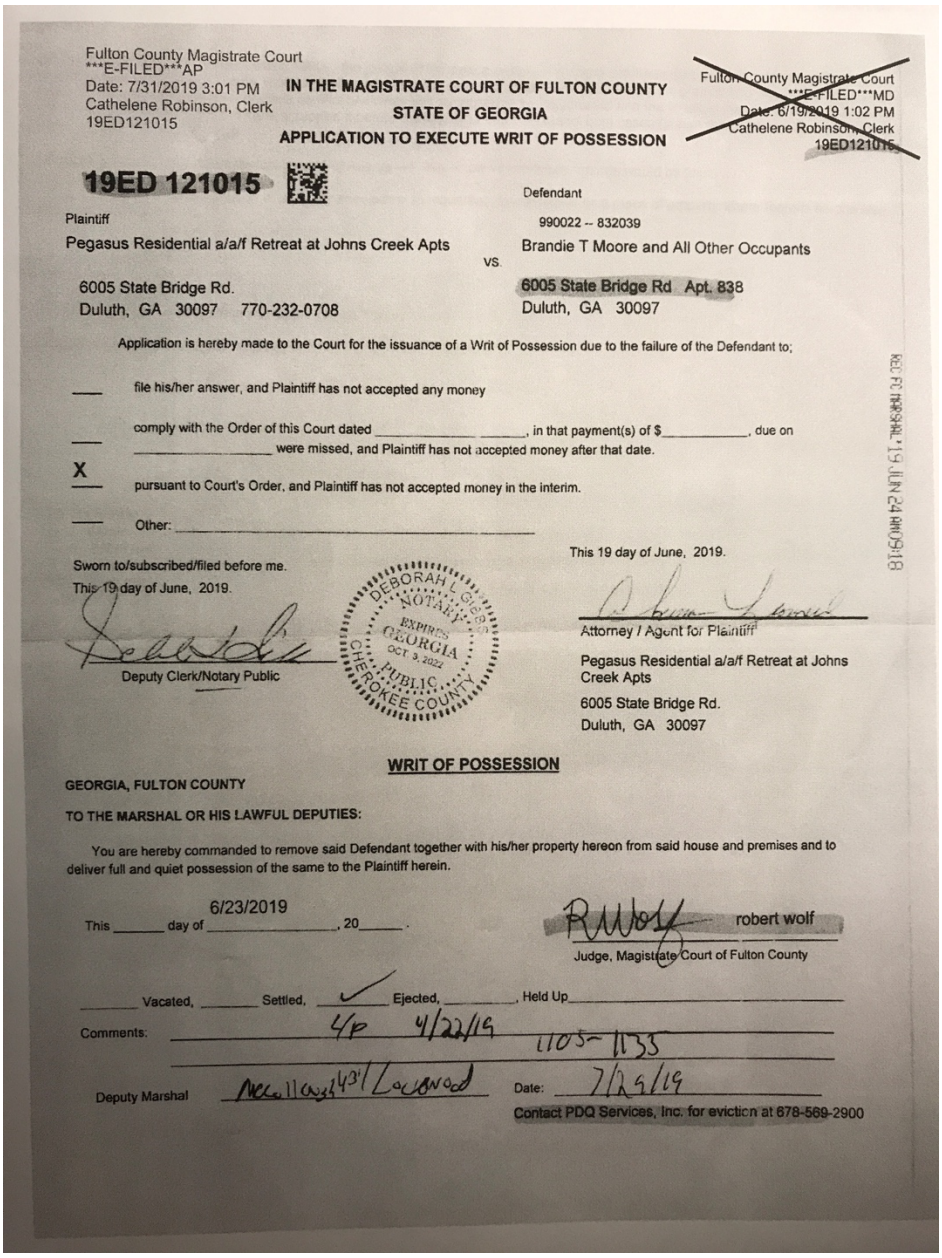
[33] Without a money judgement, landlords are required to go through small claims to recover alleged rent owed, but they cannot serve a tenant with a small claims warrant without a new address. Their next course of action, could be to report the debt to a collections agency, but under the Fair Debt Collection Practices Act, debt collectors must be able to prove that tenants owe, and they cannot do that without a money judgment.

[34] If a tenant fails to answer or appear in court for the JOP calendar, the landlord can apply for a writ immediately on the court date, rather than waiting the required seven days.

This problem of tenants not knowing when the Marshalls will arrive has been high on the list of demands for the Marshalls office on the part of the HJL for years now. Organizers feel it is one way[35] to reduce harm, because when tenants cannot prepare and plan their lives around evictions, they get surprised and often lose belongings (wealth) to damage or theft. Housing Justice League organizers have heard of and seen countless examples of the safety risks that writ enforcement poses to tenants, particularly for those that are still in the unit because they are reluctant to leave or have nowhere to go. It is not uncommon for evictions to be carried out in inclement weather, or after hours, but especially when the tenant is not there because they are not scheduled. In a meeting with tenant leaders two years ago, the Head Marshall was sympathetic to the concerns *Housing Justice League* raised. He claimed to try to give tenants as much time as possible, but refused the possibility of changing their policy of not scheduling evictions because tenant knowledge about their arrival poses an undue safety risk to the Marshalls. HJL is still pushing for scheduled evictions in part because it is only a policy at the level of the county and decided by the Head Marshall, and does not require a change in the law.

For all the violence they exert and social worlds that they disrupt, the writ itself is a seemingly neutral document (**Figure 6.8**). It contains the ostensible 'truth' of property and who is entitled to its possession. It states: "*Application is hereby made to the Court for the issuance of a Writ of Possession due to the failure of the Defendant to*;" and where the landlords agent has marked *X*, it continues: "*pursuant to Court's Order, and Plaintiff has not accepted money in the interim*" (**Figure 6.8**). What seems like a grammatical error in the form is actually an important example of the laws self-referential truth claims. Trying to explain the *justification* for the

[35] A full list of the HJL eviction demands are available on the website, but as it pertains to the Marshall's and Sheriff's offices, they are the following: 1) Appropriate scheduling (no evictions during inclement weather or after hours); 2) End public spending and levy costs of eviction from county to evictors; 3) Relocation and storage support for tenant belongings; 4) Update referral and housing resource information and make available to tenants.



Fulton County Magistrate Court
E-FILEDAP
Date: 7/31/2019 3:01 PM
Cathelene Robinson, Clerk
19ED121015

IN THE MAGISTRATE COURT OF FULTON COUNTY
STATE OF GEORGIA
APPLICATION TO EXECUTE WRIT OF POSSESSION

~~Fulton County Magistrate Court ***E-FILED***MD Date: 6/19/2019 1:02 PM Cathelene Robinson, Clerk 19ED121015~~

19ED 121015

Plaintiff
Pegasus Residential a/a/f Retreat at Johns Creek Apts
6005 State Bridge Rd.
Duluth, GA 30097 770-232-0708

vs.

Defendant
990022 -- 832039
Brandie T Moore and All Other Occupants
6005 State Bridge Rd Apt. 838
Duluth, GA 30097

Application is hereby made to the Court for the issuance of a Writ of Possession due to the failure of the Defendant to;

___ file his/her answer, and Plaintiff has not accepted any money

___ comply with the Order of this Court dated _____ _____, in that payment(s) of $_____, due on _____ were missed, and Plaintiff has not accepted money after that date.

X pursuant to Court's Order, and Plaintiff has not accepted money in the interim.

___ Other: _____

Sworn to/subscribed/filed before me.
This 19 day of June, 2019.

Deputy Clerk/Notary Public

DEBORAH LOGGINS NOTARY PUBLIC GEORGIA CHEROKEE COUNTY EXPIRES OCT 3, 2022

This 19 day of June, 2019.

Attorney / Agent for Plaintiff
Pegasus Residential a/a/f Retreat at Johns Creek Apts
6005 State Bridge Rd.
Duluth, GA 30097

REC FC MARSHAL 19 JUN 24 AM 09:18

WRIT OF POSSESSION

GEORGIA, FULTON COUNTY

TO THE MARSHAL OR HIS LAWFUL DEPUTIES:

You are hereby commanded to remove said Defendant together with his/her property hereon from said house and premises and to deliver full and quiet possession of the same to the Plaintiff herein.

This 6/23/2019 day of _____, 20_____.

robert wolf
Judge, Magistrate Court of Fulton County

_____ Vacated, _____ Settled, ✓ Ejected, _____, Held Up_____

Comments: 4P 4/22/19 1105-1133

Deputy Marshal [illegible] Date: 7/25/19

Contact PDQ Services, Inc. for eviction at 678-569-2900

Fig 6.8 Writ of Possession, executed by the Marshalls office, June 2019.

eviction, the question of non-payment has already been decided in the court room, and this filing only needs to reference the "court's order".

Displaying its *four* different signatures (Agent for the Plaintiff, Deputy Clerk, Magistrate Judge, and Deputy Marshall), the writ is further self-authorizing in how it possesses the power to classify, manage, and *command* the violence of eviction. In the comments section at the bottom, the Deputy Marshall notated the time, date, and what appears to say "4P" on the top line. Having

passed an image of this to two different lawyers for help understanding it, their best guess is that it stands for "4 people". Three other people with this tenant who were ejected on this day. They did not leave early ("Vacated"), nor was there a last minute agreement arranged with the landlord ("Settled"), they were forcibly removed by the Deputy Marshall and the movers hired to relocate their life to an outside. This too is a type of bracketing, but not for what it constrains in the "field of possible action" (Labove, 2017), but for what it writes out and banishes from the present day colonial record.

6.5 Conclusion

Reading and witnessing evictions in any context requires careful attention to the law to understand the ways in which it prefigures, brackets and forecloses tenant futurities. Indeed, the available 'data' can only narrate what the colonial record includes, though this is central to understanding how legibility becomes another form of subjection through eviction records and cycles of debt. As the context of eviction in Fulton County shows, there are many ways the various legal mechanisms of eviction codify and generate repetitive moments when its power becomes systematized through the expediting and massification of cases, as well as the contingent and shifting field of possibilities made real by adjudicating actors.

At the same time, a close reading of 'legal' evictions shows how the law, in its underwriting of private property, actually prefigures eviction, either in the lease relation itself, or in stages of eviction that do not include the purview of the court, like the demand for possession. This opens up a way of seeing eviction as being at the heart of private property relations, rather than exceptional. We tend to narrate evictions as a particular act, but on close inspection even the most basic aspects of the landlord-tenant relationship are an evictive power relation as such. We

look to the colonial archive to tell us the '*where*' and *'how*' questions we have about eviction, and even if we can notice what it does not capture due to bracketings and silences, our explanations still fall short in understanding the deeply racialized, colonial and capitalist nature of these power relations.

Paying close attention to its *emergence* (Chapter 5) allows us to see how they are a social formation that becomes formed through a white supremacist settler drive for enclosure and extraction. Those are organizing logics whose *residues* (Williams, 1977) are extant across all its mechanisms: In the lease, the warrant, and the writ, underwritten by the law and mediated by its actors, which still abide by colonial-racial modes of control and (rent) extraction. In this chapter I have set out to examine the 'legal' aspects of eviction, to consider how its 'formal' processes bare many traces of their colonial-racial past's presence (Said, 1993). I have also sought to show the contingent, manipulative and self-authorizing truths and decisions the law narrates to demonstrate the informality and fictions that constitute it (Roy, 2009; Blomley, 2019). Yet, if the 'legal' process involves such detailed record keeping, classification, management and extraction of value, how are those ends pursued in places we assume are "outside" of the law - a place Blomley (2019) refers to as the "outlaw" zone? In the following chapter, I will examine the illegal and extra-legal processes of eviction experienced by low income and many racialized people in Vancouver's Downtown Eastside to show that they too have a colonial-racial ontology, which unsettle assumptions we have about what counts as displacement.

CHAPTER 7

DISPOSSESSION'S OTHER LIFE

"Management and landlords are the force that is keeping people rooted in fear, instead of knowledge. Landlords are keeping people isolated. Tenant's feel it's all pointless, and that it's not possible to change it because they have been living it so long."

SROC Tenant Overdose Response Organizers, planning session, 2019.

[The
Future progressing ever forward
in a line of sons but any voyage
that assumes a forward course
will loop to its origin & cross
itself & so the compass rose will
enclose the world into the shape
of a gunsight & when there are
no new lands to map in blood
how pale will the horse of the last
sunrise look underwater]

Vanessa Angélica Villarreal, 2019

Taking seriously the ontological and epistemological field upon which evictions play out examined in Chapter 5, means understanding dynamics of racialized and dispossessive logics as foundational to our society. Dispossession, as a rupture of land relationships, enrolls racial difference to construct property for securing accumulation (and disinvestment) in particular ways, and installs an interlocking set of legal power mechanisms to protect that relationship. Emergent as they are in the settler-colonial encounter, the evictive drives that reproduce racial and settler capitalism delimit non-propertied futures through a state of relatively permanent enclosure, and the experience of this enclosure as a forward moving cycle of repetitive

banishment (Roy, 2017). Among those that do not own property, that experience of banishment (extant in forms of extraction, exclusion, *and* confinement) is both predicated on and especially pronounced for non-white and non-masculine people. This is not just a theoretical exercise, but describes an enduring (residual) set of social relations across space that have life and death - possibility and foreclosure - effects for the people that eviction marginalizes everyday.

As a juxtaposition to the far reaching and highly developed legal processes described in Atlanta in Chapter 6, this chapter aims to explore the grey areas and slippage points, where illegal and extra-legal modalities of rule exceed racialized dispossession's already ample tools, and are likewise weaponized in property's name. Landlord-tenant relationships in the Downtown Eastside SROs provide an acute example of eviction's illegal pathways. What their social relations also reveal are the manner in which evictions are also experienced through the lens of gender. It is an axis of difference that is difficult to reliably trace from the colonial record of court databases, and becomes much more readily apparent when one moves through the intimate worlds of apartment complexes and tenant organizing.[36]

In his discussion of informality in the SROS of Vancouver's Downtown Eastside, Nick Blomley (2019) highlights a key misunderstanding of the spaces that are assumed to present "exceptional" examples of illegality. He explains that illegality and extra-legality are not separate from the law, but are rather, "extensions of the organizing logics that structure property relations...although illegal, in other words, they are not alegal" (p. 82). Crucially, he draws from Ananya Roy's (2009) work on informality to argue that illegality exists at the heart of law. It is

[36] As discussed previously, while the data on evictions in Fulton County reveal a stark correlation between race and eviction, there is no available data on gender because eviction records do not record it. Desmond's findings in Milwaukee have been important for opening up that lens of analysis. Coupled with important research on the overrepresentation of women of color among groups that experience housing insecurity and poverty, the specifically gendered experiences of eviction are crucial area of needed research.

already present in the fictions that law constructs (property, crown land, "The United States", "Canada") but also through its uneven and contingent applications that shift and transform the application of the law, usually to the effect of facilitating property's end: the right of possession and accumulation. His argument is necessary for troubling what we assume is 'legal' or 'illegal' with respect to eviction. This furthers the claim that racialized dispossession is *expansive* in its mechanisms, and not simply guided by the drive for accumulation, but by forms of regulation whose degrees of violence are determined by a tenant's location within a racialized (and gendered) social order of property in the city.

The Downtown Eastside is a deeply ghettoized space. By this I mean that its residents have endured decades of institutionalized state-led confinement, the steady erosion of existing and future social investments, and the consistent withdrawal of state supports in the face of immense urban development and gentrification pressures after long periods of disinvestment. The private SRO is a site where these broader forces become spatialized as extreme examples of the possessive and accumulative drives of colonial-racial orderings in relation to property. If the 'legal' processes I outline in Chapter 6 are characterized by intensive forms of bracketing, record keeping, classification and management for the extraction of value - how do such mechanisms persist or become modified in contexts of 'illegality'? While the law presents itself as a "site of redemption" (Blomley, 2019) for 'informality', and it is assumed that what happens beyond the law (the "illegal" or "extra-legal") simply needs to be brought into its purview to cure inequality, the slumlord system of eviction and extraction of excessive rent money ultimately shares many mirrorings with what we consider to be the 'legality' of law and its inherently colonial-racial emergence.

7.1 Lease as Perpetual Eviction

When faced with myriad intersecting issues such as histories of trauma and abuse, mental or physical health or practices of drug use, each of which are made more acute by vectors of gender, race, and class, lower income people are especially marginalized by the ownership system of property and the landlord-tenant relationship. Those axis of difference not only shape the types of neighborhood and housing options they can afford, they entrench their positioning as a particular *type* of tenant into highly exploitative circumstances with respect to the lease and rent relationships. The private SRO housing stock is described as the 'last stop' before homelessness for a reason: they can be the most volatile, unsafe and precarious places to live in the city. At a tenant meeting facilitated by SROC in March of 2017, tenants gathered to strategize around the many problems they face living in SROs, voting together which were most pressing to them (**Figure 7.1**).

Their strong emphasis on the "*structural safety of the building*", over "*illegal evictions*" highlights the urgency of the habitability issues on top of the problem of evictions. Tenant defense, in this context, is not just for possessions sake, but more specifically for the right to a safe and healthy home. Depending on the type of building, illegal evictions play out in this landscape in highly varied ways. Each building has its own unique ecosystem, and depending on the landlord, the management, its tenant makeup, location and how well it has been maintained, those characteristics shape the practices and experiences of eviction. This is highlighted by the case of 'legal' evictions at Ross House from Chapter 6, even though it was a better maintained and relatively stable building.

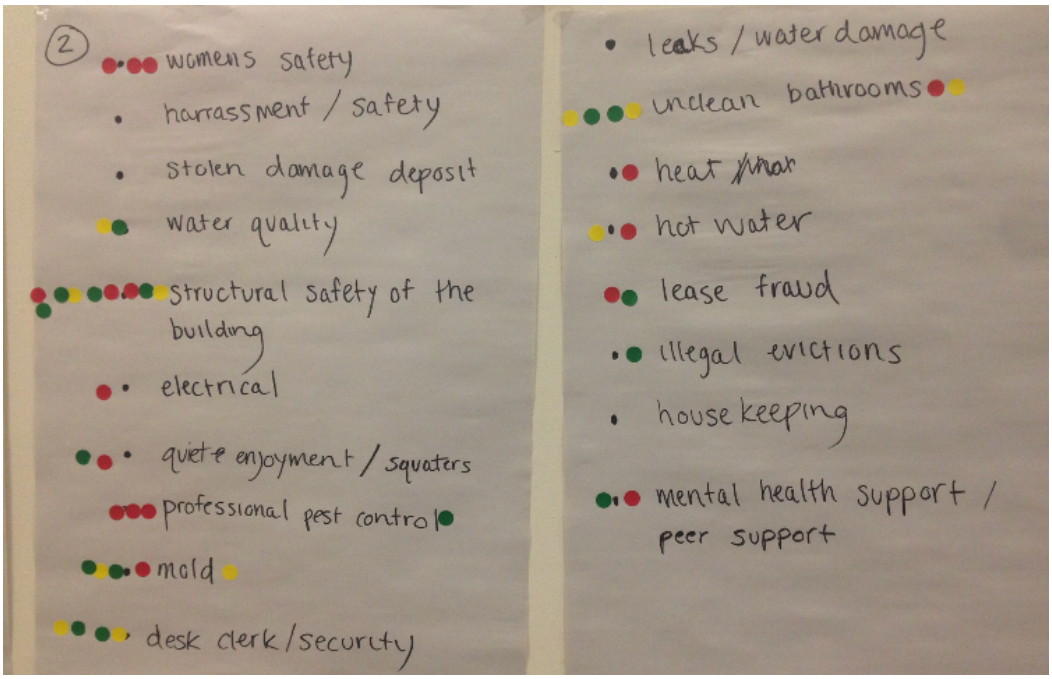


Fig. 7.1 SROC concerns list from tenant meeting, March 2017.

When the SRO collaborative began organizing in the privately owned SROs in the Spring of 2015, Wendy and the small group of tenants she worked with focused their efforts on the "worst of the worst", in an effort to stem the twin crises of gentrification and hotel conversion on the one hand, and habitability and building collapse through private property's neglect on the other. When I joined the collaborative five months in, a large part of the focus was on four hotels, the Regent, Balmoral, Cobalt and Astoria, all owned by the Sahota's, a slumlord family with significant property holdings in the neighborhood and throughout the lower mainland. Those four buildings are the among the largest in the community, holding just over 400 units all together. They sit within 5 blocks of one another, and the Regent and Balmoral are both on the 100 block of Hastings Street. Also the location of the Carnegie Community center, and Canada's first safe injection site, the 100 block is a central hub of the Downtown Eastside community.

Within the SRO housing stock, the Sahota hotels are notorious for their abject conditions, and the violence experienced by its tenants, women in particular, a great deal of whom are

Indigenous.[37] The buildings have had terrible safety issues due especially to poor maintenance and lack of security, resulting in dangerous and dehumanizing conditions, and which also make them high traffic buildings for drug sales, use, and sex work. Tenants living in SROs describe a world of intense precarity, and the Sahota-owned buildings stood out for their especially unequal landlord-tenant relations. Knowing that most tenants do not understand their rights under the law, building managers and landlords violated them all the time. Entering their rooms without notice, charging additional fees for having guests, threatening tenants with eviction as a punitive method of control, and using physical violence to enforce eviction are all common place practices in these and other private SROs like them across the neighborhood.

The lack of proper leases as a 'contract' is especially common. The case of Ross House also reflects this, where tenants lived without leases for long periods of time, until the landlord decided to use the FTTA's to control tenant behaviour and eventually push tenants out when the building's sale became more desirable. But across most SROs, informal or illegal leasing arrangements are generally the rule, and this can be due to many reasons. Chinatown organizer, Nick Yung explained to me that many of the landlords do not use leases at all because they perceive this as putting their building "on the record", plus having tenants pay cash allows them to avoid taxes on rental income. They especially want to avoid using the RTB to adjudicate

[37] It feels impossible to do any kind of storytelling justice to the brutal reality of housing in the SROs of the Downtown Eastside, for Indigenous people and Indigenous women in particular. There is scarcely space in this dissertation to contain the continuous and expansive modes of gendered violence they experience as a result of centuries of ongoing settler colonialism, and its persistence through housing inequality and adjacent forms of subjection (homelessness, incarceration, police violence, child-apprehension, residential school and 60's scoop survival, health issues, to list only a few). There is a great deal of already existing writing and research by Indigenous women that connects these systemic issues and roots them in an analysis of ongoing colonialism (See: Martin & Walia, 2019; Simpson, 2013; Nason, 2013; Dean, 2016; Hunt, 2018). I take seriously Andrea Smith's (2005) epistemic understanding of native land and gendered violence as intimately connected modes of domination. Though I maintain a focus here on evictive power relations as I have outlined them, my hope is that elucidating them will demonstrate evictions as an explicitly racial-colonial relation, and that our understandings of intersectionality (Crenshaw, 1990) will provide an opening to show the ways the violence of property relations are also expressed and experienced by racialized, *and* women-identifying people (among many other axis of difference).

relations with tenants, because the language barrier presents complications for them. In majority Chinese-speaking buildings, they will be forced to hire an interpreter at their own cost, and the process of interpretation places an additional barrier on legal arbitration which is arduous to begin with, especially given how many dialects are spoken in Chinatown. Interestingly, the Anglo-dominance of landlord-tenant law produces informal tenurial relations across most if not all of the SROs in Chinatown, regardless of what condition they are in.

But many SRO landlords flout legal leasing practices (and using the legal methods of the RTB to evict) because any semblance of a legal contract would give tenants an opportunity for making possession claims and fighting retaliatory evictions. Though the practice of paying rent legally enters tenants into a relationship with a landlord under the Act (RTA), many either do not pay rent through methods that can be proven, are unaware of this right, or are unable to activate that right due to their lack of resources.[38] With over 2000 homeless people on the streets in 2018 (City of Vancouver, 2018), the need for housing in the neighborhood is so great, tenants have no options other than to accept exploitative lease relationships.

At the Sahota-owned Astoria hotel, the lease expressed itself as a method of control. During the summer of 2016, I met an Indigenous woman tenant on the third floor one afternoon during door-knocking rounds with another tenant volunteer. We had been hearing about issues with the front desk manager (Larry) and wanted to check in on people to see what was happening. Liz[39] had been living at the Astoria for about two years, and throughout the Downtown Eastside in other SROs for the better part of a decade. Upon moving in she was handed a piece of paper to fill out as a lease agreement (**Figure 7.2**). Rather than the

[38] Section 7.3 of this Chapter provides a more extended discussion of the barriers presented by the legal remedies available in the RTA and formal adjudication at the RTB.
[39] Name and details changed to maintain anonymity.

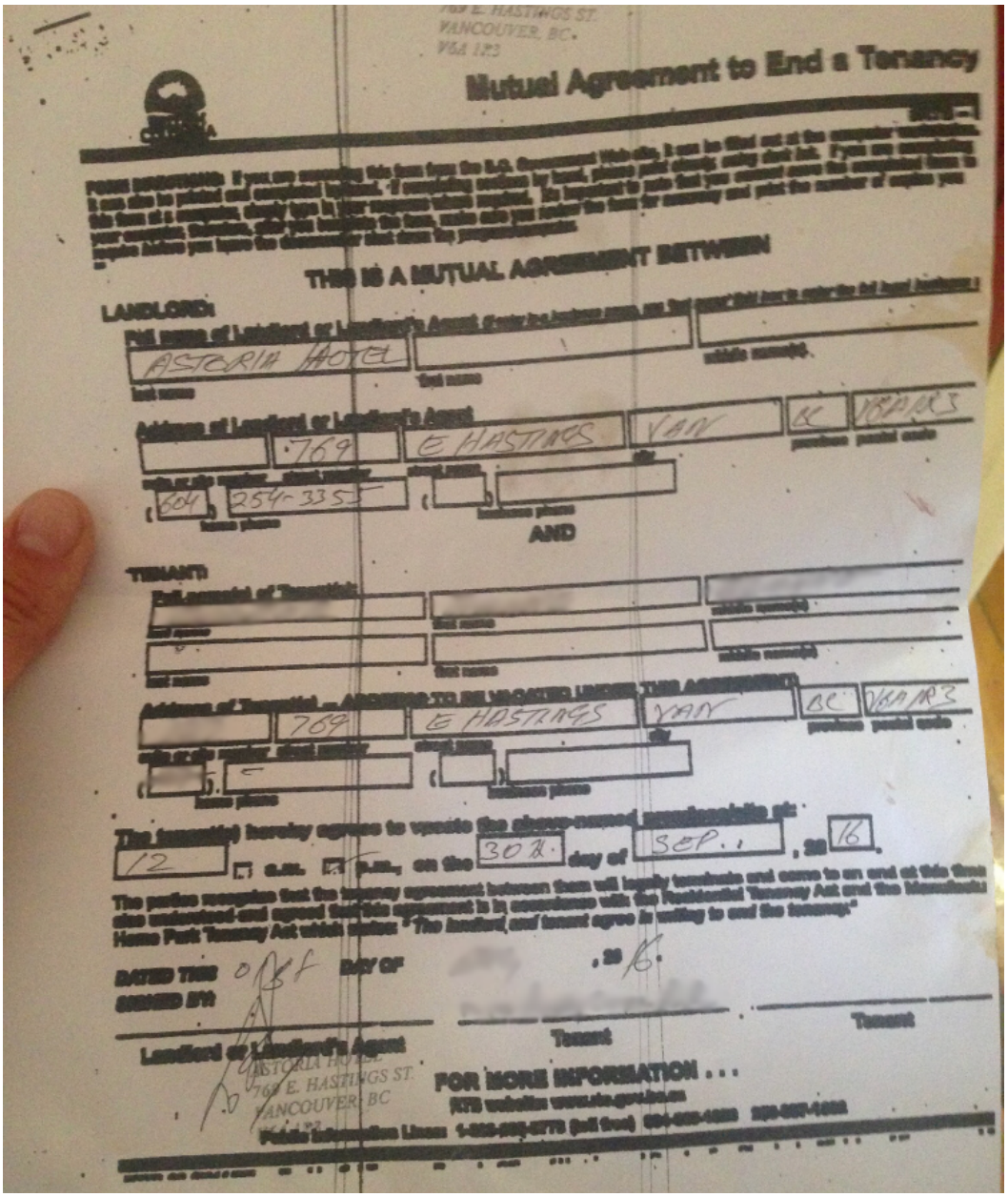


Fig 7.2 Mutual Agreement to End Tenancy, Astoria Hotel, July 2016. Photo by author with permission.

prescribed lease form that most BC landlords make use of, this was instead a *Mutual Agreement to End Tenancy* (**Figure 7.2**). A separate form that can be downloaded from the RTB website, it is intended for the express purpose of two parties deciding to legally (and mutually) end a lease contract earlier than the previously agreed upon term. She was told to sign, but it did not have a date filled out. It had been photocopied so many times, almost none of the original text of the

RTB document was even legible. Needing to secure her housing, and ultimately afraid of where else she may end up, she signed it nonetheless. Liz told me that Larry conveyed that he did not plan to kick her out, though she did not necessarily feel reassured by this.

As the tenancy continued, Liz received, from time to time, new versions of the "lease". On one occasion, she had a bad interaction with Larry, and he brought her a copy dated for the end of that month as a threat. Though he did not follow through with the prescribed "eviction", next month provided her with another copy this time with a date three months away. Based on her behavior, if she 'caused trouble' by having too many guests, or was otherwise perceived as a problem, he used the lease as a method of control to remind her that she could be evicted at any time. Though it is perhaps unlikely this 'lease' would stand up in arbitration at the RTB, Liz had no other choices. Being on social assistance with a shelter rate of $375 per month, she was desperate for affordable housing and the Astoria only charged her an additional $50 on top of her shelter allowance from the ministry.

In this type of power relationship with the landlord, tenants are subject to much fear and intimidation. It becomes impossible to request repairs or raise complaints about other tenants without risking some form of retaliation. Summarized by the epigraph opening this chapter, a quote that emerged from a strategic visioning exercise with TORO staff (a tenant overdose response program the SROC operates), "Management and landlords are the force that is keeping people rooted in fear, instead of knowledge" (TORO Staff, 2019). When faced with the 'choice' of signing a lease or sleeping in a shelter or outside, tenants in this position *have* no real choice, and become subject to harassment and the violent whims of their building manager. Liz explained that Larry had a long and violent history with tenants, including sexual violence with women. He had used the *Mutual Agreement to End Tenancy* method to evict a mother and

daughter living together in one room just the month before, by filling out the date when he wanted them gone.

In *Red Women Rising*, a recent report released by the DTES Women's Center, the voices of Indigenous women detail the experience of housing and poverty in the DTES. In it, one respondent explains the feeling of confinement to the community as directly related to the housing options available to her due to racism and stigma: "We can't get out of the DTES if we want to. Everything is setup for us to remain here. We can't get housing or services or jobs anywhere else. And then staying in the DTES, we are marginalized and stereotyped as 'from down there' " (Martin & Walia, p. 15). Understanding this sense of ghettoization is important for reading the lease in this instance as a form of control. Liz and so many other tenants like her were arguably in a perpetual state of eviction. Her great need for housing and inability to activate her rights were weaponized against her through a lease relationship that she experienced as a punitive violence, her landlord having full knowledge that as a low income Indigenous woman her access to housing beyond the DTES was practically non-existent.

An ex-worker for the Sahota's, Sam, explained to me that at the time, the Sahota's made these fabricated leases in part because they wanted to design a circumstance where tenants felt they had no choices and no power. They used force and illegal entry to evict, rather than going through the RTB, because of the perception that taking the legal route would give the tenant more tools for resistance. In a way, the managers use of the lease was not even really necessary, because they used force to remove people.[40] And yet, they engage in a misuse of the *Mutual Agreement to End Tenancy* both by using it to an end it is not meant for, but also by

[40] SROC has heard countless examples of the Sahota's hiring drug dealers and other types of 'enforcers' to carry out their violence in the hotels. In the past, they have removed the doors to tenants rooms as basic method of eviction.

manipulating it (intentionally, or out of laziness) to the point where it is no longer a legible document that tenants can even read prior to signing.

I have aimed across these three chapters to frame the lease as a central aspect of the colonial-racial private property relations we exist in under a white supremacist settler power structure that forecloses the futurities of non-propertied, non-white and non-masculine people. As the method for documentation of ownership or tenancy, the grant and the lease both communicate a proprietary knowledge and assert their power through the legal fiction of private property. The epistemic grid of power relations upon which the Astoria lease (**Figure 7.2**) and those at Ross House (**Figure 6.2**) play out are not unconnected to their lineage instrument found in **Figure 5.3** (Crown grant for Lot 196). Not only do their legal descriptions bare similar notations (Astoria Hotel: *Lot 26, Block 60, District Lot VAP 196*), but together they reflect the ways in which property conveyance and its material narratives are improvisational, self-authorizing texts ultimately deployed to perform a "persuasive enactment".

As I argued in Chapter 5, I do not want to suggest that these documents *are* the same thing. I rely on the work of critical Indigenous studies scholars (Coulthard, 2014; Fabris, 2018; Knight, 2018) to remember that dispossession (an ontological rupture of land relations under colonialism) is not the same as eviction (a cycle of permanent precarity under colonialism). Though as textual mechanisms that make material the practice of *authorizing out of existence*, we must *read* them the same way. As a form of 'record keeping', the Astoria lease (**Figure 7.2**) and the Crown grant (**Figure 5.3**) especially, both function to control and manage a particular type of unilateral claim. In their dubious production, they reflect the contempt of their authors for the necessity of some kind of legal contract to enact a taking, but their improvisational nature belies the authoritative 'truths' property attempts to narrate.

We assume the Astoria lease (**Figure 7.2**) is 'illegal', and that perhaps the practice of using them can be put to a stop with the help of a legal advocate, or the intervention of an RTB investigation. But to turn back to Blomley's (2019) and Roy's (2009) points about 'informality', illegal practices should be understood as a form of regulation that exists at the heart of how private property functions. If we misidentify the landlord-tenant social relations in the SROs as existing in a state of "exceptionality", we misunderstand the importance of the role of illegality and extra-legality to the constitution of the law itself. Illegal practices are instead an extension of the power of fiction and violence that makes crown land in the first instance (**Figure 5.3**) and inculcates non-propertied and non-white people in a system of perpetual displacement within the colonial-racial field (**Figures 6.2 & 7.2**). To further understand the role of *extraction* in all this, I turn in this next section to discuss the role of rent in the hotels as another form of the laws *extension* into 'illegality' that manifests as harassment and control.

7.2 Rent as Harassment and Control

Across both the gentrifying and non-gentrifying hotels in the DTES, low income residents experience the extractive relationship of rent as harassment and social control. If they live in buildings experiencing conversion (similar to Ross House) where landlords are keen to replace long-term tenants with higher-paying ones, it is common to be offered cash or a few months free rent in order to leave. Though the owner of Ross House did not take this route[41], "cash for keys" is widely practiced by landlords looking to close their building's rent gap in

[41] To my knowledge he used fixed term agreements to evict a number of tenants, and once the NDP government closed the FTTA loophole in September of 2018, he slowly let remaining units empty 'naturally' by not re-renting them after a tenant vacated.

rapidly upscaling areas.[42] During one evening of door-knocking at the Metropole Hotel in the winter of 2016, I met a low income senior with mobility issues who informed me that though he had been living in the building thirty three years he was planning on moving out in another two months. The building manager pressured him to sign a *Mutual Agreement to End Tenancy* in exchange for $1200 cash (CDN), and though he still was unsure about his decision to take the buy out, he reflected: "Maybe it will be nice to have a change, having a new place could be good for me".

Not having been on the rental market for over three decades, this man had no idea how high rents had climbed in the neighborhood since he rented his unit in 1983. When he showed me the agreement he signed, it was dated for just the day before. I left the hotel that night furious. Not only at being one day late, but also at how the building manager exploited the ignorance of a long-term tenant by dangling cash in front of him. As a senior on disability assistance[43] with limited income and housing options, the $1200 was a lot of money. Yet the landlord would make back it in less than two months once the unit could be renovated into a "micro suite" and rented at three times what he had been paying. In the increasingly inflated real estate market in Vancouver, SROC was regularly in an uphill battle of getting in front of building conversions to let tenants know that "cash for keys" is a form of harassment. SROC organizers have been forced to pay close attention to building sales especially, in order to spring into action for eviction defense, and have developed leaflets for tenant education to this end (**Figure 7.3**).

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[42] This is a method that is very common all over metro Vancouver, especially through the practice of 'renoviction' as a way to buy out tenants and preventing them from taking legal action to stay in their suites. I have personally been 'renovicted' twice (Fall 2008; Summer 2015) and both times was offered one or two months rent in exchange for leaving.

[43] At the time (2016) in BC, the monthly allowance for people on disability was $906 dollars per month. After subtracting the shelter rate, assuming the recipient's (private) landlord did not charge additional rent (most do), that left a person on disability with $531 dollars remaining. People on disability may have more cash to spend than those on the basic social assistance, though are frequently unable to supplement their government income with work (and there are strict caps on those earnings anyhow).

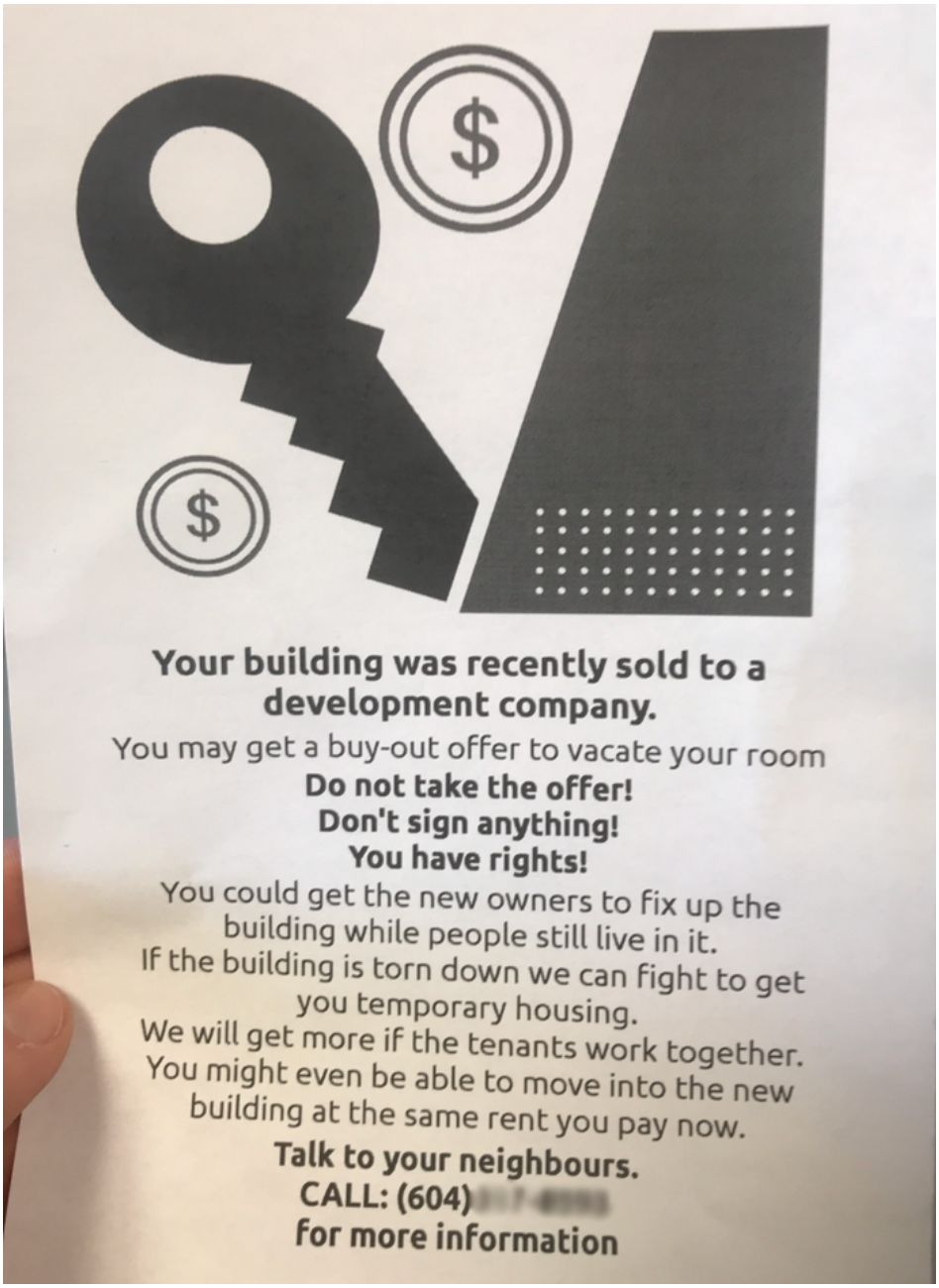

Fig 7.3 SROC Cash-for-keys leaflet, January 2019, Photo courtesy of Bryan Jacobs.

In the "worst of the worst" buildings however, that have not yet been converted for higher paying tenants, rent relationships take on extreme forms of control and extraction, and much of this revolves around the directionality of power that travels from the landlord through the

building manager to the tenant. Though many landlords like the Sahota's are present in the day-to-day operations of their buildings, they also hire building managers to monitor the front desk (often 24-hours), collect rent payments, clean bathrooms and other common areas. Building managers are frequently also tenants in the building, and are not always compensated with a wage, but instead rent reductions or other rewards for dealing with the issues that come up. In the case of one manager at the Lion Hotel, rather than paying him a wage for his work, the landlord allowed him to keep part of a tenant's damage deposit if he successfully evicted anyone for cause (using the RTB process). Tenants who require significant social supports often end up being targeted by this regime, for practices such as hoarding, drug use, bringing extra guests into the building, or more serious issues like accidental fires.[44]

Though historically, the hotels had been a place of housing for those on social assistance, and the rental rates are meant to be capped at the governments shelter rate of $375, buildings which still adhere to that price regime are few and far between. Due to the lack of meaningful rent control[45] in BC, low income tenants today now have most of their assistance cheque swallowed up by rent, and this is sometimes done illegally. Another hotel had received a 1.5 million-dollar loan from CMHC (Canadian Mortgage and Housing Corporation) for building upgrades in exchange for signing a government agreement to keep the rents at $375.[46] During an extensive outreach campaign to deal with serious habitability issues regarding no heat and hot water one winter, we canvassed tenants to ask how much they paid in rent. The rates they reported owing on top of their assistance cheques were explicitly in violation of the agreement. They added up to the tune of over $96,000 a year.

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[44] Though these are more often the cause of building conditions, rather than the fault of a tenant.

[45] There is no control on rent *between* tenancies, only during a tenancy.

[46] Because the CMHC lacks oversight for the loans they give to building owners, to our knowledge, the landlord used most of the loan for leverage to purchase another SRO, rather than putting the money into the assigned building.

These types of rent extractions off of the backs of low income people on social assistance are rampant across the community. But they were especially acute within the Sahota hotels (and others like them) because those places often house those most vulnerable to exploitation, such as drug users, sex workers, and racialized people. To manage their hotel operations, the Sahota's hired newly arrived immigrants, many from Sri Lanka, to work under the table in their buildings. Sam Dharmapala explained that the exploitation of immigrant workers, by paying them far below the minimum wage, or in some cases not at all, allowed the Sahota's to institute a system of complete control over the Astoria, Balmoral, Cobalt and the Regent. They coached the building managers on exclusionary tenant screening, handling the illegal leases, hiring drug dealers for enforcement, forcing tenants to hand over ID or cash payments in order to be allowed to let their guests to enter, among many other policies that worked to instill a culture of fear and isolation. Price gouging for cash payments beyond the shelter allowance, either for rent or guest fees, was not only used as a way to extract additional rent money, but deployed as a punitive tactic when managers and owners deemed tenants to be 'unruly'.

For women living in the SROs, whether alone or with a partner, rent relations were an explicitly gendered and often sexual violence. Marina Classen, an organizer and staff person with the TORO program at SROC described these as examples of how rent could be used as a form of control:

> "The Cobalt and the Astoria both had a really awful misogynist desk clerks that would promise women that came into the space reduce rent, and based on that, they were made to engage in sexual activities with him. I think that that is more of a common thing than we realize. Whoever is in the position of power can weaponize that rent number based on, you know, whatever they want to do, and he was a good example of that. What frustrates me also, is the couple thing. People that want to live socially [with a partner] always get double charged on rent for a unit. It's the same amount of space. I'm never going to be charged double in my apartment because I have a partner. We split it, and that's what makes it affordable. But in a $450-dollar room tenants get charged 900 for a couple. $900 dollars is a lot of money! Anyway, the front desk clerk has the discretion to charge

> whatever they want for the unit, which means that there's no regulation throughout the building, so there'll be like a whole different array of rents. It can be really used to manipulate people and control who's in the space." (Marina Classen, July 2019).

For tenants on social assistance in the Downtown Eastside, the landlord-tenant relationship becomes doubly complicated by the state as a third party. To 'secure' an SRO unit in a building that still takes welfare recipients, all a tenant has to do is provide the landlord with a copy of their cheque stub, containing their social insurance number, and the *Ministry of Social Development* (a 'crown' corporation) will remit their shelter portion directly to the landlord. This will cover $375 of their rent (the "shelter portion"), though as I have described, the vast majority of privately-owned hotels still charge a high rate on top of this in cash, in addition to other fees. For tenants not on assistance who pay full cash, they are rarely given the receipts required to prove a landlord-tenant relationship, and so their tenure is highly precarious.

The government shelter allowance of $375 can only be remitted to a landlord that files the paperwork confirming the tenant has secured a unit. In paternalistic welfare-state fashion, that shelter portion is never transmitted through the tenant, and unless they have a landlord to remit it to, it will not be dispensed. The state effectively sets up a system where if the landlord wants to evict a tenant, they can call the *Ministry of Social Development* and request an end to the payments claiming the tenant has moved out. This is one formal method of eviction, as they can then evict them for "non-payment of rent" through the RTB. If they have not signed any kind of lease in the first place, there is nothing the tenant can do to stop the eviction.

While many private SRO landlords extract additional rent money off of the base already provided to them by social assistance, the Sahota's also became known for abusing this system to an extreme. Because the cycle of displacement in SROs is so chronic, and tenants are frequently moving from one building to the next, or between homelessness, or at times hospitalization, it is

really common for landlords to hold onto social assistance cheques long after a tenant has moved out. SROC organizers heard many examples of tenants who left the hotels to sleep in tent cities for safety reasons, and if they no longer had a fixed address, and no bank account, there was no method of receiving the assistance cheque and no where to tell the Ministry to remit the shelter allowance. In this case, the tenant has no choice but to allow the payments to continue to the previous landlord. Sam, a previous worker for the Sahotas recounted to me that each month, the Sahota's would have ten or more cheques per hotel coming in belonging to tenants who were no longer housed in the building, but who had not secured new housing.

Across their four buildings that house close to 400 people, the Sahota's have committed massive welfare fraud over the years, extracting major profits from the state via low income people who need a fixed address to receive the support portion of their cheque. This is on top of the extra fees and exploitative rent gouging for tenants who *are* still living in the building. At the same time, they take advantage of the fact that many of the tenants do not have regular means to cash their welfare cheques if they do not have a bank account or ID. Sam explained that those tenants paid a heavy price for being in that position.

> **Sam**: "Before welfare day we had a special counter at the Astoria for check cashing in the bar. Two different kinds of cheques, one is rent cheque, one is personal, the support cheque. From that one Sahota's taking maybe 50$. If they get 250$, we give them [tenants] 200$. Larry taking out as much as 80$. He is doing very good on welfare day. The Sahota's once gave me $5000 on welfare day."
>
> **Interviewer**: "Why are they coming to you guys?"
>
> **Sam**: "People down here, they owe money to Money Mart. They can't do payday loan, or they stuck with that money they owe. And some people don't have ID. And many don't have a bank account. Those people are stuck losing hundreds of dollars to Sahota's." (July, 2018).

In the Downtown Eastside, where many tenants are, to varying degrees, enrolled in inadequate state provisioning of social supports, at the same time that they are forced to seek out housing in a landscape that is paradoxically upscaling at the same time that it is profoundly disinvested, the violence of private property relations with respect to tenure and rent are punitive and controlling. Despite the raw violence of eviction in the Downtown Eastside, to which low income and racialized people are most likely to be exposed, it would be a mistake to characterize that violence as *outside* of the law, rather than revealing of its true form.

On one hand, the 'mesne profits' (late fees, court costs, administrative costs) that are systematically extracted from majority black non-paying tenants in Fulton County are done so through the juridical infrastructure of the state - money judgments, and later, garnishments. Though the exploitation of SRO tenant's precarity secures mesne profits for slumlords in Vancouver too, this does not happen *in spite* of the law, but *because* of it. It is the landlord's right of contract and possession, alongside the tenants need to survive, that lock them into this power relationship, regardless of a lease. That relationship is *secured* by private property whether its contractual obligations and extractive mechanisms happen 'legally' or 'illegally'.

A Euroamerican ontology of property is, and always has been, a form of banishment and extraction. One that enrolls difference in its relations of uneven development and ghettoization in the city, to then further those inequalities through the institutionalization of extraction and control via housing. What this tells us about eviction is that its power relations cannot be adequately read in the present day colonial record. They are intimately tied up with the law, and endemic to property's existence as such. In the following section I will examine the textual and administrative worlds that tenants must navigate in order to secure safe housing in the Downtown Eastside.

7.3 Evidence, Adjudication, and Resistance

That SRO landlords erode tenant's rights by exploiting their vulnerability and lack of resources has been a central driving factor in much of the tenant advocacy and education work SROC has engaged in over the last five years. The SROCs mission was to improve the living conditions in the most chaotic and terrible buildings - of those that are privately-owned - and the biggest issue with respect to habitability was the city's simultaneous inability and unwillingness to enforce their own building code and bylaws. Though I take up this problem in the final section of this chapter, I want to focus here on the practices tenants engaged in to fight back against their living conditions through the lens of the case of the West Hotel, which illuminates the uphill struggle of addressing the living conditions in the SROs and the arduous experience of the RTB as a space of adjudication for people not resourced by class and whiteness.

Given the profoundly unequal relations between landlords and tenants in the SROs and the constant issue of landlord backlash for making complaints, it is very difficult for tenants to assert their rights without risks to their livelihood. The organizers and volunteers of the SROC felt that building-wide habitability campaigns, where tenants could join together with the help of an advocate would be the best way to call attention to the problems and secure better living conditions. In BC, the only legal recourse for tenants exists in the RTB (*Residential Tenancy Branch*), the adjudicating body of the RTA (*Residential Tenancy Act*).

It is a quasi judicial proceeding, where an appointed arbitrator will hear disputes between landlord and tenant in a phone call format. Either a landlord or tenant may apply for dispute resolution.[47] These cover claims for unpaid rent or damages or seeking an order of possession on

[47] Unlike in Fulton County, where if a tenant wants to take their landlord to court they must instead go to small claims. The magistrate dispossessory proceedings are only for landlords opening eviction suits against their tenants, though a tenant may make 'counter claims' that relate to housing conditions.

the part of the landlord, or disputing an eviction notice, rent increase, or requesting repairs and compensation for the loss of quiet enjoyment on the part of the tenant. The nature of the RTB sets up a system where tenants must *opt in* for dispute resolution when they are being evicted. In other words, the law does not force a hearing, but rather makes it optional. Whether fighting an eviction or habitability problems, applications for dispute resolution for a tenant require a filling fee of $100, making them prohibitively expensive for lower income people in general, though those on social assistance may apply for a waiver by proving their inability to pay with an assistance cheque stub.

Not unlike the exclusionary nature of engaging with the legal system in Fulton County's eviction process, the resources required to open disputes in the RTB are significant, and depending on the nature of the case, typically require the assistance of an advocate. The burden of representation is placed on tenants, and they frequently go up against landlords who can afford lawyers to handle hearings for them. All of the hearings are in English, and any translation of the materials or interpretation during the call are expensive and must be acquired and paid by the applicant. As I mentioned above, this fundamentally excludes non-English speakers from participating fully and meaningfully in the process, and contributes to practices of informal tenure and 'illegality' in many Chinatown buildings especially.

Not only does using the RTB process require advanced literacy skills, access to a printer, computer, and the internet (if you want to submit evidence), but the hearings themselves become spaces where tenants become inculcated into certain expectations of comportment around formality and 'civility'. An attorney I interviewed explained that the unequal power relationships of class significantly shape how tenants (and landlords) get 'read' by arbitrators:

> "If you're ESL, it's really hard to get a fair hearing. If you don't have the class background to present yourself straightforwardly and civilly *under the circumstance of being evicted*, it is also hard to get a fair hearing. We have seen written decisions by an arbitrator, where they will actively note that 'X' person was agitated and combative throughout the hearing. They are weighing that as a factor when it is totally irrelevant" (Michael[48], July 2018, emphasis mine)

Having been party to a number of RTB hearings with SRO tenants, this was my experience also. Though landlords and their agents may also be 'read' in unsympathetic ways, depending on the circumstances, it is still a process that more often favors landlords due to the class (and racial differences) that are made legible even over the phone. Though the phone format is done to meet the convenience of both parties (and provides a stark contrast to the burden of physical attendance requirements of the Fulton County court system), Michael points out that the reason trials are normally conducted in person is that this allows adjudicators to better assess credibility. People who are willing to lie or fabricate evidence are much more likely to get away with it over the phone.

The arbitrators hired by the RTB especially pose problems to the legal process. The RTB has been plagued with staffing issues for years. This is in part because the position does not pay well, commands a high workload, poorly trains its arbitrators, and expects them to complete between two to three hearings a day. This includes hearing time (limited to 1 hour), as well as researching and writing the decision. We have learned that this means arbitrators have rarely read the materials for the case ahead of time, and their workload likewise results in pressure to mediate, rather than rely on their decision-making.

At the same time, there are no legal requirements for an arbitrator's employment. Though people with *some* legal training, such as law students or paralegals, tend to self-select for the

[48] Name has been changed to maintain anonymity.

position, it is common for arbitrators to have poor knowledge of the RTA. Decisions made by them are legal and binding, and can only be overturned if a lawyer petitions for their review to the Supreme Court of BC. The Community Legal Aid Society (CLAS), a local non-profit firm that specializes in legal aid, conducted a study in 2016 and found that of the RTB cases that advanced to judicial review, 65% of them were overturned by a Supreme Court judge due to the arbitrator's misapplication of the law or general mishandling of the case. In our experience at SROC, not only is the dispute resolution process exclusionary to the most marginalized who face eviction, but the arbitrator a tenant receives can lead to unpredictable and ultimately unfair outcomes.

In the early days of SROCs approach to addressing habitability, applications for dispute resolution were central to the work, especially when landlords used the 10-day (non-payment) or one-month (for cause) notice to evict people for erroneous or made up claims. In those cases, unless tenants pay the 100$[49] (or have it waived) and formally apply for resolution, they cannot stop their eviction. Given the terrible living conditions of so many of the buildings, our work also involved the meticulous recording of issues in order to build evidence packages we could then submit in the hopes of getting repair and even compensation orders for tenants.

SROC bought an infrared laser thermometer to test the water temperature in buildings to prove the hot water did not meet basic health by-law requirements.[50] We took hundreds of photographs of debris in hallways, dirty bathrooms, unsafe syringe disposal, dangerous fire escapes, made note of the presence of bedbugs, cockroaches and rats, and took many statements from tenants describing the interrelated issues of building decay, bad management, and unfair

[49] It should be noted that if the arbitrator finds for the tenant, they will be able to recoup the fee in the form of reduced rent or monetary order given to the landlord. Though this still does not change that the fee acts as a significant barrier.
[50] Landlords are known to turn down hot water heaters in order to save money on bills.

evictions. If the livelihoods and experiences of tenants in the SROs were being erased through the laws (and the state's) formal retreat from them, and the epistemic violence of the RTB as an inherently classist and racist institution, then the strategy was to write them back in.

While door-knocking at the West Hotel in early summer of 2016, we met a tenant named Dan. A leader in the building who was self-taught in the RTB process and landlord-tenant law, he had already taken his landlord to the RTB for issues like illegal guest fees, heat and hot water, illegal evictions, and overall lack of security. When a new management company, Community Builders, was installed in the building the previous winter as a result of his efforts, tenants were relieved at the change. But soon they found conditions to be getting progressively worse. Community Builders restructured the front desk staffing model, and by January of 2016, there was no longer 24-hour security. This meant anyone could access the building throughout the night.

Just around the corner from the 100-block, and in the context of a serious homelessness and opioid overdose crisis, the building quickly became more chaotic by the day. People were coming inside to use, and sleeping in the hallways and bathrooms. All common areas were noisy, and tenants complained it had become impossible to sleep. On top of this the lack of hot water persisted, and the building's elevator began breaking down on a regular basis, for weeks and even months at a time. With many seniors and tenants with mobility issues on upper floors, the loss of the elevator made basic living more dangerous and almost impossible for some.

The security problems in the building culminated in late March of 2016 with a double homicide inside the hotel. A fatal stabbing of two men on the second floor who were not residents of the building. The atmosphere of chaos and fear for all tenants had reached a fever

Fig. 7.4 West Hotel Press conference, July 2015. Photo by Author.

pitch, and it was around this time the SROC began to support Dan's efforts. He had already been collecting a great deal of material evidence, and though Dan had passed these onto management and city inspectors, nothing changed. Together with tenants, and the input from legal advocates at TRAC (*Tenant Resource and Advisory Center*), Wendy and Dan decided to formally launch a building-wide RTB case against the landlord (and the management company) for 108 days of no elevator, 53 days of no hot water, and 74 days of no 24-hour front desk staff - all of which had contributed to the escalation of problems in the building. A press conference was held at the end of May to draw attention to the RTB case (**Figure 7.4**).

That summer, with Dan, Wendy, supporters from TRAC, and SROC volunteers, we initiated a months-long process for gathering evidence, building on the already established trust that Dan had in the hotel to bring as many tenants as possible into the joint case. Though we explained the possibility of winning compensation for tenants who had endured the dangers of the building, it was still challenging to convince tenants to fight. Many had been living in terrible conditions for sometime, and were still worried about landlord retaliation, and losing their housing altogether. Others had become homeless since the double homicide in March and were difficult to find, making the process for gathering evidence complicated.

We spent almost two weeks meeting with tenants to collect depositions, some of which had to be conducted outside in the parks and sidewalks with those who no longer lived in the hotel. If they did not have a fixed address, we were unsure of how to make them party to the case, but we collected their testimony anyhow. Describing the specifics of how a lack of hot water, elevator, and 24-hour security come together to exacerbate the already inhumane conditions of the SROs was key to articulating tenant truths to an adjudicating body like the RTB. Their case was likely to be heard by an arbitrator with very little knowledge of entrenched poverty in SROs, and the complexity of the interlocking factors of oppression instituted by the landlord's policies needed to be conveyed. The following testimony offers a window into the far reaching effects of just one of those factors, the lack of security:

> "[There was] no desk clerk to stop people from coming in the building. I didn't get any sleep the whole time. We got 10 old men on this floor and someone had to keep them safe. We had drug dealers setting up in the hallways and toilets. I didn't use the toilets and showers for 5-6 months. I had to go somewhere else, every time I had to go to the toilet. Every guy could get in the building with a pen or knife into the front door. The word was out in the community as soon as they took the desk staff out, within 2 days, a flood of people started to come into the building and it got taken over by drug dealers. Between 4-7pm one day, Dan and I threw 16 people out of the building. I had a metal pipe in my hands. It was strained staying up at night keeping people safe. My neighbor who is blind and deaf was afraid to go out of his room

> so we got him a 5-gallon pail so he [could] go to the washroom anytime without having to worry about security." (West Hotel tenant, July 2015).

'Writing-in' the life-worlds of SRO tenants to the official (colonial) record required not just advanced literacy skills, legal training, access to printing, computers, internet, *and* the marshalling of countless volunteer hours. It also required careful translation to make the case for monetary compensation, especially for the lack of security since this is not required by any by-law, but results in serious exposure to harm for vulnerable people living in SROs like the West. By the end of the summer, with Dan's leadership, and in collaboration with TRAC, the SROC helped 94 tenants launch the largest dispute resolution application in BC history, requesting $70,000 compensation, the submission contained an evidence package that was 800 pages long.

The various outcomes of this case wind across a year and half of hearings and delays, as the RTB process was slow to begin with, as they had never adjudicated a case of this size before. In the end though, approximately 80 tenants settled with the landlord, who later put the building up for sale, in part due to the hassle and losses related to tenants agitating for change. A new owner took over with a new management company, and began to improve conditions and wrest control of the building from 'problematic' tenants. City inspectors were forced to pay a great deal more attention to the buildings problems, and began to step up pressure in the form of fines and work orders, in large part as a result of the organizing work that brought the problems to light.

While this meant that the building was safer, it also meant that many of the tenants who needed robust social supports that were most likely to present safety problems or loss of quiet enjoyment conditions, such as hoarders, drug users, women conducting survival sex work, and people with serious mental health issues, were slowly and persistently kicked out of the building. So as the process of the RTB *creates* a system of inequality through its own exclusionary terms

of participation by forcing tenants to marshal major resources if they use the law to address their issues, at the same time, engaging in legal remedies drew attention to the problem in a way that ultimately reinforced the landlords right to reversion.

The SROCs work at the West Hotel highlighted not only the burdensome task that tenants face to assert the few rights they have, but the profound limits of wielding the law against landlords who have the ultimate reversionary rights to their building and how it will be used. Our intention in activating tenant's rights was to get the landlord to respond to the *defacto* state of eviction he had created in the building by allowing it to become so dangerous it was uninhabitable - even if temporarily. Activating the law in this case managed a small victory for a group of tenants, but for people referred to as "hard to house", it resulted in an inherently violent outcome. The 'hard to house' of our society, if they cannot perform the subject position of a 'good tenant', are ultimately marginalized by both the extension of the law *and* its withdrawal, by its 'legal' and its 'illegal' enactments.

7.4 Defacto and Mass Eviction

The contradictory outcomes of legal advocacy for the West Hotel were not a one off event in the organizing work of SROC. Reflecting on the work we had done to advocate for tenants across four different buildings in three years (Ross House, the West Hotel, the Balmoral and the Regent), Wendy pointed to the fact that they either shut down, kicked out all their tenants, or removed tenants that needed social supports. She insisted in our conversations: "We can't go aggressive against landlords without risking building closure or mass evictions".

After the West Hotel case, we turned our attention to the Balmoral. A Sahota-owned hotel around the corner on the 100-block where staff and tenant organizers with the TORO

program had begun doing extensive outreach for Naloxone[51] training in the buildings to address the high levels of overdose happening in the private SROs. There too, we had serious concerns about building conditions. Beyond the illegal leasing and hyper-extractive rent relations of the Sahota hotels, their conditions were beyond abhorrent. A rampant drug and sex trade *facilitated* by ownership and management meant it was an unsafe space for all tenants, involved in those activities or not. The Balmoral was also full of bedbugs, rats, mold problems, poor plumbing and electrical, and its lack of building maintenance over time lead to serious concerns expressed by tenant and advocates about its structural safety.

Having exhausted a great deal of resources in the West Hotel case, SROC was not keen or even able to attempt another arduous building-wide RTB campaign. The case eventually had to be handed over to TRAC because it became too difficult without the constant help of an attorney. In the case of the Balmoral, tenants and advocates instead decided to put pressure on the city to compel the landlord to make necessary repairs by enacting its own by-laws and pursuing a system of work orders, fines for non-compliance, and eventually prosecution. The city also had the power in its by-laws to conduct the major works necessary to bring the building into compliance, and billing the landlord afterward, though it refused to do so for fear of being sued.

In the wider context of long-term waves of disinvestment in the Downtown Eastside, the worlds of private SROs have long been a space city authorities have retreated from. They claim that the hotels present problems so exigent that city inspectors are largely unwilling or ineffective at enforcing code to maintain building habitability. In a meeting with city officials

[51] Naloxone (i.e.: Narcan) is a now widely used drug to reverse the effects of an opioid overdose. In 2016, the government of Canada reclassified it as Schedule II drug, removing the requirement for a prescription so that it could become more widely distributed to stem the overdose crisis. This allowed for tenant organizers to become more effective first responders in their buildings, as they had so often been for years.

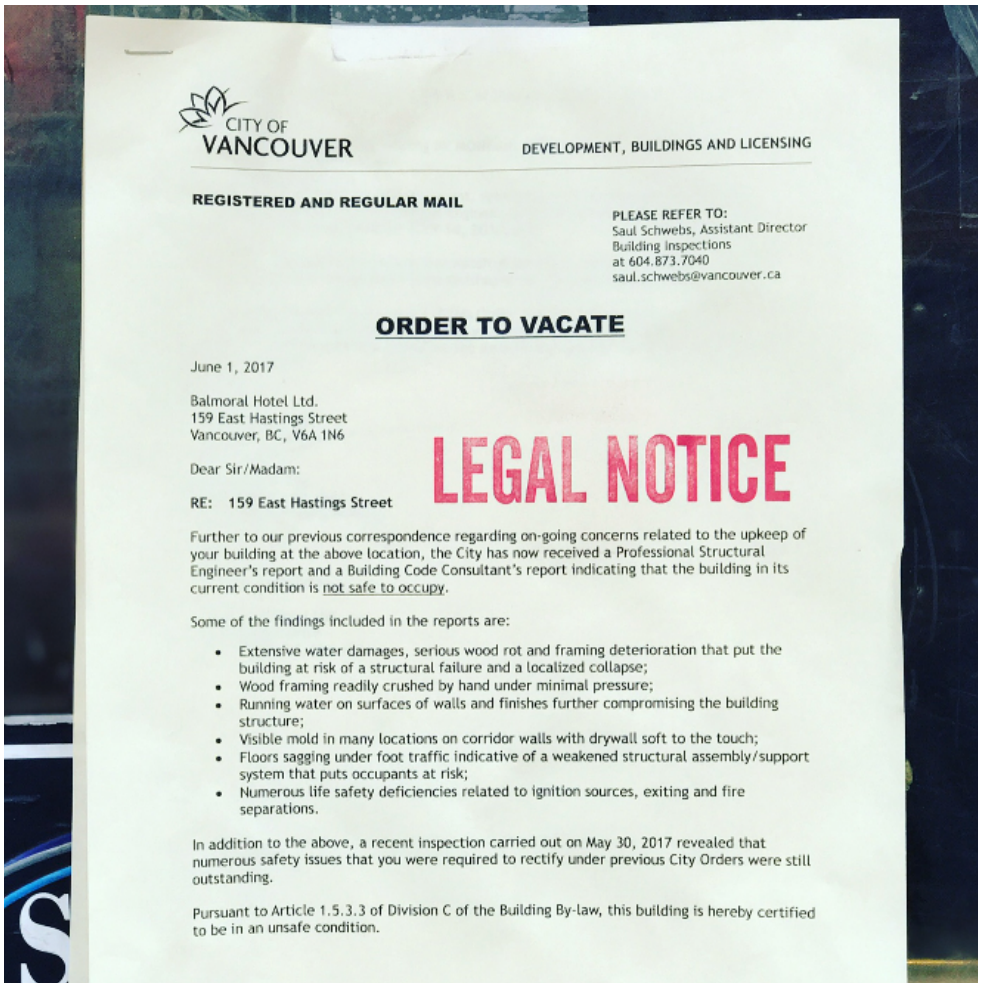
during the summer of 2016, a lead inspector from the by-law office admitted to members of collaborative that they turn a blind eye to building conditions in the Downtown Eastside:

> "I have 24 inspectors and they cover the entire city and enforce 14 bylaws, not just the SRA bylaw. The bigger picture is we have unbelievable pressure on my people to keep the SROs running. There are really blatant violations, but they don't typically get prosecuted. There is of course a minimum standard that we expect, but we haven't had the will or impetus to push it up." (City of Vancouver inspector, July 2016).

They were, in other words, accepting of the status quo out of concerns that pressuring slumlords into compliance would exacerbate the homelessness crisis through building shutdowns. And yet, so many tenants live in such terrible conditions that some of them sleep in the parks because they prefer that to their own hotel rooms. The relations of eviction I describe here are not just a reversionary or accumulative condition, but also very much rooted in private property's neglect. A zero sum game where landlords have no incentive to maintain a building, or even keep it full (Ross House), because the land on which they sit is so valuable.[52] On the extreme ends of this relation, tenants either experience eviction to make way for higher paying tenants, due to a buildings sale, or they experience the abject violence of building conditions the landlord does not care about because rent price and its continued extraction are not necessarily tied to a buildings habitability, rather its land value.

SROC advocates and tenants chose to call the city's bluff, and pushed for more attention to the dangerous conditions in the Balmoral because tenants felt that they were damned if they did, and damned if they did not: squeezed on one hand by the daily threats of life in the buildings, and on the other by the threat of mass eviction. Eventually, amid our continued

[52] The combined value of the Regent, Balmoral and Astoria Hotels according to their 2019 assessment is over 15 million dollars. Since the Balmoral (2017) and Regent (2018) mass evictions, the value of the buildings has plummeted, but the value of the land has increased.



CITY OF VANCOUVER

DEVELOPMENT, BUILDINGS AND LICENSING

REGISTERED AND REGULAR MAIL

PLEASE REFER TO:
Saul Schwebs, Assistant Director
Building Inspections
at 604.873.7040
saul.schwebs@vancouver.ca

ORDER TO VACATE

June 1, 2017

Balmoral Hotel Ltd.
159 East Hastings Street
Vancouver, BC, V6A 1N6

LEGAL NOTICE

Dear Sir/Madam:

RE: 159 East Hastings Street

Further to our previous correspondence regarding on-going concerns related to the upkeep of your building at the above location, the City has now received a Professional Structural Engineer's report and a Building Code Consultant's report indicating that the building in its current condition is not safe to occupy.

Some of the findings included in the reports are:

- Extensive water damages, serious wood rot and framing deterioration that put the building at risk of a structural failure and a localized collapse;
- Wood framing readily crushed by hand under minimal pressure;
- Running water on surfaces of walls and finishes further compromising the building structure;
- Visible mold in many locations on corridor walls with drywall soft to the touch;
- Floors sagging under foot traffic indicative of a weakened structural assembly/support system that puts occupants at risk;
- Numerous life safety deficiencies related to ignition sources, exiting and fire separations.

In addition to the above, a recent inspection carried out on May 30, 2017 revealed that numerous safety issues that you were required to rectify under previous City Orders were still outstanding.

Pursuant to Article 1.5.3.3 of Division C of the Building By-law, this building is hereby certified to be in an unsafe condition.

Fig 7.5 City of Vancouver Building Inspections, Order to Vacate, June 1, 2017.

organizing, the City of Vancouver's head inspector delivered, by tack and mail, a surprise notice dated June 1st, to the Balmoral hotel (**Figure 7.5**). The notice detailed that a recent engineer's report found the building was no longer safe to occupy due to serious structural issues, largely stemming from water damage, wood rot and framing deterioration. There was no advance notice of the imminent eviction and tenants were kept in the dark about what would come next.

Advocates and tenants decided to jump into action, planning an occupation at City Hall to demand to see copies of the engineer's report and to strategize a plan for tenant relocation that did not involve tenants winding up in shelters (**Figure 7.6**). In the weeks that followed, advocates worked hard to negotiate with city staff, who wanted to use shelters as part of a

Fig. 7.6 Balmoral residents and advocates occupy Vancouver's City hall, June 1 2017.

relocation plan, to ensure every single tenant was properly rehoused. Compensation packages paid by the Sahota's were also part of the deal, though those were based on how long tenants had been living in the building, and this was made all the more challenging by the Sahota's terrible record keeping practices, purposefully, in part, due to the welfare fraud they were engaged in. Rehousing Balmoral tenants ultimately bumped hundreds of people down the wait list for social housing, and wreaked havoc throughout the delicate and volatile neighborhood networks of the drug trade.

Over two days in mid-June, twelve days after the release of the city engineers report, the building was mass evicted in a drawn out spectacle that captured the attention of national headlines. Unlike the spectacle of evictions for non-payment, which reinforce for observers what happens when rent is paid, the Balmoral mass eviction seemed to communicate 'this is what happens when tenants fight back'. Indeed, conversations were happening all over the community

that reflected that sentiment, even tenants themselves expressed frustration that tenant organizing forced the closure of the building. In many ways, it was true. Throughout our organizing of the last five years, we have encountered again and again so many tenants who are afraid to rock the boat, and organizers likewise afraid of losing the building all together, perhaps by creating too many 'problems' for the private owner (Ross House) or by forcing the city to take action they had previously avoided for precisely this reason (Balmoral, Regent). The dialectic of landlord and tenant oppression and resistance in these examples is a confounding and sobering reminder of the limits of fighting for claims to space within the legal regimes of private property.

7.5 Conclusion

In his introduction to *Formations of United States Colonialism*, Aloysha Goldstein (2014) writes that colonial settlement, as well as enslavement and indenture were said to be processes historically characterized by "rawness" and "violence" (p. 6), the practice of coercion, force, and killing as a means to secure dispossession and wealth accumulation for empire. He highlights the tendency to narrate 'rawness' and 'violence' as a part of our colonial-racial past, rather than our present. However, the *residual* effects of the violent possessions that underwrite the conditions of eviction's possibility are not in anyway the past, especially for Indigenous, black and other non-white people.

Dispossession structures cycles of forced displacement through the organizing logics of difference and genocide that produce confinement and banishment in the same instance. The deterioration of the Balmoral and Regent hotels required the devaluation of non-white and non-propertied life-worlds in the first place (Pulido, 2017), the institutionalization of racist and classist regimes of law that underwrite property's many sanctioned forms of eviction, and now a

mass eviction in the final instance. As buildings that are now being expropriated by the city, the 'crown' now makes the ultimate property intervention, and through renewed logics of dispossession, is liable to create new accelerations of value on those two buildings in Lot 196 that will only further displace vulnerable people.

The empirical framings of legality and illegality across these two chapters should not be mistaken for reinforcing the notion that majority black tenants in Fulton County only experience the violence of eviction through its "legal" realms, and that low income and multiply-racialized tenants in Vancouver only experience it in "illegal" or "extra-legal" ways. That is a false framing, as there are ghettos and abject living conditions in Atlanta, just are there are the hyper-extensions of "legal" evictions in Vancouver. Instead, what I have tried to show through these two lenses is that evictions, regardless of the ostensibly legal, illegal or extra-legal ways we try to look for them, are fundamentally a part of how private property operates. Ultimately, the experience of displacement, predicated on racialized dispossession, seeps its way through multiply-legal mechanisms that are foundational in their emergence through the colonial encounter. I will conclude in the following chapter, by returning to Atlanta, to the current work of the *Housing Justice League* in Vine City and English Avenue, to consider the falsehoods that emerge about eviction when we fail to theorize them through the crucial lens of colonial racial capitalism.

CHAPTER 8

CONCLUSION

8.1 Reading Distress

A series of articles regarding distress warrants that appeared in the *Atlanta Constitution*[53] across a three-week period in November of 1887 are powerful for what they reveal about tenant life-worlds under a white supremacist ownership-class in Atlanta at the turn of the 19th century. Having carried out an election on the question of prohibition in 1885[54], Atlanta was entering its second year of an apparently successful temperance movement, and public debates about 'wet' and 'dry' were fierce (Fahey, 2014). A public speech in defense of prohibition given by then well-known journalist and orator Henry Woodfin Grady was published in the November 4th edition, where he offered numerous reasons the city is thriving post-prohibition. One he especially dwelled on was his claim that among the business class of landlords, prohibition provided the assurance that tenants paid rent in full and on time. This, he argued had directly contributed to the city's thriving economic growth, and of course, tenant stability.

Grady put forward as evidence quotes by ten of the most prominent "real estate agents" in the city, all of whom claimed to have had a significant if not total decrease in the number of distress warrants they filed since the 1885 vote. He quotes a Mr. Henry Krouse on the matter:

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[53] This would eventually become today's *Atlanta Journal Constitution*.

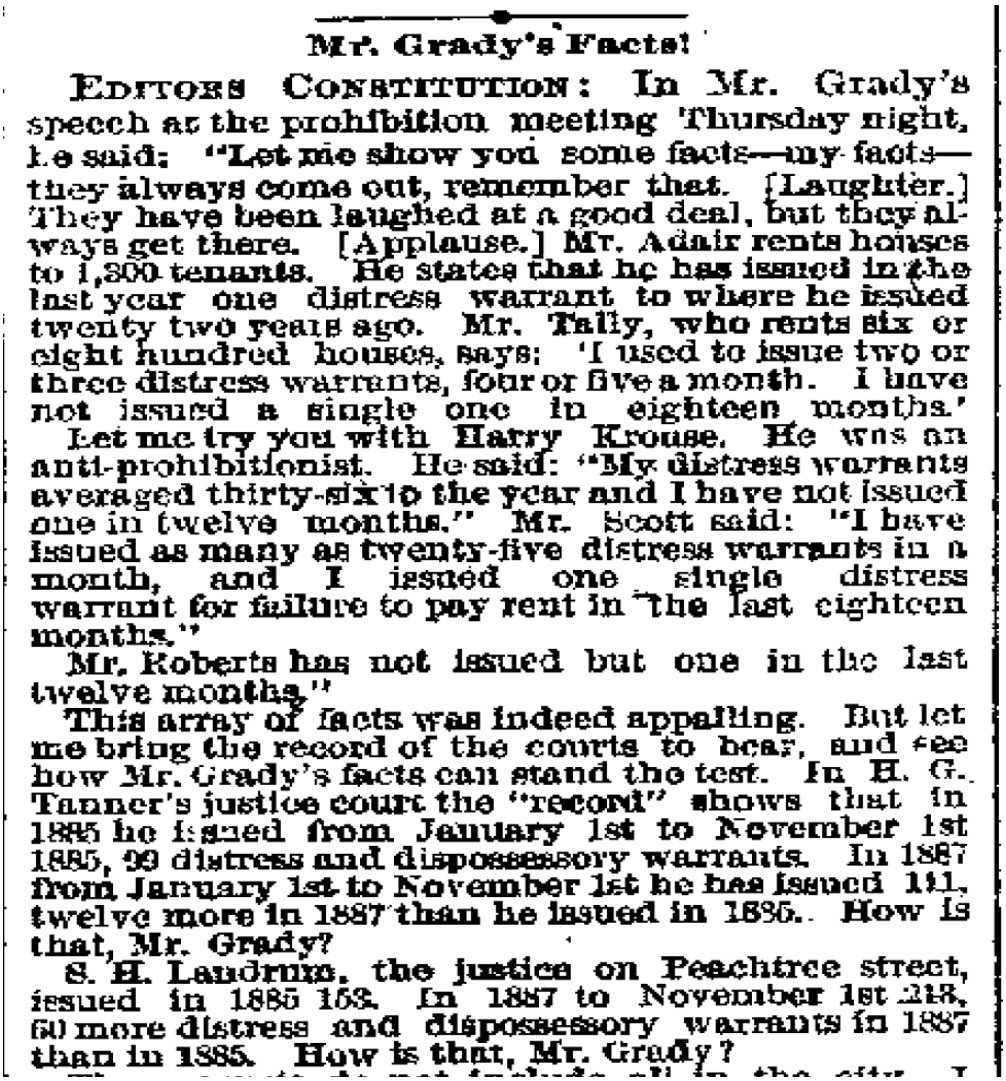
[54] Atlanta was apparently the largest U.S. city to become dry through a popular vote (Thompson, 2005). The State of Georgia eventually institute state-wide prohibition in 1908 that lasted until 1935.

> "I did issue before prohibition, from one to three warrants a month, sometimes more. I have not issued but one distress warrant in twelve months, and that party came in and paid his rent and the cost. My business is better than it ever was, and rents are better paid, and my houses better filled. I did not vote for prohibition but these facts as developed in my business have made me a prohibitionist" (Atlanta Constitution, 1885).

In the quotes Grady provided, all ten landlords gave the same testimony: That their businesses were running smoothly, their housing stock stable, and that they no longer needed to hire bailiffs or proceed to the courts for distress warrants due to the supposed upright and civil behavior that prohibition fostered. Grady's effusive speech went on to warn Atlantans that reversing prohibition would "revive the industry of distress warrants", and that increase would result in tenant misery and sorrow at the hands of bailiffs: "If you have never seen it at home you have seen it at the houses of your neighbors. It means eviction often, and it means shame and humiliation and deprivation always" (Atlanta Constitution, 1887).

One week later, on November 10th, the editors published a response to Grady refuting all of his claims and those of the real estate agents (**Figure 8.1**). In this reply, the editors take Grady to task for his ostensible 'facts' about eviction, contradicted by the actual records of distress warrants found in local courts. They visited the courts of three judges, requesting distress warrant listings from court dockets, and found that all together, distress warrants had actually increased by seventy-two for a total of 881 during the year Grady and the landlords claim evictions nearly ceased.

Unable to ascertain the distress records for two other judges in time for publication, the writers acknowledged that those numbers did not depict the full extent of distress warrants in the city. Atlanta's population was roughly 50,000 at the time, based on historic census estimates (Gibson, 1996), though according to the writer there were at least 5 different courts one could retrieve distress warrant records from in 1887. In the week that followed, Grady penned a long



Mr. Grady's Facts!

EDITORS CONSTITUTION: In Mr. Grady's speech at the prohibition meeting Thursday night, he said: "Let me show you some facts—my facts—they always come out, remember that. [Laughter.] They have been laughed at a good deal, but they always get there. [Applause.] Mr. Adair rents houses to 1,300 tenants. He states that he has issued in the last year one distress warrant to where he issued twenty two years ago. Mr. Tally, who rents six or eight hundred houses, says: 'I used to issue two or three distress warrants, four or five a month. I have not issued a single one in eighteen months.'

Let me try you with Harry Krouse. He was an anti-prohibitionist. He said: "My distress warrants averaged thirty-six to the year and I have not issued one in twelve months." Mr. Scott said: "I have issued as many as twenty-five distress warrants in a month, and I issued one single distress warrant for failure to pay rent in the last eighteen months."

Mr. Roberts has not issued but one in the last twelve months."

This array of facts was indeed appalling. But let me bring the record of the courts to bear, and see how Mr. Grady's facts can stand the test. In H. G. Tanner's justice court the "record" shows that in 1885 he issued from January 1st to November 1st 1885, 99 distress and dispossessory warrants. In 1887 from January 1st to November 1st he has issued 111, twelve more in 1887 than he issued in 1885. How is that, Mr. Grady?

S. H. Landrum, the justice on Peachtree street, issued in 1885 163. In 1887 to November 1st 213, 50 more distress and dispossessory warrants in 1887 than in 1885. How is that, Mr. Grady?

Fig. 8.1 Editors Letter, *Atlanta Constitution*, Nov 10, 1887. Emory University Archives.

reply, where he returned to his real estate agents to provide additional testimony to his previous points. He printed their quotes verbatim again, this time insisting on their veracity by outlining more detail about how many rental units the ten men had in their charge:

> Without exception they state that there is a decrease in distress warrants, remarkable and undoubted; that their houses are full, that they have fewer empty houses than ever before, and that they could fill hundreds of houses with tenants tomorrow if they had the houses on hand. The whole case might be rested on the testimony of these men who control three-fourths of the rented residences of this city (Atlanta Constitution, 1887).

The whole affair of the original speech and its letters of reply carried on for another week and a half, with numerous replies published. They detailed a discussion about what could be ascertained as fact, or not, with respect to the information provided by the distress warrants. To attempt to illustrate all of the particulars of the full debate would be excessive here, but I bring in this example for what a glaring illustration it is of the social life-worlds that are swept up by the law across all of its evictive mechanisms: authoritative, technological, infrastructural and spectacular. Grady and his respondents describe a city well-endowed with juridical infrastructure to adjudicate the private property interests of the white landlord-class power structure that has evidently already firmly implanted itself in Atlanta by the 1880s. Their pro-prohibition narratives illustrate the paternalistic contempt of the landlord-class toward renters. In his repeated warnings about the dangers of repealing prohibition, Grady described the poor souls that Atlantans could expect to see wandering the streets, women and children in particular, should the distress warrant industry of the landlords be "revived" again.

The distress warrant debates that appear in the *Atlanta Constitution* in 1887 stand out for the detail and substantive discourse they provide regarding the lived experience and public perception of evictions during this time period. These discourses, alongside the writ of possession templates I examine in Chapter 5, ultimately fly in the face of any claims that eviction is an historically aberrant or even a 'hidden' phenomena. These archival documents were not even hard to find. What I mean by that is the *archive* of racialized dispossession is very present in the epistemic field of the law and social discourse, and any study of landlord-tenant or private property relations must take better note of how to locate its authorizing practices and textual enactments beyond their spectacular and infrastructural realms.

It would be tempting to conduct a historical demographic analysis of Atlanta using population and racial composition census estimates to try and determine a rough rate of eviction from the data offered by *Atlanta Constitution* editors (881 filings plus), to compare them to rates today (over 800 per week). But such an empiricist trap to excavate the history of evictions is beside the point. Relying on "Grady's facts", while they speak to the number of distress warrants filed in that year, are unlikely to give us a meaningful reading of eviction to show us their full extent. During our interview, Atlanta attorney, Elaine relayed to me that in the 1950s, Fulton County set the cost of filing an answer for tenants to one year's rent. According to her, there were less than 12 evictions documented by the court that year due to the exorbitant cost of filing. The epistemic violence of the juridical archive will always refuse us a meaningful *reading* of eviction. Not only does the court archive silence their expansive pathways (legal, illegal, extra-legal), but its does not tell us anything about what they *are*.

8.2 Racialized Capitalist Dispossession

At the outset of this dissertation I posed two interrelated problematics that this research has aimed to attend to: 1) that evictions have been rendered by contemporary social science as an *emergent* crisis, and 2) that we have needed a deeper empirical and theoretical account of the colonial-racial orderings of dispossession as they persist and are *residual* into our present (Williams, 1977). The central research question that frames this study, and which has guided me in the work of grappling with those problematics asks: **How have processes of eviction been shaped by the historic and contemporary propertied power relations of racialized capitalist dispossession?**

A second guiding question relates to the specificity of those power relations to ask *how* eviction is peopled and through what mechanisms they are enacted: **What actors, practices and mechanisms drive the myriad processes of contemporary eviction?** I have attempted to answer both these questions by developing an analytical framework through which we could 'read' and witness displacement through the lens of eviction beyond its obvious appearances, in civil case files, in the county court rooms, through Sheriff ride-along's, but instead through the colonial-racial power matrices of the law, private property and landlord-tenant relations. I argue that accounting for evictions requires an analysis of the power relations as established through the colonial encounter through authoritative, technological, infrastructural and spectacular means, which continue to be residual in them today.

When we endeavor toward a deep reading of power relations through the law, and its interlocking technologies, we can better view how epistemologies of settlement, which underwrite its racial, possessive ontological core (Simpson, 2012), establishing private property in the image of whiteness and the ownership class. The textual technologies of the cadastral grid and the land grant, backed by the authoritative power of the crown, provide the template for property in that image. This ontology appears as universal, and creates a set of structuring logics through dispossession (banishment), difference (race), extinguishment (disappearance), and confinement (the ghetto). Europe's ontology is fundamentally built into the unequal relationship between those who own, or are bestowed with the *capability* to own, and those who do not.

Such an ontology creates a set of structures that continually repeat themselves at various stages throughout our history, where one party authorizes or extinguishes a contract, and the other is bound into that contract through its differentiating (racial), deterritorializing (colonial), and accumulative (capital) relations. The necessity of the granting power of the lease to enact

possession, inscribes particular power relationships that are bestowed first by the state (the Crown) and continue in today's landlord-tenant relationship, governed as it is by the legal and textual power of the lease. The anxieties of its own (ontological) illegitimacy visible in its obsessions with self-authorization and veracity (as opposed to 'fraud'). These relations which are underwritten by the law, and its protection of private property's 'truth claims', are then peopled by actors - judges, attorneys, arbitrators, Marshalls, and landlords - who spatialize and concretize its violences with highly unpredictable outcomes.

I have aimed to trace iterations of 'the lease' across all three empirical chapters (**Figure 5.3**; **Figure 6.2**; **Figure 7.2**) within the site of Lot 196 in order to uncover the forms of knowledge production, 'legal' and 'illegal' bound up with the concept of ownership. In his work on the "x-mark", Scott Richard Lyons (2010) discusses the coercion of Indigenous 'signatures' onto treaty documents as a false symbol of consent that was obtained through "conditions that are not of one's making" (p. 3). "X-marks" are signified through a matrix of power and agency, which are both retained and extinguished by the signer in the same moment: "It is a decision one makes when something has already been decided for you, but it is still a decision" (p. 19).

His powerful analysis of coercion in signing is necessary for understanding the inherently coercive nature of the landlord-tenant relationship under settler racial capitalism. I want to suggest that we must understand residential tenancy in the same way. With the grant as its lineage instrument, as a contractual form of subjection that unilaterally establishes a conveyance in property, and depending on the degrees to which a tenant is enrolled through grammars of racial difference and social indices of what it means to be *human*, the lease is a colonial-racial technology that co-signs banishment. It does not always lead to eviction per se, but it is inherently evictive.

The analytical categories (authoritative, technological, infrastructural, spectacular) which I have developed through this work provide necessary scaffolding, though they are not, ultimately, separable. Nor do they simply overlap, but instead are mutually constituted and *require* one another in order to do eviction's work. The lease is both a temporally and spatially bound legal relation empowered by the law, and it is at the same time a textual technology. The infrastructural spaces of adjudication make eviction's texts into material and travelling objects. At the same time, both the spaces and texts rely on performance and spectacle to secure the power of eviction. They are all deployed to a specific end, but not just gratuitously for power's sake, rather as various ways of enforcing a formal or informal regime of possession through the right to rent and debt that are the basis of landlord profit, and therefore (largely) white settler landlord-class identity.

Initially, my aim in developing them was to instill symmetry across the wide space and time this research winds across. Though I now see them as a tool to help us to trace what, precisely, is new and old (emergent *or* residual) about evictions and socio-spatial displacement within the urban generally. As a way to read the directionality and effects of eviction's power relations, they allow us to see *how* displacement, generalized, is *structural*. They locate the coloniality of those power relations, while grounding theories of racialized dispossession at the same time.

To that end, this research is directed at urban political economy and research on housing inequality across a wide array of urbanist disciplines (urban geography, urban sociology, housing studies, urban studies, urban planning) to hold them accountable to a better story. Within the Marxian lens, there is a core tension that sits at the intersection of interpretations of capitalism against those of race and colonialism. As I discuss in Chapter 2, Marxist urbanists encounter the

landlord-tenant relationship as having its *end* in accumulation. In their attempt to understand how accumulation drives cycles of capitalist development, they have misrecognized it (and misinterpreted Marx) as strictly occurring for its own sake. I have tried to show that this accumulation is not accomplished without the recursive consolidation of power that works to dictate a socio-spatial order, where non-white and non-propertied identities converge to be enrolled in accumulation's twin projects of extraction and banishment. Accumulation, in this sense, does not happen without an extension of white supremacist settler control.

Beyond Anglo urban geography, social scientific approaches to studying eviction have been mired in an empiricist approach to understanding displacement generalized, and that inattention to theory has left us unable to see what evictions *are*. This misrecognition is reflective of how ideologies of Euroamerican property inflect not just landlord-tenant law and life-worlds but also our modes of academic knowledge production, which prevent us from seeing how the questions we are asking are prefigured by particular reference points in our social formation. We have let eviction deceive us, so that we fetishize them in their last instance, preventing us from meaningfully understanding the matrix of power relations in which they are embedded which ultimately foreclose tenant futurities. Evictions are ultimately a symptom of those power relations. A means to express property's end.

Intervening in the narratives that urbanists have helped to construct of where and how to count, and also what 'counts' or doesn't 'count' as an eviction, will be part of the necessary work to be accountable to theories of racialized capitalist dispossession (Robinson, 1983; Woods, 1993; Gilmore, 2002; Wolfe, 2006; Smith, 2012; Tuck & Yang, 2012; Coulthard, 2014; Pulido, 2017). Meanwhile, an interpretation of eviction as racialized dispossession does not relieve us of the project of *counting them*. Instead, it forces a more discerning awareness of *why* we must

count (to meet the terms of state, when it is strategically necessary to do so) and *how* we should count (using the colonial archive provided by court data points, while pursuing experience-near and theoretically grounded accounts to interpret the knowledge we produce on the ground). Ultimately, examining our past's presence (Said, 1993) requires a keen sense of how we are situated in a particular moment *and* a larger trajectory. There are discontinuities between what is emergent and residual within settler colonial and racial capitalist urbanisms, and it is (in part) up to urban scholars to uncover them.

In my attention to the second problematic this research addresses, related to a more specific and detailed account of the connectivity between projects of colonialism and racial capitalism, as we have called them, I have tried to reference the question of stolen land, group differentiation, genocide, enslavement and accumulation as interlocking regimes that underwrite urban geographic processes in a fundamental way. When we say that evictions are predicated on a colonial-racial order, this work has sought to reveal those orders as everyday lived experiences in urban worlds marked by underlying ruptures of land relationships (Fabris, 2018; Knight, 2018) that perpetuate modes of deterritorialization and differentiation which private property then produces as eviction.

Articulating colonization as ongoing and predicated on difference to create value means understanding the projects of genocide and enslavement as settling and accumulative strategies that still work to foreclose racialized property-less lives today. I want to return to a key tension raised in Chapter 2 between critical race scholars, who have described racial regimes as a relatively unstable and contestable mode of rule, and settler colonial theorists who have placed an emphasis on the way colonial rule has become consolidated into a relatively sedimented set of hierarchical social relations predicated on dispossession.

This is a tension that has been theorized carefully more recently by scholars of critical ethnic and black studies (Lowe, 2015; Melamed, 2015; Day, 2016; Pulido, 2017; King, 2019). In some ways, this tension reflects the limitations of our analytical categories up until now to describe the intimate and constitutive social worlds of settler colonialism and racial capitalism across seemingly disparate modalities of rule and the geographies of their development. Tiffany King's (2019) very recent work urges us to understand that genocide and slavery "move as one", that they do not "have an edge", but are mutually created and reinforced through indices of anti-blackness (fungibility) into the spatial expansions of colonial rule, positioned against a self-actualization of humanness (p. 23).

We can connect King's (2019) analysis to the confounding double life of the city as a project of confinement *and* displacement, ghettoization *and* disappearance, containing institutional forms of the plantation (McKittrick, 2011) and the reserve (Belcourt, 2018), to understand how "surplus" populations are simultaneously enrolled in cycles of removal and accumulation in a way that is not adequately attended by theories of capitalism, nor theories of race or colonialism read on their own. Bringing them into deeper conversation is necessary to elucidate their co-evalness and imbrication.

8.3 Naming and Resistance

If tenant futurities are in a state of seemingly permanent enclosure, experienced as extreme forms of marginalization for non-white and non-masculine people, this suggests some important lessons for what structures our ability or inability to achieve housing justice. The experiences of the SROC with tenant advocacy at the RTB and through the city suggest there are definite limits to this within the realm of 'the law', unless the law can be changed. Specifically,

unless the accumulative drives of the ownership-class are obstructed through legislative change (rent control) or tenant refusals (rent strikes), much of the work becomes a form of harm reduction. Indeed, the *Housing Justice League's* "Eviction Defense Manual" (Appendix B) provides exactly that: an accessible tool for the necessary reduction of harm that eviction produces by helping tenants navigate an exclusionary and punitive legal system.

This September, when *Housing Justice League* printed 5000 copies of our manual, we began an outreach plan for the first neighborhood of focus: Vine City and English Avenue, west of downtown Atlanta. A few weeks after sending out a batch of flyers advertising the manual and our info line, Ken Wainwright, a tenant living in Vine City, requested a copy of the manual for help to fight his eviction. He claimed the property manager of *The Point at Westside* (Waypoint Envoy Owner LLC) was attempting to evict him for unpaid utilities, though he had documentation proving otherwise. Ken contacted Fox News Atlanta to get media attention, and told the reporter that the company has been targeting black and LGBTQ residents with similar erroneous charges which they then use to file for eviction. According to the data shared with *Housing Justice League* by Elora Raymond (2016), Waypoint Envoy Owner LLC filed 120 times in 2016 in Ken's building, though it only has 200 units. The phenomena of serial filing as a business model in the corporate landlord landscape is a story we know thanks to the excellent work of numerous housing scholars and investigative journalists (Raymond, et. al, 2016; Ernsthausen, 2017; Immergluck, 2018).

When reporters reached out to Waypoint for comment, the spokesperson claimed that Ken was in violation of his lease, and in accordance with the law they were following "proper procedures" (**Figure 8.2**). They also directly addressed the claim that their practices were not

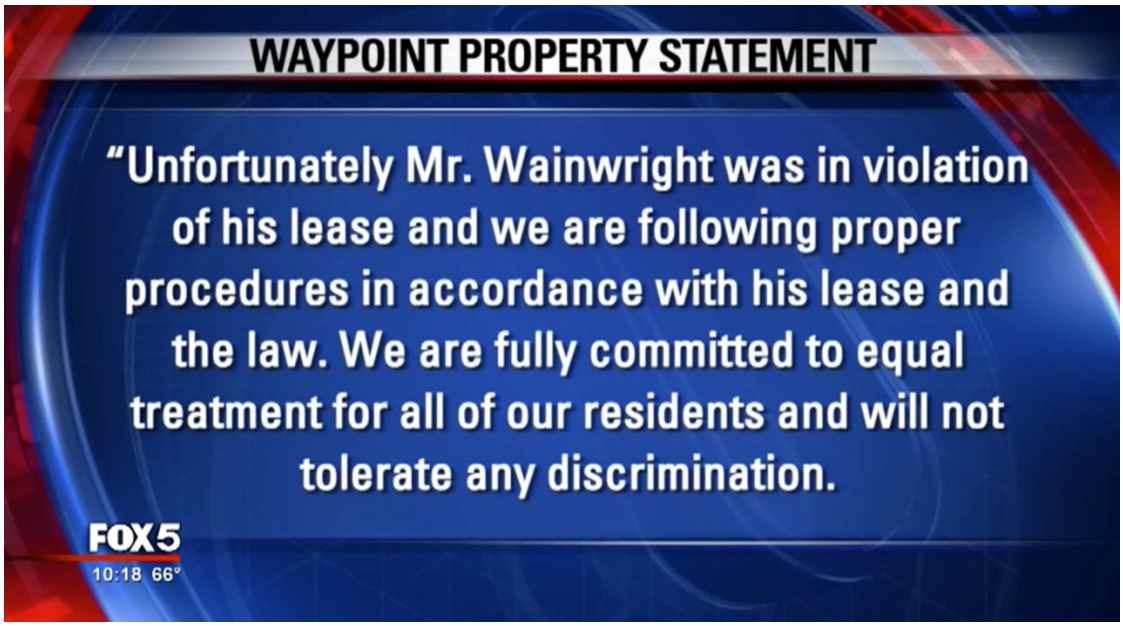


Fig 8.2 Fox News quote of Waypoint Envoy Owner LLC statement regarding Ken Wainwright's eviction. Aired Oct, 27, 2019.

racist in nature, a point Ken made explicitly in his statement to Fox when asked why he thought this was happening to him: "A lot of it has to do with the color of your skin" (Fox News Atlanta, 2019). Waypoint instead insists they take discrimination in housing very seriously, specifically referencing the Fair Housing Act, explaining that all their employees are trained to be in compliance with the polices outlined in the Act. *Housing Justice League* organizer, Karimah Dillard worked with Ken to prepare for his court date and mount his case, and addressed Fox News Atlanta with the following statement: "It's interesting that we are here in Vine City right now because quite a few of those racialized dispossessions are happening in this very community" (Fox News Atlanta, 2019). Karimah lamented afterward that the news editors cut her segment short right after that statement, ignoring her explanation for how evictions are systemic in nature, and experienced by black Atlantans as racialized dispossession.

Just as we can do a symptomatic reading of the law through the discourses of the landlord lobby, the way tenants organize to respond to eviction is just as telling of the relationship. While

the mode of our resistance may be delimited by the power of the ownership-class to their exclusive reversionary and accumulative rights in property, what tenants can and must continue to do is take control of the narratives that do the *naming* work of what evictions truly *are*. Calling evictions by their name - *racialized dispossession* - and their emplacement - *on stolen native land* - is something tenant organizers have done for decades. It is time for Anglo-urban geography and its cognate disciplines to join in that naming work in more meaningful, theoretically astute ways. Counting is an absolute necessity for communities fighting eviction, as is the more difficult theoretical work in locating its emergent and residual features.

8.4 Future Work

As I reflect on the afterlife of my fieldwork present in this document, and in the on-going worlds of organizing that have continued as I write, the different and shifting modes of engagement that have characterized my partnerships with *Housing Justice League* in Atlanta and *SRO Collaborative* in Vancouver have certainly provided a specific lens through which I have 'read' eviction across these cities. When I joined the *Housing Justice League* as a member and researcher in 2015, capacities were focused on other areas of housing inequality (gentrification, encroaching stadium redevelopment, and eminent domain in black neighborhoods). It took a number of years to build up the work of the Eviction Defense team, and the focal point for this was producing the manual. We were not doing deep organizing in buildings with high eviction rates because the problem had only recently come to light through research, and we did not understand enough about what was happening.

This has changed now, and the info line team, headed by Karimah Dillard is well on its way to developing a meaningful outreach strategy to put into action in Vine City and English

Avenue. Given the necessity of experience-near accounts to understand the 'illegal' pathways of eviction that my work in Vancouver illustrates, I suspect a great deal of unanswered questions we have about evictions in Atlanta will come to light through that organizing. Specifically, I have unanswered questions about what leasing relationships look like in majority black communities being chronically evicted for non-payment. The 'lease' I trace across Chapters 5, 6, and 7 is specific to the Vancouver context, and deeper work needs to be done to analyze the history of the land grant in Georgia and how its power relationships inflect landlord-tenant law overtime. I look forward to continuing that historical and archival work, while simultaneously leveraging the manual for harm reduction *and* building tenant power in Atlanta. The Eviction Defense Manual is nested in a group of three, two others which are not yet written: A Renters Rights Manual (for all renters in Georgia) and a Tenant Organizing Manual, for people wanting to build a union in their building. The work of the Housing Justice League in fighting eviction feels like it is just beginning.

Meanwhile, the SRO Collaborative has gone through a period of extensive growth over the last year. We have hired five new staff persons who have been expanding the work of the TORO (Tenant Overdose Response Organizers) program, conducting a detailed habitability study of the SROs, and developing a tenant organizing committee model in a number of the buildings where there are strong relationships. Though the contradictions of navigating landlord backlash and building shut downs has lead to some soul searching. The community is in such desperate need for rooms, that our fear of losing more has forced us to completely change strategies. Away from habitability campaigns and landlord lawsuits, toward trying to develop a three tiered partnership with local, provincial and federal officials to revive a landlord loan program from the 1980s that granted SRO landlords money to do major capital upgrades on their

buildings in exchange for maintaining capped rents. It would mean redevelopment without displacement, in theory. But the private property market in the Downtown Eastside is under great pressure from real estate interests, and convincing landlords to upgrade and maintain housing for low income people rather than sell is going to be challenging.

At the same time that the lack of deep organizing in Atlanta prevented me from having the same experience-near accounts with illegal evictions that I did in Vancouver, my focus on the experience of SRO tenants has prevented a deeper engagement with the quasi-judicial processes of the RTB. Blomley, Perez and Yan's (2018) recently paper on evictions in Vancouver and its surrounding municipalities highlights that evictions for non-payment (of the tenants that file for dispute resolution according to the RTB data) are largely happening in the ex-urban areas far beyond the city limits. Whereas evictions for landlord use or 'renovictions' are more pronounced in the city proper. The legal landscape of landlord-tenant relations through eviction beyond the Downtown Eastside needs a great deal more careful attention. This is the spirit of the current work the Vancouver Tenants Union plans to carry out with the launch of an Eviction Observatory in January, alongside the political organizing of the Real Rent Control Campaign for BC. The future life of this project over the next two years will likely shift and bend with the changing needs and strategies of the housing emergencies on the ground, though as I have come to recognize, that flexibility and orientation of service is necessary to building a more movement aligned and accountable research field on housing justice issues.

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APPENDIX A: List of Abbreviations and Acronyms

AEMP - Anti Eviction Mapping Project

ATL - Atlanta

ALAS - Atlanta Legal Aid Society

AVLF - Atlanta Volunteer Lawyer Foundation

CCAP - Carnegie Community Action Project

CMHC - Canadian Mortgage and Housing Corporation

DTES - Downtown Eastside [Vancouver, BC].

FCMC - The Magistrate Court of Fulton County

HJL - Housing Justice League

LTAB - Landlord Tenant Act of BC

OOHA - Occupy Our Homes Atlanta [former name of Housing Justice League]

RHTF - Rental Housing Task Force

RTB - Residential Tenancy Branch

RTA - Residential Tenancy Act

SRO - Single Residence Occupancy (Hotel)

SROC - Downtown Eastside SRO Collaborative Society

TRAC - Tenant Resource Advisory Center

UBCIC - Union of BC Indian Chiefs

UPE - Urban political economy

VTU - Vancouver Tenants Union

APPENDIX B: "Eviction Defense Manual", by *Housing Justice League* & *Manual Atlanta*
[File attached]