Kagan | Shastri
DeMelo | Winer | Park
LAWYERS | LLP

**JASON PARK**
Direct: 416.645.4572
jpark@ksllp.ca

File No. 24191

May 16, 2025

**DELIVERED BY EMAIL (clerk@toronto.ca, councilmeeting@toronto.ca)**

City Clerk & City Council
City of Toronto
100 Queen Street West
Toronto, ON M5H 2N2

**Attention: John D. Elvidge, City Clerk**

**Sylwia Przezdziecki, City Council Secretariat**

Dear Mayor Chow and Members of Council:

**Re: City Council Consideration of Planning and Housing Committee Agenda Item PH21.1 – Official Plan Amendments to Align with Provincial Legislative and Policy Changes Related to Employment Areas - Decision Report**

**Letter of Objection on behalf of Crestpoint Real Estate Investments**

**724 Caledonia Road and 1350-1400 Castlefield Avenue, Toronto**

---

We represent Crestpoint Real Estate Investments Ltd., the owner of the property municipally known as 724 Caledonia Road and 1350-1400 Castlefield Avenue in the City of Toronto (the "**Subject Site**").

On behalf of our client, we are writing to provide comments and objections regarding the proposed draft Official Plan Amendment 804 ("**OPA 804**"), which was the subject of Agenda Item PH21.1 at the Planning Housing Committee meeting on May 8, and will be considered by City Council at its meeting on May 21, 22 and 23, 2025.

## Background Respecting Subject Site

The following uses currently exist on the Subject Site:

1. 724 Caledonia Road currently contains office and warehouse space, and is designated *General Employment Area* on Map 17 of the City's Official Plan; and

2. 1350-1400 Castlefield Road currently contains office and showroom/retail space and is designated *General Employment Area* on Map 17 of the City's Official Plan.

## Background to Draft OPA 804

As you are aware, the Province has demonstrated its interest in balancing the need to protect employment lands with the need to ensure adequate housing is available for existing and future residents. To that end, Bill 97 (the *Helping Homebuyers, Protecting Tenants Act, 2023*) received Royal Assent on June 13, 2023. Among other matters, Bill 97 amended the Planning Act definition of "area of employment", narrowing its scope to traditional employment operations like manufacturing, warehousing, and related uses. Concurrently, these same amendments confirmed that office, retail and institutional uses are not business and economic uses, except where they are directly associated with those traditional employment operations. These Bill 97 amendments mirrored the approach set out in the Provincial Policy Statement 2024 ("**PPS 2024**"), which similarly limits the scope of such uses in its definition of an "employment area".

Taken together, the changes introduced by the Province in Bill 97 and the PPS 2024 clearly establish an intent to change how employment lands are defined, planned and regulated, and how municipal authorities manage employment lands within their jurisdiction. With these changes, employment lands are now clearly delineated as those which house traditional manufacturing, warehousing or related uses – and such areas remain subject to conversion policies and statutory provisions that are designed to protect employment lands. For areas that have been planned (and built) for a broader range of uses, such protections are no longer required, and a broader range of uses which support complete communities are to be encouraged.

We note that the City previously sought to implement Bill 97 and the PPS 2024 through Official Plan Amendments 668 and 680. Following the adoption of these instruments, the Province acted to remove the City's delegated approval authority for such instruments, demonstrating its concerns with the approach taken by the City.

## Concerns with Proposed OPA 804

Our client's concerns with the proposed OPA 804 may be summarized as follows:

1. While the proposed OPA 804 provides policies with respect to "lawfully established" uses, it is our position it does not provide sufficient clarity regarding the appropriate interpretation of "lawfully established" uses within the context of Toronto OP policies and designations. In this regard, sufficient clarity is crucial as the uses that are permitted today should be permitted to continue in the future so that the current tenants of 724 Caledonia Road and 1350-1400 Castlefield Road could have the ability to expand their operations without the necessity of having to go through the process of an application under the *Planning Act*.

2. Like the approach taken in OPAs 668 and 680, the proposed OPA 804 continues to ignore the Province's clear direction to revise the planning framework for

employment lands. Instead, the proposed policies simply seek to "freeze" existing designations for all lands previously designated for employment, and remove offending uses without regard for existing or planned context. This approach ignores any site-specific factors or characteristics and instead imposes a wholesale removal of existing land use permissions for an enormous portion of lands across the City. This approach runs afoul of the intent and purpose of Bill 97 and the PPS 2024. Moreover, fails both landowners and the public by neglecting to engage with the substance of the Province's directions, and foregoing the necessary work of actual land use planning required in response to Bill 97 and the PPS 2024.

3. The view of City staff view appears to be that OPA 804 would allow institutional and commercial permissions to continue generally in all existing employment areas despite OPA 804's removal of those permissions. In our opinion, this interpretation is incorrect and warrants the City taking the time needed to seek clarification from the Province before implementing new policies to address this issue.

4. For the City of Toronto in particular, implementing Bill 97 and PPS 2024 requires a more nuanced analysis than is offered by OPA 804 (or by OPAs 668 and 680 before it). The existing employment land framework of *Core* and *General Employment Area* designations established a distinction that assumed separation of "main" and "secondary" employment areas, with traditional employment uses generally fitting into the former, and a broader range of uses being permitted in the latter. With the changes introduced by Bill 97 and PPS 2024, the importance of this distinction is removed, as traditional employment uses are the focus and basis of an employment designation. On that basis, the proposed wholesale removal of uses from *General Employment Areas* renders the distinction irrelevant, and the overall framework irrational and unnecessary.

5. The irrationality of this approach is exemplified by the wholesale removal of uses in *General Employment Areas*, and the impact of this change on properties like the Subject Site. By ignoring the existing and planned context of properties like the Subject Site, the proposed approach in OPA 804 fails to serve owners like our client, and undermines the investment of both public and private resources that have gone into planning and developing lands like these.

6. At the public meeting on May 1, City staff confirmed a consequent impact of the approach taken with OPA 804 will be a need for greater staff resources in the future to process site-specific requests for office, commercial, retail and institutional uses. Rather than undertake a meaningful review of employment lands at this critical juncture, OPA 804 proposes to leave this work to individual landowners and staff in the future. By forcing development proposals into a costly and lengthy conversion process, for uses that have already been planned for (and in some cases, invested in), OPA 804 increases the cost of development for properties in Toronto.

## Conclusion

Given the concerns noted above, we believe that OPA 804 is based on an insufficiently comprehensive re-assessment of the City's Employment Areas, and has not benefited from a meaningful consideration of lands that are appropriate for redesignation to support mixed use development which was the clear intent of the related changes set out in Bill 97 and the PPS 2024. We therefore request that City Council refer this matter back to City staff and Planning and Housing Committee, to review the City's Employment lands on a more detailed basis. A more complete review should be undertaken to consider and confirm those employment lands which provide traditional manufacturing, warehousing, and related uses which meet the new definitions in Bill 97 and the PPS 2024, and staff should be directed to classify these lands as the only areas of employment in the City. For all other sites that were previously designated as employment lands, like the Subject Site, the City must recognize that, in accordance with Bill 97 and the PPS 2024, such lands are no longer employment lands. If the City wants to re-establish these employment lands under the new definitions, further assessment is required.

Please add us to the City notice list on behalf of our client for any City Council consideration (including, but not limited to, any City staff reports) or decisions regarding OPA 804.

Yours very truly,

**KAGAN SHASTRI DEMELO WINER PARK LLP**

Jason Park
JIP/AGF

cc. Client