

To: City Council

From: Kevin Alexander, Commissioner,  
Community and Operations Services Department

Report Number: CNCL-24-37

Date of Report: April 24, 2024

Date of Meeting: April 29, 2024

Subject: Proposed Licence Agreement with Oshawa Legion Minor  
Baseball Association for its use of Kinsmen Civic Memorial  
Stadium

Ward: Ward 4

File: 03-05

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## **1.0 Purpose**

The purpose of this Report is to respond to Council direction on March 25, 2024 that staff respond to Correspondence CO-24-17:

“That Correspondence CO-24-17 from Jayson DesLauriers, Baseball Oshawa requesting to renew the previous agreement or create a new agreement between the City of Oshawa and Oshawa Legion Minor Baseball for Kinsmen Civic Memorial Stadium be referred to staff and report back to Council.”

Attachment 1 is an aerial photo of Kinsmen Memorial Civic Stadium.

Attachment 2 is Correspondence CO-24-17.

Attachment 3 is Report CS-21-114, Kinsmen Civic Memorial Stadium Redevelopment – Conceptual Plan.

Confidential Attachment 4 is the now-expired agreement between the City of Oshawa and the O.L.M.B.A dated February 26, 2018 (closed pursuant to Section 239(2)(c) of the Municipal Act as it relates to a proposed or pending acquisition or disposition of land).

Confidential Attachment 5 includes the proposed terms of the lease from Section 5.4 of this Report and detailed Financial Implications (closed pursuant to Section 239(2)(c) of the Municipal Act as it relates to a proposed or pending acquisition or disposition of land).

## **2.0 Recommendation**

It is recommended to City Council:

That pursuant to Report CNCL-24-37 dated April 24, 2024, concerning a licence agreement with the Oshawa Legion Minor Baseball Association for its use of Kinsmen Stadium, the Commissioner, Community and Operations Services Department be authorized to execute an agreement in accordance with the terms and conditions in Section 5.4 of this Report and in a form and content acceptable to the Commissioner, Corporate and Finance Services Department and the City Solicitor.

## **3.0 Executive Summary**

Not applicable.

## **4.0 Input From Other Sources**

- Facilities Management Services
- Finance Services
- Legal Services
- Legislative Services
- Operations Services

## **5.0 Analysis**

### **5.1 Background on the Subject site**

Kinsmen Civic Memorial Stadium (“Kinsmen Stadium”) is a City-Level outdoor baseball stadium located south of the Children’s Arena and adjacent to the Oshawa Creek. The site is zoned “Hazards Lands Open Space” (“O.S.H.”), and is fully located within an area regulated by the Central Lake Ontario Conservation Authority (“C.L.O.C.A.”).

Built in honour of fallen Second World War Servicemen, and officially opened on May 21, 1949, the site has been identified as a Class “A” property on the Heritage Oshawa Inventory. The original concrete outfield walls, with thick ivy coverage, are a component of this heritage classification.

The Kinsmen Stadium houses a 122 metre baseball diamond. The site features include irrigation and drainage, backstop, field fencing, grandstands, bullpens, and lighting. Existing buildings and ancillary structures on the site include a storage bunker, combined washroom/office facility, and a ticket booth. Many of these structures and buildings are nearing their end of serviceable life, and are in various states of disrepair. Over the last number of years, a patchwork approach to capital improvements has been undertaken to increase the immediate lifespan of the facility and playability of the field.

## **5.2 Oshawa Legion Minor Baseball Association (“O.L.M.B.A.”)**

The O.L.M.B.A. is an Ontario not-for-profit corporation that facilitates baseball leagues across the city. The O.L.M.B.A. is a member of Baseball Ontario, the recognized provincial sport organization for baseball in Ontario.

At its meeting of April 27, 2009, City Council adopted the recommendation contained in Report CS-09-47 which authorized the City to enter into an agreement with the O.L.M.B.A. for its use of Kinsmen Stadium. Through this agreement, the City committed to providing day-to-day maintenance of Kinsmen Stadium with maintenance assistance provided by the O.L.M.B.A. volunteers.

This agreement was a pre-requisite to the O.L.M.B.A.’s application to the Ontario Trillium Foundation for a grant to cover costs associated with the enhancement of the playability of the field. During the term of the agreement, the O.L.M.B.A. received funding for a second grant through the Ontario Trillium Foundation for improvements to the aging infrastructure.

At its meeting of June 26, 2017, City Council adopted the recommendations contained in Closed Report CS-17-67 which authorized the City to enter into a new licence agreement with the O.L.M.B.A. for its use of Kinsmen Stadium. The licence agreement was a prerequisite to an application for an Ontario Trillium Foundation grant to obtain funding for costs associated with providing an accessible entrance off of the Children’s Arena parking lot; providing an accessible walkway along the west wall leading into Kinsmen Stadium; building a large viewing area through the stadium wall along Arena Street; building an accessible ramp down to the change rooms and washrooms; and constructing new bleachers to accommodate 400 people. However, the O.L.M.B.A. opted not to proceed with the application for the Ontario Trillium Foundation grant because the maximum amount awarded per year was reduced from \$300,000 to \$100,000. This agreement, dated February 26 2018, expired on March 31, 2023.

In accordance with the terms of the 2018 agreement (refer to Confidential Attachment 4), the City agreed to provide day-to-day maintenance of Kinsmen Stadium with maintenance assistance provided by O.L.M.B.A. volunteers. O.L.M.B.A. agreed to pay the City for the use of lights, based on the fee within the General Fees and Charges By-law 13-2003, as amended.

## **5.3 Capital Investments and Ontario Trillium Grants**

Kinsmen Stadium is an aging facility and requires significant capital investment.

In 2021, Council approved the Capital Project 51-0125 and a budget of \$325,000 to advance the design for the Capital Redevelopment of the Kinsmen Stadium, as a result of the aging infrastructure, accessibility non-compliance, and capital improvements identified within the Parks, Recreation, Library, and Culture Facility Needs Assessment (2015) and the improvements outlined in Report CS-17-67.

At its meeting of November 15, 2021, Council received for information report CS-21-114 which outlined the conceptual plan and Class D (+/-50%) construction estimate.

As outlined in Report CS-21-114 (refer to Attachment 3) a construction estimate of \$4.7M was provided and a conceptual plan that included:

- Creating a new entrance feature at the southwest corner of the site, providing an accessible entrance to the facility which connects with accessible pathways through the site to provide barrier free access to all amenities;
- Ticket booth and commentator's booth adjacent to the new entrance;
- Permanent bleachers with accessible seating;
- Site grading, layout, and drainage, to address the current ponding on the playing field;
- Two (2) covered player's benches, and two (2) covered batting cages;
- Change room/washroom building with a slightly larger footprint and fully accessible amenities;
- Operation Building for storage of maintenance equipment; and,
- Replacement of damaged concrete outfield panels with panels that maintain the original look and feel.

As Capital Project 51-0125 continued to advance the design to a tender ready stage for construction a revised estimate (Class B) was provided by the consultant for the amount of \$6.3M, excluding H.S.T. in 2021 dollars. Subsequent Capital Budget submissions have identified an estimated cost of \$9.2M in the capital budget forecast with the 2024 submission currently identifying this value in 2032.

There is no commitment made by the City to undertake the above capital improvements. The O.L.M.B.A. will be using Kinsmen Stadium on an "as is, where is" basis with no warranty of any kind being provided by the City to the Association or any other person.

Through previous agreements, the O.L.M.B.A. has been successful in securing two Ontario Trillium Grants for improvements to Kinsmen Stadium.

Should the O.L.M.B.A. be successful in future grant applications, this could contribute to improvements that the City may not be able to fully fund through existing or future resources.

Kinsmen Stadium is a Class "A" property on the Heritage Oshawa Inventory. Input from Heritage Oshawa, the Oshawa Accessibility Advisory Committee and the Central Lakes Oshawa Conservation Authority will be solicited prior to the O.L.M.B.A. submitting any grant applications.

#### **5.4 Proposed Terms of a Licence Agreement with the O.L.M.B.A.**

Details regarding the proposed terms of a licence agreement with O.L.M.B.A. can be found in Confidential Attachment 5.

## 6.0 Financial Implications

It is estimated that the proposed agreement would result in a waiver of rental fees of \$45,000 over the course of the agreement. If the agreement is renewed, the total waiver of rental fees would be approximately \$90,000. Further details regarding the financial implications related to the terms of the agreement can be found in Confidential Attachment 5.

The ongoing operating costs to the City associated with grass cutting and trimming, providing field diamond screening and diamond maintenance materials, providing building and facility maintenance and maintaining the vegetation along the outer perimeter wall are already accounted for in the 2024 Operating Budget.

## 7.0 Relationship to the Oshawa Strategic Plan

This Report addresses the Oshawa Strategic Plan goals of Economic Prosperity and Financial Stewardship and Social Equity.



Jim Naumovski, Director,  
Recreation Services



Kevin Alexander, Commissioner,  
Community and Operations Services Department

Aerial Photo of Kinsmen Memorial Civic Stadium located at 111 Arena Street, Oshawa



## CO-24-17

To Whom It May Concern;

I am following up on my online submission for a Delegation Request. I filled out the appropriate link found here: <https://forms.oshawa.ca/Corporate-Services/City-Clerk-Services/Delegation-Request-Form>

But to this day, I have not heard back regarding its process. The submission was made on 2024.02.14.

I will add the info here in hopes that this can be checked and followed up on:

First Name: Jayson

Last Name: DesLauriers

Telephone: <M.F.I.P.P.A.(Sec 14(1))>

Email: <M.F.I.P.P.A.(Sec 14(1))>

Addressing: Community and Operations Services Committee

Appear before Standing Committee: No

Overview:

To discuss renewing the previous agreement or creating a new agreement between the City of Oshawa and Oshawa Legion Minor Baseball (OLMBA) aka Baseball Oshawa in regards to Kinsmen Civic Memorial Stadium and the "first right to refusal" on the hours and use. Previously this has been a 5 year term agreement and we would like to maintain that at the least or possibly suggest a greater time line of 10 years. As the past Vice President (10 years) and current Elite Director ( 3 years) with OLMBA, it has been placed in my purview from the Association, to discuss these matters with the City of Oshawa. The previous agreements have served both parties very well with the care, upkeep, and functionality of the stadium. A sense of pride for the players, coaches, and residents of Oshawa as the home of the Legionaires. From our chore lists for upkeep to the scoreboard we partnered on and all the equipment provided by OLMBA, Kinsmen is a jewel of this province and country in the baseball community and loved by all who attend. Our relationship with the maintenance staff and grounds crew is strong and open. We would like to keep this special place, special as we have since 1949.

It does not relate to an item on the agenda.

There will not be a PowerPoint Presentation.

Jayson DesLauriers  
Elite Director, Baseball Oshawa

Head coach, 16u





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To: Community Services Committee

From: Ron Diskey, Commissioner,  
Community Services Department

Report Number: CS-21-114

Date of Report: November 10, 2021

Date of Meeting: November 15, 2021

Subject: Kinsmen Civic Memorial Stadium Redevelopment - Conceptual  
Plan

Ward: Ward 4

File: 03-05

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## **1.0 Purpose**

The purpose of this report is to provide Council with the conceptual plan and Class D ( $\pm 50\%$ ) construction estimate for the Kinsmen Civic Memorial Stadium Redevelopment for information.

## **2.0 Recommendation**

That the Community Services Committee recommend to City Council:

Report CS-21-114, Kinsmen Civic Memorial Stadium Redevelopment – Conceptual Plan, dated November 10, 2021, be received for information.

## **3.0 Executive Summary**

N/A

## **4.0 Input From Other Sources**

- Community Services, Parks Planning & Development
- Community Services, Parks & Waste Operations
- Planning Services
- Facilities Management Services
- Recreation & Culture
- Heritage Oshawa
- C.L.O.C.A.
- O.L.M.B.A.

## **5.0 Analysis**

### **5.1 Background**

Kinsmen Civic Memorial Stadium is a City-Level outdoor baseball stadium located south of the Children's Arena and adjacent to the Oshawa Creek. The site is zoned Hazards Lands Open Space (O.S.H.), and is fully located within Central Lake Ontario Conservation Authority's (C.L.O.C.A.) flood limits and Regulatory Area. Built in honour of fallen Second World War Servicemen, and officially opened on May 21, 1949, the site is classified as a Class A property on the Heritage Oshawa Inventory. The original concrete outfield walls, with thick ivy coverage, are a component of this heritage classification.

The Kinsmen Civic Memorial Stadium houses a 122m baseball diamond, and is a under long-term lease agreement with the Oshawa Legion Minor Baseball Association (O.L.M.B.A.). The site features include irrigation and drainage, backstop, field fencing, grandstands, bullpens, and lighting. Existing buildings and ancillary structures on the site include a storage bunker, combined washroom/office facility, and a ticket booth. Many of these structures and buildings are nearing their end of serviceable life, and are in various states of disrepair. Over the last number of years, a patchwork approach to capital improvements has been undertaken to increase the immediate lifespan of the facility and playability of the field, including the field lighting and electrical bunker most recently in 2018.

In 2021, Council approved the design budget for the Capital Redevelopment of the Kinsmen Civic Memorial Stadium, to undertake a comprehensive redevelopment of the site to address the aging infrastructure, playability, and overall accessibility of the site.

On June 14, 2021, Landscape Planning Ltd., a professional Landscape Architecture firm, supported by architectural and engineering sub-consultants, was retained through competitive R.F.P. process (FIN-21-71) to undertake the detailed design on behalf of the City, in the amount of \$167,085, excluding HST.

### **5.2 Site Analysis**

To support the design process, a number of background studies were undertaken to better characterize the existing conditions of the site, associated structures, and buildings, including:

- Architectural building assessment;
- Accessibility evaluation;
- Programming needs assessment, which included engagement with the O.L.M.B.A. and internal City departments;
- Structural engineering review; and,
- Vine management assessment.

Based on the background studies, the consultant team has provided the following recommendations:

- **Site Layout:** The site does not meet accessibility and requires capital investment to upgrade the entrance, pathways, and associated amenities for accessibility and to meet the current and future programming needs of the site.
- **Concrete outfield walls:** A number of panels require replacement within three (3) years to address safety hazards.
- **Washroom Building:** The existing building requires significant capital repair within three (3) years to address aging infrastructure and accessibility, and meet the programming needs of the site. Opportunities to address accessibility within the existing footprint is limited, and would require extensive changes to both the building layout and footprint, which would not be cost effective.
- **Storage Building (former concession):** The existing building requires significant capital repair within three (3) to five (5) years to address aging infrastructure and accessibility, and the most cost effective approach was recommended as removal and rebuild.
- **Commentator's Booth:** Due to the deteriorating condition of the building, the consultant's recommendation is to remove the existing building and rebuild in a location appropriate for the proposed programming of the site.
- **Storage Shed:** As the former concession building is proposed to be rebuilt as a dedicated storage facility, the existing pre-fabricated metal shed is recommended for removal.
- **Ticket Booth:** Due to the state of disrepair and deteriorating condition of the building, the consultant's recommendation is to remove and rebuild in a location appropriate for the proposed layout and programming of the site.

### **5.3 Conceptual Plan**

Further to the consultant's recommendations, a conceptual plan was developed for the site, which respects the heritage elements of the facility and maintains the historical look and feel of the site. The Conceptual Plan was also brought to Heritage Oshawa on October 28, 2021, and feedback received was supportive of the proposed redevelopment.

The conceptual plan includes:

- Creating a new entrance feature at the southwest corner of the site, providing an accessible entrance to the facility, and which connects with accessible pathways through the site to provide barrier free access to all amenities;
- Ticket booth and commentator's booth adjacent the new entrance;
- Permanent bleachers with accessible seating;
- Site grading, layout, and drainage, to address the current ponding on the playing field;
- Two (2) covered player's benches, and two (2) covered batting cages;
- Change room/washroom building with slightly larger footprint and fully accessible amenities. Through preliminary discussions with C.L.O.C.A., the minor increase in building footprint was reviewed, and no overall concerns were noted. C.L.O.C.A. will continue to be engaged as the design is refined and further information identified.

- Operation Building for storage of maintenance equipment; and,
- Replacement of damaged concrete outfield panels with panels that maintain the original look and feel.

Table 1 below provides a summary of design features and associated Class D construction cost estimates ( $\pm 50\%$ ), excluding contingency and H.S.T.

<b>Table 1: Class D Cost Estimate (<math>\pm 50\%</math>)</b>	
<b>Design Feature</b>	<b>Class D Estimate</b>
Site preparation & removals	\$265,550
Grading	\$180,000
Drainage and site servicing	\$177,775
Water service / mechanical works / service building	\$33,750
Paving / walls / curbs / fence	\$491,620
Site elements (bleachers, batting cages, dugouts, etc.)	\$574,300
Buildings	\$2,184,250
Site furnishings	\$18,800
Electrical	\$72,500
Irrigation	\$53,500
Field amenities (infield, warning track, turf, etc.)	\$633,930
Soft landscaping	\$19,367
<b>Total</b>	<b>\$4,705,342</b>

#### **5.4 Next Steps**

Detailed design is proceeding, and anticipated to be complete by mid-2022. It is anticipated that the design will identify a phased approach to construction, with implementation of the playing field and supporting amenities in the first phase, and implementation of the buildings and supporting infrastructure in a subsequent phase.

#### **6.0 Financial Implications**

There are no financial implications resulting from the recommendation of this report.

## **7.0 Relationship to the Oshawa Strategic Plan**

This report addresses many of the goals set in the Oshawa Strategic Plan, including the goal of “Economic Prosperity and Financial Stewardship” through the theme of “Safe and Reliable Infrastructure and Wise Land Use”, the goal of “Social Equity” through the theme of “An Active, Healthy and Safe Community”, the goal of “Cultural Vitality” through the theme of “Enrich Our Community through Culture”, and the goal of “Environmental Responsibility” through the theme of “Proactive Environmental Management and Combat Climate Change”.



Mike Saulnier, Director,  
Operations Services



Ron Diskey, Commissioner,  
Community Services Department