

To: Community Services Committee

From: Ron Diskey, Commissioner,
Community Services Department

Report Number: CS-22-66

Date of Report: June 8, 2022

Date of Meeting: June 13, 2022

Subject: Civic Dome Allocation Policy

Ward: Ward 4

File: 03-05

1.0 Purpose

The purpose of this report is to present and obtain approval of the Civic Dome Allocation Policy.

Attachment 1 – Civic Dome Allocation Policy.

Attachment 2 – Appendix A - Standard of Play Formula, Civic Dome.

Attachment 3 – Appendix B - Affiliation Status Requirements.

2.0 Recommendation

That the Community Services Committee recommend to City Council:

That pursuant to report CS-22-66 dated June 8, 2022, the Civic Dome Allocation Policy be approved as presented.

3.0 Executive Summary

N/A

4.0 Input From Other Sources

- Recreation and Culture Services
- Durham Municipal Insurance Pool

5.0 Analysis

5.1 Purpose of Allocation Policies

Allocation policies are used as a means to address changing demographics in Oshawa, market supply of facility space, the distribution of space in a fair and equitable manner and the successful ongoing management of recreation and sport facilities.

The City of Oshawa currently has three approved policies for the fair and equitable distribution of sport facilities: the Arena Floor Allocation Policy, Ice Allocation Policy, and the Outdoor Field Management Policy.

There is currently no allocation policy in place at the Civic Dome.

5.2 Current Allocation Practices at the Civic Dome

The City of Oshawa currently operates 5 indoor tennis courts, 2 squash courts and a 225 meter, 4 lane indoor track at the Oshawa Civic Recreation Complex Dome (the Civic Dome). Utilization of the Civic Dome takes place primarily October through April.

Usage of the Civic Dome is currently shared between City usage to allow for bookings by the general public, Partner usage by a Racquet Service Provider to deliver tennis and squash programming on the City's behalf; and, Club usage by the Oshawa Tennis Club and a variety of track clubs.

Recreation and Culture Services (RCS) staff is responsible for the ongoing management of the distribution of dome space, including the allocation of time on courts and on the indoor track with the aim of providing an equitable distribution of facilities.

As there is no Allocation Policy in place for the Civic Dome, City staff allocate time and space in the Civic Dome historically, with attempts to balance usage between the general public, the racquet service partner and club use. The lack of an allocation policy for the dome has prevented new Clubs and organizations from permitting time in the Civic Dome and has not intentionally prioritized use by Oshawa residents.

5.3 Parks, Recreation, Library and Culture Facilities Needs Assessment

Outside of set policies, recommendations regarding indoor tennis courts and indoor tracks were included in the 2015 Parks, Recreation, Library and Culture Facilities Needs Assessment, which was approved through [CS-15-127](#) at the Council Meeting of November 9, 2015.

The recommendations related to the amenities located in the Civic Dome (indoor courts and indoor track) are:

- R34 Seek ways in which to maximize use of the Civic Recreation Complex indoor courts, including accommodating a greater number of program and rental opportunities during daytimes and weekends. Given the success of the current operating agreement and available capacity at the Civic Recreation

Complex, municipal investment in a second indoor tennis facility is not required unless a third party can satisfactorily demonstrate, through its own business plan and feasibility study, such investment is sound, sustainable, and would not otherwise be detrimental to existing municipal operations.

R35 In the event that additional indoor tennis courts may be rationalized based upon growth in player numbers or displacement from private courts, the ability to include additional tennis courts in the air-supported structure at the Civic Recreation Complex should be considered as an option.

5.4 Current Usage at the Civic Dome

5.4.1 Usage of the Indoor Courts by General Public (Tennis and Squash)

Tennis court time available for use by the general public currently averages approximately 235 hours/week or approximately 47% of total available court time. Squash court time currently available for bookings by the general public averages approximately 197 hours/week or approximately 92% of total available court time.

It is worth noting that the majority of racquet sport memberships are currently held by non-residents. In efforts to ensure priority access for Oshawa residents, the following booking process was implemented in January 2021:

- Racquet Sports Members who are Oshawa residents may book 10 days in advance of booking date
- Racquet Sports Members who are non-residents may book 7 days in advance of booking date
- Residents without a membership may book 3 days in advance of booking date
- Non-Residents without a membership may book 1 day in advance of booking date

As a result of this implementation, the percentage of Racquet Sport Members who are residents increased from 31% in 2020 to 44% in 2021.

Figure 1: Racquet Sports Memberships Sold, by Residency, 2017-2022

Racquet Sports Members	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022
Residents	33%	33%	35%	31%	44%
Non-Residents	67%	67%	65%	69%	56%

Most significantly, as a result of this implementation, the percentage of courts booked by Oshawa residents (members and non-members) increased by 19%; from 29% in 2020 to 48% in 2021.

Figure 2: Courts Booked by Residency, 2020-2022.

Courts Booked	2020-2021	2021-2022
Residents	29%	48%
Non-Residents	71%	52%

5.4.2 Usage of the Indoor Courts by Partner (Tennis and Squash)

The City of Oshawa was informally partnered with Matchpoint Tennis for approximately 20 years, to provide tennis and squash services, and operate the pro-shop at the Civic Recreation Complex. In 2016, the City undertook an Expression of Interest process to formally award a lease agreement for the operation of the Pro-Shop and a licensing agreement for the delivery of racquet services at the Civic Dome. The only candidate expressing interest at that time was Matchpoint Tennis. The contract was held by this Service Provider until April 2022.

The City is currently undertaking an RFP process to review possible Service Providers. The successful candidate will deliver tennis and squash lessons, leagues, and ladders on the City's behalf. The partnership agreement will be in place for 3 years, with an option to renew for an additional 2 years.

5.4.3 Usage of the Indoor Courts by Oshawa Tennis Club (Tennis)

Due to the nature of the City's agreement with Matchpoint Tennis, the City was not able to permit court time to any other tennis organizations while that agreement was in place.

However, in 2015, the City was approached by the Oshawa Tennis Club (O.T.C.), with a temporary request for court time, as a result of displacement from their home location at the Durham College Campus. In order to accommodate this request without affecting the agreement with Matchpoint Tennis, two badminton courts in the Civic Dome were re-purposed into a tennis court and temporary exclusive use of the court was granted to the Club, for use by their members in 2016.

The Oshawa Tennis Club agreement is issued annually, and use of the court has not been exclusive since 2018. City Staff reduced the allotment of permitted time for the 2018/2019 season and again for the 2019/2020 season.

It is worth noting that the Oshawa Tennis Club members are comprised of players from the entire Region of Durham and beyond.

Figure 3: Oshawa Tennis Club Membership, by Residency, 2021-2022.

Oshawa Tennis Club	Residents	Non-Residents	Unable to Verify Address
2021-2022	22%	36%	42%

5.4.4 Usage of the Indoor Track by General Public

Lane times available for bookings by the general public averages approximately 368 hours/week or approximately 87% of total available lane time.

It is worth noting that while the Civic Dome currently serves track users from the entire of Durham and beyond, the majority of community members accessing this space for recreational purposes are Oshawa residents.

Figure 4: Track Lanes Booked by Residency, 2020-2022

Track Community Use	2020-2021	2021-2022
Residents	70%	80%
Non-Residents	30%	20%

5.4.5 Usage of the Indoor Track by Athletics Clubs

The City permits track time to athletic clubs for the development of athletes. Time is currently allocated based on historical use.

It is worth noting that the Track Clubs that utilize space in the Civic Dome are from the entire Region of Durham and beyond. On average, 80% of track clubs that permit track time are non-resident clubs.

Figure 5: Track Clubs by Residency, 2021-2022.

Track Club	Resident Clubs	Non-Residents Clubs
2021-2022	20%	80%

5.5 Recent Requests and Enquiries

Staff have received enquiries from tennis professionals in the Region who would like an opportunity to either teach lessons on the courts at the Civic Dome or be considered as a partner. Staff have advised of the exclusive nature of the previous contracts and engaged them through the current RFP process.

In addition, staff have received requests from new track clubs who wish to permit track time in the Civic Dome. Allocation based on historical use of the indoor track has prevented these clubs from permitting time on preferred days/times.

5.6 The Policy

In efforts to maximize the use of the dome and to intentionally prioritize use by Oshawa residents through permitting, City staff have developed the Civic Dome Allocation Policy (Attachment 1).

Through the policy, affiliate groups or clubs that wish to permit time in the Civic Dome will be considered, with a priority given to those with a higher number of resident participants. This policy aligns with the existing Ice, Arena and Outdoor Field policies.

Overall, the policy is being recommended at this time to achieve the following:

- To ensure consistency in the programming and ongoing use of the Civic Dome.
- To provide a framework and consistent approach to the ongoing and seasonal use of the Civic Dome in a fair and equitable manner.
- To ensure that the City of Oshawa's investment in recreation is managed in the best interest of all clients and the citizens of Oshawa.
- To establish clear guidelines and communication between the Community Services Department and its clients.
- To accommodate the needs of a growing municipality and the increased demands on the Civic Dome.
- To clearly define the rules of use and the departmental procedures in maintaining compliance.

City staff recommends Council endorsement of the Civic Dome Allocation Policy.

5.7 Next Steps

Pending the approval of this report and policy, Recreation and Culture Services staff will forward the updated policy to the dome user groups to inform them of Council approval. Recreation and Culture Services staff will continue to monitor the Policy and collaborate with the dome user groups on future revisions.

6.0 Financial Implications

Upon the implementation of this Policy, usage will be maximized and additional user group requests for time may be entertained. It is anticipated that this will result in a positive impact to revenue.

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”, the goal of “Social Equity” through the theme of “An Active, Healthy and Safe Community”, and the goal of “Environmental Responsibility” through the theme of “Proactive Environmental Management and Combat Climate Change”.



Jim Naumovski, Director,
Recreation and Culture Services



Ron Diskey, Commissioner,
Community Services Department



City of Oshawa Civic Dome Allocation Policy

Introduction

The City of Oshawa's goal is to promote and encourage participation in tennis, squash and track to the overall benefit of the community. This Civic Dome Allocation Policy is based on the City's Ice Allocation Policy, which was originally developed and approved in 2005, as well as the Arena Floor Allocation Policy and the Civic Recreation Complex Allocation Guidelines. The Civic Dome Allocation Policy serves as a means to address changing demographics in Oshawa, the market supply of indoor tennis and squash courts and indoor track lanes, the distribution of courts and lanes in a fair and equitable manner, and the successful ongoing management of the Civic Recreation Complex Civic Dome (the Civic Dome).

The policies identified in this document establish and clarify the City's responsibility for court and lane allocation and administration and its' commitment to the management of:

- Civic Dome facility operations and capacities;
- Civic Dome allocation and distribution;
- the processing and management of special events and seasonal indoor court and track permits;
- special indoor court and track management issues; and,
- general administration requirements.

1.0 Purpose

To ensure consistency in the programming and ongoing use of the Civic Dome.

To provide a framework and consistent approach to the ongoing and seasonal use of the Civic Dome in a fair and equitable manner.

To ensure that the City of Oshawa's investment in recreation is managed in the best interest of all clients and the citizens of Oshawa.

To establish clear guidelines and communication between the Community Services Department and its clients.

To accommodate the needs of a growing municipality and the increased demands on the Civic Dome.

To clearly define the rules of use and the departmental procedures in maintaining compliance.

2.0 Policy Statement

To provide transparency and structure for clients pertaining to the fair allotment and use of the Civic Dome.

3.0 Scope

This policy applies to all facility permit holders and clients requesting use of the Civic Dome, as well as City staff responsible for the use and/or operation of these facilities.

The City of Oshawa's Recreation and Culture Services staff will manage the allocation and distribution of indoor courts and lanes on a yearly basis to minimize risk, reflect population, registration, utilization and participation patterns in addition to applying municipal, provincial and federal directives where required. City staff will be responsible for the implementation of the policy as outlined.

The City of Oshawa is fortunate to have a facility like the Civic Dome within the municipal boundaries of the City. Uses for the Civic Dome include tennis, squash and track.

4.0 Clients

On an annual basis City staff will develop Court and Track Allocation Matrices which best reflect the expressed needs of the users and application of this Policy's directives and guides. The City of Oshawa reserves the right to reassign courts and lanes annually as required.

4.1 Client Priorities

Indoor Courts and Lanes will be allocated to groups wishing to offer a service to patrons according to the following Priority levels:

- Priority 1: City of Oshawa Usage (i.e. public drop-in use, special events etc.)
- Priority 2: City of Oshawa Racquet Sports Partner who is awarded the contract to deliver tennis and squash lessons, leagues and ladders on the City's behalf and operates the Pro-Shop at the Oshawa Civic Recreation Complex
- Priority 3: Affiliated Minor Organizations and Clubs – offering tennis, squash or track lessons or coaching to minors
- Priority 4: Affiliated Adult Organizations and Clubs - offering tennis, squash or track lessons or coaching to adults
- Priority 5: Non-affiliated Organizations and Clubs - offering tennis, squash or track lessons or coaching to any age
- Priority 6: Non-affiliated Organizations and Clubs offering other sports that may utilize the Civic Dome facilities (indoor track or tennis courts)

4.2 Use of Space

4.2.1 Tennis and Squash Courts

Allocated permitted court times for Priority 3, 4, 5 and 6 must be used for tennis or squash instruction only. All recreational game play must be booked through the City of Oshawa. At no time can the bookable or permitted time be sub-leased to other players.

4.2.2 Track Lanes

Allocated permitted lane times for Priority 3, 4, 5 and 6 must be used for instruction only. Track meets are not permitted without the written consent of the City. At no time can the bookable or permitted time be sub-leased to other players.

4.2.3 New Emerging Sport

The City of Oshawa will recognize a new emerging sport, which is not currently being offered by an existing client, to enable it to establish its programs and services in the City.

The City will permit unallocated time to a new emerging sport and will work with existing clients to explore the potential reallocation of hours.

4.3 Client Affiliation

The City of Oshawa will qualify tennis, squash and track organizations and clubs, who can demonstrate their stability and viability, for priority court and lane time access.

Once qualified, affiliated minor associations will receive Priority 3 status so as to encourage the participation in sport for children and youth, while affiliated adult associations will receive Priority 4 status. Affiliation status will be granted for the first time in 2022 for the 2022/2023 season. Affiliated clients are required to fulfill annual requirements to maintain affiliated status.

See "Appendix A", attached, for Affiliation requirements. Non-resident Associations, Organizations and Groups cannot achieve Affiliation status.

4.4 New Affiliated Client

The City of Oshawa will recognize a new affiliated client once the requirements in Appendix A are met.

The City will first permit unallocated time to a new affiliated client and will work with existing affiliated clients to explore the potential reallocation of hours.

All permitted clients, regardless of affiliation status, must meet the eligibility criteria, as outlined in Appendix A, in order to receive the benefits outlined in the Civic Dome Allocation Policy document.

4.5 Non-Affiliated Clients - 'Grandfather' Status

The City of Oshawa wishes to recognize long-term clients who are unable to achieve Affiliation status. In the inaugural year of the policy, Grandfathered status will be granted to existing clients (clients permitted during the 2021-22 indoor court/track season) and will provide them the first right of refusal for court/lane time within their Priority level.

4.6 Residency

The City of Oshawa recognizes the tax-based contribution provided by its residents towards the development and operation of recreation facilities. Permitted and bookable court and track time will be prioritized based on residency status. Organizations and Clubs will have to verify the residency status of their members and will be prioritized according to Appendix A and the indoor court and track calculations.

Due to the demand for indoor courts, racquet sports members who are City of Oshawa residents will be granted advanced booking privileges for indoor courts. Members will have to verify residency status upon becoming a member.

5.0 Application of the Civic Dome Standard of Play

5.0.1 City staff will apply registration data to the Civic Dome Standards of Play (Appendix B) which will determine the total number of weekly hours each affiliated client is entitled.

5.0.2 During seasons when the total demand for facilities exceed supply, a client's entitlement will be pro-rated so that all affiliated clients experience equitable deficit adjustments to their entitlements.

5.1 Minimum Court or Lane Commitment

5.1.1 Indoor Courts

All Priority 2, 3, 4, 5 and 6 clients are required to commit to:

- ✓ 30 consecutive weeks - permit schedule to be completed between October 1 - April 30.
- Exceptions to the 30 week commitment may be made when the City is unable:

- ✓ To supply the 30 consecutive weeks of indoor court time
- ✓ To supply replacement indoor court time for disruptions to permitted times, during special events and emergency closures.

5.1.2 Indoor Track

All Priority 2, 3, 4, 5 and 6 clients are required to commit to:

- ✓ 24 consecutive weeks - permit schedule to be completed between November 1 - April 18. Exceptions to the 24 week commitment may be made when the City is unable:
- ✓ to supply the 24 consecutive weeks of indoor track time
- ✓ To supply replacement indoor track time for disruptions to permitted times, during special events and emergency closures.

5.1.3 Process to Extend the Week Commitment

Applicants who require court or lane time beyond the 30/24 week indoor commitment should identify the desired days and times in their general application form. If the courts/lanes are available and the client is in goodstanding with the City, the request for an elongated court/track rental season will be granted.

5.3 Time Period Entitlements and Restrictions

5.2.1 Weekday and Weekend Indoor Courts and Lanes

A court and lane distribution ratio of 75% weekday to 25% weekend courts/lanes, will be used as a guideline when issuing permits. Where possible, City staff will attempt to accommodate user groups in allocating weekend and weekday courts or lanes to all affiliated organizations and clubs.

- Weekday: Monday to Friday
- Weekend: Saturday & Sunday

5.2.2 Time Block Bookings

Priority will be given to groups who book in blocks of time (minimum of 2 hours). No organization (other than programs offered by or on behalf of the City, i.e. Priority 2 client) will dominate a specific time block to the detriment of another organization. If an organization can demonstrate, to the satisfaction of City of Oshawa Staff, that 'blocking of time' as outlined in this policy is not feasible, alternate methods of time distribution may be considered.

6.0 Processing of Permit Applications

6.1 Submission of Applications

All tournament, event and seasonal requests shall be submitted in the format prescribed and by the deadline set by the Facility Booking Clerk.

6.2 Allocation Procedures

6.2.1 Rental permits are allocated on an annual basis and no client should assume they will receive the same date(s) from one season to the next.

6.2.2 Applications from affiliated clients cannot exceed their seasonal entitlement.

6.2.3 Any additional applications from an affiliated client in excess of their seasonal entitlement

will be allocated after all applications from section 6.2.2 have been allocated and be treated as a new request each season.

- 6.2.4 Where two or more clients apply for the same facility, date and time, priority will be given to the client who serves the most City of Oshawa residents.
- 6.2.5 Applications received after the deadline date will be considered after all applications submitted prior to the deadline have been allocated.
- 6.2.6 Seasonal permits will be allocated in blocks of a minimum of two (2) hours.
- 6.2.7 No affiliated client will dominate a specific permit time block to the detriment of another affiliated client.
- 6.2.8 Clients cannot permit facilities that will go unused.
- 6.2.9 Unused court and lane facilities (no shows) is not acceptable. Multiple instances of unused time may result in the cancellation of the permit or redistribution of the allocated time.
- 6.2.10 The City reserves the right to alter an application to meet the requirements in Section 6.2.

6.3 Opportunities and Restrictions

The City will designate uses and restrictions for each Civic Dome amenity and will permit use accordingly.

6.4 Tournaments and Events

The City of Oshawa recognizes the significant positive impacts that tournaments and special events can provide to the community (i.e. LOSSA Tennis). In order to accommodate these events and minimize disruption to regular programs, lane rentals, lessons and league play, every attempt to permit this time in advance of seasonal applications will be made.

6.4.1 Permit Amendments and Cancellations

The City will effectively manage any client requests for tournament and special event permit amendments or cancellations with the goal of minimizing administrative, revenue and operational impacts.

6.4.2 Replacement Courts or Lanes

During tournaments or special events, affiliated groups may have to turn back the regular season time allocated to them. Where possible, time will be offered at another time. If there is no replacement, time available, turned back time will be refunded.

6.5. Instructional Programs

The City reserves the right to offer instructional programs and services at its facilities.

Instructional programs and services proposed to be offered by any permit applicant are subject to the City's review and approval. The duplication of programs and services will be managed and/or eliminated.

6.6 Introduction of New Community Programs/Services by Affiliated Clients

An increase in allocated hours for new and expanded programs/services will only be considered

when facility time is available.

7.0 Permit Amendments, Cancellations

The City has the right to control all distribution and use at City-owned facilities for the duration of a permit. The City will apply all guidelines outlined in this policy to reasonably and responsibly manage unused or changing needs once permits have been issued.

7.1 Permit Amendments

Amendments made after a permit has been issued may be subject to an amendment fee.

The City reserves the right to accept only returned hours that hold the greatest potential for rebooking.

7.2 Transferred or Sub-Leased Facilities

The City of Oshawa is the sole permit authority for all court and lane times. Clients have an obligation to advise the City of the use of the City's facilities at all times.

Changing the intended use or clients of courts/lanes without notification and approval (e.g. tennis instruction become tennis aerobics, track practice becomes a track meet) is not permitted. It is recognized that last minute changes to the intended use of the courts/lanes may occur under rare, infrequent and unforeseen circumstances; however, the allocated court/lane times must only be used for instructional purposes. All recreational tennis and track time must be booked through the City of Oshawa.

Transferring, trading or sub-leasing facilities is strictly prohibited and may lead to the cancellation of a permit and future facility allocation.

7.3 Cancellation by the City

The City reserves the right to reschedule or cancel any permit in its sole discretion.

The City reserves the right to cancel a permit or portion of a permit without notice should there be a breach of the conditions of use or should the City be of the opinion that the facilities are not being used for the purpose contained in the application.

Where rescheduling cannot be mutually coordinated, the permit holder affected will receive a full refund for the affected time.

7.4 Cancellation by Permit Holder

Once a permit is issued, single or occasional facility cancellations will be processed if initiated by the Permit Holder providing 14 days written notice to City Staff.

Cancellation requests received with less than 14 days' notice may not be considered.

The City reserves the right to apply a cancellation fee per date and facility affected.

7.5 Multi-day Facility Closure/Cancellations

In the event of a scheduled or unplanned multi-day facility closure, City Staff will amend permits to minimize the impact of the closure on all Permit Holders. The City reserves the right to make all final decisions regarding emergency cancellations and reallocation of affected bookings.

7.6 Reopening a Closed Facility

City Staff will consider reopening a facility only if the conditions that required the closure are no longer present.

7.7 Notification of Facility Closure / Cancellation of Permit

City Staff will notify Permit Holders of a planned facility closure, however advance notification may not be possible if the facility closure is unplanned.

It is the responsibility of the Permit Holder to notify individual teams, players, coaches, etc.

8.0 Facility Management

8.1 Instructional Program and Recreational Use Management

8.1.1 Indoor Courts

The City of Oshawa reserves the right to exclusively offer tennis and squash leagues and ladders and tennis aerobics (through our Priority 2 client) and recreational play services through booking of its indoor courts, for the benefit of our members and the general public.

Should other affiliates (Priority 3 or lower) wish to offer similar programming, it will be subject to the City's review and approval. Through application of the guidelines outlined in the Civic Dome Allocation Policy document, duplication of programs and services will be managed and/or eliminated.

8.1.2 Indoor Lanes

The City of Oshawa recognizes the role the indoor track at the Civic Dome plays in the development of world-class athletes from the Durham Region. City staff aim to balance access to the indoor track for the development of the athletes and for the benefit of our members and the general public.

9.0 General Administration

9.1 Permit Requirements

Any structured usage of City of Oshawa facilities requires a valid permit (signed by a designated representative of the applicant organization and the Community Service Department). Unpermitted use is prohibited.

By signing the permit, the applicant is acknowledging that they and/or organization they represent agrees with the policies, procedures, bylaws, rules and regulations, terms and conditions on the permit and shall be referred to as the Permit Holder.

9.2 Rental Fees

All users will be charged rental fees as outlined in the Schedule B of the General Fees and Charges By-law.

For Racquet Sports, the Priority 2 client, offering racquet sports services on the City of Oshawa's behalf will be charged the member court rate. All other Priority levels will be charged the non-member rate for courts.

9.3 Client Indemnification

The Permit Holder shall defend, indemnify and save harmless the City of Oshawa and its members of Council, officers, volunteers, employees and agents against any and all costs (including legal fees and disbursements), expenses, losses, liabilities, claims, demands, actions or causes of action, or direct, indirect, general, special, incidental or consequential damages suffered or incurred by the City of Oshawa (including claims made by third parties against the City of Oshawa) as a result of a breach of a term or provision of this Agreement by the Permit Holder or in any way, related to the Permit Holder's use and operation of the property and premises; the conduct of those persons in their care, custody or control and/or all activities occurring before, during and after their allocated time.

The Permit Holder (for itself and its insurers) shall release the City of Oshawa and its members of Council, officers, employees, volunteers and agents and waives any rights, including rights of subrogation, it may have against them for compensation for any loss and all costs (including legal fees and disbursements), expenses, losses, liabilities, claims, demands, actions or causes of actions, or direct, indirect, general, special, incident or consequential damages suffered or incurred by or damage occasioned by the Client's use, operation, activities and/or occupancy within the property and premises before, during and after their allocated time.

9.4 Insurance Requirements for Permit Holders

The Permit Holder shall during permitted time arrange, pay for and keep a Comprehensive General Liability (CGL) or General Liability insurance policy written on an occurrence basis with a limit of coverage of not less than two million dollars (\$2,000,000) in respect of any one accident or occurrence with The Corporation of the City of Oshawa named on the Policy as an Additional Insured. The liability policy cannot contain an exclusion for participants participating in any activities being held by the client. Policy coverage shall include, but is not limited to, third party bodily injury including death, property damage and personal injury. The Policy shall contain a cross liability and/or severability clause that protects each insured to the same extent as if they were insured separately. The Policy shall be endorsed to provide the City of Oshawa with not less than thirty (30) days' notice in writing of any cancellation, material amendment or change restricting coverage. The Policy must be with an insurance company or companies licensed to operate in the Province of Ontario and acceptable to and in a form satisfactory to the City of Oshawa.

The Permit Holder shall verify that valid insurance coverage as set out in this policy is in place by submitting an Insurance Certificate (I.C.) that must be acceptable in all respects to the City of Oshawa. Upon expiry of the I.C., the Permit Holder must provide an up-to-date I.C. The Permit Holder agrees to make the policy available to the City of Oshawa for review at any time from time to time in the event of a Claim.

The taking out of insurance shall not relieve the client of any of its obligations under this Agreement or limit its liability hereunder. No policy shall contain any provision which would contravene the obligations of the client hereunder or otherwise be the detriment of the City of Oshawa.

9.5 Respect Check Policy

Respect Check is a code of conduct policy, which enforces a set of expectations to address inappropriate behaviours, violence and vandalism that negatively affects the experience of individuals or creates unsafe conditions. The Respect Check policy identifies how these behaviours will be addressed when it occurs within any City facility or in association with any service, program or event provided by, or associated with the City of Oshawa.

The City encourages and supports all organizations using City facilities to take primary responsibility for developing, implementing and managing their specific behaviour management policies to align with the City's [Respect Check Policy](#). The Respect Check policy is aligned with the following policies, acts and regulations:

- City of Oshawa – Respect in the Workplace – Harassment and Violence Policy LR14.10
- Trespass to Property Act
- City of Oshawa – Trespass By-law 98-2013
- Occupational Health and Safety Act, R.S.O. 1990, c. 0.1
- The True Sport Movement: Canadian Centre for Ethics in Sport

The City of Oshawa has zero tolerance for any form of violence, vandalism or inappropriate behaviour in its recreational programs, facilities or properties.

9.6 Smoke-Free Ontario Act

The Smoke-Free Ontario Act combined with the regional Smoking and Vaping By-law, prohibits smoking and vaping on municipal property, including publicly owned outdoor sporting areas, spectator areas, playgrounds, public areas, and parking lots. The Permit Holder is responsible to ensure that no smoking occurs on municipal property for the duration of this permit and to ensure any person(s) smoking and/or vaping leave the property or extinguish the cigarette. The Permit Holder's failure to fulfill this responsibility under the law could be subject to an offence charge and face a fine.

9.7 Civic Dome Allocation Policy Review and Update

The Civic Dome Allocation Policy will be reviewed on a regular basis, initiated by the City of Oshawa. They have the authority to adjust procedural items related to timing, process, etc. as appropriate and to respond to overarching Council directions related to revenue achievement and strategic business approaches.

Appendix A:

Standard of Play Formula Civic Dome, Effective 2022-2023 Season.

= Court/Lane time available per week x % of court/lane time allocated to priority level ×
[Total number of residents in Organization or Club ÷ Total number of residents in category]

Note 1 - The City will retain 51% of indoor court time for City of Oshawa usage (i.e. public drop-in use, special events etc.). The City's partner will be entitled up to 24% of the indoor court time in order to deliver programs on the City's behalf. The remaining 25% of indoor court time will be allocated based on Priority level.

Note 2 - The City will retain 51% of overall indoor track time for City of Oshawa usage (i.e. public drop-in use, special events etc.). The remaining 49% of indoor track time will be allocated based on Priority level.

Note 3 - Entitlement reflects the minimum number of hours for which the affiliated user agrees to assume. Additional needs will be satisfied pending availability and demand.

Appendix B: Affiliation Status Requirements, Civic Dome

Indoor Courts and Lanes will be allocated to groups wishing to offer a service to patrons according to the following Priority levels:

- Priority 1: City of Oshawa Usage (i.e. public drop-in use, special events etc.)
- Priority 2: City of Oshawa Racquet Sports Partner who is awarded the contract to deliver tennis and squash lessons, leagues and ladders on the City's behalf and operates the Pro-Shop at the Oshawa Civic Recreation Complex
- Priority 3: Affiliated Minor Organizations and Clubs – offering tennis, squash or track lessons or coaching to minors
- Priority 4: Affiliated Adult Organizations and Clubs - offering tennis, squash or track lessons or coaching to adults
- Priority 5: Non-affiliated Organizations and Clubs - offering tennis, squash or track lessons or coaching to any age
- Priority 6: Non-affiliated Organizations and Clubs offering other sports that may utilize the Civic Dome facilities (indoor track or tennis courts)

To become an affiliated client, all groups and organizations must meet the following requirements:

- Must be a member of a Provincial Sport Organization (i.e. Ontario Tennis Association, Athletics Ontario)
- Must permit time for the entirety of the Indoor Court/Track season
 - Indoor Court Season 30 weeks (October 1 to April 30)
 - Indoor Track Season 24 weeks (November 1 to April 18)
- Registration, program, member residency and age (in the case of youth) information must be provided to City staff
- Verification of residency status for members may be requested
- All organizations must provide membership cards for their members for identification purposes
- Provide a Certificate of Insurance, with the City of Oshawa listed as an additional insured
- Have no outstanding Invoices (verified by our office)
- Authorized Permitting Information (contact information for those in your organization that are allowed to permit on behalf of the organization)

The City of Oshawa will qualify minor and adult associations, organizations and groups, who can demonstrate their stability and viability, for priority court/lane time access.

Priority Level	Additional Qualifiers
<p>Priority 3 Affiliated Minor Organizations or Clubs - offering lessons/coaching primarily to minors</p>	<p>Organization must show that:</p> <ul style="list-style-type: none"> • the majority (51% or higher) of their programming will be for youth aged 17 or younger • 75% of their membership are City of Oshawa residents.
<p>Priority 4 Affiliated Adult Organizations or Clubs - offering lessons/coaching to adults</p>	<p>Organization must show that:</p> <ul style="list-style-type: none"> • 75% of their membership are City of Oshawa residents.
<p>Priority 5 Non-affiliated Organizations or Clubs wishing to permit time during the Indoor Court/Track season</p>	<p>Organization must show that:</p> <ul style="list-style-type: none"> • 75% of their membership are City of Oshawa residents.
<p>Priority 6 Non-affiliated Organizations and Clubs offering other sports that may utilize the Civic Dome facilities (indoor track or tennis courts)</p>	<p>Organization must meet all of the permitting criteria above.</p>